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federal register

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FRIDAY, OCTOBER 29, 1976

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	HEW/FDA			HEW/FDA

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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*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.

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FCC—Commission's rules to expand the secondary fixed use of base/mobile frequencies in 450–470 MHz band.. 44180; 10–7–76

GSA—Federal procurement regulations; Standard Form 19XB, June 1976 edition..... 27723; 7–6–76

SEC—Annual continuance of advisory and and principal underwriting contracts. 41910; 10–29–76

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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.

H.R. 2735..... Pub. Law 94–581
Veterans Omnibus Health Care Act of 1976
(Oct. 21, 1976; 90 Stat. 2842)

H.R. 9460..... Pub. Law 94–584
To provide for the establishment of constitutions for the Virgin Islands and Guam
(Oct. 21, 1976; 90 Stat. 2897)

H.R. 10192..... Pub. Law 94–572
To amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the United States Coast Guard Academy
(Oct. 21, 1976; 90 Stat. 2708)

H.R. 11315..... Pub. Law 94–583
Foreign Sovereign Immunities Act of 1976
(Oct. 21, 1976; 90 Stat. 2889)

H.R. 12572..... Pub. Law 94–582
United States Grain Standards Act of 1976
(Oct. 21, 1976; 90 Stat. 2867)

H.R. 13500..... Pub. Law 94–585
To amend the Social Security Act with respect to food stamp purchases by welfare recipients
(Oct. 21, 1976; 90 Stat. 2899)

H.R. 13713..... Pub. Law 94–578
To provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes
(Oct. 21, 1976; 90 Stat. 2732)

H.R. 13828..... Pub. Law 94–575
"Federal Records Management Amendments of 1976"
(Oct. 21, 1976; 90 Stat. 2723)

H.R. 15563..... Pub. Law 94–576
To amend the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 4601–17(c)), and for other purposes
(Oct. 21, 1976; 90 Stat. 2728)

S. 507..... Pub. Law 94–579
Federal Land Policy and Management Act of 1976
(Oct. 21, 1976; 90 Stat. 2743)

S. 800..... Pub. Law 94–574
To amend chapter 7, title 5, United States Code, with respect to procedure for judicial review of certain administrative agency action, and for other purposes
(Oct. 21, 1976; 90 Stat. 2721)

S. 1283..... Pub. Law 94–577
To improve judicial machinery by further defining the jurisdiction of United States magistrates, and for other purposes
(Oct. 21, 1976; 90 Stat. 2729)

S. 2150..... Pub. Law 94–580
Resource Conservation and Recovery Act of 1976
(Oct. 21, 1976; 90 Stat. 2795)

S. 2548..... Pub. Law 94–573
"Emergency Medical Services Amendments of 1976"
(Oct. 21, 1976; 90 Stat. 2709)

S. 3091..... Pub. Law 94–588
National Forest Management Act of 1976
(Oct. 22, 1976; 90 Stat. 2947)

S. 3521..... Pub. Law 94–586
Alaska Natural Gas Transportation Act of 1976
(Oct. 22, 1976; 90 Stat. 2901)

S. 3823..... Pub. Law 94–587
Water Resources Development Act of 1976
(Oct. 22, 1976; 90 Stat. 2915)

rules and regulations

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

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

Title 9—Animals and Animal Products

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

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

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Noncertified Areas in § 78.22 because it has been determined that they no longer come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Cass and Vernon Counties in Missouri; Choctaw and McCurtain Counties in Oklahoma.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m):

Ashley and Conway Counties in Arkansas; Mesa County in Colorado; Cassia County in Idaho; Houston County in Tennessee.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l):

Buchanan, Carroll, Dallas, and Monona Counties in Iowa.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.* *Alabama.* Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Lee, Russell.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Jackson, Johnson, Lafayette, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Polk, Prairie, Searcy, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand Gunnison, Hinsdale, Huerfano, Jackson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Seminole, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Caribou, Clearwater, Custer, Fremont, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Valley, Washington, Yellowstone National Park.

Illinois. Adams Alexander, Bond, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay Clinton, Coles, Cook, Crawford, Cumberland, De Kalb De Witt, Douglas, Du Page, Edgar, Edwards, Fayette, Ford, Franklin, Fulton Gallatin, Greene, Grundy, Hamilton, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler Calhoun, Carroll, Cass, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Dallas, Davis, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Franklin, Fremont, Greene, Grundy Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Plymouth, Scott, Shelby, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Gove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Ariba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Law-

rence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Cheatham, Claiborne, Davidson, Decatur, Dickson, Fentress, Grainger, Greene, Grundy, Hancock, Hardin, Jackson, Jefferson, Johnson, Knox, Lake, Meigs, Morgan, Polk, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Reeves, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Pieddras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Louisiana, Nebraska.

(b) *Specific Counties Within States. Alabama.* Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jefferson, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Poinsett, Pope, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White.

Colorado. Kiowa, Mesa, Pueblo, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Ada, Bannock, Bingham, Bonneville, Butte, Cassia, Clark, Elmore, Franklin, Gem, Gooding, Jefferson, Lincoln, Madison, Minidoka, Twin Falls.

Illinois. Brown, Effingham, Hardin, Pike, Pope, Wayne, Williamson.

Iowa. Allamakee, Appanoose, Benton, Cedar, Cerro Gordo, Crawford, Decatur, Floyd, Guthrie, Harrison, Linn, Monroe, Poweshiek, Ringgold, Sac, Sioux, Story, Warren, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Carroll, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnson, Kay, King-

fisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Beadle, Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, DeKalb, Dyer, Fayette, Franklin, Gibson, Giles, Hamblen, Hamilton, Hardeman, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Rhea, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 **Noncertified Areas.**

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) Entire States.

(b) Specific Counties Within States:

Missouri. Cape Girardeau, Cass, Putnam, Vernon.

Oklahoma. Choctaw, McCurtain.

Puerto Rico. Vieques.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

Effective date: The foregoing amendments shall become effective October 29, 1976.

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

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

The Animal and Plant Health Inspection Serivce 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.

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

[FR Doc.76–31473 Filed 10–28–76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR Part 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Office of Saver and Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR Part 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

These interpretations shall be effective as of October 27, 1976.

§ 226.2(h) Contractor who does not participate in preparation of loan documents or receive any compensation for assisting customer to obtain financing is not arranger of credit.

§ 226.8(B) Creditor in home improvement loan need not disclose security interest arising only out of separate cash transaction with noncreditor contractor whose services are purchased with loan proceeds.

§ 226.9(a) Notice of right of rescission need not be furnished before consummation of credit transaction.

§ 226.9(a) Creditor in home improvement loan need not provide right of rescission where a security interest in borrower's principal residence may be obtained only by noncreditor contractor whose services are purchased with loan proceeds.

SEPTEMBER 30, 1976.

This is in response to your letter * * *, requesting an official staff interpretation on several questions arising under the Truth in Lending Act and Regulation Z.

We understand that all of your questions arise from a single fact situation, which is essentially as follows:

A customer enters into an agreement with a contractor for certain improvements on the customer's principal residence. The contractor assists the customer in obtaining financing for the contract by conducting preliminary negotiations with a bank and assisting the customer in filling out a loan application form to the bank. When the loan between the bank and the customer is consummated, the loan proceeds are used by the customer to pay for the contractor's home repair services. No fee is received by the contractor for its assistance in obtaining the financing. The bank takes no security interest in the customer's property to secure its loan, but under applicable State law the contractor or its subcontractors may obtain a statutory materialmen's lien against the customer's residence to secure payment of the customer's obligations to the contractor.

In connection with this transaction, you ask a series of seven questions. In staff's opinion, an official staff interpretation under § 226.1(d) of Regulation Z would not be appropriate for three of those questions. Those three questions will be dealt with in a separate unofficial staff interpretation to you. This letter, which is an official staff interpretation, will respond to the four remaining questions, which are as follows:

1. Must a creditor disclose, pursuant to § 226.8(b)(5), the possibility of a statutory materialmen's lien against a borrow's property by a noncreditor contractor whose serv-

ices are purchased with the proceeds of the loan from the creditor? (Section C of your request.)

This question assumes a situation in which a creditor extends a loan whose proceeds will be used to finance a home improvement contract with a contractor who is not a creditor as to that transaction. The contract between the noncreditor-contractor and the customer raises the possibility, under State law, of the retention of a materialmen's and laborers' statutory lien by the contractor or its subcontractors.

Under § 226.8(b)(5), the creditor in a closed end credit transaction must disclose any security interest "held or to be retained or acquired *by the creditor* in connection with the extension of credit." (Emphasis added.) In staff's opinion, this language does not require the creditor to disclose to the customer any security interest which could be acquired or retained only by a third party who is not a creditor as to that transaction. Thus, it would not be necessary for the creditor in this situation to include in its loan disclosure statement a description or identification of a materialmen's and laborer's statutory lien running only in favor of the noncreditor-contractor or its subcontractors.

2. Is a contractor who assists the customer in obtaining a loan to finance the contractor's services an arranger of credit under § 226.2(h), when the contractor does not participate in preparation of the loan documents or receive any compensation for the service other than payment of its repair contract with the loan proceeds? (Section D of your request.)

In the case under discussion, the home improvement contractor assisted the customer in obtaining financing for its contract by preparing a loan application for the customer with the creditor-bank and acting as intermediary between the customer and the bank in the loan negotiations. The contractor did not participate in the preparation of any of the documents evidencing the credit transaction nor did it receive any separate fee or compensation for its services in connection with the financing.

In order to constitute an arranger of credit under § 226.2(h) and thus a creditor under § 226.2(s), the contractor must either have received "consideration" for its services or assisted in preparation of the contract documents with knowledge of the credit terms. Since the contractor's activities do not meet the second element of that definition, it is not an arranger unless it received compensation for its services in connection with the financing. Apparently, it is your belief that the contractor received such compensation by virtue of the fact that it ultimately received the proceeds of the loan in payment for its home improvements services.

In staff's opinion, the mere fact that a seller of goods or services is paid the cash price for those goods or services out of the proceeds of a direct loan obtained by the customer for that purpose does not in itself make the seller an arranger of credit. In the case you described, the contractor's assistance in procuring financing for the customer is of benefit only to the extent that it enables the contractor to sell its goods or services to a customer who might otherwise not be able to do business with the contractor. In our opinion, this does not rise to the level of "consideration" within the meaning of § 226.2(h). In the absence of any tangible benefit to the contractor beyond receipt of the cash purchase price, as for example by participation in the lender's interest yield on the loan or by a loan arrangement fee imposed on the customer, the contractor in this case is not an arranger of credit.

As a corollary to this question, you also ask under what circumstances a lender who is not the seller must make credit sale disclosures as opposed to loan disclosures. Under § 226.6(d), a nonseller-creditor must make credit sale disclosures only if the credit transaction involves a seller who is also a creditor and if the nonseller-creditor joins with that seller to make disclosures.

3. When must notice of the right of rescission under § 226.9 be furnished to the customer in a rescindable transaction? (Section E of your request.)

Section 226.8(a) requires the creditor to "make the disclosures required *by this section* * * * before the transaction is consummated." (Emphasis added.) In contrast, § 226.9 specifies no particular time at which the notice of the right of rescission must be given to the customer. It may be given before or after consummation is deemed to have occurred under local law. In any case, the three-day rescission period will begin to run only after both the rescission notice and other material disclosures have been delivered and the transaction has been consummated.

4. Must a creditor in a home improvement transaction provide the customer with a notice of the right of rescission where a security interest on the borrower's principal residence may be obtained only by a noncreditor contractor? (Section H of your request.)

In this situation, the bank which extends a home improvement loan retains no security interest to secure the credit extension. The only security interest which might arise is a materialmen's and laborers' statutory lien running in favor of the contractor for whose services the customer uses the proceeds of the loan in a separate noncredit transaction.

Section 226.9 applies to credit transactions in which a security interest is or will be retained or acquired in the customer's principal residence. In the case which you describe, the security interest is not retained in connection with the credit transaction, but occurs as the result of the separate cash transaction for which the customer uses the loan proceeds. Since the security interest here does not secure the extension of credit, § 226.9(a) does not require the creditor to provide notice of the right of rescission.

As we indicated above, we do not believe that your remaining questions are appropriate for an official staff interpretation, in view of the nature of those questions. Therefore, they will be dealt with in a separate letter which does not have official status under 130(f) of the Act and § 226.1(d)(3) of the Regulation.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d) of the Regulation.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.4(a)(6) It is not necessary to itemize the cost of the various components of VSI insurance.

OCTOBER 4, 1976.

This is in response to your letters of * * *, and * * *, requesting clarification of our Public Information Letter 1075, dated July 6, 1976. In our letter, we stated that where several types of policies are included in one "Lender's Comprehensive Single Interest Insurance Policy," each component remains subject to the appropriate disclosure requirement of Regulation Z.

You ask whether the disclosure made by your bank with regard to Vendor's Single Interest (VSI) insurance is in compliance with Regulation Z. Your bank requires customers to obtain VSI insurance, and the policy offered by your bank includes coverage for physical damage as well as for confiscation and skips. Your disclosure statement lists the price charged for the policy but does not break that figure down to indicate which portion is attributable to physical damage insurance and which to confiscation and skip insurance.

In staff's opinion, Regulation Z does not require a creditor to itemize these components of VSI insurance. When we said in Public Information Letter 1075 that the cost of each type of insurance in a comprehensive policy must be itemized, we were distinguishing VSI insurance (including physical damage and confiscation and skip coverage) from instrument non-filing insurance, repossessed vehicle insurance, and holder in due course insurance. VSI insurance must be disclosed in accordance with § 226.4(a)(6) and Interpretation § 226.404, but itemization of the cost of its components is not required.

I note the statement in your August 27 letter that our staff told you instrument non-filing insurance was part of VSI insurance; that is not correct and I do not wish to leave you with that understanding. As explained in Letter 1075, instrument non-filing insurance is separate from VSI insurance and its disclosure is governed by § 226.4(b)(2).

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.8(1) If extension fee is imposed in addition to application of APR to unpaid balance of a simple interest loan, then § 226.8(1) disclosures must be made.

OCTOBER 12, 1976.

This is in response to your letter of . . . requesting an interpretation of §226.8(1) of Regulation Z. The bank which you represent wishes to offer to its instalment loan customers a one-month extension of the December loan payment, charging in addition to the effective annual percentage rate, a fee equal to one per cent of the then outstanding balance. You correctly indicate that § 226.8(1) is clearly applicable to the loans for which interest is precomputed at the time the loan is made. Your question is whether the section is also applicable to the "simple interest" loans on which interest continues to accrue on the unpaid balance at the loan rate throughout the term of the obligation and an additional one per cent fee is imposed for the extension.

It is the opinion of staff that the disclosures of § 226.8(1) are required in the situation you pose. Staff views § 226.8(1) as not requiring additional disclosures when a simple interest loan is deferred and no charge for the deferral is imposed other than by application of the annual percentage rate to the unpaid balance. (See our Public Information Letters 88 and 897.) In your situation, however, the finance charge is determined both by application of an annual percentage rate and by a one per cent extension fee. This additional charge for extension thus brings it within the provisions of § 226.8(1) and the information specified therein must be provided. Staff agrees with your interpretation that transactions covered by § 226.8(1) need not be treated as refinancings under § 226.8(j).

This letter is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the Regulation, and I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.8 (d), (e), (j) Portion of loan guarantee insurance premium payable by student borrower at time of interim loan but allocable to repayment period of loan should be disclosed as finance charge on disclosures given at time of refinancing of interim loan and may be treated as prepaid finance charge.

OCTOBER 15, 1976.

This is in response to your letter of * * *, requesting an official staff interpretation on four questions arising out of a student loan program. The relevant facts are as follows:

Your firm represents several banks which are participating lenders in a student loan program under which a State corporation guarantees repayment of the loan to a bank in return for payment by the student of a loan guarantee premium. The student applies for and receives the loan from the participating bank and the student's obligation to the bank is evidenced by an original note. The anticipated maturity date of this note is nine months after the student's expected graduation date. However, at the time of the original loan, it is contemplated that the student will, at some point prior to the maturity date, execute a renewal note consolidating all student loans previously made. The renewal note provides for repayment of the loan or loans in instalments over a period of up to 10 years.

At the time the original note is executed, the bank withholds from the loan proceeds the entire guarantee premium, which is remitted to the State corporation. This premium consists of one per cent annually of the amount of the loan for the term of the interim period, on the basis of the original maturity date, plus one per cent annually of the unpaid principal balance for the repayment period, on the basis of an assumed five-year repayment period. Thus, the first portion of the loan guarantee premium is attributable to the interim period, while the second portion applies to the expected term of the renewal note.

In connection with this fact situation, you ask a series of four questions relating to the required disclosures under Regulation Z. Your letter also indicates that your second question, which was the subject of your previous telephone conversations with members of this staff, requires the most urgent response. In view of the urgency of this question and the nature of your other inquiries, this letter will address only that particular question; the remaining questions will be given further consideration by staff.

Your question relates to the imposition of the loan guarantee premium and its effect on calculation of the amount financed and annual percentage rate to be disclosed to the student. In your hypothetical fact situation, a student borrows $1,500 under the loan guarantee program. The total loan premium assessed is $150, with $100 allocable to the term of the original note and $50 allocable to the assumed five-year repayment period. You ask how these charges should be reflected in the disclosures given to the student at the time of the original loan and at the time of the renewal note, and how the annual percentage rate should be calculated for purposes of each of these disclosures.

With regard to the disclosures given on the interim or original note, the total $150 representing the loan guarantee premium constitutes a prepaid finance charge, since that amount is withheld from the proceeds of the loan extended to the student or paid separately by the student. As such, the $150 would be deducted from the amount of the loan in determining the amount financed, shown on the disclosure statement as a prepaid finance charge, and included in the calculation of the finance charge. The annual percentage rate would be calculated accordingly, also taking into account any interest accruing during the interim period.

Since the consolidation of the interim loans, evidenced by the renewal note, constitutes a refinancing within the meaning of § 226.8(j), the renewal is treated as a new transaction, subject to the special provisions of that section. Section 226.8(j) provides in part: "For the purpose of such disclosure, any unearned portion of the finance charge which is not credited to the existing obligation shall be added to the new finance charge and shall not be included in the new amount financed." Therefore, the portion of the loan guarantee premium ($100) which is attributable to and fully earned during the interim period should not be reflected in the finance charge imposed in connection with the refinancing. However, the remaining $50 of the premium is attributable to the repayment period and therefore is not earned at the time of the refinancing. Pursuant to § 226.8(j), this unearned portion of the finance charge must be reflected in the new finance charge and is not to be added to the new amount financed. Since this portion of the charge is directly attributable to the new transaction and has not been credited to the obligation being refinanced, the $50 should be treated as a reduction in the amount financed ($1450) and as an addition to the finance charge (as a separate component of the finance charge) and included in the calculation of the total finance charge. The amount of the premium may be appropriately labeled as a prepaid finance charge, as you propose.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of Regulation Z. We trust that this letter will be of assistance to you.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, October 20, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-31704 Filed 10-28-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9014]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Beltone Electronics Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.90 History of product or offering; § 13.135 Nature of product or service; § 13.160 promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–12 Auxiliary, improving, or supplementary; 13.170–22 Corrective, orthopedic, etc.; 13.170–68 Preserving; 13.170–78 Renewing, restoring; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans; § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.)

In the matter of Beltone Corporation, a corporation. Consent order requiring a Chicago, Ill., hearing aid manufacturer, among other things to cease misrepresenting the uniqueness, benefits, characteristics and efficacy of its products. The respondent is also prohibited from disseminating and supplying misleading or deceptive promotional materials. Further, respondent is required to maintain appropriate records and institute a program for reviewing its advertising.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

PART I

It is ordered, That Beltone Electronics Corporation, a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which (a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; [2] the invention, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and [4] respondent maintains in its records, sub-

[1] Copies of the Complaint, Decision and Order filed with the original document.

ject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however,* That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15 percent) of the population does not exceed six (6) months in duration and is conducted in good faith for test purposes only.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids or component parts thereof (a) are unique or superior to all other hearing aids used for hearing loss; or (b) embody inventions, features (excluding physical appearance), concepts or principles not contained or embodied in any other hearing aid or component parts thereof used for hearing loss unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that its hearing aids or component parts thereof (a) are unique and superior to all other hearing aids used for hearing loss, and (b) embody inventions, features, concepts or principles not contained or embodied in any other hearing aids or component parts thereof used for hearing loss; [2] the hearing aid or component part, invention, feature, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the nature of the uniqueness or superiority claim made in the advertisement, including the nature of the benefit to the consumer attributed to the invention, feature, concept or principle embodied in any such hearing aid; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(7) Respondent's hearing aids will help all or most persons to discriminate speech sounds where they hear but do not understand.

(8) Respondent's hearing aids will restore natural hearing to wearers or will enable wearers of such devices to hear sounds naturally.

(b) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement or representation in any advertising or sales promotional material as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of competent and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It is further ordered, That Beltone Electronics Corporation, a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It is further ordered, That Beltone Electronics Corporation, a corporation and its successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondents' hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a

program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It Is Further Ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It Is Further Ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the corporate structure which may affect any compliance obligation arising out of this Order.

It Is Further Ordered, That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 8, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31673 Filed 10-28-76;8:45 am]

[Docket 9013]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Dahlberg Electronics, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.90 History of product or offering; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–12 Auxiliary, improving, or supplementary; 13.170–22 Corrective, orthopedic, etc.; 13.170–68 Preserving; 13.–170–78 Renewing, restoring; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Dahlberg Electronics, Inc., a corporation. Consent order requiring a Minneapolis, Minn., manufacturer of hearing aids and hearing aid products, among other things to cease misrepresenting the beneficial results of using its merchandise; misrepresenting the performance characteristics, efficacy and uniqueness of its products; furnishing means and/or instrumentalities of misrepresentation or deception; and failing to maintain records which are both accurate and adequate. Further, should a final trade regulation rule regarding hearing aids be promulgated, such rule shall supercede this order to the extent that any requirement or prohibition herein is omitted by the rule or differs from the corresponding portion of the rule.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

PART I

It Is Ordered, That Dahlberg Electronics, Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which

(a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; [2] the invention, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechnical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however*, That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15%) of the population, does not exceed six (6) months in duration, and is conducted in good faith for test purposes only.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids will help all or most persons to discriminate speech sounds where they hear but do not understand.

(7) Respondent's bone conduction hearing aid glasses will be beneficial to person with hearing loss unless in immediate conjunction therewith it is clearly and conspicuously disclosed that such aids are primarily designed for conductive hearing loss.

(8) Respondent's hearing aids will restore natural hearing to wearers or will enable wearers of such devices to hear sounds naturally.

(9) Use of respondent's hearing aids can reverse, halt, or retard the progression of a hearing loss.

(b) The disclosure required by Part I, paragraph 1(a)(7) of this Order shall be made as follows: In print advertisements, the disclosure shall be displayed in type size which is at least the same size as that representation which creates the requirement for such disclosure. In television advertisements, the disclosures shall conform in all respects to the Commission's Statement of Enforcement Policy of October 21, 1970 (See Vol. 2 CCH Trade Regulation Reported Section 7569.09). The disclosure required by Part I, paragraph 1(a)(7) shall be made in immediate conjunction with the representation to which it relates. In all cases, the disclosure in print, radio and television advertisements shall be made in a

[1] Copies of the Complaint, Decision and Order filed with the original document.

clear and conspicuous manner and shall be presented in the language principally employed in the advertisement (e.g., English, Spanish).

(c) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement or representation in any advertising or sales promotional material as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of competent and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) Which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It is further ordered, That Dahlberg Electronics, Inc., a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It is further ordered, That Dahlberg Electronics, Inc., a corporation and its successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondent's hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It is further ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the corporate structure which may affect any compliance obligation arising out of this Order.

It is further ordered, That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

The Decision and Order was issued by the Commission September 8, 1976, with Commissioner Dole not participating by reason of absence.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31672 Filed 10-28-76;8:45 am]

[Docket No. 9035]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Subpart — Interlocking Directorates Unlawfully: § 13.1106 Interlocking Directorates Unlawfully.

Kraftco Corp.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19.)

In the matter of Kraftco Corporation, a corporation

Consent order requiring a Glenview, Ill., manufacturer and seller of margarine, edible oils, and barbecue sauce, among other things to cease permitting individuals to simultaneously serve on its Board of Directors and that of its competitor, SCM Corporation and, for a period of four years, to annually obtain from current and prospective board members written certification that they are not serving on the boards of competitive companies. Additionally, the order prohibits respondent from seating on its Board of Directors, any individual who fails to furnish such written certification.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That Kraftco Corporation (identified in the complaint as "Kraftco, Inc."), a Delaware corporation, its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of SCM Corporation, so long as Kraftco and SCM Corporation compete in the production or sale of any product.

II. *It is further ordered,* That within ninety (90) days of the date of service of this order and annually in each of the four (4) years thereafter, Kraftco shall transmit to each member of its Board of Directors (except directors whose terms expire at the next election and who are not standing for re-election), and each nominee for directorship who is not then a director, a list of the following products: (a) Cheese, (b) fluid milk, (c) ice cream, (d) barbecue sauce, (e) edible oils, (f) margarine, and (g) any product in which Kraftco had sales which accounted for 5 percent or more of Kraftco's gross revenues in the preceding fiscal year. "Product" as used in category (g) of this Paragraph shall mean the four-digit industry code (SIC) classifications published by the Bureau of the Census in its latest "Numerical List of Manufactured Products." Kraftco shall also request that each director or nominee certify to Kraftco in writing that he or she does not serve on the Board of Directors of any corporation which is engaged in competition with Kraftco in the manufacture or sale in the United States of any product listed by Kraftco where the sales of such product by the corporation (exclusive of sales at retail to consumers) exceed $1,000,000 per year. The provisions of this Paragraph shall not apply where: (i) The other corporation on whose Board of Directors such nominee or director also serves controls 50 percent or more of the voting stock of Kraftco ("parent"); (ii) Kraftco controls, directly or indirectly through subsidiaries, 50 percent or more of the voting stock of the other corporation on whose Board of Directors such nominee or director also serves ("subsidiary"); or (iii) 50 percent or more of the voting stock of the other corporation on whose Board of Directors such nominee or director also serves is held by a corporation which also holds 50 percent or more of the voting stock of Kraftco ("sister"). "Corporation" as used herein shall include parent, subsidiary or sister corporations.

III. *It is further ordered,* That for a period ending five (5) years from the date of service upon it of this order, Kraftco shall not permit on its Board of Directors any nominee or director who fails to submit a written certification pursuant to Paragraph II above, either because he or she cannot truthfully submit such written certification or for whatever other reason, or with respect to whom a reasonably diligent investigation by Kraftco would reveal that such certification cannot truthfully be made. The prohibition contained in this Paragraph shall not apply where (a) Kraftco, or any corporation on the Board of Directors of which a nominee or director of Kraftco also serves, cease to be competitors; or (b) said nominee or director ceases to serve on the Board of Directors of such other competitor corporation. Notwithstanding any other provision of this order, any director or nominee shall not be prohibited by this order from serving on the Board of Directors of Kraftco, if Kraftco has shown to the satisfaction of the Federal Trade Commission or to any other court of competent jurisdiction, in a final nonappealable determination, that there is no competition as defined in section 8 of the Clayton Act and section 5(a)(1) of the Federal Trade Commission Act between Kraftco and the other corporation on whose Board he or she serves in the manufacture or sale of any product required to be listed by Kraftco pursuant to Paragraph II of this order.

IV. *It is further ordered,* That within ninety (90) days of the service of this order, and annually for each of the four years thereafter, Kraftco shall file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order. If compliance with this order requires any member of Kraftco's Board of Directors to resign or to be removed from the Board of Directors of Kraftco, or of another corporation, Kraftco shall be allowed a reasonable period of time, but in no event longer than ninety (90) days, within which to take any legal or other steps which are necessary to secure compliance with this order. Nothing in this order shall be construed to exempt Kraftco from complying with the antitrust laws or the Federal Trade Commission Act and the fact that any activity is not prohibited by this order shall not bar a challenge to it under such laws.

V. *It is further ordered,* That Kraftco notify the Commission at least thirty (30) days prior to any change in Kraftco, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in Kraftco which may affect compliance obligations arising out of this order.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 9, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31596 Filed 10-28-76;8:45 am]

[1] Copies of the Complaint, Initial Decision, Decision and Order, filed with the original document.

[Docket 9011]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Maico Hearing Instruments, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.90 History of product or service; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170-12 Auxiliary, improving, or supplementary; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate; 13.1051-20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart — Misrepresenting oneself and goods—Goods: § 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1854 History of products; § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the matter of Maico Hearing Instruments, Inc., a corporation

Consent order requiring a Minneapolis, Minn., hearing aid manufacturer, among other things to cease misrepresenting the beneficial results of using its products; misrepresenting the performance characteristics, efficacy and uniqueness of its merchandise; furnishing means and/or instrumentalities of misrepresentation or deception; and failing to maintain adequate and accurate records. Further, in the event a final trade regulation rule regarding hearing aids is promulgated, such rule shall supercede this order to the extent that any requirement or prohibition herein is omitted by the rule or differs from the corresponding portion of the rule.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

PART I

It is ordered, That Maico Hearing Instruments, Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which

(a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; [2] the invention, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however*, That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15%) of the population, does not exceed six (6) months in duration, and is conducted in good faith for test purposes only.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids or component parts thereof (a) are unique or superior to all other hearing aids used for hearing loss; or (b) embody inventions, features (excluding physical appearance), concepts or principles not contained or embodied in any other hearing aid or component parts thereof used for hearing loss unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that its hearing aids or component parts thereof (a) are unique and superior to all other hearing aids used for hearing loss, and (b) embody inventions, features, concepts or principles not contained or embodied in any other hearing aids or component parts thereof used for hearing loss; [2] the hearing aid or component part, invention, feature, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the nature of the uniqueness or superiority claim made in the advertisement, including the nature of the benefit to the consumer attributed to the invention, feature, concept or principle embodied in any such hearing aid; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(7) Respondent's hearing aids will help all or most persons to discriminate speech sounds where they hear but do not understand.

(b) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement of representation in any advertising or sales promotional material as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of component and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It is further ordered, That Maico Hearing Instruments, Inc., a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It is further ordered, That Maico Hearing Instruments, Inc., a corporation and it successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondent's hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for

sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It is further ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the corporate structure which may affect any compliance obligation arising out of this Order.

It is further ordered, That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 8, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31671 Filed 10-28-76;8:45 am]

[Docket No. 9010]

PART 13—PROHIBITED PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Qualitone, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.90 History of product or offering; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170-12 Auxiliary, improving, or supplementary; 13.170-22 Corrective, orthopedic, etc.; 13.170-70 Preventive or protective; 13.170-78 Renewing, restoring; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate; 13.1051-20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities or misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.)

In the Matter of Qualitone, Inc., a corporation. Consent order requiring a Minneapolis, Minn., hearing aid manufacturer, among other things to cease misrepresenting the beneficial results of using its merchandise, the performance characteristics, efficacy and uniqueness of its products; furnishing means and/or instrumentalities of deception or misrepresentation; and failing to maintain records which are both adequate and accurate. Further, in the event a final trade regulation rule regarding hearing aids is promulgated, such rule shall supercede this order to the extent that any requirement or prohibition herein is omitted by the rule or differs from the corresponding portion of the rule.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

PART I

It is ordered, That Qualitone, Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which

(a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical engineering or scientific concept or principle in hearing aid capability unless (1) respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; (2) the invention, concept or principle represents a significant benefit to users of the hearing aid; (3) respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and (4) respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however*, That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15%) of the population, does not exceed six (6) months in duration, and is conducted in good faith for test purposes only.

[1] Copies of the Complaint, Decision and Order filed with the original document.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids or component parts thereof (a) are unique or superior to all other hearing aids used for hearing loss; or (b) embody inventions, features (excluding physical appearance), concepts or principles not contained or embodied in any other hearing aid or component parts thereof used for hearing loss unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that its hearing aids or component parts thereof (a) are unique and superior to all other hearing aids used for hearing loss, and (b) embody inventions, features, concepts or principles not contained or embodied in any other hearing aids or component parts thereof used for hearing loss; [2] the hearing aid or component part, invention, feature, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the nature of the uniqueness or superiority claim made in the advertisement, including the nature of the benefit to the consumer attributed to the invention, feature, concept or principle embodied in any such hearing aid; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(7) Respondent's hearing aids will help all or most persons to discriminate speech sounds where they hear but do not understand.

(8) Respondent's hearing aids will restore natural hearing to wearers or will enable wearers of such devices to hear sounds naturally.

(9) Respondent's hearing aids will or tend to halt or retard the progression of a hearing loss.

(b) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement or representation in any advertising or sales promotional material as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of competent and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It Is Further Ordered That Qualitone, Inc., a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It Is Further Ordered That Qualitone, Inc., a corporation and its successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondent's hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It Is Further Ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the action that respondent has taken in order to comply with said order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It Is Further Ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the

corporate structure which may affect any compliance obligation arising out of this Order.

It Is Further Ordered, That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 8, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31675 Filed 10-28-76;8:45 am]

[Docket 9012]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Radioear Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.90 History of product or offering; § 13.135 Nature of product or service; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–12 Auxiliary, improving, or supplementary; 13.170–22 Corrective, orthopedic, etc.; 13.170–70 Preventive or protective; 13.170–78 Renewing, restoring; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–10 Accurate; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1650 History of product; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.)

In the matter of Radioear Corporation, a corporation

Consent order requiring a McMurray, Penn., hearing aid manufacturer, among other things to cease making false, deceptive and unsubstantiated claims or representations regarding the benefits, characteristics, efficacy and/or uniqueness of its products; furnishing means and/or instrumentalities of misrepresentation or deception; and failing to maintain adequate and accurate records. Further, in the event a final trade regulation rule is promulgated regarding hearing aids, such rule shall supercede this order to the extent that any requirement or prohibition herein is omitted by the rule or differs from the corresponding portion of the rule.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

PART I

It is ordered, That Radioear Corporation, a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which

(a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability unless (1) respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; (2) the invention, concept or principle represents a signifiant benefit to users of the hearing aid; (3) respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and (4) respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however*, That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15%) of the population, does not exceed six (6) months in duration, and is conducted in good faith for test purposes only.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids or component parts thereof (a) are unique or superior to all other hearing aids used for hearing loss; or (b) embody invention, features (excluding physical appearance), concepts or principles not contained or embodied in any other hearing aid or component parts thereof used for hearing loss unless (1) respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that its hearing aids or component parts thereof (a) are unique and superior to all other hearing aids used for hearing loss, and (b) embody inventions, features, concepts or principles not contained or embodied in any other hearing aids or component parts thereof used for hearing loss; (2) the hearing aid or component part, invention, feature, concept or principle represents a significant benefit to users of the hearing aid; (3) respondent clearly and conspicuously describes the nature of the uniqueness or superiority claim made in the advertisement, including the nature of the benefit to the consumer attributed to the invention, feature, concept or principle embodied in any such hearing aid; and (4) respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(7) Respondent's hearing aids will help all or most persons to discriminate speech sounds where they hear but do not understand.

(8) Respondent's hearing aids will restore natural hearing to wearers or will enable wearers of such devices to hear sounds naturally.

(b) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement or representation in any advertising or sales promotional material

[1] Copies of the Complaint, Decision and Order filed with the original document.

as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of competent and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It Is Further Ordered, That Radioear Corporation, a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It Is Further Ordered That Radioear Corporation, a corporation and its successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondent's hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It Is Further Ordered That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It Is Further Ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the corporate structure which may affect any compliance obligation arising out of this Order.

It is Further Ordered That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 8, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31674 Filed 10-28-76;8:45 am]

[Docket 9009]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sonotone Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely and misleadingly; § 13.90 History of product or offering; § 13.135 Nature of product or service: § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; § 13.170-12 Auxiliary, improving, or supplementary; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Corrective actions and/or requirements: § 13.533 Corrective action and/or requirements; 13.533-45 Maintain records. Subpart—Failing to maintain records: 13.1051 Failing to maintain records; 13.1051-10 Accurate; 13.1051-20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1650 History of product; §13.1710 Qualities or properties; §13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the matter of Sonotone Corporation, a corporation

Consent order requiring an Elmsford, N.Y. manufacturer of hearing aids, among other things to cease making false, deceptive and unsubstantiated claims and representations concerning the benefits, characteristics, efficacy and uniqueness of its products. Further, the order prohibits respondent from disseminating or supplying promotional materials containing misleading and deceptive representations. Additionally respondent is required to institute a reviewing program for all its advertising and maintain appropriate records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

PART I

It Is Ordered That Sonotone Corporation, a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of hearing aids, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, which

(a) Represents, directly or by implication, that:

(1) Respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that respondent merchandises such a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle in hearing aid capability; [2] the invention, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the new invention, concept, or principle, and the significant benefit to the user of the hearing aid, in the advertisement; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(2) Respondent's hearing aid or its shape, design or any other model feature is new, or that respondent merchandises a hearing aid which is a new invention or involves a new mechanical, engineering or scientific concept or principle when such hearing aid or its shape, design or any other model feature or invention, mechanical, engineering or scientific concept or principle has been marketed in the United States for a period greater than one year. *Provided, however,* That such one-year time period shall not begin to run during the test marketing of such new model or feature where such test marketing program does not cover more than fifteen percent (15%) of the population, does not exceed six (6) months in duration, and is conducted in good faith for test purposes only.

(3) Respondent's hearing aids will be beneficial to persons with a hearing loss regardless of the type or extent of loss.

(4) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in noisy situations.

(5) Use of respondent's hearing aids will enable all persons with a hearing loss to consistently distinguish or understand speech sounds in group situations.

(6) Respondent's hearing aids or component parts thereof (a) are unique or superior to all other hearing aids used for hearing loss; or (b) embody inventions, features (excluding physical appearance), concepts or principles not contained or embodied in any other hearing aid or component parts thereof used for hearing loss unless [1] respondent possesses and relies upon competent and reliable scientific or medical evidence which establishes that its hearing aids or component parts thereof (a) are unique and superior to all other hearing aids used for hearing loss, and (b) embody inventions, features, concepts or principles not contained or embodied in any other hearing aids or component parts thereof used for hearing loss; [2] the hearing aid or component part, invention, feature, concept or principle represents a significant benefit to users of the hearing aid; [3] respondent clearly and conspicuously describes the nature of the uniqueness or superiority claim made in the advertisement, including the nature of the benefit to the consumer attributed to the invention, feature, concept or principle embodied in any such hearing aid; and [4] respondent maintains in its records, subject to reasonable inspection by Commission staff members, the competent and reliable scientific or medical evidence upon which it relies to support such claim until three (3) years after the last dissemination of any such claim.

(b) In the event the Federal Trade Commission promulgates a final trade regulation rule which omits a requirement or prohibition or whose requirements or prohibitions differ in any manner with respect to the representations dealt with in any sub-paragraph of Paragraph 1 of Part I, of this Order, such omissions, requirements or prohibitions with respect to such representations imposed by the rule shall, on the effective date of the rule, supersede and replace or cause to be automatically deleted the corresponding and differing sub-paragraphs of Paragraph 1, Part I, of this Order.

2. Making, directly or indirectly, any statement or representation in any advertising or sales promotional material as to any feature (excluding physical appearance), or performance characteristic of, or the uniqueness, superiority or efficacy of any of respondent's hearing aids or any component part thereof, unless prior to the time of such statement or representation respondent had a reasonable basis for same, which shall consist of competent and reliable scientific or medical evidence.

3. Failing to maintain accurate and adequate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which contain documentation in support of any claim included in any advertising or sales promotional material disseminated by respondent, or any of its divisions' or subsidiaries' officers or employees, which claim concerns any feature (excluding physical appearance), or performance characteristic of or the uniqueness, superiority or efficacy of, any of respondent's hearing aids or any component part thereof; and

(b) Which provided the basis upon which respondent relied at the time any such claim was made.

Such records shall be maintained by respondent for so long as any such material is disseminated by respondent or any of its divisions' or subsidiaries' officers or employees, or by its dealers, distributors, licensees, retailers, representatives or agents thereof, in cooperation with respondent, and for a further period of three (3) years after the last dissemination of any such material.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of hearing aids in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of Part I of this Order.

PART II

It is further ordered, That Sonotone Corporation, a corporation, its successors and assigns, and respondent's agents, representatives, officers and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of hearing aids in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act shall not:

1. Misrepresent, directly or indirectly, any feature or performance characteristic of any of respondent's hearing aids or any component part thereof.

2. Supply any dealer, distributor, licensee, retailer, salesperson, representative or agent thereof, with advertisements, sales manuals, brochures, advertising mats, or any other advertising or sales aid materials for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase of respondent's devices, and which contain

[1] Copies of the Complaint, Decision and Order filed with the original document.

any of the false, misleading or deceptive representations prohibited in this Order.

PART III

It Is Further Ordered, That Sonotone Corporation, a corporation and it successors and assigns, shall:

1. Within thirty (30) days after the effective date of this Order, or within thirty (30) days after any dealer, distributor, licensee or retailer attains such status, distribute a copy of this Order, by certified or registered mail, return receipt required, to each of respondent's known dealers, distributors, licensees, or retailers, who are now or in the future become engaged in the advertising, offering for sale, sale or distribution of respondent's hearing aids to the consuming public, except with respect to respondent's hearing aids advertised, offered for sale, sold or distributed under a private label by a party other than respondent, this requirement shall be limited to sending a copy of the Order to the person responsible for the advertising of respondent's hearing aids under the private label at the principal office of the private label purchaser of respondent's hearing aid.

2. Supply, upon request, proof of distribution to, and make available to the Federal Trade Commission for inspection and review, the names and addresses of those parties to whom respondent distributed a copy of this Order as required by paragraph 1 of Part III of this Order.

3. Inform each appropriate party described in paragraph 1 above that respondent shall not participate in any way in any advertisement which fails to comply with Part I of this Order.

4. Not pay for, compensate for, print, mail or in any other way, directly or indirectly, through discounts, services, or any other benefit in lieu of direct payment, or otherwise participate in any manner in the preparation of, payment for, or dissemination of any of the advertisements of any party described in paragraph 1 above at any time if any such advertisement fails to comply with Part I of this Order.

5. Within thirty (30) days after the effective date of this Order, institute a program for reviewing any advertisement submitted by respondent's dealers, distributors, licensees, retailers, representatives or agents thereof, pursuant to respondent's cooperative advertising or similar program for advertising credit or other consideration.

PART IV

It Is Further Ordered, That respondent submit to the Federal Trade Commission, within sixty (60) days from the effective date of this Order, a detailed report describing the actions that respondent has taken in order to comply with said Order.

In addition, respondent shall, for a period of three (3) years at one-year intervals from the effective date of this Order, submit to the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

It Is Further Ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiary or any other change in the corporate structure which may affect any compliance obligation arising out of this Order.

It Is Further Ordered, That the respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission September 13, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31676 Filed 10-28-76;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1018—ADVISORY COMMITTEE MANAGEMENT

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Amendment of Regulations After Consideration of Public Comments; Corrections

In FR Doc. 76-30437 appearing in the FEDERAL REGISTER of October 18, 1976, make the following corrections.

1. On page 45821, in the second column, delete the words "PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT."

2. On page 45826, in the second column, delete the words "PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT—[REVOKED]" and "Part 1609 is removed." immediately following § 1018.62.

Dated: October 26, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-31709 Filed 10-28-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. RM74-7; Order No. 497-C]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Report of Projected Generation and Fuel Planning, Form No. 23B

OCTOBER 20, 1976.

By Order No. 497 issued December 7, 1973, 50 FPC 1807, 38 FR 34318, the Commission required monthly reporting on Form No. 23 to assist the Federal Energy Office in administering the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, 87 Stat. 627, as well as to obtain information for its own purposes. By Order No. 497-A issued April 25, 1974, 51 FPC 1215, 39 FR 13529, the Commission modified the information and reporting requirements of Form No. 23 and prescribed a quarterly supplemental Form No. 23A. By Order No. 497-B issued August 13, 1975 —— FPC ——, 40 FR 37032, the Commission deleted Form Nos. 23 and 23A and required the quarterly reporting of 12-month projections of electric utility generation and fuel planning on Form No. 23B.

Form Nos. 23, 23A and 23B met the data requirements of both the Federal Power Commission and the Federal Energy Administration relating to projected electric utility generation and fuel requirements during the period of restricted oil supplies, by providing an adequate information base for the allocation of fuel oil to electric utilities by the Federal Energy Administration under conditions which were expected to prevail during the foreseeable future.

Pursuant to the Energy Policy and Conservation Act of 1975, Pub. L. 94-163, 89 Stat. 871, the Federal Energy Administration has discontinued allocation of both residual and distillate fuel oils to electric utilities. Therefore, the Commission believes that under present conditions, the benefits of collecting the data and filing Form No. 23B by jurisdictional companies are no longer commensurate with the burden on those required to file the reports.

By letter dated September 3, 1976 the Chairman requested the views of the FEA Administrator with respect to the discontinuance of Form No. 23B reporting. By letter dated September 28, 1976, the Administrator agreed to the proposal to discontinue Form No. 23B reporting requirements, subject to the proviso that in the event of re-imposition of controls, Form 23B would be reinstated under the Commission's emergency procedures. Should the Federal Energy Administration find it necessary to re-establish fuel oil allocations, the Commission would reinstate reporting on Form No. 23B.

The Commission finds. (1) The revision adopted herein is appropriate and necessary for carrying out the provisions of the Federal Power Act.

(2) Compliance with the notice and public procedure provisions of section 553 of Title 5, United States Code, is unnecessary and contrary to the public interest.

(3) Good cause exists that the revision adopted herein become effective upon issuance of this order.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly by sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 thereof (41 Stat. 1068-1070, 1073, 1074; 49 Stat. 842-844, 848, 849, 851-853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat.

617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c, 825h, 825j), orders:

(A) Effective upon the issuance of this order, the reporting requirements of Order No. 497–B are suspended.

(B) The Staff is instructed to retain the ability to process Form No. 23B on short notice in the future.

(C) Section 141.300 in Part 141, Subchapter D, of Chapter I, Title 18 of the Code of Federal Regulations is amended by adding the paragraph (f) to read as follows:

§ 141.300 **Form 23B, Quarterly Electric Utility Generation and Fuel Planning Report.**

* * * * *

(f) As of October 13, 1976, the reporting requirements stated above are suspended. However, Form 23B is to be maintained in stand-by status to allow reestablishment of reporting in the event that it becomes necessary to resume fuel oil allocation or a fuel emergency occurs.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31557 Filed 10-28-76;8:45 am]

Title 20—Employees' Benefits

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

[Regs. No. 16]

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

Subpart K—Income and Exclusions

Subpart L—Resources and Exclusions

INCOME AND EXCLUSIONS FOR CERTAIN BLIND INDIVIDUALS AND SPECIAL RESOURCE PROVISION FOR RECIPIENTS UNDER A STATE PLAN

On November 13, 1974, there was published in the FEDERAL REGISTER (39 FR 40035) a notice of proposed rulemaking and proposed amendments to Subparts K and L of Regulations No. 16 which reflect the provisions of sections 1611 (g) and (h) of the Social Security Act, as amended by sections 18 (d) and (e) of Pub. L. 93–233. Sections 18 (d) and (e) provide that an individual cannot qualify for Supplemental Security Income payments through application of the State plan income and resource criteria if the individual, after December 1973, became ineligible for a Supplemental Security Income benefit for more than 6 consecutive months or abandoned his residence in the State under whose State plan approved under titles I, X, XIV, or XVI of the Social Security act he received aid or assistance for December 1973. Interested parties were given the opportunity to submit within 30 days, data, comments, or arguments with regard to the proposed amendments.

Three comments were received, two of which concerned § 416.1175 (income exclusion for certain blind individuals). One of the two comments concerning § 416.1175 indicated that this provision should not be restricted to individuals who have continuously resided in the same State in which they received benefits in December 1973. However, this restriction is specifically provided for in the statute (Section 1611(h)(3) of the Social Security Act (42 U.S.C. 1382)) and, therefore, no change has been made.

The other comment on § 416.1175 stated that the total State plan pertaining to the definition of income as well as State rules for the blind should be applied for those blind individuals. The statute concentrates on a common point; that is, whether a greater dollar amount is disregarded under the State plan or under the Federal rules. This very specificity, or concentration, in the statute negates any interpretation that would give a blind individual the benefit of the totality of all State plan rules pertaining to what is or is not income. The requirements of the statute can only be accomplished by starting with a uniform definition of income to which the State plan disregards or the Federal rule for disregards can be applied. Thus, it is clearly evident that a single definition of income must be used and only the Federal definition of income can apply if there is to be a uniform program. This provision of the regulation only affects those individuals who had used the State blind income disregards and subsequently make an interstate move. There were 76,480 blind recipients converted into the Supplemental Security Income program in January 1974 and as of June 30, 1976, there were 58,055 converted blind individuals still eligible for Supplemental Security Income benefits. Approximately 6.4 percent of these blind individuals (3,700) have earned income and less than 3 percent of these individuals will move interstate during the year (110 people).

Since these regulations were first published in the FEDERAL REGISTER in November 1974, the Social Security Administration has met with representatives of several blind advocacy groups such as the American Foundation for the Blind, National Council of State Agencies for the Blind, National Federation of the Blind and the National Industries for the Blind. At these meetings, the representatives of the blind groups were apprised of the proposed regulation changes and their opinions were taken into consideration in preparing these final regulations.

The final comment, which concerns both §§ 416.1175 and 416.1260, indicated that a change of address should not be used as a notice of change of permanent residence in all cases and that some provision should be made for temporary absences. The regulations provide that an individual will cease to reside continuously in a State if he leaves the State with the present intention to abandon his home there. As a result of this comment the regulations have been modified to employ a presumption where there is no direct evidence on change of residence. That is, in the absence of evidence to the contrary, an absence from the State of 90 calendar days or less will be considered temporary and the individual will be considered to continue to reside in such State, while in the case of an absence from the State in excess of 90 calendar days the individual will no longer be considered to reside continuously in such State.

The attached amendments were published with a notice of proposed rulemaking on November 13, 1974 (39 FR 40035), to be applied during the period from January 1, 1974, when the Supplemental Security Income program became effective. Since the public has had adequate time to comment, and all comments received have been considered, the attached amendments will be final upon publication with an effective date of January 1, 1974. These amendments supersede incorrect versions of §§ 416.1175 and 416.1260 published on October 20, 1975, which erroneously reflect the statutory provisions as originally enacted rather than the law as amended by sections 18 (d) and 18(e) of Pub. L. 93–233, effective January 1, 1974.

Accordingly, with these changes and additions, as well as other minor editorial changes, the proposed amendments relating to income exclusions for certain blind individuals and special income and resource provisions for recipients under a State plan, and the absence of an individual from the State in excess of 90 days are adopted as set forth below.

(Secs. 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act as amended, 49 Stat. 647 as amended, 86 Stat. 1466, 1468, 1470, 1471, and 1475, as amended; (42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, 1383), secs. 18(d), 18(e) of Pub. L. 93–233.)

Effective Date: These amendments are effective as of January 1, 1974.

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

Dated: July 7, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 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 416.1175 is revised to read as follows:

§ 416.1175 **Income exclusions for certain blind individuals.**

(a) For an individual (or individual and spouse, as the case may be) who is blind as defined under a State plan as in effect in October 1972, which was approved under title X or XVI of the Act, and who for the month of December 1973 was a recipient of aid or assistance under such State plan (see § 416.121), the maximum amount of any earned or unearned income which could have been

disregarded under such State plan will be disregarded in determining countable income under § 416.1115 in lieu of applying the exclusions from income set forth in § 416.1145 if application of the provisions in § 416.1145 would result in a larger amount of countable income, provided that such individual (or individual and spouse, as the case may be):

(1) Has, since December 1973, resided continuously in the State under whose plan he was eligible for the month of December 1973; and

(2) Has not, since December 1973, been ineligible for a period exceeding 6 consecutive months for a supplemental security income benefit.

(b) For purposes of this section, an individual will cease to reside continuously in a State if he leaves the State with the present intention to abandon his home there. In the absence of evidence to hte contrary,

(1) if an individual leaves the State for a period of 90 calendar days or less, his absence from the State will be considered temporary and he will be considered to continue to reside in such State; and

(2) if an individual leaves the State for a period in excess of 90 calendar days, he will no longer be considered to reside continuously in such State.

(c) *State plan; defined.* As used in this subpart, "an approved State plan as in effect in October 1972" and "State plan for October 1972" means a State plan as approved under the provisions of 45 CFR Ch. II as in effect in October 1972.

2. Section 416.1260 is revised to read as follows:

§ 416.1260 Special resource provision for recipients under a State plan.

(a) *General.* In the case of any individual (or individual and spouse, as the case may be) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, of the Act (see § 416.121), the resources of such individual (or individual and spouse, as the case may be) shall be deemed not to exceed the amount specified in § 416.1205 during any period that the resources of such individual (or individual and spouse, as the case may be) do not exceed the maximum amount of resources specified in such State plan as in effect in October 1972, provided that such individual:

(1) Has, since December 1973, resided continuously in the State under whose plan he was eligible for the month of December 1973; and

(2) Has not, since December 1973, been ineligible for a period exceeding 6 consecutive months for a supplemental security income benefit.

(b) For purposes of this section, an individual will cease to reside continuously in a State if he leaves the State with the present intention to abandon his home there. In the absence of evidence to the contrary.

(1) If an individual leaves the State for a period of 90 calendar days or less, his absence from the State will be considered temporary and he will be considered to continue to reside in such State; and

(2) If an individual leaves the State for a period in excess of 90 calendar days, he will no longer be considered to reside continuously in such State.

(c) *State plan; defined.* As used in this subpart, "an approved State plan as in effect in October 1972" and "State plan for October 1972" means a State plan as approved under the provisions of 45 CFR Ch. II as in effect in October 1972.

[FR Doc. 76-31706 Filed 10-28-76;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 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Thiabendazole Oral Paste

The Food and Drug Administration approves a new animal drug application (98-689V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, proposing safe and effective use of thiabendazole paste for the control of helminth infections in horses. The approval is effective October 29, 1976.

The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

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 520 is amended by revising paragraph (e)(1) of § 520.2380b as follows:

§ 520.2380b Thiabendazole drench or oral paste.

* * * * *

(e) * * *

(1) *Horses.* As a single liquid oral dose, administered as a drench or by stomach tube; or as an oral paste.

(i) *Amount.* 2 grams per 100 pounds of body weight.

(a) *Indications for use.* For the control of infections of large strongyles (Strongylus vulgaris, Strongylus endentatus), small strongyles (Cyathostomum, Cylicobrachytus and related genera, Craterostomum, Oesophagodontus, Poteriostomum), pinworms (Oxyuris), and threadworms (Strongyloides).

(b) *Limitations.* Not for use in horses to be slaughtered for food purposes. When administered by stomach tube, for use only by or on the order of a licensed veterinarian. When for use as a liquid oral drench or an oral paste, consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

(ii) *Amount.* 4 grams per 100 pounds of body weight.

(a) *Indications for use.* For control of infections of ascardis (*Parascaris*).

(b) *Limitations.* Not for use in horses to be slaughtered for food purposes. When administered by stomach tube, use only by or on the order of a licensed veterinarian. When for use as a liquid oral drench or an oral paste, consult your veterinarian for assistance in the diagnosis, treatment, and control of parisitism.

* * * * *

Effective date: This amendment shall be effective October 29, 1976.

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

Dated: October 18, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-31299 Filed 10-28-76;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Oxytetracycline

The Food and Drug Administration approves a new animal drug application (103-758V) filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, proposing safe and effective use of oxytetracycline in broiler chicken feeds as an aid in the reduction of mortality due to air sac infection caused by Escherichia coli sensitive to oxytetracycline. The approval is effective October 29, 1976.

The Commissioner of Food and Drugs is amending Part 558 to reflect this approval.

Oxytetracycline as the sole drug premix meets the uniform criteria set forth in 1971 Bureau of Veterinary Medicine memoranda for administrative waiver of the ministerial requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act. The pertinent provisions of the memoranda indicate that waiver is appropriate if:

1. The feeding of 1.5X to 2X the level of the product in the finished feed does not have a impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional generation of data in that this documentation is by definition a part of the new animal drug application (NADA).

4. The margin of safety to the animal and safety to the consumer is such that the product label does not have to con-

tain a statement such as "Use as the sole source of * * *".

5. Data are on file to demonstrate that the product is efficacious over the approved range. This data should generally satisfy current standards for the demonstration of efficacy.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of the available Drug Experience Reports.

The memoranda make explicit that because waiver of the ministerial requirements of section 512(m) is permitted only for specific efficacy claims or at specific levels of the drugs, distinct products with corresponding labeling for those claims or levels should exist. This is necessary in order to cover those premixes that can be made into finished feeds with various concentrations of drugs.

The foregoing criteria established in the 1971 memoranda constitute an interim agency policy that is under review. The Bureau of Veterinary Medicine is preparing a proposed regulation for publication in the FEDERAL REGISTER, based on the criteria listed above, governing waiver of the 512(m) requirements for the finished feed. In waiving the ministerial requirements of section 512(m), the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

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 558 is amended in § 558.450(e) by adding new item (v) to Table 1 as follows:

§ 558.450 Oxytetracycline.

* * * * *

(e) *Conditions of use.* (1) * * *

TABLE I.—*In complete chicken and turkey feed*

Oxytetracycline grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(v) 500		Broiler chickens; as an aid in the reduction of mortality due to air-sacculitis (air-sacinfection) caused by Escherichia coli sensitive to oxytetracycline.	Feed for 5 d as sole ration; treat at first clinical signs of disease; do not feed to laying hens; withdraw 24 hr prior to slaughter.	000069

Effective date: This amendment shall be effective October 29, 1976.

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

Dated: October 18, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-31300 Filed 10-28-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

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

[T.D.-ATF 36; Reference Notice No. 300]

PART 4—LABELING AND ADVERTISING OF WINE

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Label Information on Coverings or Cartons For Wine and Distilled Spirits Bottles and Conforming Change to Tequila Designation

On August 26, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 36029) setting forth proposed amendments for the labeling and advertising of both wine and distilled spirits. As proposed, the amendments would provide liberalized requirements with respect to information required to appear on coverings or cartons of individually wrapped or packed distilled spirits or wine bottles. A conforming change concerning the designation "imitation Tequila" was also proposed. Interested parties were given the opportunity to submit, not later than September 27, 1976, comments or suggestions regarding the proposed changes.

COMMENTS ON NOTICE OF PROPOSED RULEMAKING

Three comments were received concerning the notice of proposed rulemaking.

Brown-Forman Distillers Corporation of Louisville, Kentucky, strongly supported the proposed amendments. Reasons cited for supporting the changes were considerable cost savings realized by standardizing cartons and the probability that consumers would benefit from more pertinent information on cartons.

Comments were also received from The Port Wine Trade Association and The Sherry Shippers Association, two related trade associations in London, England. The respondent considered the proposed regulations to be imprecise and nonspecific in nature. Based on these objections the respondent requested a public hearing to present objections.

The Bureau has found that the general nature of the comments submitted by The Port Wine Trade Association and The Sherry Shippers Association does not warrant a public hearing, particularly due to the liberalizing nature of the proposed regulations.

Therefore, the proposed amendments are adopted without change as set forth below.

Because this Treasury decision is liberalizing in nature and since it will result in economic benefits to industry members with a corresponding benefit to consumers in the nature of more pertinent information being available on cartons, the Bureau has found that compliance with the effective date limitation of 5 U.S.C. 553(d) is unnecessary.

Effective date: These regulations shall become effective October 29, 1976.

The regulations are issued under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

Signed: October 15, 1976.

REX D. DAVIS,
Director.

Approved: October 21, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

§ 4.31 [Reserved]

PARAGRAPH 1. Section 4.31 is revoked and reserved.

PAR. 2. A new § 4.38a is added immediately following § 4.38, to provide for revised requirements concerning bottle cartons, booklets and leaflets, and it reads as follows:

§ 4.38a Bottle cartons, booklets and leaflets.

(a) *General.* An individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container), or any written, printed, graphic, or other matter accompanying the bottle to the consumer buyer shall not contain any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by §§ 4.30–4.39 on labels.

(b) *Sealed cartons.* If bottles are enclosed in sealed opaque coverings, cartons, or other containers used for sale at retail (other than a shipping container), such coverings, cartons, or other containers must bear all mandatory label information.

(c) *Other cartons.* (1) If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable, it may display any information which is not in conflict with the label on the bottle contained therein.

(2) Cartons displaying brand names and/or designations must display such names and designations in their entirety—brand names required to be modi-

fied, e.g. by "Brand" or "Product of U.S.A.", must also display such modification.

(3) Wines for which a truthful and adequate statement of composition is required must display such statement.

§ 1.39 [Amended]

PAR. 3. Paragraph (j) of § 4.39 is deleted.

PAR. 4. Paragraph (j)(5) of § 5.22 is amended to delete reference to Tequila. As amended, paragraph (j)(5) reads as follows:

§ 5.22 The standards of identity.

* * * * *

(j) *Class 10; imitations.* * * *

(5) Any rum to which neutral spirits or distilled spirits other than rum have been added;

* * * * *

PAR. 5. Paragraph (c) of § 5.41 is amended to change the requirements for information that must be shown on bottle cartons. As amended, paragraph (c) reads as follows:

§ 5.41 Bottle cartons, booklets and leaflets.

* * * * *

(c) *Other cartons.* (1) If an individual covering, carton, or other container of the bottle used for sale at retail (other than a shipping container) is so designed that the bottle is readily removable, it may display any information which is not in conflict with the label on the bottle contained therein.

(2) Cartons displaying brand names and/or designations must display such names and designations in their entirety—brand names required to be modified, e.g. by "Brand" or "Product of U.S.A.", must also display such modification.

(3) Specialty products for which a truthful and adequate statement of composition is required must display such statement.

[FR Doc.76-31614 Filed 10-28-76;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Designated 706 Agencies

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Title 29, Chapter XIV, § 1601.12(m) in accordance with the requirements of § 1601.12(i)(1).

The amended § 1601.12(m) sets forth those state and local agencies which have been formally designated as 706 Agencies as defined in § 1601.12(c) for the purpose of receiving charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII and whose final findings and orders will be accorded substantial weight by the Commission as provided in § 1601.12(m).

Publication of this amendment to § 1601.12(m) effectuates the designation of the following Agencies as 706 Agencies:

South Bend, Indiana Human Rights Commission
Metropolitan Human Relations Commission (Fort Wayne, Indiana)
City of Evansville (Indiana) Human Relations Commission
St. Paul (Minnesota) Department of Human Rights
Madison (Wisconsin) Equal Opportunities Commission.

Notice of the proposed designation of the foregoing agencies as 706 Agencies was published in the September 30, 1976, issue of the FEDERAL REGISTER, 41 FR 43195 with notice that written comments must have been filed with the Commission on or before October 14, 1976.

With the addition of the foregoing agencies, § 1601.12(m) is amended to read as follows:

§ 1601.12 Deferrals to State and local authorities.

* * * * *

(m) The designated 706 Agencies are:

Alaska Commission for Human Rights
Alexandria Human Rights Office
Allentown Human Relations Commission
Arizona Civil Rights Division
Baltimore Community Relations Commission
Bloomington Human Rights Commission
California Fair Employment Practices Commission
Charleston Human Rights Commission
Colorado Civil Rights Commission
Connecticut Commission on Human Rights and Opportunities
Dade County Fair Housing, and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Rights
East Chicago Human Relations Commission
Evansville (Indiana) Human Relations Commission
Fairfax County Human Rights Commission
Fort Wayne (Indiana) Metropolitan Human Relations Commission
Gary Human Relations Commission
Idaho Commission on Human Rights
Illinois Fair Employment Practices Commission
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Kansas Commission on Civil Rights
Kentucky Commission on Human Rights
Madison (Wisconsin) Equal Opportunities Commission
Maine Human Relations Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minneapolis Department of Civil Rights
Minnesota Department on Human Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County Human Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Jersey Division on Civil Rights, Department of Law and Public Safety
New York City Commission on Human Rights
New York State Division of Human Rights
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha Human Relations Department
Oregon Bureau of Labor
Pennsylvania Human Relations Commission
Philadelphia Commission on Human Relations
Pittsburgh Commission on Human Relations
Rhode Island Commission for Human Rights
Rockville (Maryland) Human Rights Commission
St. Paul Department of Human Rights
Seattle Human Rights Commission
Springfield (Ohio) Human Relations Department
South Bend, Indiana Human Rights Commission
South Carolina Human Affairs Commission
South Dakota Human Relations Commission
Tacoma Human Rights Commission
Utah Industrial Commission
Vermont Attorney General's Office, Civil Rights Division
Virgin Islands Department of Labor
Washington State Human Rights Commission
West Virginia Human Rights Commission
Wheeling Human Rights Commission
Wichita Commission on Civil Rights
Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
Wyoming Fair Employment Practices Commission.

The designated Notice Agencies are

Arkansas Governor's Committee on Human Resources
Florida Commission on Human Relations
Georgia Governor's Council on Human Relations
Montana Department of Labor and Industry
North Dakota Commission on Labor
Ohio Director of Industrial Relations

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. Sec. 2000e-12(a)).)

This amendment is effective on October 29, 1976.

Signed at Washington, D.C. this 22nd day of October 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-31633 Filed 10-28-76;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

Miscellaneous Amendments

32 CFR Part 807 is amended as set forth below:

§ 807.1 [Amended]

1. Section 807.1(c)(1): Change "HQ USAF/DADP" to "the OPR."

2. Delete § 807.1(c)(2) and add a new (2) and (3) as follows:

* * * * *

(2) If the request is submitted under the Freedom of Information Act as defined in Part 806 of this chapter, refer it to HQ USAF/DADF.

(3) If some other source is shown (such as AFLC/LOLS, Wright-Patterson AFB OH 45433), refer the request to that source.

3. § 807.3(b) is revised to read as follows:

§ 807.3 Shipments made by contractors.

* * * * *

(b) Backup stock is generally shipped to storage points by freight. However, if the contract requires the contractor to make distribution by mail, the contracting activity is authorized to furnish the contractor with Air Force official mailing labels which carry the return address of the Air Force sponsor.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-31580 Filed 10-28-76;8:45 am]

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 844—DISTRIBUTION OF LITERATURE AND PROTEST AND DISSIDENT ACTIVITIES

A new part 844 is added to Subchapter D, Chapter VII of Title 32, CFR, consisting of §§ 844.1 to 844.8, to read as follows:

Sec.
844.1 Purpose.
844.2 Application.
844.3 Responsibilities.
844.4 Terms explained.
844.5 General.
844.6 Policies.
844.7 Procedures.
844.8 Violations.

AUTHORITY: Sec. 8012, 70A, Stat. 488; 10 U.S.C. 8012, unless as otherwise noted.

§ 844.1 Purpose.

This part states policy, prohibitions, and guidelines for handling requests from military and non-military personnel to distribute literature and engage in protest activities on the United States Air Force Academy.

§ 844.2 Application.

This part applies to all dissident and protest activities including but not limited to: picketing, demonstrations, sit-ins, speeches, and like activities, conducted by military personnel or civilians on the USAF Academy. It also applies to all distributions, by military personnel or civilians, of unofficial printed or written material on the USAF Academy. These materials include but are not limited to pamphlets, magazines, handbills, flyers, and petitions for signatures. This part does not apply to distributions of printed or written matter by the U.S. Postal Service, distribution of area daily newspapers in family housing areas and dormitories, and other distributions of literature covered by Part 818a of this chapter.

§ 844.3 Responsibilities.

The immediate government of the USAF Academy is under the Superintendent who is also the Commanding Officer of the USAF Academy and the military post.

(10 USC 9334.)

§ 844.4 Terms explained.

(a) *Public areas.* Areas of the USAF Academy determined by competent authority to be open to the public. The recognized public areas are: Falcon Stadium and its environs immediately before, during and after Air Force home football games, and the USAF Academy Cadet Chapel and its environs when the Chapel is open to the public.

(b) *Nonpublic areas.* All areas of the USAF Academy not recognized as public areas are nonpublic areas. These areas include but are not limited to: the Community Center, family housing areas, cadet area, service and supply areas, athletic areas, and administrative areas.

(c) *Protest and dissident activities.* Such activities include but are not necessarily limited to: picketing, demonstrations, sit-ins, protest marches, political speeches, and similar activities.

§ 844.5 General.

The right of the individual to freedom of expression should be preserved to the maximum extent consistent with existing laws and the policies set forth herein. However, expression or conduct which either could interfere with or present a danger to: The orderly accomplishment of the military mission; the loyalty, morale, and discipline of this command; Federal and private property located on the installation; or to military personnel or other individuals lawfully on the installation, is prohibited.

§ 844.6 Policies.

(a) Air Force members will adhere strictly to the provisions of AFR 35-15 and will not distribute any unofficial printed or written matter at any location on the USAF Academy or engage in other dissident or protest activities without first obtaining permission as specified in § 844.7.

(b) Civilian individuals or groups will not distribute any unofficial printed or written matter or engage in other dissident or protest activities in nonpublic areas of the USAF Academy without first obtaining permission as specified in § 844.7.

(c) The USAF Academy does not prohibit civilians from distributing unofficial printed and written matter or engaging in other activities in public areas of the USAF Academy provided such action does not interfere with the order and tranquility of the installation. Persons who wish to engage in such activities in public areas are strongly encouraged to advise the Office of Information (OI) and the Director of Security Police (SP) of their intentions in order that appropriate steps may be taken to safeguard the freedom of expression and rights of privacy of all.

§ 844.7 Procedures.

(a) Military personnel desiring to distribute unofficial printed or written matter or engage in other activities covered by this part at any location on the USAF Academy, and civilians desiring to distribute such materials or engage in other such activities in nonpublic areas of the USAF Academy, must obtain the permission of the Superintendent, USAF Academy, prior to engaging in any such distributions or activities. The request for permission will be submitted in writing, addressed to SUPT, THRU OI, and will include the following as applicable:

(1) Two copies of the printed or written matter to be distributed.

(2) Number of persons who are going to engage in the activity.

(3) Names and addresses of the individuals/groups who are going to engage in the activities.

(4) Number of pieces of printed or written matter to be distributed.

(5) Time and place of the planned activity.

(b) In order that full and fair consideration may be given to all such requests, they should be submitted not less than seven days prior to the date of the planned distributions or activities.

(c) Printed or written matter, the contents of which violate either the letter or intent of § 844.5, will not be approved for distribution.

(d) Dissident and protest activities which violate the letter or intent of § 844.5 will not be permitted.

§ 844.8 Violations.

(a) Violations of the provisions of this part by military personnel may subject them to prosecution under the UCMJ.

(b) Nonmilitary personnel who violate the provisions of this part may be barred from the USAF Academy and subject to prosecution in state or Federal courts.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-31668 Filed 10-28-76;8:45 am]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 901—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

In 41 FR 26698, June 29, 1976, the Department of the Air Force proposed to revise Subchapter K of Chapter VII of Title 32 CFR, Part 901. The deadline for public comment was July 30, 1976. As no comments were received, the revision is made to read as follows:

Subpart A—Appointment Policies and Requirements

Sec.
901.0 Purpose.
901.1 Appointment vacancies.
901.2 Sources of nominations.
901.3 Basic eligibility requirements.
901.4 Medical requirements.
901.5 Academic examination requirements.
901.6 Physical aptitude examination requirement.
901.7 Precandidate evaluation by USAF Academy.

Subpart B—Nomination Requirements and Procedures

Sec.
901.8 Notice of nomination.
901.9 Congressional, District of Columbia, and United States Possessions.
901.10 Regular (Competitive).
901.11 Reserve (Competitive).
901.12 Presidential (Competitive).
901.13 Vice Presidential.
901.14 Children of deceased or disabled veterans and children of military or civilian personnel in a missing status (Competitive).
901.15 Honor Military and Honor Naval Schools—College or University AFROTC—High School AFJROTC (Competitive).
901.16 Children of Congressional Medal of Honor Recipients.
901.17 Citizens of the American Republics and the Philippines.
901.18 Notification of change of address or station assignment.
901.19 Supply of forms.

Subpart C—Obligations of Cadet Appointments

901.20 Obligations of cadet appointments.

AUTHORITY: 10 U.S.C. 903, 8012 unless otherwise noted.

Subpart A—Appointment Policies and Requirements

§ 901.0 Purpose.

This part explains the methods of application, requirements and procedures for appointment of young men and women to the United States Air Force Academy. This part is affected by the Privacy Act Statement, either incorporated in the body of the document, or in a separate statement accompanying each such document. Persons who are eligible for nomination to the Air Force Academy are encouraged to apply in each category in which they are eligible.

§ 901.1 Appointment vacancies.

By law, specific authorities may nominate eligible applicants for appointment vacancies at the Academy.

§ 901.2 Sources of nomination.

(a) United States Senators and Representatives.

(b) Resident Commissioner of Puerto Rico; Governor of Puerto Rico; Governor of the Panama Canal Zone; Governor of American Samoa; Delegate in Congress from Guam; Delegate in Congress from the Virgin Islands; and the Delegate to the House of Representatives from the District of Columbia.

(c) Air Force enlisted Regular competitive category.

(d) Air Force enlisted Reserve competitive category.

(e) Presidential competitive category.

(f) Vice Presidential category.

(g) Children of deceased or disabled veterans and children of military or civilian personnel in a missing status competitive category.

(h) Honor military and honor naval schools, Air Force Reserve Officer Training Corps (AFROTC), and Air Force Junior Reserve Officer Training Corps (AFJROTC) competitive category.

(i) Children of Congressional Medal of Honor recipients.

(j) Citizens of the American Republics and The Philippines—(Designated to receive instructions under 10 U.S.C. 9344 and 9345).

§ 901.3 Basic eligibility requirements.

(a) *Age.* Must be at least 17 and not have passed the 22nd birthday on July 1 of the year of entry into the Academy.

(b) *Citizenship.* Must be a citizen of the United States. If an applicant is a citizen by naturalization, he or she must substantiate citizenship. Proof of citizenship should be addressed to the Director of Cadet Admissions, USAF Academy, CO 80840. Facsimiles or copies, photographs or otherwise, will not be made of naturalization certificates under any circumstances, as stated in 18 U.S.C. 1426(H).

(c) *Domicile.* If nominated by an authority designated in § 901.2 (a) or (b), the applicant must be domiciled within the constituency of such authority.

(d) *Moral character.* Must be of highest moral character. Commanders will furnish information to USAFA/RRS, USAF Academy, CO 80840, on any military applicant or nominee whose official records indicate questionable background as follows:

(1) Applicant is, or has been, a conscientious objector. In this case, an affidavit is required stating that such beliefs and principles have been abandoned so far as they pertain to willingless to bear arms and to give full and unqualified military service to the United States.

(2) Any facts which give reason to believe that the applicant's appointment may not be clearly consistent with the interests of national security.

(3) Conviction by court-martial for other than a "minor offense" (MCM, 1969, revised edition, paragraph 128b, page 26–1) or conviction of a felony in a civilian court.

(4) Elimination from any officer training program or any preparatory school of the Army, Navy, or Air Force academies for military inaptitude, indifference, or undesirable traits of character. This includes any person who resigned in the face of impending charges or who was eliminated by official action.

(5) Habitual intemperance and drug abuse. (AFR 30–2, Social Actions Program, will be consulted when information on drug experimentation or use becomes known.)

(6) Any behavior, activity, or association tending to show that the applicant is of questionable moral character or reputation.

(e) *Marital status.* Applicant must be unmarried. (Any cadet who marries will be discharged from the Academy.)

(f) *Dependents.* Applicant must not have a legal obligation to support a child or children or any other person.

§ 901.4 Medical requirements.

Each candidate must meet the physical requirements outlined in AFM 160–1, Medical Examinations and Medical Standards, and AFR 160–13, Medical Examination of United States Service Academy and ROTC Four-Year Scholarship Applicants.

§ 901.5 Academic examination requirements.

Each candidate must take either the College Board Admission Testing Program (ATP) or the American College Testing Program Tests (ACT).

(a) College Board Admission Testing Program:

(1) A candidate who elects to use the ATP Tests must take the Scholastic Aptitude Tests (SAT).

(2) The candidate is encouraged, but not required to take Achievement Tests.

(i) English Composition.

(ii) Level I (Standard) Mathematics or Level II (Intensive) Mathematics. (Level I recommended for candidates without advanced high school mathematics.)

(3) *Makeup examination.* A makeup administration of College Board Admission Testing Program tests is held by examining centers at a time to be determined by USAFA/RRS. If, for some valid reason, candidates are unable to take the tests on the regular testing dates, they may request authorization from USAFA/RRS to take them on the special makeup date. Supplies and instructions are furnished by USAFA/RRS.

(b) *American College Testing Program Tests.* Candidates who elect to use the ACT Tests must take the complete battery of tests: English, Mathematics, Social Sciences, and Natural Sciences.

§ 901.6 Physical aptitude examination requirement.

Each candidate must take a physical aptitude examination consisting of four exercises designed to measure coordination, strength, endurance, speed, and agility. A list of test items is included in the USAFA Catalog.

§ 901.7 Precandidate evaluation by the USAF Academy.

The Air Force Academy conducts a precandidate evaluation program to aid Members of Congress in screening their applicants.

(a) Once an individual expresses an interest in seeking a nomination to a Member of Congress, the Congressional Assistant sends the applicant a card made available by the Air Force Academy.

(b) The applicant completes the card and mails it to the Academy. The Academy in turn, forwards the applicant a packet of information, including DD Form 1908, the Service Academies Precandidate Questionnaire. The applicant completes this form, has it certified by his or her high school counselor and forwards it to the Academy.

(c) The Academy evaluates DD Form 1908, and the information is made available to Congressional offices. Such information gives the Member of Congress an indication of the applicant's potential for qualifying for admission; it does not, however, reflect the applicant's final admission status. It is intended only to aid

the Members of Congress in selecting their best qualified applicants for nomination.

Subpart B—Nomination Requirements and Procedures

§ 901.8 Notice of nomination.

The Director of Cadet Admissions, USAFA/RRS, notifies military applicants of their eligibility or ineligibility for nomination. If eligible for a nomination, USAFA/RRS sends the individual a candidate kit which includes: DD Forms 1867, Candidate Personal Data Record; 1868, Candidate Activities Record; and 1875, Request for Secondary School Transcript, and complete processing instructions.

§ 901.9 Congressional, District of Columbia, and United States possessions.

(a) A US Citizen domiciled in one of the 50 States may apply directly to the United States Senators of his or her State and the Representative of his or her Congressional district. Persons domiciled in the District of Columbia apply to the Delegate to the House of Representatives from the District of Columbia. Persons domiciled in Puerto Rico apply to the Resident Commissioner. Such persons who are natives of Puerto Rico also may apply to the Governor. Children of civilians residing in the Panama Canal Zone or children of civilian employees of the U.S. Government and the Panama Canal Company residing in the Republic of Panama apply to the Governor of the Panama Canal Zone. Residents of American Samoa apply to the Governor. Residents of the Virgin Islands and Guam apply to their respective Delegates to Congress.

(b) Congressional nominations are submitted by the nominating authorities between May 1 and January 31 for the class entering the following summer.

(1) Applications to the nominating authorities should be sent early in the nominating period. A suggested letter format is included in the USAFA Catalog.

(2) All inquiries concerning status of applications should be sent to the nominating authority.

(c) The nominating authority forwards DD Form 1870, Nomination for Appointment to the United States Military Academy, Naval Academy, Air Force Academy; (used only by sources listed in § 901.2 (a), (b) and (f), for each Air Force Academy nominee through Hq USAF/DPPAB, Wash., DC 20330, to USAFA/RRS, USAF Academy, CO 80840.

§ 901.10 Regular (Competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following summer.

(a) Any enlisted member of the Regular component of the Air Force may apply for nomination. Selectees must be in active enlisted status when appointed as cadets.

(b) A Reserve commissioned officer on extended active duty may apply for vacancies in the Regular military category. If selected, such candidates must have their commissioned officer status terminated and be enlisted before appointment as Air Force Cadets. If a cadet in this category is separated without prejudice and under honorable conditions from the Air Force Academy, he or she may apply for reappointment as a commissioned officer.

(c) A regular applicant arranges to have his or her high school transcript submitted to the Director of Cadet Admissions, USAFA/RRS, and completes AF Form 1786, Application for Appointment to the United States Air Force Academy Under Quota Allotted to Enlisted Members of the Regular and Reserve Components of the Air Force, and submits it to his or her immediate commander who:

(1) Determines if the applicant meets the basic eligibility requirements. If disqualified, the application is returned and the applicant is informed of the reason.

(2) Forwards by first indorsement AF Form 1786 to USAFA/RRS, USAF Academy CO, 80840. The indorsement must include a complete comprehensive statement on the applicant's character, ability and background, plus the following statement: "Statements contained in this application regarding component, length of service, and date of birth have been verified from official records."

§ 901.11 Reserve (Competitive).

Appointments to fill vacancies from this category are made from candidates in order of merit. Applications must be submitted no later than January 31 for the class entering the following summer.

(a) Any enlisted member of the Air Force Reserve or the Air National Guard of the United States (ANGUS) may apply for nomination.

(b) A Reserve commissioned officer who satisfactorily completes one year of service in an active Reserve assignment by July 1 of the year in which admission is sought may apply for vacancies in the Reserve military category. If selected, such candidates must have their commissioned officer status terminated and be enlisted in the Air Force Reserve before appointment as Air Force Academy Cadets. Cadets in this category who are separated without prejudice and under honorable conditions from the Air Force Academy may apply for reappointment as a commissioned Reserve officer.

(c) A Reserve category applicant arranges to have his or her high school transcript submitted to the Director of Cadet Admissions, USAFA/RRS, completes AF Form 1786, and submits it to his or her organization commander. The organization commander processes the application as outlined in § 901.10(c). A Reserve applicant is not placed on active duty to be processed for nomination or appointment to the Air Force Academy.

§ 901.12 Presidential (Competitive).

(a) The child of a Regular or Reserve member of the Armed Forces of the United States is eligible for nomination if:

(1) The parent is on active duty and has completed eight years of continuous active duty service (other than for training) by July 1 of the year that the candidate would enter the USAF Academy; or

(2) The parent was retired with pay or was granted retired or retainer pay (children of Reservists retired while not on active duty status are ineligible); or

(3) The parent died after retiring with pay or after being granted retired or retainer pay (children of deceased Reservists who were retired while not on active duty status are ineligible); and

(4) The applicant does not meet the eligibility requirements for the Children of Deceased or Disabled Veterans (CODDV) appointment category. (By law, a person eligible for appointment consideration under the CODDV category may not be a candidate in the Presidential category.) Adopted children are eligible if adoption proceedings were initiated before their 15th birthday.

(b) An eligible individual may apply to USAFA/RRS, USAF Academy, CO 80840. A suggested letter format is included in the USAFA catalog. The nominating period opens on May 1 and closes January 31. Applicants should not write directly to the President of the United States, since these applications are processed by the Air Force Academy.

§ 901.13 Vice Presidential.

(a) Any individual who meets the basic eligibility requirements of § 901.3 above may apply for a nomination to the Vice President, United States Senate, Washington, D.C. 20510. The Vice President will accept requests for nominations between May 1 and October 31. The Vice President submits nominations by January 31 for the class entering the following summer.

(b) It is important to submit a request for nomination before or early in the nominating period. A suggested letter format is included in the USAFA catalog. Address all inquiries concerning status of application to the nominating authority.

§ 901.14 Children of deceased or disabled veterans and children of military or civilian personnel in a missing status (competitive).

(a) The child of a deceased or disabled member of the Armed Forces of the United States is eligible for nomination if:

(1) The parent was killed in action or died of wounds or injuries received or diseases contracted while in active service or of pre-existing injury or disease aggravated by active service or

(2) The parent has a permanent service-connected disability rated at no less than 100 percent resulting from wounds or injuries received or diseases con-

tracted while in active service, or preexisting injury or disease aggravated by active service.

(b) The child of a parent who is in "Missing Status" is eligible if the parent is a member of the armed services or a civilian employee in active government service who is officially carried or determined to be absent in a status of missing; missing in action; interred in a foreign country; captured, beleaguered, or besieged by a hostile force; or detained in a foreign country against the person's will.

(c) To request a nomination in this category, an individual must submit an application to the Director of Cadet Admissions between May 1 and January 31. A suggested letter format is included in the USAFA catalog.

§ 901.15 Honor military and honor naval schools—college or university AFROTC—high school AFJROTC (competitive).

(a) *Honor Military and Honor Naval Schools:*

(1) Five honor graduates or prospective honor graduates from each designated honor military and honor naval school may be nominated to fill the vacancies allocated to this category. Vacancies are filled in the order of merit, regardless of the schools from which the nominations are made. Appropriate school authorities must certify that each nominee is a prospective honor graduate or an honor graduate and meets the basic eligibility requirements listed in § 901.3.

(2) Appropriate school authorities use the nomination blanks provided by the Academy to submit nominees to USAFA/RRS, USAF Academy, CO 80840. Such nominations are submitted no later than January 31 for the class entering the following summer. Nominations are not limited to honor graduates of the current year. An individual eligible for nomination in this category applies to the administrative authority of the school involved.

(b) *College or University AFROTC and High School AFJROTC:*

(1) Five students from each college or university AFROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit.

(i) The student applies for nomination to the Professor of Aerospace Studies, who must certify that the applicant meets the basic eligibility requirements listed in § 901.3 and will have satisfactorily completed one year of scholastic work at the time the class for which he or she is applying enters the Academy.

(ii) The Professor of Aerospace Studies uses the forms provided by the Academy to recommend for nomination the five best qualified applicants to the president of the educational institution in which the AFROTC unit is established.

(iii) The president of the institution submits the nominations to USAFA/RRS, USAF Academy, CO 80840, by January 31 of the year in which the applicants desire appointment.

(2) Five students from each high school AFJROTC unit may be nominated to compete for the vacancies allocated to this category. Vacancies are filled in the order of merit.

(i) The student applies for nomination to the aerospace education instructor who must certify that the applicant meets the basic eligibility requirements listed in § 901.3, and, by the end of the school year, will have successfully completed the prescribed AFJROTC program.

(ii) The aerospace education instructor uses the nomination blanks provided by the Academy to recommend for nomination the five best qualified applicants to the principal of the high school in which the AFJROTC unit is established.

(iii) The principal of the high school submits the nominations to USAFA/RRS, USAF Academy, CO 80840, by January 31 of the year in which the applicants desire appointment.

§ 901.16 Children of Congressional Medal of Honor recipients.

(a) The child of any Congressional Medal of Honor recipient who served in any branch of the Armed Forces may apply for nomination. If an applicant meets the eligibility criteria and qualifies on the entrance examinations, he or she is admitted to the Academy.

(b) The applicant must write to USAFA/RRS, USAF Academy, CO 80840 requesting a nomination in this category. The nominating period opens on May 1 and closes January 31. A suggested letter format is included in the USAFA catalog.

§ 901.17 Citizens of the American republics and the Republic of the Philippines.

(a) The Academy is authorized to provide instruction to as many as 20 persons at any one time from the American Republics. However, not more than three students from any one republic may receive instruction at the same time. In addition, one student from the Republic of the Philippines may be admitted in each entering class. A citizen of an American Republic must apply to the Government of his own country. A Filipino applies to the President of the Republic of the Philippines.

(b) The application should contain complete particulars about the applicant's background and should be submitted at least a year before the time of desired admission to the Academy. Applicants in these categories must meet the eligibility requirements established for all Academy candidates except the requirement to be a U.S. citizen and must be able to read, write, and speak English proficiently.

§ 901.18 Notification of change of address or station assignment.

The applicant or nominee is personally responsible for notifying USAFA/RRS, USAF Academy, CO 80840 of every change of address or station assignment. Notifications from military personnel must include complete name, grade, SSAN, and new organization or unit to which assigned. Reassignment of military personnel to any duty station will not be delayed pending action by USAFA/RRS.

§ 901.19 Supply of forms.

DD Forms 1867, 1875, and 1908 are stocked and issued by the Director of Cadet Admissions, USAFA/RRS, USAF Academy, CO 80840. DD Form 1870 is stocked and issued by the Air Force Academy Activities Group, HQ USAF/DPPA, Washington, D.C. 20330.

Subpart C—Obligations of Cadet Appointment

§ 901.20 Obligations of Cadet Appointment.

Upon admission each cadet will be required to take the following Oath of Allegiance:

I, _____ (name), having been appointed an Air Force Cadet in the United States Air Force, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

(a) A cadet who enters the Air Force Academy directly from civilian status and takes an oath of allegiance as a cadet assumes a military service obligation of six years.

(b) Cadets will be required to sign an agreement, with parents or guardian consent if a minor, that they will fulfill these obligations:

(1) Complete the Academy course of instruction, unless disenrolled from the Academy by competent authority.

(2) Accept an appointment and serve as a commissioned officer in a Regular component of one of the armed services for five years.

(3) If authorized to resign from the Regular component before the sixth anniversary of their graduation, serve as a commissioned officer in the Reserve component until the sixth anniversary.

(4) If disenrolled from the Academy before graduation, the cadet will be subject to the separation policies which apply to all service academies. Application of these policies will be governed by the Department of Defense requirements for the Active and Reserve components and the national manpower needs of selective service (see AFR 53-3, Disenrollment of United States Air Force Academy Cadets).

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-31582 Filed 10-28-76;8:45 am]

SUBCHAPTER W—AIR FORCE PROCUREMENT

PART 1008—FUNDING CONTRACT OVERRUNS

Correction

§ 1008.3 [Amended]

In § 1008.3(a)(11), the word "on" is changed to "or."

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-31581 Filed 10-28-76;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM76-5; Order No. 141]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Filing of Periodic Reports by the U.S. Postal Service

OCTOBER 21, 1976.

By FEDERAL REGISTER notice of April 8, 1976 (41 FR 14903) the Postal Rate Commission initiated rulemaking proceedings for the purpose of amending its rules of practice to include a new Subpart G—Rules Applicable to the Filing of Periodic Reports (39 CFR 3001.101, 3001.102). The rulemaking action was initiated for the purpose of improving the present method of obtaining from the United States Postal Service (Postal Service or Service) information which the Commission deemed necessary for the performance of its regulatory functions.

The Commission appointed an officer of the Commission (OOC) to represent the general public.[1] The OOC, United Parcel Service (UPS), the Commonwealth of Massachusetts, and the Postal Service filed comments and/or counterproposals. Reply comments were thereafter filed by the Service and UPS. Following the Commission's review of the comments filed by the parties, the Commission, by notice published in the FEDERAL REGISTER on July 13, 1976 (41 FR 28850-51), ordered the convening of a technical conference for the purpose of further clarifying the positions of the parties with respect to the data needed by the Commission for the expeditious execution of its regulatory duties.[2] The technical conference was thereafter held on August 5, 1976.

Having considered the written comments of the participants together with the remarks transcribed at the technical conference,[3] the Commission has determined that it should incorporate certain relatively minor modifications to its preliminary proposal for amending its rules of practice. As modified, however, the proposed amendment will be adopted and incorporated into the Commission's rules of practice.

I. THE NEED FOR REVISED RULES

The present method of obtaining data from the Postal Service must be improved. Currently, the Commission acquires the majority of the data necessary for the performance of its regulatory functions only during the pendency of formal proceedings. The data accompanies a request of the Service for changes in rates and fees—and mail classification—or is received through the discovery process conducted as a corollary of the hearings associated with a filing of the Service. As the Commission observed in the notice instituting this proceeding, when the acquisition of information is confined primarily to the hearing process, the time required for evaluating a rate request is increased.

If the data currently made available to the Commission and interested persons were made available on an ongoing basis, rather than solely during the course of a rate proceeding, substantial benefits would inure to the Commission and the parties. The proposed rules will provide current data which will assist the Commission in keeping fully apprised of developing circumstances having an effect on its regulatory functions. Additionally, continued access to the data will assist interested members of the public in more thoroughly evaluating a filing of the Service and making alternative presentations within the time constraints imposed by the statutory directive that Commission proceedings be conducted with the "utmost expedition consistent with procedural fairness to the parties" (39 U.S.C. 3624). The reports, documents and other data sources which are being made a part of the Commission's periodic reporting system will aid in achieving these objectives.

The data sources which the Commission is now including in this amendment to the rules of practice have been evaluated on the basis of (1) the demonstrated utility of the particular data source, and (2) the burden imposed on the Service in filing the particular information. Although the information sources covered by our new rules do not include all the reports and documents proposed by the parties, the Commission is not foreclosing the possibility of the later inclusion of some or all of these items. As additional information is demonstrated to be useful, the underlying sources of information will be included in the data reporting system except where inclusion would impose an undue burden on the Service. So that interested parties may have the opportunity to analyze and experiment with additional information, even when there is no case in progress, the Service should provide access to these additional information sources. The Commission believes that where the information is available, its use on an experimental basis will be very helpful in determining its utility.[4]

II. DATA SOURCES PROPOSED BY THE COMMISSION

Although the Commission is satisfied that amending its rules to establish a periodic reporting system by the Service is necessary, the comments of the Service and interested parties, together with further evaluation by the Commission, indicate that the original proposal, as set forth in the April 8, 1976, FEDERAL REGISTER notice, should be modified. Several of the documents described in the FEDERAL REGISTER notice do not currently exist in a format suitable for Commission use. Moreover, although the Management Operating Data Summary (Report A) and the revenue requirement summary were included in the Notice of Proposed Rulemaking, the Commission has determined that at this time the Service will not be required to file these information sources.

Where necessary the Commission has developed formats in which certain items of information should be submitted to the Commission.

Additionally, time limitations for filing these information sources, as well as those proposed by the parties and included in this rulemaking, have been established.[5] The Postal Service opposes the establishment of time schedules for submitted reports. The Service contends that due dates are unworkable since reports and statistics are currently prepared for internal purposes and could not be filed with the Commission until completed.[6]

The response of the Service does not convince the Commission that time schedules should not be established. Based on our prior experience as well as independent judgment, we believe that the deadlines we have adopted are reasonable and for the most part are within the schedules already being met

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[1] By FEDERAL REGISTER notice of April 18, 1976 (41 FR 15458) the Commission designated Norman D. Schwartz, Assistant General Counsel, Litigation Division, as the OOC.

[2] As a result of this conference, further comments were received from the parties on August 16 and August 23, 1976.

[3] On August 18, 1976, the OOC filed an objection to a number of transcript corrections submitted by the Moderator of the Technical Conference. The corrections objected to go beyond mere errors in transcription, and thus there is no factual basis upon which to judge the accuracy of the proposed corrections. However, we have not relied upon any portion of the contested transcript and consequently, we do not reach the question raised by OOC. The transcript of the conference does not contain factual material in the evidentiary sense, rather it is a transcription of an informal exchange of views by the participating parties.

[4] We believe that this rulemaking is only the first step in the process of developing a comprehensive data reporting system, and therefore this docket will be kept open for further proceedings. As we explain more fully below, some of the proposals discussed herein will be further examined in the next phase of this docket.

[5] The filing of reports within certain prescribed periods was proposed originally by UPS and the OOC. So as to give all parties an opportunity to submit written comments on this proposal, the Secretary of the Commission, at the direction of the Commission, sent to all parties on August 19, 1976, a list of proposed time schedules for filing of reports and invited comments on the proposed deadlines.

[6] See Further Comments of the United States Postal Service, August 27, 1976

by the Service in the preparation of the various documents. Moreover, the efficacy of having access to postal data would be severely undermined if the Commission and interested persons had no indication as to when the information would be available for review and analysis.

The data sources originally contained in the Notice of Proposed Rulemaking and which the Commisison has determined shall be periodically filed are as follows:

Revenue and Cost Analysis. The revenue and cost analysis was described in the Notice of Proposed Rulemaking as an annual report published by the Service which provides a statistical summary of income and costs for the cost segments into which postal operations are divided.[7] At the technical conference the Postal Service indicated that, although this report is produced by the Service, it is not published in the regular course of ongoing operations,[8] and in the estimation of the Service the report need not be provided in the absence of a rate proceeding before the Commission.[9]

Although the revenue and cost analysis is not currently published on an annual basis, the Commission will require that it be updated and filed annually with the Commission. As stated in the notice instituting these proceedings, this Commission must remain fully apprised of developing circumstances within the Service on an ongoing basis rather than receiving data, such as that contained in this report, only during the pendency of a rate proceeding. In those periods when no rate request is pending before the Commission, the availability of these data will permit the Commission and interested persons to ascertain and evaluate cost changes resulting from a myriad of such factors as volume changes, increased mechanization, new operating methods and other factors. Since the Service does not contend that it would experience an undue burden in preparing this report for annual filing, the Commission will require that the report be filed 120 days after the close of the fiscal year.

Incremental Cost Analysis. The incremental cost analysis is a series of workpapers which underlie the revenue and cost analysis and it is currently prepared when a revenue cost analysis is produced. The data in the incremental cost analysis provide information in greater detail than the revenue and cost analysis of postal costs by segments, crafts, functions and classes of mail. Its availability will thus aid the Commission in evaluating the variability of cost segments.

The Service does not suggest that it would be made to bear an undue burden if the Commission required this analysis to be filed annually. Thus, because of the nexus between the revenue cost analysis and this data source, the Service will be required to file this material on an annual basis 90 days after the close of the fiscal year. This analysis will include actual historical data and be in a format similar to the manner in which this information appeared in Docket No. R76–1 at Tr. 11/1985–2020.

Revenue and Expense Statement. This statement provides a financial description of sources of funds, their resource utilization by cost segment and operating classification, and the net surplus or deficiency of postal operations on a fiscal year basis. In its initial response to the April 8, 1976, notice, the Postal Service suggested that the data sought, with the exception of data concerning the utilization of funds by cost segment, could be obtained from the Annual Report of the Postmaster General. As to data relating to the utilization of funds by cost segment, the Service suggested that this information is available in the revenue and cost analysis.[10]

The revenue and cost analysis, however, does not contain all the information which the Commission contemplates should be included in a revenue and expense statement. Contingency and recovery of prior year loss figures do not appear in the revenue and cost analysis although both affect the annual revenue and expense statement of the Service. Without these data the Commission and interested persons would be unable to determine if accrued expenses for contingencies and for recovery of prior year loss are reflected and applied consistently at the close of the fiscal year.[11]

The format in which the revenue and expense statement should be filed with the Commission is appended hereto and is made a part of the rules.[12] The Service will be required to file the revenue and expense statement in this format on an annual basis within 45 days of the close of the fiscal year. Moreover, wherever differences in amounts appear between the revenue and expense statement and the Annual Report of the Postmaster General, the Service will be required to file an addendum explaining these differences.

Audited Financial Statements. The audited financial statements report the financial status of the Service at the close of the current and preceding fiscal year. These statements reflect the financial condition and history of the Service as well as providing the auditor's analysis of the validity of the data collection systems of the Service. In its response the Service asserted that the audited financial statements are contained in the Annual Report of the Postmaster General.[13]

At the subsequent technical conference, however, it was determined that all the details of the audited statements do not appear in the Annual Report. Missing from the Annual Report are the notes accompanying the audited financial statements. Also absent from the Annual Report is the auditor's analysis of the reliability of the data collected.[14]

Since the audited financial statements are the sole source of notes accompanying the audited statements and the auditor's analysis as to the reliability of data, the Commission concludes that these statements should be filed with the Commission as they become available. In establishing this filing requirement no undue burden will be experienced by the Service since it concedes that this data source is already provided to the Commission as soon as it is prepared.[15]

Non-Volume Workload Changes. This data source details the non-volume workload factors which affect cost changes. The availability of these data will enable the Commission and interested persons to separate variable workload factors from those which are not variable. The historical data, which the Service concedes could be made readily available to the Commission,[16] will be filed with the Commission in the attached format 60 days after the close of the fiscal year. This format is similar to that already used by the Service in a rate filing (see USPS Exh. 30, Docket No. R76–1).

City Delivery Statistics National Totals. This data source was originally identified in the Notice of Proposed Rulemaking as the "City Delivery Annual Reevaluation." The Postal Service indicated in its initial comments that the information described in the Notice of Proposed Rulemaking was generally available but that the particular report referred to in the notice could not be identified.[17]

At the technical conference, the Service indicated that the underlying data sought by the Commission could be provided from existing sources.[18] For this purpose the Postal Service submitted to the Commission a proposed format[19] which will provide available statistics detailing the number of city-delivery routes and the size of the city delivery network. With the exception of a single data item which is not currently collected by the Service—territory covered—the format proposed by the Service will provide the statistics described in the Notice of Proposed Rulemaking. The Commission

[7] A more extensive description of the relevance of this report and the other data sources included in this rulemaking was included in Attachment B to the April 8, 1976 Notice of Proposed Rulemaking (41 FR 14903).

[8] Technical Conference Transcript, August 5, 1976 at 10 (hereinafter cited as Tr.).

[9] Id. at 10–11.

[10] Comments of United States Postal Service, May 10, 1976, at 4.

[11] Part of the generalized need for frequent and detailed accounting reports to show the ultimate application of all funds is the necessity to track non-recurring contingencies and prior year losses. These costs could, in this way, be accounted for on this statement.

[12] As discussed, infra, the format in which this statement will be submitted to the Commission obviates the necessity of requiring the Service to periodically file the revenue requirement summary which was included in the Notice of Proposed Rulemaking.

[13] Comments of the United States Postal Service, May 10, 1976, at 4.

[14] Tr. 23.

[15] *Id.* at 24.

[16] Tr. 31.

[17] Comments of the United States Postal Service, May 10, 1976, at 5.

[18] Tr. 37.

[19] See Supplemental Comments of the Postal Service, August 16, 1976.

therefore will incorporate this format into its rules of practice. Also, this data source shall be retitled "City Delivery Statistics National Totals" as this is a more comprehensive description of the data contained in this information source.

The Commission will require the Postal Service to file this report within 90 days of the close of the fiscal year.

Rural Carrier National Statistics. In the Notice of Proposed Rulemaking the Commission referred to "Consolidated Rural Route Evaluations, Heavy Duty versus Regular" as providing data on the "mix" of heavy duty and regular rural routes, the cost changes resulting from the reclassification of regular routes to heavy duty routes, the volume and population factors affecting reclassification, and the number of carrier stops associated with each type of route. The Commission suggested that the availability of this information would aid in the analysis of attributable and institutional cost assignments and volume variability differentials associated with rural route cost changes.

In its initial comments and at the technical conference, the Service indicated that it did not know whether this data source existed. It therefore proposed to investigate whether the information sought by the Commission was available. Subsequently, the Service notified the Commission that these statistics had earlier been developed in conjunction with rural route evaluations. The Service indicated, however, that the particular report sought by the Commission was no longer developed and an investigation would be made to determine whether the data could be compiled from existing sources.[20]

On August 27, 1976, the Service informed the Commission that the information referred to in the notice of proposed rulemaking could be compiled from annual mail count and route evaluations.[21] The Service also proposed a format for providing the statistics.

The Commission has analyzed the proposed format and finds that it will provide the information described in the Notice of Proposed Rulemaking. Accordingly, the Commission will incorporate the proposed format into its data reporting system and will require the Service to file the data within 90 days of the close of the fiscal year. Also, since the statistics which will be provided in this data source consist of more information than is derived from rural route evaluation, the title of the data source is being changed by the Commission to reflect the broader scope of the information which is accumulated in this statistical summary.

Regional Operating Plans Summary for Applicable Cost Segments. The sole remarks relating to this proposed data source were offered by the Postal Service which indicated that it was unable to identify these plans as described in the Notice of Proposed Rulemaking. At the technical conference, however, agreement with the Service was reached as to the identity of these regional operating plans.[22]

Since the Postal Service has offered no further objections to providing these plans, and in view of the Commission's determination that the Service would bear no undue burden in filing these reports, the Commission will require the Service to file these plans within 30 days of the submission of the Service's budget to the Office of Management and Budget. As described in the notice initiating this proceeding, the availability of these data will enable the Commission and interested persons to analyze changes in accrued costs which result from operating and service changes, and sources used in determining projected inflationary rates for specific items.

The reports which will be filed are the operating plans submitted by the Regions which are subsequently reviewed consolidated, and approved by the Postal Service Headquarters and serve as inputs to the budgetary document submitted to the Office of Management and Budget. It is these plans approved by Postal Service Headquarters which will be incorporated into the periodic reporting system.

Civil Service Retirement Fund Deficit. The information which the Commission seeks will provide an accounting of the accrued, unfunded liability of the Postal Service resulting from increased wages. As indicated in the initial notice in this proceeding, the data from this source will contribute to understanding the Service's total revenue requirement and will also be necessary in analyzing future changes in this liability as well as the impact on cost attribution levels.

In its initial response to the notice of rulemaking, the Postal Service indicated that this annual update is prepared by the Civil Service Commission rather than by the Service. Nevertheless, the Postal Service does not dispute the availability of this data source, its relation to the Commission's functions or that an undue burden would be imposed in filing the data. Therefore, this data source will be included in the periodic reporting system. The Service will be required to file this document with the Commission within 45 days of the close of the fiscal year.

The Workmen's Compensation Report. This information source provides details of the Service's accrued liability resulting from injuries to postal employees. The data thus provides information about the amount of workmen's compensation liability reflected in the Service's revenue requirement.

The only comment of the Postal Service concerning this report related to its description in the Notice of Proposed Rulemaking. Contrary to the notice, which described this data source as a quarterly report, the Service indicated that, although plans are underway to produce this report quarterly, it currently is produced on an annual basis.[23]

Pending the change to production of this report on a quarterly basis, the Commission will require it to be filed annually within 75 days of the close of the fiscal year.

Before/After COLA Cost Report. This data source details cost level increases resulting from the Consumer Price Index and reflected in the Cost of Living Allowance of bargaining unit employees. This report is prepared each time a COLA adjustment is made which currently is done on a semi-annual basis. The Postal Service does not object to providing this report, but requests that its description in the initial notice as a semi-annual report be changed to identify it as a miscellaneous report.

The report will be identified in the rules of practice as a miscellaneous report and the Commission will require it to be filed within 45 days following each COLA increase.

Revenue, Pieces, and Weight by Classes of Mail and Special Services. In the Notice of Proposed Rulemaking the Commission described this document as a statistical summary produced quarterly which provides total revenue, pieces, and weight for each class of mail and special service. This report will also provide data necessary to analyze unit cost changes which may result from differing volumes of mail.

Although the Service took issue with the initial characterization of this item,[24] it made no objection to providing this report. Consequently, the Service will be required to file it with the Commission within 60 days of the close of each postal quarter.

Origin/Destination Information Service National Service Index (ODIS) Report. Neither the Postal Service nor any other party has specifically commented on the Commission's proposal to include this report in the data reporting system. Because this quarterly report will provide data necessary to analyze the relationship of costs to service standards, the Service will be required to file this data source within 50 days of the close of each postal quarter.

Cash Flow Statement. As indicated in the notice initiating this proceeding, a cash flow statement will provide information relating to the cash position of the Postal Service and will also permit analysis of the interest income and expense trends which affect the revenue requirement of the Service.

In its initial comments the Postal Service indicated that the cash flow statement described in the Notice of Proposed Rulemaking was not a report regularly prepared by the Service. The Service also said that the data described in the notice could be obtained in part from annual

[20] Supplemental Comments of the Postal Service, August 16, 1976, at 3.

[21] Further Comments of the United States Postal Service, August 27, 1976, at 1.

[22] Tr. 50–51.

[23] Tr. 60.

[24] Comments of United States Postal Service, May 10, 1976 at 7, n. 1.

budget submissions and the summary financial and operating statements.

During the course of the technical conference, the Commission staff agreed to provide for comment a proposed format for a cash flow statement. On August 16, 1976, the proposed format was provided to all parties and the Postal Service. On that same date the Postal Service, in the interests of developing discussion of this data source, also provided a format for a cash flow statement which was derived from a summary financial and operating statement.

In comments filed August 26, 1976, the Postal Service voiced its objection to the format provided by the Commission. The Service asserted that, whereas the Commission format would be a new report which would not, without more, relate to official figures published by the Postal Service, the Service's format would utilize official figures.

The Commission has reviewed each of the proposed formats and concluded that the format originally proposed by the Commission will better serve its regulatory functions. Specifically, the inadequacies of the Service's proposed format are as follows:

(1) The Postal Service format consolidates several different line items in reporting cash disbursements whereas the Commission format identifies ten separate line items. The Commission considers the detailed identification of cash disbursement items to be essential in a properly constructed cash flow analysis.

(2) The Postal Service format fails to identify those cash flow items which "balloon" as single payments during a fiscal year.

(3) The Service format fails to separate operating loan repayments from capital loan repayments.

(4) Finally, the Service's format does not separate cash disbursements for labor from other operating expenses.

The Commission has also considered the comment of the Service that the format proposed by the Commission could not be tied to official figures. The Commission's analysis, however, indicates that all major cash items are listed in its proposed format and that other miscellaneous minor items would be identified in the "other" category included in the format. Thus, it appears probable that this data source could be tied into the ending balance for cash.

The cash flow statement will be filed in the format attached hereto. This report is required to be made available to the Commission and interested parties within 30 days of the close of each accounting period.

Investment Income. As proposed by the Commission, this summary would provide data on the average investment balances and effective interest rates. As with the cash flow statement, the Postal Service suggested that the Commission is requesting preparation of a new report and, moreover, that this information could be derived from summary financial and operating statements.

The Commission has analyzed the data which the Service proposes would serve as an effective substitute for the investment income format proposed by the Commission. The Postal Service's proposal fails, however, to provide certain data. Specifically, the format proposed by the Service fails to identify investment purchases at cost or identify the book value adjustments for investments.

The Commission will therefore incorporate into the data reporting system the format which it proposed. This report should be filed by the Service within 30 days of the close of the accounting period.

Summary Financial and Operating Report. This report, as explained more fully in the Notice of Proposed Rulemaking, contains a balance sheet, revenue, and expense statistics for various periods, personnel, and production statistics and, finally, a tabulation of volume and revenue statistics.

Subject to quarterly and year-end adjustments, this data source is required to be filed by the Service within 45 days of the close of each accounting period.

National Payroll Hours Summary Report. This report, issued by accounting period, provides a cross reference to other payroll data and will also be of value in peak-load cost studies and similar analyses. Contrary to the description in the initial notice, the report does not contain pay rates for personnel by CAG; rather, it includes the "information, by CAG, for certain personnel and certain CAG's and, by CAG groups, for some personnel." [26]

Since no objection is made to including this data source in the periodic reporting system, and in the view of the value of this report to the Commission's functions, the Service will be required to file this report periodically. The report is to be filed within 30 days following the close of the accounting period.

Cost Reduction Programs/Tracking System. The information collected by this system, prepared by program and by region, is necessary to analyze cost reductions resulting from mechanization, operational improvements and other cost reduction programs. This system is presently undergoing review by postal management to determine if improvements should be made in the content of the information collected by this system. The Service has agreed that following this evaluation the information, as collected, will be filed with the Commission.[28] In the interim, however, the Service will be required to file available information in a format as illustrated in USPS Exhibit 31 in Docket No. R76-1. This information should be filed within 60 days after the close of each postal quarter.

Before/After Pay Increase Cost Reports. In the notice of proposed rulemaking, the Commission suggested that these reports would provide data relating to the comparative rate of cost level changes for accrued cost items and certain institutional cost segments. Further review has demonstrated, however, that the data will relate only to labor costs in the form of salaries. Subject to this modification in the description of the information contained in this data source, the Commission will incorporate these reports into its periodic reporting system.

Since these reports are issued when systemwide increases in wage rates are established, the frequency of filing of this report must correspond to such wage rate changes. These reports, therefore, should be filed within 45 days of such wage increases.

F-8 Handbook and List of Other Handbooks and Manuals. In the notice initiating these proceedings the Commission noted that the Service produced, on an irregular basis, handbooks and manuals which would provide details necessary to understand accounting, financial and other information systems of the Service. In its response to this proposal, the Postal Service suggested that, if handbooks and manuals are to be referred to in a Commission rule, further notice should be given as to the handbooks and manuals that are actually available.[27]

The comment of the Service is persuasive and the proposed rule will be modified. As modified the rule will provide that in addition to the F-8 handbook which contains the general classification of accounts, the Service will provide a "master list" of handbooks and manuals similar to that presently maintained as "Regional Instructions: General Management 847-G-98" dated July 1, 1975, with filing number 141. As new handbooks and manuals are produced or others discontinued, the Service will be required to file a new master list.

Initial filings of handbooks and manuals will be made upon request of the Commission's Secretary. Errata and supplements would thereafter be filed at the same time that they are released for internal Postal Service use. Because these handbooks and manuals are produced on an irregular basis and in view of the Commission's reluctance to institute new rulemaking each time a supplemental request is made by the Secretary, the handbooks and manuals available at the Commission will not be made a part of the rule. Rather, the Secretary will maintain a list of these documents which will be kept available for public inspection.

Also included in the Commission proposal to require the filing of handbooks and manuals was a tentative list which the Commission deemed appropriate for the Service to file in response to the Secretary's request. At the technical conference the Service indicated that it perceived nothing which would prevent the filing of the handbooks and manuals

[26] Comments of United States Postal Service, May 10, 1976 at 10.

[28] Tr. 76.

[27] Comments of United States Postal Service, May 10, 1976 at 2.

listed in the initial notice.[28] Accordingly, the Secretary will be directed to issue this request subsequent to adoption of this rule.

Management Operating Data Systems (MODS). In the notice of proposed rulemaking, the Commission proposed that the Management Operating Data Summary (Report A) be included in the Commission's periodic reporting system. The Postal Service comments indicated, however, that MODS data was intended solely as an evaluation tool at the local level. As the Commission indicated in Docket No. R76–1, it does not consider this assertion to be particularly relevant in determining whether these data should be provided to the Commission and interested parties.[29]

The Commission has undertaken an extensive analysis of its original proposal and concluded that at this time MODS (Report A) will not be incorporated into the data reporting system. Although the Commission, in its opinion in Docket No. R76–1, recognized the potential relevance of MODS data,[30] there has not yet been a demonstration as to the materiality of these reports. Until the parties have had an opportunity to experiment with the data, we now believe it would be premature to include MODS in our periodic reporting system. Questions such as whether local MODS data can be used for variability analyses on a national basis and whether there are matching volumes to accompany the hours consumed in a particular operation remain unresolved at this time.[31]

Therefore, after interested persons have had the opportunity to evaluate independently the pertinence of the data,[32] the Commission will reconsider in further rulemaking proceedings whether to include MODS (Report A) [33] in its data reporting system. In the interim, however, the Service should meet with interested parties for the purpose of discussing appropriate methods for gaining access to these data on an experimental basis. The Service will be expected to provide sample reports and to make available an employee who is thoroughly familiar with these data.

Revenue Requirement Summary. This document is the second data source proposed by the Commission which will not be included in the periodic reporting system. The format in which the revenue and expense statement will be submitted to the Commission will provide the information which would have appeared in the revenue requirement summary. Therefore, it would be duplicative to require the Service to file this data source and, accordingly, it will not be included in the rules of practice.

III. Data Sources Proposed by Parties

In this proceeding UPS and the OOC have proposed that certain other documents, reports, and statistical summaries be made part of the periodic reporting system. Generally, these proposals can be separated into two categories: those resulting from the technical conference discussion of items included in the Notice of Proposed Rulemaking and those proposed in written comments prior to the convoking of the technical conference. Discussed initially are those proposals which originated from the discussions at the technical conference.

In addition to the audited financial statements which the Commission will include in its amended rules, the OOC requested that data related to these financial statements be filed periodically with the Commission. At the technical conference the OOC suggested that Postal Service Exhibit 33 in Docket No. R76–1 provided the details underlying the line items appearing in the audited financial statements. The OOC therefore proposed that the Commission require the Service to file periodically a document identical to Postal Service Exhibit 33.

The Commission has determined that at this time it will not require the Service to file a document similar to Postal Service Exhibit 33. It appears that the audited financial statements, together with the Annual Report of the Postmaster General,[34] contain the information which appeared in Postal Service Exhibit 33. If the OOC (or any other party) believes that the Annual Report and the audited financial statements do not provide the detail necessary to understand the Service's financial position, the Commission will reconsider its determination not to adopt this proposal. The Commission contemplates that this docket will remain open and in subsequent proceedings in this docket, the OOC will be permitted to renew his proposal. At that time the Commission anticipates that the OOC's presentation should include a discussion of the necessity of obtaining these data apart from the Annual Report and the audited financial statements. The OOC should also be prepared to address the relevance and materiality of additional data and, finally, his estimation of the burden imposed on the Service in producing such data.

A second item requested by the OOC is the budget as submitted to the Office of Management and Budget.[35] This proposal arose out of the discussion at the technical conference concerning the regional operating plans summary. As described by the Service, the "Congressional submission" format of this document would provide an analysis of changes in cost.[36]

During the technical conference the sole reservation of the Service to providing this document concerned the time at which this document would be filed with the Commission. The Service voiced its opinion that this document should not be provided to the Commission in advance of its official submission to OMB. The concern of the Service is justified. The Congressional submission format of the Postal Service budget will be included as a separate data source in the amended rule, and its submission to the Commission should coincide with the formal distribution of this document.

UPS proposed that the revenue, pieces, and weight statistics which the Commission proposed for inclusion in its periodic reporting system be made available by office.[37] The Commission has analyzed this proposal and on the basis of available information concluded that this proposal should not be included in the amended rules. As discussed at the technical conference, it appears that the information sought by UPS is not readily available by office size.[38] To extract data by office size the Service would be forced to prepare new sets of programs to reformat computer tapes, which would involve additional keypunching, data retrieval, review and editing. Absent a demonstration of the availability of these data by office and in consideration of the apparent burden imposed on the Service in collecting and reporting this information, the Commission will not adopt this proposal.

In discussing the summary financial and operating statements, the OOC postulated that there may be available broader financial statements by accounting period and requested that the Commission consider including such documents in the periodic reporting system.[39] The Service indicated that a national financial statement representing a consolidated budget by line item for each accounting period is produced by the Service. At that time, however, the Service was unable to determine whether this data source was readily available.[40]

The Commission's difficulty in considering this request, which was supported by UPS, concerns the lack of information necessary to specifically identify this report, the forms used, or the type of data generated. This uncertainty also appears to have extended to the participants attending the technical conference.[41] In these circumstances the Commission finds it appropriate to defer considering the proposal to obtain a "broader financial statement" until such time as the data source is identified and its materiality and relevance established.[42]

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[28] Tr. 78.

[29] Opinion and Recommended Decision, Docket No. R76–1, June 30, 1976, Appendix E, at 33.

[30] *Id.*

[31] See Tr. 140, 142–46.

[32] The Commission, in Docket No. R76–1, recognized that parties should have this opportunity and therefore ordered the Service to ensure the availability of these reports for future proceedings (Opinion and Recommended Decision, Docket No. R76–1; Appendix E at 33–34).

[33] This applies to MODS–1 and MODS–2 reports as well. See pp. 31–32, infra.

[34] As discussed infra, the Commission has determined that the Annual Report should be made a part of the Commission's data reporting system.

[35] Tr. 59.

[36] Tr. 55.

[37] Tr. 58.

[38] *Id.* at 59.

[39] TR. 70.

[40] *Id.*

[41] See Tr. 70.

[42] It may be that the national financial statement mentioned by the Service is a reference to the Service's National Consolidated Budgetary Report, which was requested by the OOC in his written comments. In that event the Commission's disposition of that request would be applicable here.

In the written comments of the parties, both the OOC and UPS proposed additional items for inclusion in the Commission's periodic reporting system. Discussed below are each of the specific proposals offered by these two parties.

Annual Report of the Postmaster General. The OOC's written comments proposed that in addition to the data sources included in the Notice of Proposed Rulemaking, the Annual Report of the Postmaster General be included in the periodic reporting system.

The Annual Report is currently prepared by the Service and has been informally provided to the Commission each year. This report provides comparative statements of financial position and the results of operations for the period of the annual report and preceding years.

The Postal Service offers no objection to providing this report. Therefore, this report will be included in the amended rules and is to be submitted within 180 days of the close of the fiscal year.

Management Operating Data System Reports. Both the Officer of the Commission and UPS have also proposed that certain MODS–1 and MODS–2 reports be included in a periodic data reporting system.[43] These parties suggest that volume data obtained from these reports will enable parties to engage in variability analyses.

The Commission has already determined that MODS (Report A) should be the subject of further consideration. Because of the interrelationship of the MODS–1 and MODS–2 reports to MODS (Report A) the Commission deems it appropriate to include for consideration together with MODS (Report A) the MODS–1 and MODS–2 reports. Therefore, consideration of the MODS data for inclusion in the data reporting system will be deferred to subsequent proceedings.

National Consolidated Budgetary Report. According to the Office of the Commission this accounting period report contains a budgetary listing of assets, liabilities, net worth, income and expenses of the Service.[44] The OOC contends that this report can be utilized to obtain a functional breakout of costs which would thus permit variability analysis.[45]

UPS also proposes that this data source be included in the amended rule. Unlike the OOC, however, UPS requests that the information be provided by individual office.[46]

In its reply to these proposals the Postal Service answers that (1) this information is not available by individual office and (2) this report contains information "not subject to discovery or admissible in evidence which, if disclosed, can be used by an adversary in a court proceeding or arbitration proceeding to the disadvantage of the Postal Service." [47] Neither the OOC nor UPS responded to these contentions.

The Commission has reviewed the proposals to incorporate this data source into the amended rule. Although it appears that the data underlying this report may be of value for variability analyses, the uncontested statements of the Service require that requests for this information be deferred until such time as the parties, the Service and the Commission have an opportunity to discuss the alleged harm which might result from publication of this information. At that time we expect the Service to substantiate its allegations.

Summary Description and Analysis of Postal Service Cost Segments. This document is filed with the Commission with each rate case.[48] The OOC states that changes in this document are made on an irregular basis and proposes that, as such changes are made, they be reported to the Commission.[49] The OOC asserts that, together with the National Consolidated Budgetary Report, more detailed variability analysis will be achieved.

In consonance with the Commission's determination to defer action on the National Consolidated Budgetary Report, action on this proposal will be deferred. The Commission will thus consider these two proposals together in further proceedings.

Financial Reports. The OOC proposed, for inclusion in the data reporting system, financial reports by individual post offices and as summarized by CAG grouping, regionally and nationally.[50] UPS also requested this information for individual offices.[51]

In its response the Service answers that these reports are not available for all offices, that it would be burdensome to make existing reports available, that the necessity and utility of these reports has not been demonstrated, and that the expense categories of these reports cannot be related to the cost segments.[52] The Service also contends that this information is of a competitive nature.[53]

As with the request for a National Consolidated Budget, the Commission will not require the Service to file this information which is allegedly of a sensitive, competitive nature. For that reason these requests will be deferred until further discussion can be heard as to the alleged competitive nature of the data. Moreover, it is proper to defer action at this time until the Commission can determine the specific financial reports which UPS and the OOC propose be made part of the data reporting system.

Employee Complements. The OOC and UPS both proposed that this document, which was identified by the Service as Publication 185 and marked as exhibit OOC–2 in Docket No. R76–1, be included in the data reporting system. The Service indicates in its response that employee complements individually for all offices are not available.

On the basis of information available to the Commission, it appears that the Service is correct that this information is not available for all offices. The Commission, however, is aware of employee complement reports which are issued by the St. Louis Postal Data Center from employee master computer tape files submitted by other Postal Data Centers. It is the understanding of the Commission that this information is derived only from postal facilities having 100 or more man-years of employment and thus does not provide information on all offices.

As with the MODS reports, the Commission is of the view that additional experience with these data is necessary before consideration is given to including this data source in the periodic reporting system. The Commission will therefore defer its determination as to whether this information is appropriate for inclusion in the amended rule. In the interim, however, the Postal Service should, on request of the parties, provide this information for experimental analysis.

Cost Ascertainment System. UPS and the OOC have also proposed that for the CAS, summary forms 40, 50, 70 and 80 and all backup materials be included in the data reporting system. In Docket No. R76–1 the Commission fully considered this system and the statements made there are fully applicable to proposals of the OOC and UPS.[54] In Appendix E to the opinion and recommended decision in Docket No. R76–1, the Commission stated: [55]

> • • • The CAS, as we have noted, is an outmoded, fully distributed cost system; the public interest today in the Service's continuing effort to collect the CAS data is confined to the underlying data of the distribution tables before the distributions have occurred.
>
> We find and conclude that there is an obli-

[43] The MODS–1 Reports requested by the OOC are as follows: Mail Processing Operating Report (Report B–1); Customer Service's Operating Report (Report B–2); Support Operating Report (Report B–3); Employee and Labor Relations Operating Report (Report B–4); MPLSM Consolidated Analysis (Report K); and the Trend Analysis Report (Report M). The MODS–2 Reports requested by the OOC are as follows: Operations Analysis Report PS Form 3499); Performance Summary—Mail Volume (PS Form 2371–A); and Performance Summary—Clerk Mailhandlers Work Hours (PS Form 2371–B).

UPS proposed that MODS–1 and MODS–2 reports be included in the new rule but did not include in its comments a list of the specific reports which it would include in the rule.

[44] Comments, Counterproposals and Suggestions of the Officer of the Commission, April 23, 1976 at 10.

[45] *Id.*

[46] Response of United Parcel Service to the Rulemaking Notice dated April 5, 1976, May 10, 1976 at 5.

[47] Reply Comments of United States Postal Service, May 17, 1976, at 4.

[48] In Docket No. R71–1 it appeared as USPS Exh. No. 10; in Docket No. R74–1 as USPS Exh. No. 18 and in Docket No. R76–1 as USPS Exh. No. 38.

[49] Comments, Counterproposals and Suggestions of the Officer of the Commission, April 23, 1976, at 10.

[50] *Id.* at 7, 9.

[51] Response of United Parcel Service to the Rulemaking Notice Dated April 5, 1976, May 10, 1976 at 5.

[52] Reply Comments of United States Postal Service, May 17, 1976 at 5.

[53] Id. at 22.

[54] The statements are equally applicable to Tab S–22 and its supporting data (allocation of carrier street time to classes and subclasses of mail).

[55] Opinion and Recommended Decision, Docket No. R76–1, June 30, 1976 (footnotes omitted), at 28–29.

gation under the Postal Reorganization Act for the Service to continue, with fidelity and accuracy, its collecting and compiling of CAS data comparable to that underlying its current summary tables 40, 50, 70 and 80. The tables, themselves, are not needed, nor is any other CAS distribution to classes and services. The obligation extends solely to the compilation of cost data by function and of all the accompanying distribution keys.

The Service should undertake the piecemeal dismantling of the CAS. As it develops functional costs for a segment that are superior to those collected under the CAS, it should discontinue the CAS for that segment, and maintain data collection under the CAS only for the remainder. In this way, no sharp break with past data systems will occur.

The Commission considers this statement to be dispositive of the separate requests of the OOC and UPS.

Work Load Recording System. In addition to the MODS data, UPS has also requested data from this system, which MODS replaced. As with the cost ascertainment system, the future availability of the data underlying this system was considered in Docket No. R76–1. In Appendix E of its opinion, the Commission ordered the Service to preserve WLRS reports for 1975 together with related handbooks.[56] The Service was further ordered to make this information available on proper request.[57]

The Commission reaffirms its directions as to the WLRS data and, accordingly, no further action is necessary.

FACTS Inventory. The FACTS inventory of postal real estate was also considered in Docket No. R76–1. In the opinion it was indicated that on the basis of the Commission's analysis it appeared that data from this source

> * * * are much less functionally oriented than the WLRS/MODS data, and hence are less germane to variability analysis. On the other hand, if the WLRS/MODS data and reports prove unusable, we would then reconsider this decision upon OOC's or another party's request.[58]

As of this time the evaluation of the WLRS/MODS data has not yet been made. Following such evaluation the Commission will take action consistent with its opinion in Docket No. R76–1.

National Payroll Hours Summary Report for Individual PSDS Offices by Craft. This report is proposed for inclusion in the periodic reporting system by UPS. The Postal Service, however, indicates that for individual offices such reports are not available.

In subsequent written comments and at the technical conference UPS did not seek to pursue this matter. Since the Commission has no other available basis on which to evaluate this request, it must conclude that at this time the information sought by UPS is not available and need not be filed periodically.

Vehicle Data and ODIS Volume Data. In its May 10, 1976 comments UPS requested information by individual office as to the "number of vehicles and associated vehicle maintenance cost by type of vehicle."[59] The Postal Service asserts that this information does not exist. UPS also requests "volume data as analyzed in the ODIS system."[60]

The Commission's difficulty in considering these requests is the lack of specificity in the description of this information. Also other than the quoted statements no discussion was presented by UPS concerning either the availability of this data or the burden on the Service in producing it. In these circumstances the Commission cannot act on these proposals.

It appears to the Commission, however, that the vehicle data sought by UPS, as well as the ODIS volume data, may be related to ODIS and VSPX (Vehicle Scheduling Program) data which were considered in Docket No. R76–1. In that proceeding UPS asserted the value of the information as a tool for variability analysis, whereas the Service opposed the production of this material because of its competitive nature. In the Commission's opinion in Docket No. R76–1, a discussion of the competing interests involved in providing that information to the parties is found in Appendix E to the opinion.

If the information proposed for inclusion in the periodic reporting system is similar to that which was at issue in Docket No. R76–1, then the procedure prescribed by the Commission for permitting interested persons to gain access to such data[61] remains operative.

Revenue and Cost Analysis Report. UPS requests that this report be provided to the Commission "on a quarterly basis under Commission instructions as to refining the array of information reported."

By this rulemaking the Commission is requiring the Service to provide this report on an annual basis. In its counterproposal UPS does not indicate the benefits of producing this report on a quarterly basis, nor does it address the question of the additional burden imposed on the Service in preparing this report quarterly. In these circumstances and in view of the future availability of this report on an annual basis, this proposal of UPS is rejected.[62]

IV. Other Proposals of Parties Not Relating to Specific Reports, Documents, or Summaries

The Officer of the Commission has proposed that, in addition to the data sources proposed by the Commission and himself, the Commission adopt an annual report format. The OOC proposed that the format be similar to that contained in AGC Exhibit 11 in Docket No. MC73–1.

The Commission believes that the final step of proceedings in this docket may be the adoption of a requirement that the Service file with the Commission an annual report. The data sources now being incorporated into the data reporting system could go toward this objective.

In AGC Exhibit 11 the OOC has included a number of report forms. The Commission's analysis indicates that much of the data which would appear in those forms will appear in those data sources being incorporated into the periodic reporting system. Other forms included in AGC Exhibit 11 constitute major new proposals. The Commission considers such proposals to be of the nature requiring notice in the Federal Register before action by the Commission. So that the Commission may conclude this phase of this proceeding, consideration of the forms, which will provide data different from that which the Commission is requiring the Service to file, will be deferred until the next phase of this proceeding.

The OOC has also requested that three additional handbooks and manuals be included among those which the Secretary of the Commission will request of the Service. These are as follows: (a) M–33 Management Operating Data System for MODS–2 offices; (b) Publication 104, PSDS Supervisors Handbook; and (c) M–70 Mechanization Design Specifications. The OOC states that these documents will aid interested persons in understanding data collection systems and will provide additional information relating to productivity and classification questions.

The Service has said that since the composition of this list was not to be determined in this proceeding, it will not address itself to the request of the OOC. The Commission interprets the request of the OOC to be, in essence, a request of the Secretary to include these documents among those requested of the Service. The Commission will therefore direct its Secretary to include these three documents in his request to the Service.

UPS proposes that within the proposed rules amendments, the Commission include a requirement that the Service report all data and information sources as well as descriptions and comments on each of these sources. UPS asserts that such a requirement will assist parties in identifying sources of information and thereby expedite future rate proceedings.

Although the Commission recognizes the practicality of knowing the information systems in existence, requiring the Service to identify every information system in existence at the Service would be unduly burdensome. The information systems in existence may number in the hundreds. Moreover, the Commission considers the reports, documents, and summaries which are being included in the data reporting system to be a most adequate first step. As additional data become known the data reporting system can be expanded.

UPS also proposes that the Commission's public information procedures be enlarged through a more inclusive li-

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[56] Opinion and Recommended Decision, Appendix E, Docket No. R76–1, June 30, 1976 at 33.

[57] Id. at n. 2.

[58] Id. at 34.

[59] Response of United Parcel Service to the Rulemaking Notice Dated April 5, 1976, May 10, 1976 at 6.

[60] Id.

[61] See Opinion and Recommended Decision, Appendix E, Docket No. R76–1 at 35–36.

[62] It is also our understanding that until four quarters of data are collected, no "report" actually exists since data are collected on a sampling basis.

brary service in which all data obtained as a result of this rule would be placed.

Although the UPS proposal is meritorious it appears to be somewhat premature. The Commission will maintain, of course, all of the data and make it available for public inspection. As it becomes evident how much data will be filed, then adjustments can be made in the Commission's library service.

V. CONCLUSION

As indicated throughout this discussion, the establishment of a periodic data reporting system is a developmental process. Future proceedings in this docket will undoubtedly provide additional sources of information which should be considered for inclusion in the data reporting system. In the interim, however, the rules which are now promulgated represent a substantial improvement in the data to be made regularly available to the Commission and interested parties.

Accordingly, in consideration of the foregoing findings the Commission hereby amends Part 3001 of its rules (39 CFR Part 3001) as set forth below.

1. Amend the Table of Contents by adding new Subpart G (39 CFR 3001.101, 3001.102) as follows:

Subpart G—Rules Applicable to the Filing of Periodic Reports by the United States Postal Service

Sec.

3001.101 Applicability and general policy.

3001.102 Filing of reports.

AUTHORITY: Secs. 3603, 3622, 3623, Postal Reorganization Act; (39 U.S.C. 3603, 3622, 3623), 84 Stat. 759–61; (5 U.S.C. 553), 80 Stat. 383.

2. Add a new Subpart G to 39 CFR Part 3001 reading as follows:

Subpart G—Rules Applicable to the Filing of Periodic Reports by the United States Postal Service

§ 3001.101 Applicability and general policy.

The rules in this subpart identify reports [1] financial statements and cost analyses which the Postal Service will file with the Commission on a periodic basis.

§ 3001.102 Filing of reports.

The exhibit numbers or page citations next to various items are references to Docket No. R76–1 and are illustrations of the format required. An asterisk indicates that the required format is shown in paragraph (e) of this section.

(a) *Annual reports.* The following information will be filed by the Postal Service annually (including deadlines for filing of such information):

(1) Revenue and Cost Analysis Report (120 days after the close of the fiscal year) (USPS Exhibit No. 39).

(2) Incremental Cost Analysis (90 days after the close of the fiscal year) (Tr. 11/1985–2020).

(3) Statement of Revenue and Expense (45 days after the close of the fiscal year).*

(4) Audited Financial Statements (upon completion and submission by auditors (Appendix J of Request of the United States Postal Service for a Recommended Decision on Changes in Rates of Postage and Fees for Postal Services, Sept. 18, 1975)).

(5) Non-Volume Workload Changes (60 days after the close of the fiscal year).*

(6) City Delivery Statistics National Totals (90 days after the close of the fiscal year).*

(7) Rural Carrier National Statistics (90 days after the close of the fiscal year).*

(8) Regional Operating Plans Summary for Applicable Cost Segments (30 days after budget submission to the Office of Management and Budget).

(9) Civil Service Retirement Fund Deficit Report (45 days after close of the fiscal year).

(10) Workmen's Compensation Report (75 days after close of the fiscal year).

(11) Postmaster General's Annual Report (180 days after close of the fiscal year).

(12) Annual Budget (to coincide with formal distribution).

(b) *Quarterly reports.* The following information will be filed by the Postal Service quarterly:

(1) Revenue, Pieces and Weight by Classes of Mail and Special Services (60 days after close of the postal quarter).

(2) Origin/Destination Information Report National Service Index (50 days after close of the postal quarter).

(3) Cost Reduction Programs/Tracking System (60 days after close of the postal quarter) (USPS Exh. 31).

(c) *Accounting period data.* (1) Cash Flow Statement (30 days after close of accounting period).*

(2) Investment Income (30 days after close of the accounting period).*

(3) Summary Financial and Operating Report (45 days after close of the accounting period).

(4) National Payroll Hours Summary Report (30 days after close of the accounting period).

(d) *Miscellaneous reports.* The following information will be filed by the Postal Service as they are updated on an irregular basis:

(1) Before/After Pay Increase Reports (45 days after the effective date of each increase).

(2) Before/After COLA Cost Report (45 days after the effective date of each increase).

(3) A master list of publications and handbooks relating to internal information systems or to support requests filed pursuant to 39 U.S.C. §§ 3622, 3623.

(i) Such publications and handbooks will be filed upon request of the Commission's Secretary.

(ii) Updating errata and supplements will be filed as they are released.

(e) *Formats* [1] *for filing certain periodic reports.* For the following data sources the attached formats shall be applicable:

(1) Statement of Revenue and Expense (PRC 101).

(2) United States Postal Service Cash Flow Statement (PRC 102).

(3) United States Postal Service Investment Income (PRC 103).

(4) Annual Non-Volume Workload Cost Changes (PRC 201).

(5) City Delivery Statistics—National Totals (PRC 202).

(6) Rural Carrier National Statistics (PRC 203).

Statement of revenue and expenses

[In thousands of dollars]

Line No.		197– actual
1	Mail and special services revenue	
2	Appropriations:	
3	Public Service	
4	Free and reduced rate mail	
5	Investment income	
6	Total revenue and operating Receipts	
7	Postmasters	
8	Supervisors	
9	Clerks and mailhandlers—1st and 2d class	
10	Clerks—3d class	
11	Clerks—mobile	
12	City delivery carriers	
13	Vehicle drivers	
14	Special delivery messengers	
15	Rural carriers	
16	Custodial services	
17	Motor vehicle services	
18	Miscellaneous operating supplies	
19	Transportation	
20	Building occupancy	
21	Supplies and services	
22	Research and development	
23	Administration and Regional operations	
24	General management systems	
25	Depreciation and servicewide	
	Subtotal	
	Preliminary adjustments	
	Total accured costs	
	Contingencies [1]	
	Recovery of prior year losses	
	Total revenue requirement	
	Net surplus/deficiency	

[1] Reflects accrued expense for nonrecurring contingent liabilities recorded as paid or payable in the books of account for the reported fiscal year (*e.g.*, FLSA liability, retroactive liabilities for claims, CAB provisional rates, etc.).

[1] It is realized that some items, characterized as "reports," are not reports in the true sense of the word since they are not published and heretofore have only been intended for internal use.

[1] For identification purposes, we are assigning numbers to the various formats—series 100 for revenue requirement information, series 200 for cost information and series 300 for pricing or marketing information.

U.S. Postal Service cash flow statement: accounting period ———

[In millions]

	Current accounting period	Year to date
Beginning balance:		
Cash		
Investments		
Total		
Cash receipts:		
Postal operating revenues		
Government appropriations		
Borrowing proceeds—operating		
Borrowing proceeds—capital		
Investment income		
Other (identify—*e.g.*, sale of property, reimbursements from other agencies for nonpostal services, etc.)		
Total		
Cash disbursements:		
Operations:		
Labor		
Civil service retirement fund		
Workmen's compensation		
Other (materials, supplies, etc.)		
Capital investment		
POD liability		
Loan repayment—operating		
Loan repayment—capital		
Interest paid		
Other (identify)		
Total		
Ending balance:		
Cash		
Investments		
Total		
Investments:		
Beginning balance—book value:		
Add:		
Purchases at cost		
Gain on sales		
Book value adjustments		
Deduct:		
Proceeds from sales		
Loss on sales		
Book value adjustments		
Ending balance—book value		
Average investment balance [1]		
Interest income:		
Composite yield (percent)		

[1] State method used for determining average investment balance.

Annual nonvolume workload cost changes, fiscal year ———

[Dollars in thousands]

	Cost segment	Fiscal year 197– amount	Workload factor [1]
1	Postmasters		Change in number of post offices.
2	Supervisors and technicians		Indirect variability.
6 and 7	City delivery carriers: Batch and access.		Increase in stops effect on coverage.
	Travel		Variable burden.
	Route		Increase in number of stops.
10	Rural carriers		Increase in stops and route miles.
11	Custodial (maintenance) service		Increase in facilities square footage.
12	Motor vehicle service		Variable burden.
13	Miscellaneous operating costs:		
	Contract stations		Change in number of stations.
	4th class PO rent allow		Change in number of 4th class PO's.
	Car fare, tolls, and ferriage		Variable burden.
15	Building occupancy:		
	Rents		Change in square feet of leased facilities.
	Fuel and utilities		Change in square feet of facilities.
	Communications		More complex equipment.
18	Administration and regional offices		Variable costs.
20	Depreciation and servicewide: Vehicle depreciation.		Variable burden.
	Mail indemnities		Increase in number of claims.
	Total		

[1] These factors reflect cost changes due to variation in measurable workload characteristics other than mail volume.

CITY DELIVERY STATISTICS NATIONAL TOTALS

A. ROUTES	No.
Regular park and loop routes	
Regular curb routes	
Total regular motorized routes	
Regular foot routes	
Total regular letter routes	
Auxiliary routes	
Total regular and auxiliary letter routes	
Regular multitrip routes	
Regular parcel post routes	
Regular collection routes	

B. POSSIBLE DELIVERIES

Total possible deliveries (000)	
Possible apartment deliveries (000) [a]	
Possible deliveries to curbline receptacles and central delivery receptacles (000) [a]	

[a] Included in total possible deliveries.

C. BUSINESSES SERVED (000)

D. COLLECTION BOXES

Airmail boxes (eliminated October 1975)	
Local boxes	
Residential boxes	
1 and 2 star boxes	
Total collection boxes	

CITY DELIVERY DEFINITIONS

Regular Park and Loop Routes. A route that utilizes a motor vehicle for transporting all classes of mail to the route, using a vehicle as a moveable container as the carrier loops segments of the route on foot.

Regular Curb Routes. A motorized route on which 50 percent or more of the possible deliveries are made to customer mailboxes at the curb.

Regular Motorized Routes. A city delivery route on which a vehicle is used to deliver and collect all classes of mail.

Regular Foot Route. A city delivery route served by a carrier on foot. A bicycle or automotive vehicle used solely as transportation to and from the route does not affect the status as a foot route.

Regular Letter Routes. A route for which a regular carrier position has been authorized.

Auxiliary Routes. A route served on a daily basis for which no regular carrier position has been authorized.

Regular Multi-Trip Routes. The total number of regular multi-trip routes regardless of percentage of business deliveries made on 2 or 3 trip business routes or 2 trip mixed business-residential routes.

Regular Parcel Post Routes. A regular route devoted to parcel delivery.

Regular Collection Routes. Routes devoted entirely to collection.

Total Possible Deliveries. Physical location on a letter carrier's route where mail may be delivered.

Possible Apartment Deliveries. A delivery is made to approved apartment house mail receptacles, including rear-loading mail-boxes, installed at the inside entrance to buildings (apartment houses, family hotels, flats, etc.) or in exterior walls of buildings.

Possible Deliveries to Curbline Receptacles and Central Delivery Receptacles. The number of possible deliveries to curbline delivery receptacles and to centralized delivery receptacles; e.g., neighborhood delivery and collection boxes (pedestal mounted), delivery centers, boxes under sheltered covering in open areas, other boxes in clusters (three or more).

Businesses Served. The number of business places served, including firm window callers and those served through post office boxes. Business places that receive more than one delivery per day are counted only once.

Rural carrier national statistics: (fiscal year ———)

	Number of routes	Number of miles	Number of stops	Number of boxes served	Total mail count, pieces	Annual salary cost (includes substitutes on J. & K. routes)	Annual equipment maintenance allowance
H—Routes:							
Before							
After							
J—Routes:							
Before							
After							
K—Routes:							
Before							
After							
Total heavy duty:							
Before							
After							
0—Mileage:							
Before							
After							
Auxiliary:							
Before							
After							
Triweekly:							
Before							
After							

Composition of change:
Number of heavy duty routes that were 0-mileage.
Number of regular routes that became heavy duty.

RURAL CARRIER DEFINITIONS

Heavy Duty Route. A route that is classified for compensation purposes on the basis of an evaluation which considers in-office work requirements, route mileage and number of stops on the route. Compensation is based on the time computed to serve the route.

Regular Route. A route that is classified for compensation purposes solely on the basis of the route miles served.

Equipment Maintenance Allowance. An allowance paid to all rural carriers to compensate them for use of their personal vehicles.

H-Route. 6 day routes.

J-Route. 5½ day routes.

K-Route. 5 day routes.

Before. Represents number of routes, miles, stops, boxes served, total mail count, and costs relating to the applicable routes *before* re-evaluation of routes.

After. Represents number of routes, miles, stops, boxes served, total mail count, and costs relating to the applicable routes *after* re-evaluation of routes.

Subs. An employee serving a vacant route or serving the route during the extended absence of the regular carrier in excess of 90 days. Also, employees serving a rural route in an emergency.

Effective date: This amendment becomes effective on November 1, 1976.

By the Commission.[63]

JAMES R. LINDSAY,
Secretary.

[FR Doc.76-31448 Filed 10-28-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 173]

PART 1-18—PROCUREMENT OF CONSTRUCTION

Differing Site Conditions Clause

This amendment of the Federal Procurement Regulations provides procedures for the administration of the Differing Site Conditions clause which is prescribed for use in construction by § 1-7.602-4. The clause originally was prescribed on a permissive use basis in 1960. Use of the clause was made mandatory in 1967. The clause is generally acknowledged to be advantageous both to contractors and to the Government since it provides equitable adjustments for both increased and decreased costs of and time for performance due to differing site conditions. In addition, the clause eliminates the need for bidders to include contingency factors in their bids because it authorizes a remedy in the form of an equitable adjustment of the contract price if the successful bidder (contractor) encounters site conditions which differ from those which ordinarily are encountered or are indicated in the contract. The remedy is not available, however, if the contractor fails to provide the contracting officer with the notice required by the clause. In the administration of the Differing Site Conditions clause, it has been the experience of the agencies that contractors frequently do not submit the notices and claims required by the clause in a timely manner. To resolve this problem, the amendment emphasizes the prompt notice requirement, indicates the extent to which increased costs may be recovered and increased time of performance may be allowed, directs contracting officers to require contractors to submit claims in a timely manner, and provides for unilateral determinations of equitable adjustments by the contracting officer in the absence of timely claims.

The table of contents for Part 1-18 is amended by the addition of the following new entries:

1-18.114 [Reserved]
1-18.115 [Reserved]
1-18.116 [Reserved]
1-18.117 Administration of the differing site conditions clause.

Subpart 1-18.1—General Provisions

Sections 1-18.114, 1-18.115, 1-18.116 and 1-18.117 are added, as follows:

§ 1-18.114 [Reserved]

§ 1-18.115 [Reserved]

§ 1-18.116 [Reserved]

§ 1-18.117 Administration of the differing site conditions clause.

(a) *Nature of the clause.* The Differing Site Conditions clause in § 1-7.602-4 provides for an equitable adjustment to the contractor or the Government which reflects the increases or decreases in a contractor's cost of and time for performance that result from a differing site condition (as that term is defined in the clause) encountered by the contractor. However, an equitable adjustment is only available to the contractor if he gives the contracting officer a prompt notice in writing before disturbing the conditions (or secures an extension of the time for giving such notice) and asserts the claim before final payment under the contract.

(b) *Notice of differing site conditions.* When a contractor believes that a differing site condition has been encountered, the clause requires that a prompt written notice be given to the contracting officer so that the condition of the site can be investigated, the facts can be ascertained, and a determination can be made regarding the presence or absence of a differing site condition. The prompt notice requirement enables the Government to examine the condition of the site and, if necessary, (1) To modify the contract so that it will reflect the increased or decreased cost of and time for performance or (2) to develop records concerning any increase or decrease in the cost of and time for performance. Cost and time information is essential for an independent Government judgment regarding an equitable adjustment of the contract. A failure to give a timely notice could seriously prejudice the Government's ability to determine the extent to which the contractor or the Government is entiled to an equitable adjustment. Since the existence of a differing site condition is not always recognizable immediately, the clause provides that the contracting officer may extend the time for the submission of the required notice. The purpose of the authority to extend the time for the notice is to ensure that contractors are not deprived of the remedy provided by the clause because of an inadvertent failure to give the required notice. However, this authority to extend the time for the notice does not entitle a contractor to a time extension beyond the time when he knew, or reasonably should have known, of the existence of a differing site condition. If the contractor gives the required notice at the time he knew, or reasonably should have know, of the existence of the differing site condition, he is entitled to an equitable adjustment which reflects the increased costs and time required for performance that result from the differing site condition. If the contractor fails to submit the required notice to the contracting officer by the time he knew, or reasonably should have known, of the existence of

[63] Commissioner Saponaro concurring in part, dissenting in part, filed a separate statement, which is filed as part of the original document.

a differing site condition, he is not entitled to an equitable adjustment which reflects the increased costs and time required for performance prior to the time when he gave the notice or the time when the Government had actual notice of the existence of a differing site condition.

(c) *Processing of claims.* (1) Since the time required by the contractor to ascertain the amount of his claim varies with the circumstances, no specific time for the submission of a claim is specified in the clause or in this section. The clause simply states that no claim will be allowed if asserted after final payment. However, contractors should not unnecessarily postpone the submission of claims for equitable adjustments.

(2) To prevent contractors from unnecessarily postponing the submission of claims, contracting officers shall take the following actions.

(i) When a contractor gives a prompt written notice of a differing site condition but has not submitted a claim for an equitable adjustment, although there has been a reasonable opportunity to ascertain the amount of the adjustment involved, the contracting officer shall send a written request to the contractor (by registered or certified mail) that he submit within a specified period of time either a written claim or a request for an extension of the time for submission of the claim together with the reasons why the additional time is needed.

(ii) In the event that the contractor fails to submit a claim within the time specified in the request, or an approved time extension, the contracting officer shall make a unilateral determination of the amount of the equitable adjustment which the contractor is entitled to and shall notify the contractor of the determination. Such unilateral determinations may not be appealed under the Disputes clause of the contract.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date. This amendment is effective December 17, 1976, but may be observed earlier.

Dated: October 18, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-31669 Filed 10-28-76;8:45 am]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-54—ADVISORY COMMITTEE MANAGEMENT

Policies and Procedures Relating To GSA-Sponsored Advisory Committees

This regulation sets forth revisions to policies and procedures in GSA regarding the establishment, operation, termination, and control of advisory committees for which GSA has responsibility.

Subpart 105-54.3—Advisory Committee Procedures

1. Section 105-54.303 is amended by revising the numbering of paragraphs (d) through (h) and adding new paragraphs (d) and (j) as follows:

§ 105-54.303 Fiscal and administrative provisions.

* * * * *

(d) The guidelines in paragraphs (d) through (j) of this section are established under the authority of section 7 (d) of the Federal Advisory Committee Act, 86 Stat. 773. They shall apply to the pay of members, staff, and consultants of an advisory committee, except that nothing in paragraphs (d) through (j) of this section shall affect a rate of pay or a limitation on a rate of pay that is specifically established by statute or a rate of pay established under the General Schedule classification and pay system in Chapter 51 and subchapter III of Chapter 53 of title 5, U.S.C.

(e) The pay of the members of an advisory committee shall be fixed to the daily equivalent of a rate of the General Schedule in 5 U.S.C. 5332 unless the members are appointed as consultants and compensated as provided in paragraph (g) of this section. The pay, however, may not be fixed at a rate higher than the daily equivalent of the maximum rate for GS-15 unless the Administrator has personally determined that, under the factors set forth in paragraph (f) of this section, a higher rate of pay is justified and necessary. Such a determination must be reviewed by the Administrator annually. In determining an appropriate rate of pay for the members of an advisory committee, consideration shall be given to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of the committee. Members serving on advisory committees established by the Administrator pursuant to his authority under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486 (g)), shall serve without compensation.

(f) The pay of each member of the staff of an advisory committee shall be fixed at a rate of the General Schedule in which the staff member's position would appropriately be placed were the General Schedule classification system in Chapter 51 of title 5, U.S.C., applicable to the position. The pay, however, may not be fixed at a rate higher than the daily equivalent of the maximum rate for GS-15 unless the Administrator has determined that, under the General Schedule classification system, the staff member's position would appropriately be placed in the General Schedule grade higher than GS-15. This determination must be reviewed by the Administrator annually.

(g) The pay of a consultant to an advisory committee shall be fixed after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The rate of pay shall not exceed the maximum rate of pay which the agency may pay experts and consultants under 5 U.S.C. 3109.

(h) The provisions of this section shall not prevent the acceptance of voluntary services of a member of an advisory committee or a member of the staff of an advisory committee.

(i) The members of an advisory committee and the staff thereof, while engaged in the performance of their duties away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5793 for persons employed intermittently in the Government service. Members serving on advisory committees established by the Administrator pursuant to his authority under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(g)), shall be entitled to transportation and not to exceed $25 per diem in lieu of subsistence as authorized by 5 U.S.C. 5703.

(j) Nothing in paragraphs (d) through (j) of this section shall prevent: (1) An individual who (without regard to his service with an advisory committee) is a full-time employee of the United States or (2) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he, otherwise, would be compensated (or was compensated) as a full-time employee of the United States.

2. Section 105-54.304 is amended to read as follows:

§ 105-54.304 Renewal of advisory committees.

* * * * *

(b) Except in those instances in which the continued existence of an advisory committee is provided for by law, the renewal of an advisory committee requires that the Head of the responsible Service or Staff Office submit to the Deputy Administrator (Attn: GSA Committee Management Officer) the following:

* * * * *

(c) Upon receipt of the above documents, the Deputy Administrator shall secure the approval of the Administrator for each advisory committee whose renewal is adequately justified and submit the approval letter (see paragraph (b) (2) of this section) to OMB not more than 60 calendar days nor less than 30 before the committee expires. Following receipt of OMB concurrence in the committee renewal, the Deputy Administrator shall publish notice of the renewal in the FEDERAL REGISTER and file copies of the updated charter as prescribed in § 105-54.203.

* * * * *

3. Section 105-54.306(b) is revised to read as follows:

§ 105–54.306 Complaint procedures.

* * * * *

(b) On matters not involving access to documents, written complaints may be filed by aggrieved individuals or organizations with the General Services Administration (AD), Washington, D.C. 20405. Such complaints must be filed within 90 calendar days from the date the grievance arose. The Deputy Administrator shall promptly act upon the complaint, and written notice of its disposition shall be provided to the complainant.

Subpart 105–54.4—Reports

1. Section 105–54.401(a) is amended to read as follows:

§105–54.401 Reports on GSA Federal Advisory Committees.

(a) By January 15 of each year, the Head of the Service or Staff Office shall conduct a comprehensive review of each advisory committee under his jurisdiction in existence during the preceding calendar year and shall report to the Deputy Administrator (Attn: GSA Committee Management Officer) on the results of this review and on the activities of each committee. Detailed instructions for the conduct of the comprehensive review including preparation of the report will be issued by the GSA Committee Management Officer. The report on committee activities shall be submitted on the following report forms:

* * * * *

(Pub. L. 92–463 dated October 6, 1972; EO 11769 of February 21, 1974; and FPMR Amendment B–28, 41 CFR, Chapter 101, (40 FR 48134, October 14, 1975).)

Effective date. These regulations are effective October 18, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: October 18, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76–31670 Filed 10–28–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20746]

PART 15—RADIO FREQUENCY DEVICES

Class D CB Transmitters and Transmitter Section of Class D CB Transceivers

MEMORANDUM OPINION AND ORDER

Adopted: October 18, 1976.

Released: October 28, 1976.

In the matter of revision of Part 15 to extend the receiver certification program, to revise the technical specifications for receivers, and to make other changes, Docket No. 20746.

1. A First Report and Order in this proceeding was adopted on July 27, 1976 and released on August 4, 1976.[1] This report extended the requirement for certification to Class D CB receivers[2] and established technical specifications for such receivers. At the same time a Second Report and Order in Docket No. 20120 was adopted on July 27, 1976 and released on July 29, 1976.[3] This report revised the regulations pertaining to Class D CB transmitters and the transmitter section of Class D CB transceivers.

2. On September 3, 1976, the Citizens Radio Section/Communications Division of Electronic Industries Association (EIA/Citizens Section) filed a petition for reconsideration of the CB receiver standards promulgated in the First Report and Order in this proceeding. Specifically, the petition requests that the chassis radiation limit, 5 μV/m at 3m in § 15.59(d) be relaxed to 120 μV/m at 3m. The petition is supported by a filing by SBE, Inc. on September 30, 1976 which asserts that the Commission standard was an unreasonable and unfair economic and engineering burden on the industry. No data was submitted to support this assertion. The petition is also supported by a filing by Hy-Gain de Puerto Rico, Inc. on October 12, 1976. Hy-Gain believes that to achieve the objective of reducing the possibility of interference logically, the limit for spurious emissions from either the antenna or other source should be the same. The logic behind this statement is not explained. Accordingly Hy-Gain suggests that the chassis radiation limit be relaxed. On October 12, 1976, EIA/Citizens Section filed supplemental comments[3a] to request a relaxation of the chassis radiation limit to 50 μV/m at 3m in place of the 120 μV/m at 3m in its September 3, 1976 petition.

3. In addition, on September 17, 1976, a letter was received from Tram/Diamond Corp. asking clarification of the time schedules for implementing the regulations adopted in Docket No. 20746 and in Docket No. 20120. Tram/Diamond points out that there is an apparent inconsistency between the time schedule adopted for implementing the rules for Class D CB receivers and the clarifying statement concerning these rules issued by the Chief Engineer on August 9, 1976.[4]

4. The Commission agrees with Tram/Diamond that such an inconsistency exists and takes this opportunity to clarify and correct this situation. When we adopted the revised rules for Class D CB transmitters, we expected that a Class D transceiver whose transmitter section was built to comply with the revised transmitter rules would automatically include a receiver section built to comply with the newly adopted receiver rules. The Chief Engineer's statement succinctly expresses this intent. We regret that industry appears to be taking a contrary view and we take this opportunity to express this intent specifically. Accordingly, we are amending paragraph (b) of § 15.59 by adding a proviso that, if the receiver is a part of a Class D CB transceiver for which an application for type acceptance of the transmitter section was filed on or after September 10, 1976, an application for certification of the receiver section of such transceiver must be filed simultaneously with the application for type acceptance.

5. EIA/Citizens Section, in its petition for reconsideration, reiterates and elaborates the argument it had made in its comments filed on May 26, 1976 in response to the Notice of Proposed Rule Making in this proceeding. The Commission cannot accept certain assertions made in this petition. To cite a few. Noting that the rules in Section 15.59(d) require a chassis radiation[5] limit to 5μV/m at 3m, EIA/Citizens Section states that this standard represents the "first time that Citizens Radio transceivers have been subjected to a requirement to limit chassis radiation." (underlining supplied)[6] This statement fails to consider that the transmitter part of the Citizens Radio transceiver has been subject to a chassis radiation requirement in connection with type acceptance.

6. EIA/Citizens Section argues further that the Citizens Radio Service should not be singled out for treatment that is "different in kind than for other radio devices capable of causing similar interference problems".[7] In the next sentence, it discusses the interference potential of the 75 million TV receivers in the hands of the public. The juxtaposition of these two statements carries the implication that TV receivers produce "similar interference problems" to those produced by CB receivers. It is unquestionably true that TV receivers have a potential for causing interference. But it must be borne in mind that the CB receiver rules were designed to minimize the problem of interference to mobile communications in the 30–40 MHz band. The interference from a TV receiver is not at all similar to that from a CB receiver since no such interference is generated by the TV receiver. Nor is the TV receiver likely to be located in a vehicle adjacent to one carrying 30 MHz land mobile equipment.

7. Notwithstanding the above, the argument made by EIA/Citizens Section is based on a comparison of the chassis radiation limit (5 μV/m at 3m) that is imposed on the CB receiver with the total radiation limit (32 μV/m at 30m equivalent at 320 μV/m at 3m) that must

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[1] 41 FR 32590.

[2] The term Class D CB receiver includes the following: A Class D CB receiver sold as a separate piece of equipment, The receiver section of a Class D CB transceiver. A converter to be used with any receiver for the purpose of receiving Class D CB transmissions. The CB band of a multiband receiver in which such band can be separately selected and is labelled "CB band" or "11 meter band."

[3] 41 FR 32678.

[3a] The motion for acceptance of supplemental comments by EIA/Citizens Section is granted and the supplemental comments are accepted for filing.

[4] Public Notice: Chief Engineer Clarifies Rules Concerning Type Acceptance of Citizens Band Radios And The Prohibition of Add-On Devices To 23 Channel Equipment, Mimeo 68746, August 9, 1976.

[5] As used in § 15.59 and in this Order, chassis radiation has the same meaning as cabinet radiation.

[6] EIA/Citizens Section petition, paragraph 3.

[7] Ibid, paragraph 4.

be met by a TV receiver.[8] To be valid the comparison must be made between the total radiation permitted the CB receiver and the total radiation limit applicable to the TV receiver. To determine the total radiation limit applicable to the CB receiver, it is necessary to take into account the power at the antenna terminals which in normal operation is radiated by the antenna and which combines with the chassis radiated signal to give the total radiation from the CB receiver. The rules adopted in this proceeding permit a power of 2.0 nanowatts [9] at the antenna terminals of the CB receiver. In operation, this energy is radiated by the antenna and adds to the energy emitted directly from the chassis. The 2.0 nanowatts radiated by the CB receiver antenna will produce a field of 105 μV/m at 3m [10] which will combine vectorially with the chassis radiated field. In the worst case, these two fields will add arithmetically to give a total field of 110 μV/m at 3m that may be radiated by a CB receiver.

8. The proper comparison is thus between the 320 μV/m at 3 total radiated field permitted TV receivers and the 110 μV/m at 3m total radiated field that is permitted CB receivers under the rules adopted in this proceeding.

9. EIA/Citizens Section implies the same invalid comparison when it alleges that the CB requirement announced by the Commission is "significantly more stringent than the 16 μV/m at 30m (or 160 μV/ at 3m) standard proposed by the party requesting relief, the Utilities Telecommunications Council (UTC)." [11] Although not specifically so stated, the language used by EIA/Citizens Section must be taken to imply a comparison between the 5 μV/m at 3m applicable to the CB receiver—a chassis radiation limit, and the 160 μV/m at 3m standard proposed by UTC—a total radiation limit. As explained above, the proper comparison is between the total radiation limit (110 μV/m at 3m) imposed on the CB receiver by the Commission and the total radiation limit (160 μV/m at 3m) proposed by UTC. When this comparison is made, it is evident that the Commission's limit is within 3dB of that proposed by UTC.

10. The petition states that the Citizens Radio Industry has been diligently striving to meet the 5 μV/m at 3m limit without success. The industry, the petition continues, "finds it impossible to meet the specified criterion without a radical redesign of equipment. * * * At this time such new designs have not been determined, let alone tested in production quantities." [12] The facts refute this allegation!

11. Measurements have been made of chassis radiation of the receiver portion of the CB transceivers submitted to our laboratory in connection with applications for type acceptance and certification. As of October 6, 1976, 103 transceivers had been received and 91 of these had been tested for chassis radiation, with the following results.[13]

Level of Chassis Radiation Measured at 3m	*Number of equipments*
Up to and including 5 μV/m	40
Over 5 up to and including 7.5 μV/m	10
Over 7.5 up to and including 15	13
Over 15 up to and including 50	18
Over 50 up to and including 120	7
Over 120 μV/m	3
Total	91

An examination of the above data shows that 55 percent of the CB receivers measured comply with the chassis radiation standard, 5 μV/m at 3m. in § 15.59 (d).[14]

12. Moreover, an examination of the construction of many of the transceivers that were measured indicated that compliance was achieved by careful application of commonly known techniques of by-passing, filtering and proper grounding. On the other hand, in the non-complying receivers, these techniques had either not been applied or had been applied without sufficient care. It would appear therefore that no unusual techniques are required to meet our chassis radiation standard at 5 μV/m at 3m—that this standard can be met by the use of common, well known techniques provided a reasonable amount of care is taken in applying these techniques. In these circumstances, it neither appears to be necessary nor can we find it in the public interest to grant the relaxation of the chassis radiation limit requested by EIA/Citizens Section.

13. We must insist on retaining the 5 μV/m at 3m chassis radiation standard to insure the effectiveness of the add-on filter discussed in the companion Order related to the transmitter rules.[15] For the CB transmitter, we retained the 60dB harmonic suppression with the understanding that when additional suppression is required to eliminate interference to television reception, such additional suppression would be obtained by attaching a filter at the antenna terminals of the CB unit. This filter will not be effective if a significant part of the energy is radiated directly from the chassis. By maintaining the 5 μV/m at 3m standard for chassis radiation, we insure that most of the spurious energy will be radiated from the antenna and thus insure the effectiveness of the add-on filter when required.

14. The position taken by EIA/Citizens Section in its petition is modified in the Supplemental Comments which indicate that, since the petition for reconsideration was filed, industry has tested many preproduction prototypes and is now of the opinion that a figure less than 120 μV/m appears to be achievable and suggests 50 μV/m at 3m as a suitable chassis radiation limit.[15a] Elsewhere in the supplemental comments EIA/Citizens Section reports on two tests [15b] that had been performed for the purported purpose of showing that the 5 μV/m [15c] standard is too severe and that a lesser standard would accomplish the remedial objective sought by the land/mobile interest affected by the radiation from the CB receiver. One test was performed using a typical CB mobile unit installation whose chassis radiation is suppressed to 50 μV/m at 3m. This CB installation produced a signal of 1 microvolt in a land/mobile receiver in a side-by-side vehicle. In a similar test conducted between a CB base station and a portable (rabbit ear installation) television receiver at 3 meter separation, EIA/Citizens Section reports, the chassis radiation was not noticeable in a Grade B Contour picture. Based on the above, EIA/Citizens Section argues that a chassis radiation standard more stringent than 50 μV/m at 3m is not necessary. It is apparent from these tests and this argument that EIA/Citizens Section has misconstrued the intent of the 5 μV/m at 3m standard promulgated by the Commission. As explained in greater detail in Paragraph 13 the chassis radiation limit is not the factor determining interference or no interference. It is merely a standard to insure that a filter inserted between the transceiver and its antenna will be effective.

15. Another point raised by EIA/Citizens Section [16] deals with the details of the measurement procedure promulgated by the Commission's Office of the Chief Engnireer [17]. Since EIA/Citizens Section

[8] EIA/Citizens Section petition, paragraph 4.

[9] This level must be reduced to 0.2 nanowatts for CB receivers manufactured after January 1, 1978.

[10] Computed from the formula $E=\sqrt{49.2P}/R$ Equation 15 on page 25-7 of Reference Data for Radio Engineers, 5th Edition, Howard W. Sams Co., Inc., Indianapolis.

[11] EIA/Citizens Section petition, paragraph 5.

[12] EIA/Citizens Section petition, paragraph 7.

[13] It is known that some manufacturers submitted applications for type acceptance and certification for CB transceivers knowing that these transceivers did not meet the new CB technical specifications. It is our understanding that this was done in the expectation that the Commission would respond favorably to the EIA/Citizens Section petition and grant the relaxation of the rules requested.

[14] In determining whether a CB receiver complies with the chassis radiation standard, we are allowing 4dB for measurement variability due to instrument error, variations in the layout of leads during the measurement, etc. Thus a unit whose radiation at 3m falls below 5 μV/m + 4dB is considered to be in compliance. In this connection, when production units are checked for compliance during the next year, a suitable allowance will be made for variations arising from the variability of components and construction details due to the mass production techniques used in the fabrication of CB transceivers. For this purpose we will consider the chassis radiation measurements for the manufacturer's production to follow a Normal distribution curve and to have a 2 sigma point equal to 15 μV/m at 3m, and we will accept as complying a production unit whose chassis radiation falls at or below 15 μV/m at 3m.

[15] Memorandum Opinion and Order in Docket 20120: In the Matter of Revisions of Operating Rules for Class D Stations in the Citizens Radio Service, adopted October 18, 1976, released October 28, 1976.

[15a] EIA/Citizens Section supplemental comments paragraph 3.

[15b] Ibid, paragraphs 5 and 6.

[15c] Ibid, incorrectly stated as 5 microvolts.

[16] EIA/Citizens Section petition, paragraph 6.

[17] FCC Bulletin OCE 41, Supplemental Instructions for Applications for Certification of CB Receivers, August 1976.

does not point out what details of this test set up it considers to "far exceed prior practice," the Commission can only reply in general terms. The test set up in OCE 41 is based on our experience that microphone, control and speaker leads must be carefully decoupled, if these leads are not to act as antennas. The set up described in OCE 41 was therefore devised to make sure that all the leads connected to the CB receiver were in fact properly decoupled.

16. EIA/Citizens Section also points out [18] that a typical under-the-dash mobile installation could be expected to further reduce the CB receiver interference because of the shielding provided by the body of the vehicle. The Commission agrees that the body of the vehicle, if of metal and if all parts thereof are properly bonded together, can be expected to reduce the CB receiver interference outside the vehicle. However, no measured data is provided to permit evaluating the effectiveness of vehicle body shielding. It is therefore not feasible to include this attenuation factor in the calculations to determine the allowable level of CB receiver radiation. Also to be considered is the fact that a significant number of CB receivers will not be installed in vehicles and will not benefit from the shielding provided by the vehicle body. Any attenuation due to shielding provided by the body of the vehicle must therefore be considered a gratuitous factor to reduce the interference zone around the vehicle carrying the CB receiver.

17. In addition to the formal submissions, we have received numerous informal inquiries concerning this proceeding and are taking this opportunity to answer these questions. Paragraph (e) of § 15.59 is revised to require conducted interference measurements for all battery operated CB receivers since every such receiver can be connected to the AC power lines through some type of battery eliminator as well as through a battery charger. An alternative radiation limit of 110 μV/m at 3m (40 μV/m at 3m after January 1, 1978) is provided for CB receivers with a built-in antenna and no readily available antenna terminals at which antenna terminal power can be measured as provided by § 15.59(e). The definition of a CB receiver is amended to more closely reflect our intent as expressed in footnote 2 of this Order.

18. The Commission will notify applicants informally, starting November 1, 1976, whether their equipment complies. Grants of certification and of type acceptance will be mailed out during the last week of December 1976. These grants will all carry an effective date of January 1, 1977. All persons are cautioned that equipment covered by the above mentioned grants cannot be shipped legally prior to the effective date on the grant—January 1, 1977. Any shipment made prior to January 1, 1977 will constitute a violation of § 2.803 of our marketing rules [19] and will subject the violator to the penalties provided by the Communications Act of 1934, as amended.

19. The Commission finds that it is in the public interest to revise § 15.59 as discussed in paragraphs 4 and 16 above. In view of the foregoing and pursuant to the authority contained in sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective December 1, 1976, Part 15 is amended as set out below.

20. *It is further ordered*, That for the reasons given above, the petition for reconsideration filed by the Citizens Section/Communications Division of the Electronic Industries Association is denied.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303))

FEDERAL COMMUNICATIONS COMMISSION,[20]
VINCENT J. MULLINS,
Secretary

Section 15.59 of Part 15 is revised by deleting the present text of paragraph (a) and inserting new text, by adding a proviso at the end of paragraph (b), by adding a clause at the end of paragraph (e) and by adding a new paragraph (h), to read as follows:

§ 15.59 **Interference requirement for a CB receiver.**

(a) For the purpose of this regulation a CB receiver is defined as any receiver that operates in the Citizens Radio Service on frequencies allocated for Class D stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of Citizens Radio Class D stations. The term CB receiver includes the following:

A Class D CB receiver sold as a separate piece of equipment.

The receiver section of a Class D CB transceiver.

A converter to be used with any receiver for the purpose of receiving Class D CB transmissions.

The CB band of a multiband receiver in which such band can be separately selected and is labelled "CB band" or "11 meter band."

(b) * * * *Provided, however*, If the receiver is a part of a Class D CB transceiver for which an application for type acceptance is filed on or after September 10, 1976, an application for certification of the receiver section of such transceiver must be filed simultaneously with the application for type acceptance.

* * * * *

(e) * * * or through any type of battery eliminator.

* * * * *

(h) In lieu of meeting the requirements of paragraphs (c) and (d) of this section, a CB receiver which has a built-in antenna and does not have readily accessible antenna terminals, may meet a field strength limit as follows:

(1) For a CB receiver model initially placed in production after January 1, 1977. 40 μ/Vm at 3m.
(2) For a CB receiver model initially placed in production after January 1, 1978. 110 μ/Vm at 3m.

[FR Doc.76-31636 Filed 10-28-76;8:45 am]

[18] EIA/Citizens Section petition, paragraph 10.

[19] 47 CFR 2.803.

[20] Commissioners Wiley, Chairman; and Fogarty concurring in the result; Commissioner White not participating.

[FCC 76-940]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Deletion of Requirement for Submission of Application for Modification of Station License for Changes in Transmitting Certain Equipment

Adopted: October 13, 1976.
Released: October 28, 1976.

Order. In the matter of Amendment of Part 83 of the rules to delete the requirement for submission of an application for modification of station license for changes in transmitting equipment required to be installed to comply with the provisions of Title III, Part II of the Communications Act.

1. By this order, the Commission is amending Part 83 of the rules to eliminate the requirement for licensees to submit an application for modification of authorization when an addition, deletion or replacement of transmitting equipment required to be installed to comply with the provisions of Title III, Part II of the Communications Act, is to be made.

2. With the implementation of the new FCC Form 501, the Commission no longer keeps records of the transmitter equipment used on board vessels subject to Title III, Part II of the Communications Act. Therefore, the requirement contained in § 83.33(a)(1) for the submission of applications for modification by subject licensees is no longer useful and if continued would result in needless inconvenience and expense for the affected licensees and an unnecessary workload for the Commission. Further, with the deletion of paragraph (a)(1) of § 83.33, paragraphs (d) and (e) of that section are no longer pertinent and are likewise deleted.

3. In that the amendment adopted herein alleviates rather than creates a burden on the public by deleting a requirement from the rules, the prior notice and effective date provisions of 5 U.S.C. 553 are unnecessary and do not apply.

4. *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended as set forth below, effective October 28, 1976.

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

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[1] Commissioner White not participating.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 83.33 is amended by deleting paragraphs (d) and (e) and revising paragraph (a) to read as follows:

§ 83.33 Changes during license term.

(a) Application for modification of license shall be submitted when additions or replacement of transmitting equipment which operates in a frequency band or bands other than specified in the license occur.

* * * * *

[FR Doc.76-31637 Filed 10-28-76;8:45 am]

[Docket No. 20120; FCC 76-956]

PART 95—CITIZENS RADIO SERVICE

Class D Stations Operating Rules; Revision; Memorandum Opinion and Order

Adopted: October 18, 1976.

Released: October 28, 1976.

In the matter of revision of Operating Rules for Class D stations in the Citizens Radio Service, Docket No. 20120.

1. The Commission has before it two Petitions for Reconsideration of its Second Report and Order in the above captioned proceeding, submitted by the Association of Maximum Service Telecasters, Incorporated (MST) and the American Broadcasting Companies, Incorporated (ABC), pursuant to § 1.429 of the Commission's rules, 47 CFR § 1.429. MST has also filed a request pursuant to § 1.429(k) of the rules, 47 CFR § 1.429(k), that the effective date of certain of the rule revisions adopted in Docket 20120 (41 FR 35068, Aug. 19, 1976, be stayed pending disposition of MST's Petition for Reconsideration. Public notice of the filing of the above referenced petitions was published in the FEDERAL REGISTER on September 15, 1976, 41 FR 39378 (1976).

BACKGROUND

2. In a notice of proposed rulemaking in this proceeding released July 31, 1974, FCC 74-804, 39 FR 28167 (1974), the Commission proposed major revisions of Part 95 of its rules, 47 CFR 95.1 et seq., concerning the operation of Class D stations in the Citizens Radio Service. Our proposals in Docket 20120 were designed both to simplify Class D operating rules and to increase the number of frequencies available for Class D station use. A First Report and Order in Docket 20120, 54 FCC 2d 841 (1975), was released August 7, 1975, and published in the FEDERAL REGISTER on August 11, 1975, 40 FR 33667 (1975), adopting rule revisions greatly simplifying Class D operating procedures.

3. On March 29, 1976, the Commission released a notice of inquiry and further notice of proposed rulemaking in Docket 20120, FCC 76-277, 41 FR 14527 (1976). Our Further Notice again proposed, inter alia, the allocation of additional frequencies to the Class D Citizens Radio Service and sought comments concerning possible intermodulation interference between Class D transceivers operating at certain frequency spacings and the standards necessary to reduce potential interference to other radio services caused by harmonic radiation from Class D transmitters. We released a Second Report and Order in Docket 20120 on July 29, 1976, ____ FCC 2d ____ (1976), 41 FR 32678 (1976). Chief among the amendments adopted in the Second Report and Order were rule revisions (1) increasing from twenty-three to forty the number of frequencies available for use in the Class D Citizens Radio Service, effective January 1, 1977, (2) increasing by ten decibels (dB), from approximately 50 dB to 60 dB, the level of suppression required of Class D transmitters type accepted after September 10, 1976, at the second and higher order harmonic and other spurious frequencies, and (3) increasing from 43+10 log 10 (mean power in watts) decibels to 53+10 log 10 (mean power in watts) decibels the attenuation of the mean power of emissions below the mean transmitter power required of Class D transmitters type accepted after September 10, 1976 on frequencies below the second harmonic frequency. We further stated that an individual Class D licensee causing interference to television reception on television channels 2, 5, or 6 would be required by the Commission to obtain additional suppression of harmonic emissions by the insertion of a low pass filter between the transmitter radio frequency (RF) output connector and the antenna feedline. 41 FR 32678, 32679 (1976) at para. 11.

THE PETITIONS

4. In its Petition for Reconsideration, MST makes five allegations concerning the revisions of Part 95 of the Rules adopted by the Commission in its Second Report and Order in Docket 20120. Briefly summarized, these contentions are as follows:

a. The Commission abused its discretion in ordering an increase in the number of frequencies available for Class D station use before the completion of two studies being conducted by the Commission's Field Operations Bureau and Magnavox, Incorporated, the latter under the auspices of the Electronic Industries Association (EIA), concerning radio frequency interference to television reception. MST, Petition for Reconsideration, at 5.

b. The Order revised § 95.41 of the rules, 47 CFR 95.41, authorizing seventeen additional frequencies for Class D station use, is unlawful, because it does not meet the so-called "basis and purpose" requirement of section 4(c) of the Administrative Procedure Act (APA), 5 U.S.C. 553(c). Id. at 8.

c. There is no support in the record in Docket 20120 for an increase of only ten decibels in the level of suppression at the second and higher order harmonic frequencies required of Class D transmitters type accepted after September 10, 1976. Id. at 13.

d. The Commission acted unreasonably in requiring that only transmitters type accepted after September 10, 1976 meet the new standards for type acceptance, particularly the harmonic radiation suppression requirement outlined above. (See para. 3, supra.) Id. at 17.

e. The Commission acted unreasonably in adopting an "interim" solution to the demand for a personal two-way radio communications service, a solution inconsistent with its long-range objectives in the personal communications area. Id. at 19.

5. MST's Petition for Reconsideration requests (1) that the Commission rescind its Order authorizing additional frequencies for Class D station use until the results of the two studies concerning RF interference to television reception, para. 4a, supra, are received, (2) that the Commission give more careful consideration to the problem of Class D station interference to television reception, in accordance with the requirements of the Administrative Procedure Act, (3) that the Commission revise its Report and Order in this proceeding to require the suppression of harmonic radiation from Class D transmitters at the maximum level possible technically, (4) that the Commission revise its Report and Order to require that all newly manufactured Class D transmitters meet the new harmonic radiation suppression standard, regardless of the date of their type acceptance, and (5) that the Commission not authorize any additional frequencies for Class D station use at 27 megahertz (MHz) until it is evident that such action complies with the Commission's long range plans in the area of two-way personal radio communications. Id. at 2-3.

6. In a companion filing, MST has requested that the effective date of the Commission's Order authorizing seventeen additional frequencies for Class D station use, 47 CFR 95.41(d)(2), be stayed pending disposition of its Petition for Reconsideration. MST alleges that a stay must be granted to avoid irreparable injury to Class D equipment manufacturers and users, as well as television broadcasters and viewers, that it has demonstrated a substantial probability of success on the merits of its Petition for Reconsideration, and that, in any event, the public interest would be best served by a Stay. MST, Request for Stay at 4. Because we are by this Order disposing of MST's Petition for Reconsideration, however, it will not be necessary to consider the points raised in MST's Request for Stay.

7. ABC's Petition for Reconsideration, which is also addressed principally to the problem of Class D transmitter harmonic radiation interference to television reception, states that the Commission's Order revising § 95.49(d) of the rules, 47 CFR 95.49(d), to require sixty decibels of suppression at the second and higher order harmonic frequencies for Class D transmitters type accepted after September 10, 1976, is not sufficient to reduce to an acceptable level the interference caused to television reception by

Class D transmitters, and that further consideration should be accorded those recommendations filed in this proceeding designed to alleviate Class D transmitter interference to television reception. ABC, Petition for Reconsideration at 2, 3. ABC specifically requests that the Commission revise its Order in Docket 20120 (1) to prohibit the use of antennas with significant gain in conjunction with Class D transmitters and (2) to require the insertion of external low pass filters capable of at least 45 dB attenuation at second and higher order harmonic frequencies between the antenna feedlines and transmitters of all Class D stations. Id., Attachment "A" at 1–2.

8. The Citizens Radio Section of the Communications Division of EIA (EIA/CRS) has submitted comments opposing both MST's Petition for Reconsideration and Request for Stay. Fanon/Courier Corp. and the International CB Radio Operators Association (CBA) have filed statements concurring with the opposing comments of EIA/CRS. We have received a comment from Mr. James Lawrence of Arlington, Texas, supporting MST's Petition. MST has also filed a Reply to the Oppositions to its Petition for Reconsideration submitted by EIA/CRS and CBA. In reaching its decision in this proceeding, the Commission has considered each of the pleadings and accompanying engineering statements, if any, submitted to it.

9. The Commission has received informal requests for review of its action in Docket 20120 from the National Association of Catalog/Showroom Merchandisers, Incorporated (NACSM), AMECO Publishing Corporation, the Automotive Parts and Accessories Association, Incorporated (APPAA), Mr. H. R. Brandell, and Fanon/Courier Corporation. NACSM seeks (1) revision of § 95.41 of the rules, 47 CFR 95.41(d)(2), to delay until April 1, 1977 the availability of the new frequencies allocated to the Class D Citizens Radio Service, and (2) revision of § 95.58 (c)(3) of the rules, 47 CFR 95.58(c)(3), to permit the use of so-called "add-on" devices designed to extend the frequency coverage capability of Class D units beyond the original freqency coverage capability of such units. AMECO Publishing Corp. requests recission of that part of § 95.58(f) of the rules requiring that a current edition of Part 95 of the rules be furnished with each Class D unit sold. APAA seeks reconsideration of the Commission's decision to permit marketing of 40 frequency units after January 1, 1977 and argues that a delay in implementation would serve the public interest. Mr. H. R. Brandell asks that the Commission reconsider its decision to allocate any additional frequencies to the Class D Service. Fanon/Courier Corporation requests that the Commission revise its Report and Order to permit the distribution in interstate commerce of forty frequency units commencing December 15, 1976, instead of January 1, 1977.

10. Although the informal requests for review filed in this proceeding by NACSM, AMECO Publishing Corp., APAA, Mr. Brandell, and Fanon/Courier Corp. were not submitted in strict compliance with § 1.429 of the rules, each raises items of direct concern to users of the Class D Citizens Radio Service and manufacturers of Class D Citizens Radio Service equipment. Because we wish to ensure both a rapid and orderly expansion into the newly allocated Class D frequencies, we decline to revise the schedule for implementation of the rule revisions announced in our Second Report and Order in Docket 20120. The basis of our decision to allocate seventeen additional frequencies for Class D station use is fully discussed, infra.

11. We have considered NACSM's request that the Commission permit the use of so-called "add-on" devices designed to extend the frequency coverage capability of Class D transmitters beyond their original capability, but have concluded that we must reiterate our original determination in this regard, namely, that to permit the use of such devices would result in the widespread proliferation of Class D units not meeting type acceptance standards. 41 FR 32678, 32679 (1976) at para. 13. In this proceeding we have adopted new, more stringent type acceptance standards designed to reduce potential interference to other radio services and home entertainment devices caused by Class D transmitters. The use of add-on devices could frequently have undesirable consequences, including the generation of spurious emissions, insufficiently suppressed harmonic radiation and off-frequency operation. A regulation of the type requested would result in more, rather than less, interference generated by Class D units, and we therefore do not believe revision of our Report and Order in Docket 20120 to permit the use of add-on devices would be in the public interest.

12. The request of AMECO Publishing Corp. that the Commission rescind its requirement that a copy of Part 95 of the Commission's Rules be furnished with each Class D unit sold is not being adopted, because we believe it to be in the public interest that each purchaser of a Class D unit be aware of the rules and regulations he is expected to observe in using the Class D Service. We are, however, actively investigating alternatives to the present requirement that each Class D licensee retain a complete copy of Part 95 of the Rules as part of his station records. The Personal Use Radio Advisory Committee (PURAC), for example, is presently examining the interrelated areas of Class D user rule compliance, the effective dissemination of information to Class D users, Class D operator training programs, and the readability of Part 95 of the rules, with a view towards increasing user awareness of those rules and practices necessary for the proper and efficient use of the Class D Service.

Discussion

The Commission acted reasonably in ordering an additional allocation of frequencies to the Class D Citizens Radio Service prior to the receipt of additional data concerning radio frequency interference to television reception.

13. MST alleges that in failing to wait for the data currently under development concerning Class D transmitter interference to television reception, para. 4 (a), supra, the Commission acted precipitously and without sufficient information or a firm foundation on which to base its decisions. MST further assumes that the studies now under way will yield "definitive" results and will conclusively resolve all questions concerning television interference (TVI).

14. According to its Petition for Reconsideration in this proceeding, "MST is an organization of approximately 170 television broadcasters interested in the maintenance and improvement of high technical quality wide-area television broadcasting service * * *" MST, Petition for Reconsideration at 1. As its pleadings clearly indicate, MST's fundamental concern is interference to television reception on channels 2, 5, and 6 caused by harmonic radiation from Class D transmitters. MST has consistently maintained that the level of harmonic radiation suppression required of Class D transmitters first proposed by the Commission, 70 dB, and the standard ultimately adopted, 60 dB, taken in conjunction with any Class D frequency expansion, would result in intolerable interference to its members' operations by Class D transmitters. See, MST, Comments, Reply Comments, and Supplementary Comments.

15. MST's interest in eliminating all interference to television reception caused by Class D transmitters and the two studies concerning TVI presently being conducted is understandable. Indeed, the TVI problem is also of great conern to the Commission, and we hope that the studies now under way will produce valuable information. To concede, on the one hand, that certain studies are likely to be of value, and to allege, on the other hand, as MST has done, that the Commission abused its discretion by acting prior to the termination of those studies, are entirely different matters.

16. Section 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r), confers upon the Commission broad discretion to "[m]ake such rules and regulations * * * as may be necessary to carry out the provisions of this Act * * *." One such provision states that a fundamental purpose underlying the creation of the Commission is "to make available, so far as possible, to all the people of the United States, a rapid, efficient * * * radio communication service * * *." 47 U.S.C. 151. Pursuant to these statutory grants of authority, and in full compliance with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, et seq., the Commission in its Second Report and Order in Docket 20120 revised its Rules to provide for both additional frequencies for Class D station use and additional protection for television receivers from harmonic

radiation from Class D transmitters. In so doing, we relied on a voluminous record, consisting of literally thousands of comments, many containing highly pertinent information bearing on the TVI problem, as well as our own expertise and experience in the area of the regulation of radio communication.

17. We stated in our Second Report and Order in this proceeding that we believed the public interest required an immediate allocation of additional frequencies to the Class D Citizens Radio Service. 41 FR 32678 (1976) at para. 3. We also stated we were well aware of the magnitude of the TVI problem. 41 FR 32678, 32679 (1976) at para. 11. We carefully balanced the competing interests and issued new regulations based upon our overall perception of the public interest. We believed then, as we do now, that no overriding purpose would be served by delaying Class D frequency expansion until completion of the two on-going TVI studies. Of course, the Commission and the public have vital interests in continuing to study methods of TVI reduction, and such studies will continue to be performed. But to delay Class D frequency expansion until an ideal solution is found to the TVI problem, which is what MST seeks, would be unwise in the face of our earlier determination that immediate expansion is necessary to relieve present congestion on Class D frequencies.[1]

18. It is thus clear that the Commission, far from abusing its discretion in failing to wait for additional data concerning TVI prior to ordering the allocation of seventeen more frequencies for Class D station use, acted well within the permissible limits of the discretion conferred on it by the Communications Act. It is equally clear that it acted only after due consideration of all pertinent information, and that it had ample data on which to base its decisions. We were aware of Class D spectrum congestion and potential Class D harmonic radiation interference to television reception. We believed, however, a harmonic suppression requirement of 60 dB to be sufficient to eliminate TVI caused by harmonic radiation from Class D transmitters in the vast majority of instances. Further, we adopted a regulation permitting us to require those few Class D licensees actually causing TVI to obtain additional filtering to eliminate such interference. For these reasons, MST's allegation that the Commission abused its discretion in this proceeding is without foundation.

The Order authorizing seventeen additional frequencies for Class D station use complies with both the spirit and the letter of the "basis and purpose" requirement of the Administrative Procedure Act.

19. MST has stated that in ordering seventeen additional frequencies for Class D station use, the Commission has failed to comply with section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553(c). That sections states, in part, that in adopting rules, an agency "shall incorporate * * * a concise general statement of their basis and purpose." MST has cited "Amoco Oil Co. v. Environmental Protection Agency," 501 F.2d 722 (D.C. Cir. 1974), to the effect that the "basis and purpose" statement required by the APA must:

> Be sufficiently detailed and informative to allow a searching judicial scrutiny of how and why the regulations were actually adopted * * * In particular, the statement must advert to administrative determinations of a factual sort to the extent required for a reviewing court to satisfy itself that none of the regulatory provisions were framed in an "arbitrary" or "capricious" manner. Id. at 739.

MST also cites *Rodway* v. *United States Department of Agriculture*, 514 F. 2d 809 (D.C. Cir. 1975), for the proposition that the "basis and purpose" statement must "respond in a reasoned manner to the comments received, and explain how the agency resolved any significant problems raised by the comments, and * * * show how that resolution led the agency to the ultimate rule." *Id.* at 817. It is alleged that the Commission's statement explaining the basis and purpose of its Order authorizing additional frequencies for Class D station use is defective, because it allegedly does not treat the problems of TVI and harmonic radiation from Class D transmitters raised by the comments, as these problems bear on the issue of Class D frequency expansion. Specifically, MST complains that the Commission has failed to explain its resolution of the TVI problem, and that it is impossible to determine from the Commission's Order the basis of the Commission's decision in that respect. MST also appears to believe that the Commission has violated the "basis and purpose" requirement of the APA by failing to discuss explicitly in its Report and Order the engineering statement submitted by MST in support of its comments.

20. A reading of the Commission's Second Report and Order in Docket 20120 reveals the Commission incorporated in its Order a statement of the basis and purpose of the new rules increasing the number of frequencies available to Class D stations, as required by section 4(c) of the APA. We stated we had received several thousand comments in response to our notice of inquiry and further notice of proposed rulemaking, and that, with the notable exception of the broadcast industry, the comments generally supported an increase in the frequencies available for Class D station use. 41 FR 32678 (1976) at para. 3. We further indicated that we had carefully considered all comments and had concluded in light thereof that additional frequencies had to be allocated to the Class D Service in an attempt to reduce the severe frequency congestion experienced by Class D users in many parts of the United States.[2] 41 FR 32678 (1976) at para. 4. We based our decision to add only seventeen frequencies to the Class D Service on the likelihood that the addition of more than seventeen frequencies, which would result in a Class D frequency band greater than 440 kilohertz in width, would cause widespread intermodulation interference between Class D transceivers, rendering Class D communications impossible in some areas. 41 FR 32678 (1976) at para. 5.

21. Additionally, and contrary to MST's allegation, the Commission discussed at considerable length and in considerable detail the harmonic radiation and TVI problems associated with any Class D frequency expansion. 41 FR 32678–9 (1976) at para. 11. We stated we were aware of MST's position that our proposal to require suppression of second and higher order harmonic radiation from Class D transmitters by at least 70 dB below the fundamental would result in objectionable levels of TVI. We also recognized the recommendation of EIA/CRS, based largely upon practical difficulties in meeting a more stringent standard within a reasonable period, that the harmonic suppression limit be set at 60 dB. Id.

22. The Commission responded to the comments it had received concerning the TVI issue and resolved the conflicting positions adopted by MST, ABC, and EIA/CRS, by stating that it was very much aware of the nature and extent of the TVI problem. *Id.* For this reason, we indicated our belief that an increase in the harmonic suppression standard required of Class D transmitters was clearly necessary. Id. Because the existing state of the art of Class D transmitter design and manufacture does not permit a rapid, efficient conversion to a harmonic suppression standard of greater than 60 dB, however,[3] and because we determined that an immediate allocation of additional frequencies for Class D use was imperative, para. 13, supra, we declined to adopt the 70 dB standard originally proposed and chose, instead, to require 60 dB of suppression at the second and higher order harmonic frequencies. In so doing, we stated that we believed more stringent harmonic suppression standards would be required in the future, and that we were adopting a rule in the interim to permit the Commission to require on a case by case basis that Class D licensees actually causing TVI to channels 2, 5, or 6 obtain additional harmonic suppression through the insertion of low

[1] As we will demonstrate, infra, our new regulation requiring 60 dB of harmonic suppression for Class D transmitters type accepted after September 10, 1976, strikes a realistic balance between the interests of Class D users and manufacturers, on the one hand, and television broadcasters and viewers, on the other hand.

[2] There are now more than 6½ million Class D licensees sharing the 23 frequencies allocated to the Class D Service. Because more than one individual may in certain instances operate under one station license, these licensees represent an estimated 15 to 20 million Class D users.

[3] See, e.g., Comments of Tram, Inc. at 2; Comments of EIA, Citizens Radio Section at para. 41; Comments of SBE, Inc. at 7; Comments of Radio Shack, Inc. 3,5. See also, Reply Comments, EIA, Citizens Radio Section para. 15.

pass filters between the RF output connectors and the antenna feedlines of their transmitters. *Id.* The Commission thus clearly articulated the basis and purpose of both its Order allocating additional frequencies to the Class D Service and its resolution of the TVI problem, in strict conformity with the requirements of the APA. See, *Van Curler Broadcasting Corp.* v. *United States*, 236 F.2d 727, 729–30 (D.C. Cir.), cert. denied, 352 U.S. 935 (1956); *Logansport Broadcasting Corp.* v. *United States*, 210 F.2d 24 (D.C. Cir. 1954).

23. We have fully considered ABC's recommendation that all Class D licensees be required to insert low pass filters between their transmitters and antennas to provide further attenuation of harmonic radiation from Class D transmitters. Because most low pass filters available today provide at least 45 dB of harmonic suppression, such a requirement, when taken in conjunction with the requirement that harmonic radiation from Class D transmitters type accepted after September 10, 1976, be suppressed 60 dB below the fundamental, would result in an effective harmonic suppression standard of approximately 105 dB. We believe, however, that the harmonic suppression standard we have adopted, and the new regulation permitting us to require Class D licensees actually causing TVI to obtain additional harmonic suppression through the insertion of a low pass filter between their transmitters and antennas, will be sufficient to eliminate or reduce to an acceptable level most TVI caused by Class D harmonic radiation. Moreover, we do not wish to impose an additional expense on Class D licensees by requiring the purchase of additional, potentially unnecessary apparatus. For these reasons, we believe a requirement of the sort suggested by ABC to be neither practical nor necessary at this time. In this regard, we intend to issue a notice of proposed rulemaking in the next few weeks proposing a more stringent harmonic suppression standard, on the order of approximately 100 dB.

24. In its Petition for Reconsideration, MST appears to imply that the Commission has further violated the "basis and purpose" requirement of the APA by failing to accord explicit consideration to MST's engineering statements and the calculations contained herein. Such an implication stems from a mistaken interpretation of the statement in *Rodway* v. *United States Department of Agriculture, supra*, that the "basis and purpose" statement required by the APA must "respond in a reasoned manner to the comments received * * *" Id. at 817. We agree with the court in *Amoco Oil Co.* v. *Environmental Protection Agency, supra* at 741, however, that in interpreting the provisions of the APA, a measure of common sense must be employed. The "basis and purpose" requirement of the APA is intended, among other things, to ensure concrete explanations addressed to real complaints. Rodway, supra, at 817. As such, we believe the APA requires a reasoned response to comments received generally in a rulemaking proceeding and the major problems raised therein. We do not believe, however, that the APA requires a response to individual comments, so long as the agency otherwise demonstrates that it has resolved in a rational manner the main issues raised by the comments. This the Commission has manifestly done. See, *Logansport Broadcasting Corp.* v. *United States, supra* at 27; *Amoco Oil Co.* v. *Environmental Protection Agency, supra* at 742 n.53.

25. In summary, it is apparent that the Commission has complied fully with both the spirit and the letter of the APA. We carefully considered all comments received in this proceeding and made determinations (1) that the public interest required a rapid allocation of additional frequencies to the Class D Service, and (2) that to facilitate expansion into the new frequencies, we would impose a harmonic radiation suppression standard of 60 dB on Class D transmitters type accepted after September 10, 1976. MST's engineering calculations were extended full consideration. Even if it is assumed, for sake of argument, that the engineering calculations contained in MST's comments were correct,[5] we were compelled to make a determination that the public interest required acceptance of a limited amount of harmonic interference to television channels, 2, 5, and 6[6] in return for a rapid increase in frequencies available for Class D station use. These considerations were fully explained in our Second Report and Order in Docket 20120. Our obligation under section 4(c) of the APA has been met, and MST's allegation to the contrary is without merit.

There is ample support in the record for an increase of 10 decibels, from 50 dB to 60 dB, in the level of suppression at the second and higher order harmonic frequencies required of Class D transmitters type accepted after September 10, 1976.

26. MST contends that the Commission's decision to limit the harmonic radiation suppression required of Class D transmitters to 60 dB, instead of 70 dB or some other more stringent figure, is without support in the record. It is claimed that the Commission misstated material facts in its Order requiring suppression of Class D harmonic radiation 60 dB below the fundamental, and that because the Commission allegedly relied only on these facts in formulating the 60 dB requirement, that requirement is without support in the record and void.

27. Much of what was said in the preceding paragraphs, in which we demonstrated both our compliance with the APA and the rationality of our decisions to increase the number of frequencies available for Class D station use and to increase by 10 dB the level of harmonic suppression required of Class D transmitters, is pertinent to this inquiry. As we indicated above, our decision to require 60 dB of harmonic suppression was based on our appraisal that the public interest required an immediate allocation of additional frequencies to the Class D Service, and that to require more than 60 dB of harmonic suppression for new Class D transmitters would unnecessarily delay frequency expansion, because manufacturers would be forced to redesign their equipment to meet any tighter specification. The record clearly reflects ample support for the proposition that the contemporary state of the art of Class D transmitter design does not generally permit rapid conversion to models meeting harmonic suppression limits of greater than approximately 60 dB. As stated by EIA/CRS in its Comments,[7] and other manufacturers in their Comments,[8] to meet a harmonic suppression standard of greater than 60 dB would require industry wide conversion to a completely different manufacturing process than the process now in use. Specifically, Class D transmitters would have to be radically redesigned to incorporate considerably more shielding of components if a harmonic suppression limit appreciably greater than 60 dB is required.

28. We estimate the redesign of Class D transmitters discussed in the preceding paragraph would delay Class D frequency expansion by a minimum of an additional six to nine months. Further, we observe that the additional cost to the consumer of newly designed equipment meeting a harmonic radiation standard of 70 dB or greater, estimated by EIA/CRS to be $15–$20 per Class D

[5] There are several propagation models available for predicting the interfering range of Class D transmitters. Because of the many variables involved in radio ground wave propagation (e.g., surrounding terrain and proximity to buildings), none of these models is capable of producing absolutely accurate predictions of the interfering range of Class D transmitters in all circumstances. MST's calculations, which are best described as tendentious, are based on a free space model and assume no losses in the propagation of Class D signals. MST claims the interfering range of a Class D transmitter with harmonic radiation suppressed 70 dB below the fundamental to be 243 meters at the Grade A contour and 2743 meters at the Grade B contour. MST, Comments at 5. Commission figures are based on a more realistic and reliable statistical propagation model designed to measure radio propagation over irregular terrain and present a more accurate picture of the actual severity of the TVI problem. These calculations indicate the average interfering range (i.e., the distance at which 50 percent of television receivers are interfered with 10 percent of the time) of a Class D transmitter with harmonic radiation suppressed 70 dB below the fundamental causing perceptible TVI to be 185 meters at the Grade A contour and 620 meters at the Grade B contour. With 60 dB harmonic suppression, the interfering range of a Class D transmitter is 330 meters at the Grade A contour and 1095 meters at the Grade B contour. (Commission figures also presume the so-called "worst case", however, and may incorrectly imply that the magnitude of the harmonic radiation/TVI problem is greater than it actually is.)

[6] MST's calculations submitted in this proceeding are also misleading in that they strongly imply that all Class D transmitters cause TVI to all television receivers all of the time, provided the Class D transmitter is within a specified distance of the television receiver. This is simply not the case. See n.5, supra at 12.

[7] Comments, EIA, Citizens Radio Section at para. 41.

[8] See no. 3, *supra* at 10.

unit" will be borne exclusively by Class D users and potential users.[10] In this connection, we cannot avoid noting MST's complete failure to recognize that harmonic radiation from Class D transmitters is but a relatively minor source of TVI.[11] Although it is quite true that harmonic radiation from some Class D transmitters causes TVI some of the time to some television receivers, it is equally true that the majority of TVI complaints received by the Commission result directly from poor television receiver design, lack of adequate filtering in television receivers presently on the market, and inability of television receivers adequately to reject unwanted or adjacent channel signals.[12] Indeed, in fiscal 1975, over 80 percent of all radio frequency interference complaints were traced to home entertainment equipment design deficiencies. Yet MST would have the Commission impose a sizable burden on the Class D industry and Class D consumers, despite the fact that manufacturers and users of Class D equipment may not be the primary sources of the TVI problem.

Such a solution, although expedient from MST's viewpoint, would surely not serve the public interest, and we once again decline to adopt it. On the contrary, we believe the interim approach we have adopted, balancing the interests of all concerned and imposing a limited burden on all interested parties, to be correct and proper. It is fully supported by the record, and MST's contrary allegation cannot stand.

The Commission will require that no Class D transmitter model type accepted prior to September 10, 1976, be manufactured on or after August 1, 1977, or sold on or after January 1, 1978.

29. MST alleges it is unreasonable for the Commission to require only Class D transmitters type accepted after September 10, 1976, to meet the new, more stringent requirements for type acceptance, particularly the requirement imposing a 60 dB limit on harmonic radiation from Class D transmitters. MST, Petition for Reconsideration at 17. It is claimed that currently type accepted 23 frequency Class D units not meeting the new type acceptance standards will continue to be manufactured for the indefinite future, and that in permitting the manufacture and sale of such units, the Commission is both creating a major loophole in its attempt to resolve the TVI problem and encouraging the proliferation of—presumably lower priced—Class D transmitters meeting the previous 50 dB harmonic suppression standard.

30. We believe MST's apprehension that large numbers of Class D transmitters type accepted prior to September 10, 1976 and not meeting the new harmonic suppression requirement will continue to be manufactured to be largely baseless. This conclusion is founded on the highly competitive character of the Citizens Radio Service manufacturing industry. In view of the thousands of comments received in this proceeding indicating an immediate need for additional frequencies for Class D station use, it is unlikely that Class D manufacturers would continue to construct 23 frequency units on a large scale if they are able to manufacture 40 frequency units at no substantial increase in cost. We do wish to ensure, however, that as many Class D transmitters as possible meet the new 60 dB harmonic suppression standard, as well as all other new technical requirements, and we are therefore revising our Second Report and Order in Docket 20120 to require that the manufacture of all Class D transmitter models type accepted prior to September 10, 1976 terminate on or before August 1, 1977. The sale of Class D transmitter models type accepted before September 10, 1976 must terminate on or before January 1, 1978. We believe this approach, which is consistent with the Commission's action requiring certification of Class D receivers in Docket 20746, will result in a more rapid and efficient conversion to Class D transmitters meeting the new technical requirements. Those manufacturers wishing to continue to manufacture and sell Class D transmitters type accepted prior to September 10, 1976 may assign such transmitters new model numbers and submit them to the Commission for re-type acceptance under the new technical standards prior to August 1, 1977.

The Commission acted reasonably in adopting an interim solution to the demand for a personal two-way radio service.

31. In both the notice of inquiry and further notice of proposed rulemaking and the Second Report and Order in this proceeding, the Commission stated that any Class D frequency expansion plan approved would be an interim measure, designed to relieve the crowding experienced on existing Class D frequencies. See, 41 FR 14527, 14529 (1976) at para. 18; 41 FR 32678, 32679 (1976) at para. 19. We stated that several studies being conducted were examining alternative futures for personal radio communications. Id. MST, proceeding from this base, alleges that Class D expansion is "irreconcilable" with the Commission's "ultimate policy", that it is unjustifiable to take action resulting in the commitment of millions of dollars to new Class D equipment, equipment which will eventually become "obsolete", and states that the Commission should refrain from allocating any additional frequencies for Class D station use until its long term objectives in the area of personal radio communications become firmly established. MST, Petition for Reconsideration at 19–20.

32. MST's apparent belief that the allocation of additional frequencies to the Class D Service is inconsistent with the Commission's plans for that service is probably based on the assumption that if and when additional spectrum is made available for personal communications in the very high frequency (VHF) or ultra high frequency (UHF) ranges the Class D band at 27 MHz would be reallocated to other users. We emphasize, however, that we have not yet settled, even tentatively, upon a policy to be followed in the personal communications area. Clearly, it would be highly inappropriate to delay the allocation of needed additional frequencies at 27 MHz merely because those frequencies, like all other frequencies, may at some undetermined future time be reallocated. Because we have determined an existing immediate need for additional frequencies for Class D use at 27 MHz, we decline to delay the reallocation of those frequencies to the Class D Service any longer. Our decision in so doing is in this regard not only in the public interest, but is the only reasonable and prudent decision possible under the circumstances.

Conclusion

33. In summary, we have shown that, with the exception of the regulation requiring that only Class D transmitters type accepted after September 10, 1976 be required to meet the new harmonic suppression standard, the rule revisions adopted by the Commission in its Second Report and Order in Docket 20120 were entirely reasonable, that the procedure surrounding their adoption complied in every respect with the requirements of the Administrative Procedure Act, and that the Commission in no way abused its discretion in adopting them.[13]

34. Accordingly, in view of the foregoing: *It is ordered*, That the Petition for Reconsideration of the Commission's action in Docket 20120 submitted by the Association of Maximum Service Telecasters, Inc. is granted to the extent indicated in paragraph 30, supra, and is otherwise denied. *It is further ordered*, That the Petition for Reconsideration submitted by the American Broadcasting Companies, Inc. is denied, and that the

[9] Comments, EIA Citizens Radio Section at para. 41.

[10] The characterization contained in our Second Report and Order of a $15–$20 increase in the cost of a typical Class D unit as "prohibitive", 41 FR 32678, 32679 (1976) at para. 11, may have been slightly misleading. Nonetheless, such an increase, representing an average additional cost to the consumer of at least 10%, in addition to the added cost of manufacturing equipment to cover the new frequencies, (see, MST Petition for Reconsideration at 14), can scarcely be described accurately as insignificant, in light of the Commission's stated purpose in making available to the public a private, low-cost personal radio communications service. (See, e.g., 47 U.S.C. 151; 47 CFR 95.1).

[11] This deficiency is also reflected by the Comments of the American Broadcasting Companies, Inc., the EIA, Consumer Electronics Group, and others.

[12] With respect to MST's contention that the allocation of additional frequencies to Class D use will result in intolerable interference to television channel 6, Commission figures indicate channel 6 to be approximately 30 dB less susceptible to harmonic interference than channels 2 or 5. Widespread interference to channel 6, which we do not expect, would merely provide further evidence of inadequate television receiver design.

[13] ABC's request that the Commission prohibit the use of antennas with significant gain in conjunction with Class D transmitters is not within the scope of this proceeding and has not been considered.

Association of Maximum Service Telecaster's Request for Stay is denied as moot.

35. *It is further ordered*, That pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, the public interest being served thereby, that Part 95 of the Commission's rules is amended as set forth below effective December 1, 1976. *It is further ordered*, That this proceeding is continued.

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

FEDERAL COMMUNICATIONS COMMISSION,[14]
VINCENT J. MULLINS,
Secretary.

Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended, as follows:

In § 95.55, new paragraphs (c)(6) and (c)(7) are added, as follows:

§ 95.55 Acceptability of transmitters for licensing.

* * * * *

(c) * * *

(6) No Class D transmitter type accepted prior to September 10, 1976 shall be manufactured on or after August 1, 1977.

(7) No Class D transmitter type accepted prior to September 10, 1976 shall be marketed on or after January 1, 1978.

* * * * *

[FR Doc.76-31638 Filed 10-28-76;8:45 am]

[Docket No. 20686; FCC 76-938]

PART 97—AMATEUR RADIO SERVICE

Portable and Mobile Operation of Stations

Adopted: October 13, 1976.
Released: October 28, 1976.

Report and order—Proceeding terminated. In the matter of deregulation of Part 97 of the Commission's rules concerning portable and mobile operation of stations licensed in the Amateur Radio Service, Docket No. 20686.

1. A notice of proposed rulemaking in the above captioned matter was released January 27, 1976 and published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4604). The deadline for submission of comments concerning the Commission's proposals was February 27, 1976. Reply comments were due on or before March 8, 1976. In response to a petition filed by the American Radio Relay League, Incorporated (ARRL), the Chief, Safety and Special Radio Services Bureau, acting under delegated authority, extended the time for filing comments and reply comments to April 30, 1976 and May 7, 1976, respectively. The Order extending the time for filing comments and reply comments was published in the FEDERAL FEGISTER on February 26, 1976 (41 FR 8394).

2. In our notice of proposed rulemaking in this proceeding, we proposed revisions of Part 97 of the Commission's rules which, if adopted, would have substantially modified the procedures involved in operating a station licensed in the Amateur Radio Service at portable and mobile locations. Our proposals were essentially twofold. We proposed to delete those sections of Part 97 of the rules requiring that Amateur licensees operating their stations portable or mobile identity their transmissions as originating from portable or mobile locations. Identification as a portable/mobile station would be at the option of the licensee. We also proposed to delete the requirement that Amateur licensees intending to operate their stations at portable or mobile locations for extended periods provide the Commission with advance notification of that fact. We stated that these requirements had never been shown to be of use to the Commission in its regulatory program, and that we believed the elimination of such requirements would be consistent with the Commission's continuing program of deregulation of the Amateur Radio Service. We further indicated that we were aware that deletion of the portable/mobile identification requirement might have some impact on existing Amateur operating practices and requested comments concerning the extent to which the Commission should consider such operating practices in reaching a decision in this matter.

3. We received approximately fifty comments from Amateurs and Amateur organizations in response to our notice of proposed rulemaking in this proceeding. Of the fifty comments submitted, 26 either supported our proposals in their entirety or supported one proposal and were silent on the other. 23 respondents specifically supported elimination of the advance notification requirement but opposed the proposal to make identification of Amateur stations operating at portable or mobile locations optional. One respondent favored the optional identification proposal but opposed deleting the advance notice requirement.

4. Our proposal to delete the requirement that Amateur licensees intending extended periods of portable or mobile operation provide the Commission with advance notice of such operation was almost unanimously supported by the comments. Many respondents, such as Mr. Robert Cowan, licensee of Amateur station KL7IEP, complimented the Commission on its desire to reduce, albeit in a small way, the number of unnecessary requirements and restrictions imposed by regulatory agencies of the federal government. The one respondent opposing elimination of the advance notice requirement, Mr. Steve Lund, licensee of Amateur station WA8LLY, stated that adoption of this proposal would encourage "permanent portable operation", because some Amateurs are reluctant to relinquish a station call sign they have held for an extended period. Mr. Lund also asked how the Commission intends to contact those Amateur licensees operating their stations portable or mobile for extended periods and causing harmful interference to other Amateur stations and/or radio services, if the Commission does not possess a record of the licensees' current addresses. We note, however, that §§ 1.5(a) and 97.42(a) of the rules require that every licensee of the Commission furnish the Commission with an address to which correspondence to the licensee may be directed. Section 1.5(b) of the rules states that "[t]he licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents * * * will promptly reach him * * *." Further, failure to respond to official Commission correspondence may result in administrative sanctions being taken against an Amateur license. Because our licensees are responsible for seeing to it that all Commission correspondence reaches them, wherever they are, and because failure to do so may have unfortunate consequences for the licensee, we do not believe that elimination of the advance notification requirement will in any way impair the Commission's enforcement effort. We are, therefore, for the reasons cited above, deleting as proposed the rule requiring that Amateur licensees intending extended periods of portable or mobile operation provide the Commission with advance notice of such operation.

5. Our proposal to eliminate the requirement that Amateur licensees operating their stations portable or mobile identify their transmissions as originating from portable or mobile locations proved to be controversial. The comments ranged from expressions of complete support to unequivocal opposition. Several respondents, such as the ARRL, suggested alternatives to the Commission's proposal. The general thrust of these counterproposals was to permit optional identification of portable and mobile transmissions within the station licensee's home Amateur call sign area, but to continue to require such identification outside the licensee's call sign area.

6. Those respondents opposed to elimination of the portable/mobile identification requirement, whether in whole or in part, based their opposition on several grounds. It was claimed, variously, that Amateur operating contests and awards programs would be seriously affected, that Amateur call sign areas are of great historical significance and should not be disturbed, that portable/mobile identification designators are helpful in determining radio wave propagation conditions at a given time, and that Amateur call sign areas are of benefit to those stations wishing to make contact with other stations in particular parts of the country. Other comments stated that Amateur self-regulation would suffer by making portable/mobile identification optional, because it would be impossible in some instances to determine a station's location from its call sign.

7. Another objection raised to elimination of the portable/mobile identification requirement, and an objection reflecting a serious misunderstanding of both the proposal and the Commission's rules, contended that adoption of the portable/mobile identification proposal would result not merely in a limited de facto elimination of Amateur call sign

[14] Commissioner White not participating.

areas, as we conceded in our notice of proposed rulemaking, but in the complete elimination of such call sign areas. That it is claimed that Amateur licensees moving permanently from one call sign area to another would no longer be inclined to modify their station licenses to reflect their new station locations, because the incentive to do so—having to identify as a portable station, with its attendant inconvenience — would be gone. Such an objection ignores § 97.95 (a)(2) of the rules. This section states that when a station's permanent station location is changed, an application for modification of station license "must be submitted to the Commission prior to any operation and within 4 months of the move * * *." We have not proposed deletion of § 97.95(a)(2) of the rules, and we stress the requirements of that section: those Amateur licensees permanently changing their station locations must modify their licenses to reflect the changes.

8. Although we see limited merit in the arguments advanced against making the portable/mobile identification requirement optional, we believe the factors in favor of making that requirement optional to be preponderant. Many respondents indicated that the requirement was unduly burdensome and a waste of valuable air time. Users of repeater stations and licensees engaged in emergency communications and preparations for emergencies particularly supported the proposal.

9. Additionally, and of even greater significance, many respondents agreed with the Commission and supported the proposal to make the portable/mobile identification requirement optional on the principle that whether or not to so identify is a matter more properly a concern of Amateur licensees than the Commission. The Commission is committed to deregulation of the Amateur Radio Service. As such, we are seeking to eliminate those rules and regulations, consistent with the public interest, which are not absolutely essential to the proper administration of the Amateur Radio Service. It is our general belief that if an Amateur operating practice is worthwhile, Amateur licensees will observe it, whether or not it is required by federal regulations. Similarly, we believe Amateurs should not be required to observe operating, or other, rules of little or no demonstrated value to the Amateur Service. In making the portable/mobile identification requirement optional, we are presenting the Amateur community with a choice. We assume that if the portable/mobile identification requirement serves a useful purpose, most Amateurs will continue to identify in the traditional manner. If the requirement does not fulfill a need of the Amateur Service, the majority of Amateurs will, presumably, cease identifying their portable/mobile transmissions as such. In either case, it will be for the individual licensee, not the Commission, to decide whether or not to identify as a portable or mobile station. This, we believe, is the essence of deregulation. We are, for these reasons, deleting §§ 97.87 (b) and (c), 97.95 (a)(3) and (b)(3), 97.97, 97.99(c), and 97.311(c) of the Rules to delete the requirement for advance notification of extended portable/mobile operation in the Amateur Radio Service and to make optional the requirement that Amateur stations being operated portable or mobile be identified as such. We note that although we are deleting the requirement that aliens operating in the United States pursuant to outstanding international reciprocal operating agreements provide the Commission with advance notification of intended portable/mobile operation, we are not eliminating the requirement that such aliens identify their transmissions in the manner specified by § 97.313 of the rules.

10. In view of the foregoing, we are of the opinion that the amended rules as discussed above are in the public interest, convenience, and necessity. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. *It is ordered*, That Part 97 of the Commission's rules is amended as set forth below effective November 26, 1976.

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

FEDERAL COMMUNICATIONS COMMISSION,[1]

VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended, as follows:

1. In § 97.87, paragraphs (b) and (c) are deleted, paragraphs (d), (e), (f), and (g) are redesignated (b), (c), (d), and (e), respectively, and paragraph (h) is revised and redesignated paragraph (f), as follows:

§ 97.87 Station identification.

* * * * *

(f) The identification required by this section shall be given on each frequency being utilized for transmission and shall be transmitted either by telegraphy using the international Morse code, or by telephony using the English language. If the identification required by this section is made by an automatic device used only for identification by telegraphy, the code speed shall not exceed 20 words per minute. The use of a nationally or internationally recognized standard phonetic alphabet as an aid for correct telephone identification is encouraged.

* * * * *

§ 97.95 [Amended]

2. In § 97.95, paragraph (a)(3) and paragraph (b)(3) are deleted.

§ 97.97 [Deleted]

3. Section 97.97 is deleted.

[1] Commissioner White not participating.

4. In § 97.99, paragraph (c) is deleted and paragraph (d) is redesignated paragraph (c), as follows:

SPECIAL PROVISIONS

§ 97.99 Stations used only for radio control of remote model crafts and vehicles.

* * * * *

(c) Station logs need not indicate the times of commencing and terminating each transmission or series of transmissions.

§ 97.311 [Amended]

5. In § 97.311, paragraph (c) is deleted.

[FR Doc.76-31639 Filed 10-28-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Montezuma National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations, public access, use and recreation; for individual wildlife areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length.

The refuge area, comprising 6,433 acres, is delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. No. 1, Box 1411, Seneca Falls, New York 13148; or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Mass. 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director, United States Fish and Wildlife Service.

OCTOBER 21, 1976.

[FR Doc.76-31587 Filed 10-28-76;8:45 am]

PART 27—PROHIBITED ACTS

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective during the period December 1, 1976 through December 31, 1976.

§ 27.31 Special regulations; operation of vehicles.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

The use of snowmobiles is permitted on the Baring and Edmunds Units subject to the following special conditions:

(1) Use is restricted to the period December 1, 1976 through December 31, 1976.

(2) Use shall be in accordance with all applicable State laws and regulations governing snowmobiles.

(3) Use is permitted 24 hours a day limited to designated roads delineated on maps available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 27 and are effective during the period specified herein.

WILLIAM C. ASHE,
Acting Regional Director, United States Fish and Wildlife Service.

OCTOBER 21, 1976.

[FR Doc.76-31586 Filed 10-28-76;8:45 am]

PART 32—HUNTING

Bosque Del Apache National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on October 20, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of snow, blue and Ross's geese only on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted only on those areas designated by signs as open to hunting. These open areas, comprising 625 acres, are delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) The open season for hunting geese on the refuge is only on Tuesdays, Thursdays, Saturdays and Sundays, from November 20 through December 19, 1976, inclusive.

(2) An experimental program to evaluate field use of steel (iron) shot shells will be conducted this season by the U.S. Fish and Wildlife Service. Steel shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearms used in this hunt.

(3) Each hunter may possess and/or use no more than 8 steel shot shells per hunt day. Shells will be sold for 25 cents each, and unused shells will not be refundable.

(4) Hunters will be required to apply (by pre-season applications) for hunting dates. Applications are available from the New Mexico Department of Game and Fish, the Bosque del Apache National Wildlife Refuge, and the U.S. Fish and Wildlife Service's regional office, Albuquerque, New Mexico.

(5) Hunters may apply as a party of 1, 2, or 3 persons. If the application is for a party of less than 3 persons, the vacancies may be filled from other applications or by a daily drawing. No substitutions for an original applicant will be allowed.

(6) A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing this name are void.

(7) Applicants may show up to 6 choices of hunting days, but no more than 4 choices may be listed for weekend hunting dates. The deadline for accepting applications will be October 15, 1976.

(8) Hunt participants and blind assignments for each day's hunt will be determined by lottery drawings.

(9) Hunting is permitted only from the assigned blind, with no more than 3 hunters per blind. Switching of blinds is prohibited.

(10) Each hunter will pay a special hunter service recreation fee of $3 each day he hunts. Holders of "Golden Age Passports" are entitled to a 50 percent discount on this $3 fee.

(11) The daily bag limit will be 4 of the permitted species, except that no more than 1 Ross's goose will be permitted in the daily bag.

(12) Shooting hours will be: from sunrise to 10:00 a.m., and 1:30 p.m. to sunset.

(13) Hunters may use snow goose decoys only; Canada goose decoys are prohibited.

(14) Hunters shall be present at the north refuge boundary on U.S. 85 no later than 5:00 a.m. for the morning segment of the hunt, and must check out at the check station in person no later than 10:30 a.m. For the afternoon segment of the hunt, hunters shall be present at the north refuge boundary on U.S. 85 no later than 1:15 p.m. and must check out at the check station in person no later than 30 minutes after sunset.

(15) Dogs are prohibited.

(16) The steel shot hunt program will continue through the 18 days of hunting or until the refuge supply of steel shot shells is exhausted. If this occurs, hunting will continue, using lead shot, with hunters providing their own lead shot shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1976.

W. O. NELSON, Jr.,
Regional Director, Albuquerque, New Mexico.

OCTOBER 22, 1976.

[FR Doc.76-31588 Filed 10-28-76;8:45 am]

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in state waters in compliance with state regulations is permitted from refuge lands. The four areas open for access to fishing are designated by sign and delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. No. 1, Box 1411, Seneca Falls, New York 13148; or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

HOWARD N. LARSEN,
Regional Director, U.S. Fish and Wildlife Service.

OCTOBER 22, 1976.

[FR Doc.76-31589 Filed 10-28-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 11]

PART 120—BUSINESS LOAN POLICY

Guaranteed Business Loans to Small General Contractors

On August 10, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 33567) concerning the amendment of 13 CFR 120.2 (d) (7) to authorize guaranteed business loans to small general contractors, for the purpose of constructing or rehabilitating residential and commercial property for immediate resale for their own account.

Interested persons were invited to submit written comments on or before August 30, 1976.

After due consideration of the comments received, the proposed amendment is being adopted without substantive change, except for the clarifying modifications hereinafter noted.

Effective date: In view of the necessity of properly applying the provisions of Amendment 11 to Revision 6 to the program authorized by the Small Business Act, and pursuant to the authority granted by Section 5(b) thereof, the Amendment in question shall become effective on October 29, 1976.

Amendment 11 authorizes guaranteed business loans pursuant to section 7(a) of the Small Business Act, to small general contractors for the purpose of constructing new residential and commercial properties (or significantly rehabilitating existing structures) for immediate resale for their own account. A firm written contract of sale will not be required in advance of construction or rehabilitation, if the demonstrated purpose is immediate sale on completion of the contractor's work. SBA's loan, made on a deferred participation (guaranty) basis, will be repayable in not more than 18 months, plus the estimated period of construction or rehabilitation. None of the proceeds may be used to purchase the building-site or other vacant or unimproved land on which construction is to take place; and none may be utilized to own or operate real property for investment or speculative purposes contrary to § 120.2(b) (2) and (6).

The definition of "construction or rehabilitation," set forth in Footnote No. 1 to the Information portion of the Notice of Proposed Rulemaking, has been incorporated into the § 120.2(d)(7) itself, with the word "on-site" inserted as a prefatory term modifying the descriptive details making up the definition; and "significant rehabilitation" of an existing structure has been defined to mean more than one-third of its purchase price.

Part 120 is amended by revising § 120.2(d)(7) to read as follows:

§ 120.2 **Business Loans and Guarantees.**

* * * * *

(d) Financial assistance will not be granted by SBA:

* * * * *

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment: *Provided, however*, That financial assistance on a deferred participation (guaranty) basis, repayable within 18 months (plus the period of construction or rehabilitation), secured by a first lien on the land and improvements thereon, may be granted by SBA to an otherwise eligible general contractor under Part 122 of this chapter pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636(a)), to finance the construction, or the acquisition and prompt and significant rehabilitation (costing more than one-third of the purchase price) of residential or commercial buildings, for immediate sale, on completion, for such contractor's account; *And provided, further*, That no part of such financing may be used to purchase, or free other funds to purchase, building sites or other vacant land, or to operate or hold residential or commercial rental property for the account of the applicant or an affiliate for other investment or speculative purposes. For the purposes of this paragraph, the terms, "construction" and "rehabilitation" are intended to include only on-site repair, alteration, conversion, extension, renovation, rehabilitation, new construction, or other improvement of residential or commercial buildings; and on-site underground connections to water, sewer, or gas mains, underground or above ground connections for electric or telephone service, septic tank construction, and landscaping of the property, but not streets, curbs, open spaces, or construction of public water and sewer mains, or of waste disposal facilities, or costs of community improvements that benefit more than the structure(s) constructed or rehabilitated with SBA financial assistance;"

(Catalog of Federal Domestic Assistance Program No. 59.012 Small Business Loans.)

Dated: October 16, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-31685 Filed 10-28-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education and Welfare

Section 213.3116(a) is amended to show that 10 trainee positions in group dynamics and group psychotherapy in the Overholser Training and Research Division of Saint Elizabeth's Hospital are excepted under Schedule A.

Effective date: October 29, 1976.

Section 213.3116(a)(11) is amended as set out below:

§ 213.3116 **Department of Health, Education, and Welfare.**

(a) *Saint Elizabeth's Hospital.* * * *

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(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.76-31805 Filed 10-28-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3206 is amended to show that the title of the five Photographer positions in support of the White House Photographic Service is changed to indicate these positions are to provide general administration, general arts and information, photography, and/or visual information support to the White House Photographic Service.

Effective date: October 29, 1976.

Section 213.3206(b)(1) is amended as set out below:

§ 213.3206 **Department of Defense.**

* * * * *

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(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.76-31806 Filed 10-28-76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[AMDT. 83]

PART 275—PAYMENT OF CERTAIN ADMINISTRATIVE COSTS TO STATE AGENCIES

Food Stamp Program; Efficiency and Effectiveness

On April 27, 1976, there was published in the FEDERAL REGISTER (41 FR 17566) a notice of proposed rulemaking to amend § 275.10 of the Food Stamp Program Regulations to revise the requirements for State agencies reporting on their administration of the Food Stamp Program. Interested persons were invited to submit written comments, suggestions, or objections. All comments received were given full consideration in finalizing these regulations.

Numerous comments were received from 16 State agencies and 9 other interested parties. Of the comments received, 8 parties approved all aspects of the proposed changes. The remaining parties recommended changes in various areas of the proposed revision. Some of the comments received concerned the Efficiency and Effectiveness Regulations in general.

Several parties objected to the emphasis being placed on fiscal sanctions. The purpose of the Efficiency and Effectiveness Regulations is to establish a system which will assist States in improving their overall operation and administration of the Food Stamp Program. When program deficiencies are identified and the State agency fails to take corrective action to reduce or eliminate these deficiencies, Federal funds may be cancelled after appropriate warnings to the State. This action is not intended to discourage State's efforts in improving the service and accountability of the program. Therefore, reference to fiscal sanctions remains as stated in the notice of proposed rulemaking.

Several comments were directed toward the development of instructional

guidelines based on the regulations. All comments received will be given full consideration in the development of instructions.

Following is an analysis of the remaining suggested changes and other changes in the proposed rules by category and a statement of those recommedations which are adopted herein.

COMMENT ANALYSIS

Definition of project area, § 275.10 (b). There appeared to be some misunderstanding as to the distinction between "project areas" and "administrative units" for purposes of efficiency and effectiveness system reviews. Due to this confusion, a definition of "administrative units" has been included in this paragraph. However, the definition of "project area" remains as stated in the proposed rulemaking to be consistent with other paragraphs of this subchapter.

QUALITY CONTROL—REVIEW OF NEGATIVE ACTIONS

Paragraph (c) (1) (i) (C). A recommendation was made suggesting the deletion of the requirement to review households that have been denied participation or whose eligibility has been terminated. After considerable analysis and evaluation, it has been determined that these reviews are necessary in that FNS must report to Congress, management, and the public not only loses to the government but loses to the recipient. Therefore, the review of negative actions remains as stated in the notice of proposed rulemaking.

REVIEWS OF PROJECT AREA OPERATIONS

Paragraph (c) (1) (ii). A change was recommended and has been incorporated in determining project area monthly bonus issuance based on the last month of the fiscal year immediately preceding the beginning of each new biennial review period.

A recommendation was made that outreach activities be included in project area reviews. This action would not be feasible since separate outreach reports by project areas adequately cover outreach activities. Also, during the State agency operations review, State outreach activities and outreach reports will be reviewed.

Presently, an evaluation is being undertaken as to the feasibility of including civil rights reviews as part of project area operations reviews. If it is determined feasible to include this area of review, these regulations will be revised to reflect this change.

This parargaph has been revised to more clearly define those areas to be reviewed based on absolute programs standards. However, project area operations reviews are not limited to those areas outlined herein. State agencies may review additional areas during these reviews as deemed necessary.

DATA ANALYSIS AND EVALUATION

Paragraph (c) (2) (i). Concern was expressed that data analysis and evaluation would result in a comprehensive review of only information collected during quality control and project area operations reviewsr. Therefore, this paragraph has been revised to clarify the intent that other reviews and information are to be used in the analysis and evaluation of data collected.

TIMING OF PREPARATION OF CORRECTIVE ACTION PLANS

Paragraph (c) (3) (ii). Some concern was expressed with regard to project area corrective action plans being prepared no later than 60 days following completion of the review activity. Several recommendations were made to require project area corrective action plans be prepared no later than 60 days following the end of the month the review was completed. However, this action could cause a delay of 30 days in States preparing corrective action plans, immediately taking action on deficiencies noted during reviews, and in submitting the plans for approval. Therefore, this paragraph remains unchanged.

E&E COORDINATOR—MONITORING CORRECTIVE ACTION PLANS

Paragraph (c) (4). Several comments received recommended that monitoring the corrective action process is the responsibility of the State agency and not the responsibility of the efficiency and effectiveness coordinator as stated in the proposed regulations. Since a coordinator is to be designated by each State to ensure the successful operation of the efficiency and effectiveness system, it is deemed necessary that the coordinator be responsible for monitoring the completion of corrective action plans and assessing the results. Monitoring this process is only one element of the coordinator's responsibility in ensuring the successful operation of the system. Accordingly, this paragraph remains unchanged.

PERSONNEL REPORTS

Paragraph (d) (1). The proposed rule continued the requirement for a personnel report. However, such requirement has been deleted in the final amendment. This action is necessary due to difficulties encountered in obtaining approval of the proposed content of the report. Also, research is being undertaken to determine if a joint HEW/USDA Personnel Report can be developed. The time necessary to complete this research extends beyond the time frame for publishing this amendment. Other reports and information submitted by each State will be adequate to ensure to the Secretary's satisfaction pursuant to section 15(b) of the Food Stamp Act (7 U.S.C. 2024(b)) that an adequate number of personnel are employed by the State agency to administer the program efficiently and effectively.

Although it is the policy of the Department that the public be given the opportunity to participate in rulemaking, it is deemed impracticable and unnecessary for the reasons stated above to make deletion of personnel report requirement the subject of proposed rulemaking. However, interested parties are invited to submit written comments, suggestions, or objections no later than November 29, 1976, with regard to deletion of the requirement that States submit Personnel Reports. All comments, suggestions, or objections should be submitted to the Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C., 20250. They will be carefully considered in connection with any subsequent amendment relating to personnel reports. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.–5 p.m.).

LARGE PROJECT AREA CORRECTIVE ACTION PLANS

Paragraph (d) (4). Recommendations were made to require project area corrective action plans be prepared no later than 60 days following the end of the month the review was completed rather than 60 days following the completion of the review activity as stated in the proposed regulations. As stated under Timing of Preparation of Corrective Action Plans, this approach would cause an unnecessary delay in preparing, implementing, and submitting corrective action plans. Therefore, this paragraph remains unchanged and has been renumbered to paragraph (d) (3).

SEMIANNUAL CORRECTIVE ACTION REPORT

Paragraph (d) (5). It was recommended that semiannual reporting be changed to annual. However, this action would result in unnecessary delays in preparing consolidated small project area corrective action plans and Statewide corrective action plans, taking corrective action on deficiencies noted, and specifically submitting these plans for approval. Therefore, reference to semiannual reporting remains unchanged.

There appeared to be some confusion concerning what would be addressed in the corrective action plan specifying unachieved corrective action. Only two areas are to be addressed in this plan: (1) Deficiencies for which all proposed corrective action has not been completed within the time frames established in previous FNS-approved plans; and, (2) Deficiencies for which the projected target date for eliminating the deficiency has passed, yet the deficiency still exists. Accordingly, this paragraph has been revised to clarify unachieved corrective action and renumbered to paragraph (d) (4).

CORRECTIVE ACTION PLANS

Paragraph (d) (4) and (5). Recommendations were made to require States to submit only one corrective action plan based on project area reviews. State

agency reviews, quality control findings, and other sources for determining deficiencies, and these plans should be submitted by functional area rather than by reporting period. After careful consideration, it has been determined that extensive research is imperative to ensure that pertinent information and data are not lost by requiring the submittal of one corrective action plan. The time necessary to complete this research extends beyond the time frames for publishing these regulations. Based on these considerations, these paragraphs remain unchanged except for being renumbered to paragraphs (d) (3) and (4).

OUTREACH REPORTS

Paragraph (d) (6). Some confusion seemed to exist concerning the submittal of Outreach Reports. A recommendation was made to require that Outreach Reports be submitted independently of the Semiannual Corrective Action Report. This was the intent in the notice of proposed rulemaking. Outreach Reports are to be submitted independently of Semiannual Corrective Action Reports, however, the due dates for submittal of these reports is identical. Therefore, this paragraph remains as stated in the notice of proposed rulemaking except for being renumbered to paragraph (d) (5).

FNS REVIEW OF STATES' SYSTEMS FOR DATA COLLECTION AND EVALUATION

Paragraph (e) (1). A recommendation was made and has been incorporated in this paragraph that States' systems reviews will also encompass testing the completion and effectiveness of corrective action.

STATE AGENCY OPERATIONS REVIEWS

Paragraph (e) (2). The majority of the comments on this paragraph approved of FNS conducting State agency operations reviews. Accordingly, this paragraph remains unchanged.

CAUSE FOR CANCELLATION

Paragraph (f) (1) and (f) (1) (ii). Several suggestions were made recommending additional areas be included as causes for cancellation. The recommendations made, such as noncompliance with standards, are areas which fall to some degree within the cause stated in (f) (1) (ii), "failure to substantially comply with the provisions of this subchapter." "This subchapter" refers to the entire Food Stamp Program Regulations. Therefore, for clarification purposes, paragraph (f) (1) (ii) has been revised to include failure to comply with the Food Stamp Program Regulations, FNS Instructions, Handbooks, and State Plans of Operations as causes for cancellation.

FAILURE TO TAKE ACTION IN CORRECTIVE ACTION PLAN

Paragraph (f) (1) (iv). There appeared to be some confusion with regard to funds being cancelled for a State's failure to take the action contained in corrective action plans. If corrective action is being taken on a noted deficiency and the State detects that the action is not correcting the deficiency, the State agency should notify FNS and submit an amendment to the plan. Therefore, this paragraph remains unchanged.

ADMINISTRATIVE APPEALS PROCESS

As stated in the notice of proposed rulemaking, an administrative appeals process is being contemplated for State agencies in regard to cancellation of Federal funds. If an appeals process is eral funds. If an appeals process is established, this part will be revised to reflect that inclusion.

IMPLEMENTATION

Since the legislation requiring State agencies to report on their administration of the program was enacted in July 1974, we cannot justify any delays in implementation of these regulations beyond October 1, 1976. Therefore, effective October 1, 1976, States must implement a system for monitoring and improving their program administration in accordance with FNS Regulations and FNS Instructions and Handbooks.

Accordingly § 275.10 of Part 275 of Chapter II, Title 7, Code of Federal Regulations is amended to read as follows:

§ 275.10 Monitoring and reporting program performance.

(a) *Purpose.* Under the Food Stamp Act, the State agency is responsible for the effective and efficient administration of the program and for reporting on such administration to the Department. The Food Stamp Act assigns to the Department the responsibility for ensuring that the State's administration is effective and efficient prior to continuing the payment of funds for costs incurred in the administration of the Program. Effective and efficient administration of the program means administration by the State agency of its program responsibilities in a manner which substantially complies with the Food Stamp Act, this subchapter, FNS Instructions and Handbooks, and the State agency's Plan of Operation. To enable the accomplishment of these mandates, this section: (1) requires that each State agency have a system for monitoring and improving its administration of the program, (2) establishes requirements for reports which FNS will use in determining the extent to which a State meets the standards for proper administration established in this subchapter and in FNS Instructions and Handbooks in order to continue Federal payments for administrative costs, and (3) sets forth conditions under which FNS will cancel such payments.

(b) *Definitions.* "Administrative unit" means an area based on a State-established welfare district, region, or other administrative structure to combine small project areas, separate a large project area into smaller units, or otherwise establish boundaries of project areas to be reviewed.

"Annual" means the 12-month period from January 1 through December 31.

"Biennial" means the 24-month period from January 1 of an even-numbered year through December 31 of the following year.

"Project area" means the political subdivision within a State which has been approved for participation in the program by the Department. However, FNS or the State agency with FNS approval may establish administrative units as its project area for review and reporting purposes.

"Semiannual" means the six-month period either from January 1 through June 30 or July 1 through December 31.

(c) *State responsibilities for monitoring and improving program performance.* The State agency shall provide for a continuing system of data collection, evaluation, and action which will allow for a determination of the efficiency and effectiveness of program administration and improvement in program operations. To ensure the successful operation of such system, the State agency shall designate a person, on a full- or part-time basis, to coordinate these activities. Further, the State agency shall provide adequate staff to keep the program review process current within established reporting dates and at a level of quality which ensures valid findings, adequate program analysis, and effective corrective action. The components of the State agency's system shall be:

(1) Data collection through the following:

(i) A quality control system (a method of continuing review on a sampling basis) to validate the accurary of household eligibility and determine the extent to which households are paying the proper purchase requirements and receiving the coupon allotments to which they are entitled. The State agency's system of quality control shall be implemented through:

(A) Application of sampling methods prescribed by FNS;

(B) Use of FNS prescribed schedules and instructions or schedules which provide for identical information; and

(C) Field investigations including personal interviews with all households which fall within the sample of participating households and, as necessary, with households that have been denied participation or whose eligibility has been terminated.

(ii) Reviews of project area operations including, but not necessarily limited to, information concerning certification and issuance procedures, fair hearing procedures, coupon control and security, fiscal controls, and timeliness and accuracy of reports. Such information shall at a minimum be collected as follows:

(A) On an annual basis for project areas with monthly bonus of $500,000 or more in the last month of the Federal fiscal year immediately preceding the beginning of each new biennial review period.

(B) On a biennial basis for project areas with monthly bonus of less than $500,000 in the last month of the Federal fiscal year immediately preceding the beginning of each new biennial review period.

(2) Data analysis and evaluation which will result in:

(i) A comprehensive review of information collected in paragraph (c) (1) of this section, findings of reviews of States'

systems for data collection and evaluation and State agency operations, and other information available to the State agency, such as correspondence from FNS concerning FNS identified problems, audits, and information gathered during State and Federal investigative activities;

(ii) A review of results of past corrective action;

(iii) An identification of problems; and

(iv) A determination of probable causal factors.

(3) Corrective action planning. (i) The development of corrective action plans should involve the coordinated efforts of persons in the areas of data analysis, quality control, operations, and policy development in identifying causal factors and determining a course of action which will serve to either substantially reduce or eliminate program deficiencies. Such corrective action plans shall include a statement of the problem and its causes, actions to be taken by the State to substantially reduce or eliminate the problem, and a timetable containing target dates for completion of individual corrective action goals. The coordinator, established in paragraph (c) of this section, will be responsible for insuring both the preparation of the corrective action plan and its approval by the head of the State agency.

(ii) Timing. (A) All project area corrective action plans shall be prepared no later than 60 days following the completion date of the review activity.

(B) State corrective action plans shall be prepared no later than 120 days after the end of each semiannual period. Such plans shall be based on quality control findings, findings of FNS' reviews of States' systems for data collection and evaluation and reviews of State agency operations, and information gathered during project area reviews which should be addressed on a Statewide basis or from a State agency level.

(4) Corrective action implementation and monitoring. The State agency coordinator shall ensure the effectiveness and timely completion of corrective actions through monitoring the completion of corrective action plans and assessing the results.

(d) *Responsibilities for reporting on program performance.* States shall report to FNS on their administration of the program through the following reports:

(1) Quality control reports as prescribed.

(2) Timetable for performance of reviews required under paragraph (c)(1)(ii) of this section. The timetable shall cover two years of review activity and shall be submitted to FNS for approval 60 days prior to each biennial period.

(3) Project area corrective action plans for project areas with a monthly bonus of $500,000 or more. Such corrective action plans shall be submitted to FNS no later than 60 days following the completion of the review activity.

(4) Semiannual Corrective Action Report which shall be submitted to FNS no later than 120 days following the end of each semiannual period and shall consist of the following:

(i) Consolidated project area corrective action plan for project areas with monthly bonus of less than $500,000. Such corrective action plan shall be developed in accordance with paragraph (c)(3)(i) of this section and shall reflect all progress made toward completion of the problems at the time of submission.

(ii) State corrective action plan based on:

(A) Statewide quality control findings;

(B) Findings of FNS' review of State agency operations (if conducted during the semiannual period);

(C) Findings of FNS' review of State agency systems for data collection and evaluation (if conducted during the semiannual period);

(D) Information gathered during project area reviews which should be addressed on a Statewide basis or from a State agency level.

(iii) Unachieved corrective action from project area and State corrective action plans addressing:

(A) Deficiencies for which all proposed corrective actions have not been completed within the time frames established by previous FNS-approved corrective action plans;

(B) Deficiencies for which the projected target dates for elimination of the deficiencies have passed, yet the deficiencies have not been eliminated.

(5) Semiannual Outreach Report which shall be submitted to FNS no later than 120 days following the end of each semiannual period.

(e) *FNS determination of efficiency and effectiveness of State operations.* FNS shall make a determination on the efficiency and effectiveness of State operations on the basis of State reports and other information available such as Federal audits and investigations and unit cost data referred to in § 275.8(b)(4) as it relates to the general criteria under section C(1)(a) of Appendix A which requires that allowable costs be necessary and reasonable for proper administration of the program. As part of the determination, FNS will evaluate State reports and corrective action plans for completeness and timeliness and conduct reviews of the following:

(1) State's system for data collection and evaluation in order to:

(i) Assess the operation of the State's system for monitoring and impoving program operation;

(ii) Provide a basis for assisting the State in improving its system;

(iii) Test the validity of the data collected by the State; and

(iv) Test the completion and effectiveness of corrective action.

(2) State's operation of the Food Stamp Program in order to:

(i) Assess the State agency's operation of the Food Stamp Program to determine if the State agency is operating the program in accordance with FNS Regulations and FNS Instructions and Handbooks; and,

(ii) Provide a basis for assisting the State in improving and strengthening program operations. The State shall develop corrective action based on the FNS review of the State's operation of the Food Stamp Program as well as the FNS review of the State's system for data collection and evaluation. The State shall include corrective action based on these reports in the State corrective action plan submitted as part of the Semiannual Corrective Action Report in accordance with paragraph (d)(4)(ii) of this section, if such reviews were conducted during the semiannual period.

(f) *Cancellation of FNS funding.* If FNS determines that operations of the State agency do not meet the criteria for efficiency and effectiveness as prescribed by this part, those State outlays made in payment of such operational costs shall not be allowable and shall be cancelled in accordance with § 275.13. Prior to such cancellation, FNS will warn the State agency, informally and formally, that such action is being considered. Nothing in this section can be construed as abrogating the State's recourse to further review by the Federal court system.

(1) *Cause for cancellation.* FNS may cancel any portion of payments to the State agency if FNS determines that the State agency has:

(i) Failed to submit on a timely basis any of the following completed reports:

(A) Statistical portion of the semiannual quality control report.

(B) Timetable for performance of reviews.

(C) Project area corrective action plans for project areas with a monthly bonus of $500,000 or more.

(D) Semiannual Corrective Action Reports which include those items outlined in paragraph (d)(4) of this section.

(E) Semiannual Outreach Reports.

(ii) Failed to substantially comply with the Food Stamp Act, the Food Stamp Program Regulations, FNS Instructions and Handbooks, and the State agency's Plan of Operation, or,

(iii) Knowingly submitted an incorrect report on its administration of the program, or,

(iv) Failed to take the necessary action contained in its FNS approved corrective action plan. FNS shall not cancel Federal funding for any continuing deficiencies if the State agency has taken action in accordance with a corrective action plan approved by FNS.

(2) Timing of cancellation. When FNS determines that State agency operations are not in conformance with the provisions of this part, an informal warning shall be issued to the State agency detailing the deficiencies. The State agency will have 30 days in which to respond. If, at the end of this period the State agency has not responded to the satisfaction of FNS, a formal warning shall be issued. The formal warning will state how the State agency is out of compliance and the amount of funds for which cancellation is being considered. If, after a period of no less than 30 days, the problem remains unresolved, the State agency will be notified that payments are cancelled as specified in § 275.13.

(78 Stat. 703, as amended; (7 U.S.C. 2011–2026))

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

Effective date: This amendment shall become effective October 1, 1976.

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

Dated: October 27, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76-31914 Filed 10-28-76;8:45 am]

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

[Lemon Reg. 64]

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 Oct. 31–Nov. 6, 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.

§ 910.364 Lemon Regulation 64.

(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 is good for the larger sizes but easier for smaller sized fruit. Average f.o.b. price was $5.64 per carton the week ended October 23, 1976 compared to $5.78 per carton the previous week. Track and rolling supplies at 85 cars were down 15 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 October 26, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 31, 1976, through November 6, 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: October 27, 1976.

DAVID A. PATTON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-31905 Filed 10-28-76;8:45 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment

This document authorizes $64,908.03 of Cranberry Marketing Committee expenses for the 1976–77 fiscal period, under Marketing Order No. 929, and fixes the rate of assessment at $0.03 per barrel of cranberries, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 27, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 42208) regarding proposed expenses and the related rate of assessment for the fiscal period September 1, 1976, through August 31, 1977, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The notice afforded 23 days during which interested persons could submit written data, views, or arguments in connection with said proposals. None were received. 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).

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

§ 929.217 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1976, through August 31, 1977, will amount to $64,908.03.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at $0.03 per barrel, or equivalent quantity, of cranberries.

(c) *Terms.* 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 cranber-

ries are now being made, (2) The relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid period, and (3) Such period began on September 1, 1976, and said rate of assessment will automatically apply to all such cranberries beginning with such date.

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

Dated: October 22, 1976.

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

[FR Doc.76-31629 Filed 10-28-76;8:45 am]

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

[Milk Order No. 46; Docket No. AO–123–A45]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1046.13, paragraphs (b) and (c)(1) are revised as follows:

§ 1046.13 Producer milk.

* * * * *

(b) Diverted by a handler from a pool plant pursuant to § 1046.7(a) to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler:

(1) At the location of the pool plant from which diverted if no location adjustment or the same location adjustment is applicable at both the plant from which diverted and the plant to which diverted; and

(2) At the location of the pool plant to which diverted if the location adjustment applicable pursuant to § 1046.52 is different at the plant from which diverted than at the plant to which diverted.

(c) * * *

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant to which diverted;

* * * * *

2. In § 1046.50, paragraph (a) is revised as follows:

§ 1046.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

3. In § 1046.52, paragraph (a) is revised as follows:

§ 1046.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1046.9(c) at a plant 85 miles or more from the City Halls in Louisville and Lexington, Kentucky, and Evansville, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk (subject to the limitations pursuant to paragraph (b) of this section), the Class I price shall be reduced by a location adjustment of 1.5 cents for each 10 miles or fraction thereof that such plant is from the City Hall in Louisville, Lexington or Evansville, whichever is nearest, except as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry and Whitley, the Class I price shall be increased by a location adjustment of 15 cents; and

(2) Except as provided in paragraph (a)(1) of this section, no location adjustment shall apply at a plant located:

(i) In the marketing area;

(ii) In the State of Kentucky;

(iii) In the State of Tennessee; or

(iv) East of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

* * * * *

4. In § 1046.61, paragraph (b) is revised and a new paragraph (b–1) is added as follows:

§ 1046.61 Computation of uniform price (including weighted average price).

* * * * *

(b) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1046.75;

(b–1) Subtract an amount equal to the total value of the plus location adjustments applicable pursuant to § 1046.75;

* * * * *

5. Section 1046.75 is revised as follows:

§ 1046.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1046.52; and

(b) For purposes of computations pursuant to §§ 1046.71 and 1046.72 the weighted average price shall be adjusted at the rates set forth in § 1046.52 applicable at the location of the nonpool plant(s) from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

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

Inflation Impact Statement. The United States Department of Agriculture 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.

Effective date: December 1, 1976.

Signed at Washington, D.C., on October 26, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76–31719 Filed 10–28–76;8:45 am]

[Milk Order No. 98; Docket No. AO–184–A40]

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that (1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1098.50, paragraph (a) is revised as follows:

§ 1098.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

* * * * *

2. In § 1098.52, paragraph (a) is revised as follows:

§ 1098.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1098.9 (c) at a plant located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk (subject to the limitations pursuant to paragraph (b) of this section), the Class I price shall be reduced 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from the State Capitol, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

* * * * *

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

Inflation Impact Statement. The United States Department of Agriculture 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.

Effective date: December 1, 1976.

Signed at Washington, D.C., on October 26, 1976.

JOHN DAMGARD,
Acting Assistant Secretary.

[FR Doc.76–31720 Filed 10–28–76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1976 Crop Sorghum Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Sorghum Loan and Purchase Program

Correction

In FR Doc. 76–29610 appearing on page 44704 in the issue for Tuesday, October 12, 1976, the listing on page 44705 for "Lawrence County_____2.13" appearing under Illinois in § 1421.237(a) should be deleted.

[CCC Grain Price Support Regs., 1976 Crop Corn Supplement]

PART 1421—GRAINS AND OTHER SIMILARLY HANDLED COMMODITIES

Subpart—1976 Crop Corn Loan and Purchase Program

Correction

In FR Doc. 29609 appearing on page 44701 in the issue for Tuesday, October 12, 1976, the following changes should be made:

(1) On page 44702, in the table for Indiana under § 1421.113(a), Perry County incorrectly appears below Hancock County. It should have appeared below Parke County.

(2) On page 44704, in § 1421.113(c)(5), appearing in the third column, the reference to "—10 (Cents per bushel)" should have read "—1."

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures, and Authorizations

On page 28795 of the FEDERAL REGISTER dated July 13, 1976, there was published a notice of proposed rulemaking to amend § 1822.267 of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) by the addition of paragraph (1) which allowed for the issuance of conditional commitments and the subordination of FmHA's lien with certain conditions of sites financed with section 524 Rural Housing Site loans. FmHA also proposed to add Exhibit C, "Subordination By the Government for Use with Rural Housing Site Loans," for use by the State Director, if necessary, in approving the subordination. These changes were to facilitate the construction of homes for low- and moderate-income families on lots financed with section 524 Rural Housing Site loans.

Interested parties were given 30 days to submit written comments, suggestions, data, or arguments regarding the pro-

posed regulations. No written objections have been received and the proposed regulation is hereby adopted without change as set forth below.

§ 1822.267 **Special conditions.**

* * * * *

(l) *Conditional commitments for construction of homes on developed sites.* Conditional commitments may be issued on sites developed with an RHS section 524 loan to permit homes to be constructed on sites prior to the sale of the site to an eligible purchaser in accordance with the following:

(1) The requirements of Subpart H of Part 1822 must be met and a conditional commitment issued prior to the start of construction of the home.

(2) The conditional commitment must be issued to an RHS borrower who can legally provide the proposed housing and has the experience and training in construction to the extent necessary to assure that the housing will be built or jointly to the RHS loan borrower and a builder who has the legal capacity, training and experience necessary to construct the housing. In all cases the following language will be added under "other conditions" on Form FmHA 444–11, "Conditional Commitment":

(i) "Not withstanding the other provisions of this commitment the sale of completed homes on sites developed with section 524 Rural Housing Site loans will be limited to families eligible for assistance under any section of Title V of the Housing Act of 1949 or under any other law which provides financial assistance for housing low- and moderate-income families. The approval of FmHA will be obtained prior to the sale of each home. The request for approval shall be submitted to the local FmHA office along with an application for an RH 502 loan or a financial statement from the purchaser and verification of the other credit that is available."

(ii) The benefits of the nonprofit development of the site(s) must be passed on to the purchaser. This will result in this site being sold for $_____ (price to be determined as provided for in (§ 1822.275(b))).

(3) In arriving at the commitment price for the site and the completed home, the value will be based on the present market value of the house only, plus the nonprofit selling price of the lot.

(4) If in order to obtain interim financing for the construction of the homes, the RHS loan borrower requests a subordination by FmHA on individual lots, the State Director may approve the subordination by completing and executing a subordination in the format of Exhibit C of this subpart.

(5) FmHA's lien on any lot will be released only at the time of sale to an eligible purchaser.

(6) The County Supervisor should provide the necessary supervision to assure that the RHS loan borrower takes the necessary action to assure that all qualified builders in the area are aware of the availability of rural housing sites and are given an equal opportunity to participate in this conditional commitment program. As a minimum, the borrower will be required to submit a signed statement indicating the actions taken including names and dates of contacts with builders.

* * * * *

EXHIBIT A [RESERVED]

EXHIBIT B [RESERVED]

EXHIBIT C—SUBORDINATION BY THE GOVERNMENT FOR USE WITH RURAL HOUSING SITE LOANS

Whereas, The United States of America acting through the Farmers Home Administration (hereinafter called the "Government") is the holder of the following-described instrument(s) executed by _____ of _____ _____ County, State of _____ (hereinafter called the "Borrower")

Title of instrument	Date of instrument	Date filed	Office filed	Book No.	Page No.

And whereas, _____ (hereinafter called the "Lender") has agreed to provide a loan to the borrower or to a builder designated by the borrower to construct a home on the property described in this instrument.

Now Therefore, in consideration of the Lender's agreement to make such loan to the borrower, the Government hereby consents to the Borrower obtaining said loan from the lender, and agrees to and hereby subordinates in favor of the Lender and his successors and assigns its liens or security interests created or evidenced by the above-described instrument(s) insomuch as they cover the following described property:

Except That, The Government shall retain a first lien or security interest in the above-described property in an amount of $_____. Such first lien will be released only when satisfactory evidence is provided indicating that the lot with completed home is being sold to a family eligible for assistance under any section of Title V of the Housing Act of 1949 or under any other law which provides financial assistance for housing low- and moderate-income families and that the benefits of the nonprofit development of the site are being passed on to the eligible purchaser and that the amount of that first lien is paid on the Borrower's Rural Housing Site Loan debt to the Government.

This subordination is limited to the amount actually loaned by the Lender to the Borrower for the foregoing purpose, but shall not exceed $_____.

Only the above described property is affected by this subordination. This subordination shall not otherwise affect or modify the obligations secured by the aforesaid lien instrument(s), and the said obligations shall continue in force and effect until fully paid, satisfied, and discharged.

No member of Congress shall be admitted to any share or part of this agreement or to any benefit that may arise thereupon.

In Witness Whereof, The United States of America has caused these presents to be signed on the _____ day of _____, 19__, pursuant to delegated authority published in 7 CFR, Part 1800.

Witness:
_____
_____

UNITED STATES OF AMERICA
By: _____
Title: _____
Farmers Home Administration, U.S. Department of Agriculture.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: These amendments shall become effective on October 29, 1976.

Dated: October 15, 1976.

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

[FR Doc.76–31625 Filed 10–28–76;8:45 am]

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Community Facility Loans

MISCELLANEOUS AMENDMENTS

On page 14773 of the FEDERAL REGISTER dated April 7, 1976, there was published a notice of Proposed Rulemaking amending §§ 1823.6, 1823.8 and 1823.9 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29026). These amendments were proposed to do the following:

1. Section 1823.6 (a) and (b) are amended to clarify security requirements for community facility loans, permit the State Director to delete requirements for liens on real estate or chattel property in certain cases, reduce the requirements for corporate existence from ten to five years when security is based on the applicant's financially successful past operations, and eliminate specific reference to industrial revenue bonds.

2. Section 1823.8(b) is amended to change the title of the section and to clarify its content.

3. Section 1823.9(g) is added to require the appropriate State agency's certification that the proposed health care facility being financed under this subpart is not inconsistent with the State Medical Facilities (Hill-Burton) Plan. In addition, a certificate from the appropriate State agency or regional Department of Health, Education, and Welfare (HEW) engineer stating that the proposed facility will meet the minimum standards for design and construction contained in the Public Health Service/Health Resources Administration, HEW Publication (No. HRA 74–4000), and the life/safety aspects of the 1967 and 1973 editions of the National Fire Protection Association 101 Life Safety Code or any subsequent codes that may be designated by the Secretary of HEW is also required.

Interested persons were given until May 7, 1976, to submit written comments, suggestions, or objections regarding the proposed amendment. All comments submitted with respect to the proposal were considered. Due to comments received, the following changes are being made.

1. Section 1823.6, paragraph (a) (3) is amended for editorial purposes.

2. Section 1823.8, paragraph (b) is amended for editorial purposes.

3. Section 1823.9, paragraph (g) is amended to incorporate certain comments.

As amended, paragraphs (a) and (b) of § 1823.6 and paragraph (b) of § 1823.8 and new paragraph (g) of § 1823.9 read as follows:

§ 1823.6 Security.

(a) *Other-than-public bodies.* Loans to other-than-public body applicants will be secured as follows:

(1) Loans to borrowers operating utility-type facilities such as water and sewer systems, natural gas distribution systems, cable TV, will be secured by:

(i) Assignments of borrower income taken and perfected by filing, if legally permissible; and

(ii) A lien taken on the interest of the applicant in all land, easements, rights-of-way, water rights, and similar property rights, including leasehold interest, used, or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land rights (such as land rights obtained from Federal or local Government agencies, and from railroads) and the FmHA State Director determines that the interest of FmHA otherwise is secured adequately, the lien requirements may be omitted as to such land rights. It will be the responsibility of the applicant to obtain and record such releases, consents, subordinations to such property rights from holders of outstanding liens or other instruments, as it determines, with the advice of its attorney, are necessary for the construction, operation, and maintenance of the facility.

(A) When the loan is approved for the acquisition of real property subject to an outstanding lien indebtedness, the next highest priority lien obtainable will be taken.

(B) When easements, rights-of-way, or leases only are obtainable on sites for structures such as reservoirs and pumping stations, releases, consents, or subordinations may be required by FmHA.

(iii) Promissory notes from individuals, stock or membership subscription agreements, individual member's liability agreements, or other evidences of debt, as well as mortgages or other security instruments encumbering the private property of members of the association may be pledged or assigned to FmHA as additional security in any case in which the interest of FmHA will not be otherwise adequately protected.

(iv) In those cases where there is a substantial number of other than full-time residents and facility costs result in a higher than reasonable rate for such full-time residents, the loan will be secured by an assignment or pledge of general obligation bonds, taxes or assessments from public bodies or other organizations having the authority to issue bonds, taxes, or assessments.

(2) Loans for solid waste projects may be secured by a pledge of solid waste disposal revenue, only when the revenue pledged includes that from the solid waste project plus revenue from other facilities of the applicant with tie-in-enforcement rights, or by the taxing power of participating local governments.

(3) Loans for other community facilities such as social, cultural, recreational needs, public health and safety may be secured through assignments of assured income which will have permanency for the life of the loan, from sources such as insurance premium rebates, or commitments from industries or public bodies. Additional security may be taken as determined necessary by the State Director.

(i) In those cases where an assignment of assured income is not available, a loan may be considered provided the organization and facilities have:

(A) Been in existence and are able to present evidence of financially successful operation of a similar facility for a period of time sufficient to indicate project success and have available real and chattel property which has a present market value, determined by a qualified appraiser, equal to or exceeding the amount of the loan to be obtained plus any other indebtedness on the proposed security property. National Office concurrence is required for those applications in which the applicant has been in existence for less than five years and/or has not operated on a financially successful basis for at least the last five years.

(B) Such loans will be secured by liens on real and chattel property used in connection with the facility, an assignment of income and any other security the State Director determines necessary for a sound loan. If the State Director determines that the loan will be adequately secured with, liens on either real estate or chattel property having a present market value equal to or exceeding the indebtedness, he may delete the lien requirements on either the real estate or chattel property.

(ii) In those exceptional cases where the proposal does not meet the requirements outlined in paragraph (a)(3) of this section, such proposals may be considered only:

(A) When the applicant is a new organization or one that has not operated the type of facility being proposed.

(B) When there is a demonstration of exceptional community support such as substantial financial contributions, and aggressive leadership in the formation of the organization and proposed project which indicates a commitment of the entire community.

(C) After the State Director has determined that adequate and dependable revenues will be available to meet all operation expenses, debt repayment and the required reserve.

(D) When the security required by paragraph (a)(3)(i)(B) of this section is available.

(E) With prior National Office review and concurrence.

(b) * * *

(3) * * *

(v) Assignment of assured income which will have permanency for the life of the loan from sources such as insurance premium rebates, commitments from industries or other public bodies. Additional security may be taken as determined necessary by the State Director.

(4) In those cases where security is not available in accordance with paragraph (b)(3) of this section, a proposal may be considered provided the organization and facilities have:

(i) Been in existence and are able to present evidence of the financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required for those applications in which the applicant has been in existence for less than five years and/or has not operated on a financially successful basis for at least the last five years; and

(ii) Such loans will be secured by an assignment of income and liens on real and/or personal property having a present market value equal to or exceeding the indebtedness. If State law precludes securing the loan in such manner, the loan will be secured in the best possible manner consistent with State law and customary security taken by private lenders in the State such as revenue bonds and any other security the State Director determines necessary for a sound loan.

(5) In those exceptional cases where the proposal does not meet the requirements outlined in paragraphs (b)(3) and (4) of this section, proposals may be considered in accordance with paragraph (a)(3)(i) of this section except that liens will be taken on real and personal property when legally permissible.

(6) [Reserved]

* * * * *

§ 1823.8 Reserve requirements.

* * * * *

(b) Other than general obligation or special assessment bonds. Each borrower will be required to establish and maintain reserves sufficient to assure that loan installments will be paid on time, to pay for emergency maintenance, and for extensions to facilities. It is expected that borrowers issuing bonds or other evidences of debt pledging facility revenues as security will ordinarily plan their reserve program to provide for a total reserve in amount, equal, at least, to one average loan installment. It is also expected that ordinarily such reserve will be accumulated at the rate of at least one-tenth of the total each year until the desired level is reached.

§ 1823.9 General requirements.

* * * * *

(g) *Health care facilities.* Applicants will provide a statement from the appropriate State agency certifying that the proposed health care facility is consistent with the State Medical Facilities Plan as approved by the Secretary, Department of Health, Education, and Welfare (HEW) and any other standards or criteria adopted pursuant to the State capital expenditures review program or section 1122 of the Social Security Act. In addition, a statement from the appropriate State agency or regional HEW engineer will be provided certifying that the proposed facility will meet the mini-

mum standards for design and construction contained in the Public Health Service/Health Resources Administration (PHS/HRA), HEW Publication "Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities," or any subsequent codes that may be designated by the Secretary of HEW. The statement will also contain a certification stating that the facility will comply with the life/safety aspects of the National Fire Protection Association (NFPA) 101 Life Safety Code and other conditions of participation as required to be eligible for full medicare/medicaid benefits. Any exceptions to this subsection must have prior National Office concurrence.

* * * * *

(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)

Effective date: This amendment is effective on October 29, 1976.

Dated: October 13, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-31624 Filed 10-28-76;8:45 am]

SUBCHAPTER I—LOAN AND GRANTS PROGRAMS

PART 1918—PLANNING AND PERFORMING DEVELOPMENT (INDIVIDUAL)

Subpart C—Complaints, Suspension and Debarment Proceedings

Section 1918.126 of Subpart C of Part 1918, Title 7, Code of Federal Regulations (41 FR 10441) is amended as follows: Paragraph (e)(3)(v) is amended to indicate that the debarment determination may be appealed through the Contracting Officer to the Board of Contract Appeals, U.S. Department of Agriculture, Washington, DC 20250, and to give notice that the State Director is designated as the Contracting Officer; the address of the Board of Contract Appeals is deleted from paragraph (e)(3)(vi); paragraph (e)(3)(vii) is deleted; paragraph (e)(3)(viii) is redesignated as paragraph (e)(3)(vii) without change, and; the third sentence of paragraph (f) is deleted.

These provisions are being published without notice of proposed rulemaking since the Farmers Home Administration is merely complying with the established functions and rules of procedure set forth in 7 CFR 2400, Board of Contract Appeals. For that reason, public notice and procedure thereon are unnecessary.

As amended paragraphs (e)(3)(v), (vi) and (vii), and paragraph (f) read as follows:

§ 1918.126 Procedures for debarment and temporary suspension.

* * * * *

(e) * * *

(3) * * *

(v) That the debarment determination may be appealed in writing (original and two copies) through the Contracting Officer to the Board of Contract Appeals, U.S. Department of Agriculture, Washington, DC 20250. (For the purpose of this Subpart C, the State Director is designated as the Contracting Officer.)

(vi) That appeals must be filed within 30 days of the issuance of the notice of the debarment determination and in accordance with the rules of the USDA Board of Contract Appeals as found in 7 CFR Part 2400.

(vii) That if the debarment determination is appealed, the person will be in a status of temporary suspension until final decision by the Board.

* * * * *

(f) *Appeals.* Appeals may be taken from an adverse debarment determination within 30 days of the issuance of the notice of such determination, unless an extension is granted by the State Director for good cause. The manner of filing appeals and the procedure on appeals shall be governed by the rules of the Board of Contract Appeals. (See 7 CFR Part 2400.) No appeal may be taken to the Board of Contract Appeals from any temporary suspension imposed under these regulations.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Secretary 10 Pub. L. 93-357, 88 Stat 392, 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 delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850.)

Effective date: These amendments shall become effective on October 29, 1976.

Dated: October 18, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-31626 Filed 10-28-76;8:45 am]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-A]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart A—General

On pages 39776-39787 of the FEDERAL REGISTER dated September 16, 1976, there was published a notice of proposed rulemaking proposing to add a new Subpart A of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations.

Subpart A contains materials and forms that are common to the Guaranteed Loan Program. Subparts B and C are hereby reserved.

In addition, Forms FmHA 449-34, "Loan Note Guarantee," FmHA 449-35, "Lender's Agreement," and FmHA 449-36, "Assignment Guarantee Agreement," currently designated as Appendixes B, C and D, respectively, of Part 1980 Subpart E are revised, redesignated and transferred to this new Subpart A as Appendixes A, B and C.

Interested persons were given the opportunity to submit, not later than October 18, 1976, comments, suggestions or objections regarding the proposed regulations. Several comments and suggestions have been received and were given due consideration. They have resulted in editorial changes for clarification and other changes as follows:

1. Section 1980.42, paragraph (b) has been revised to clarify when flood insurance would be purchased.

2. Section 1980.60, paragraph (e) and (f) have been revised to except Rural Housing Single family loans from preclosing conference and certain loan closing requirements.

3. Lender's Agreement, paragraph XII E has been revised to eliminate the basic formula for loss determination which will be incorporated into a new form FmHA 449-30, "Loss Note Guarantee Report of Loss."

4. Lender's Agreement, paragraph XVIII is revised to allow Protective Advances to be made by the Lender up to $500 without prior written approval of FmHA.

Effective date: This regulation shall become effective October 29, 1976.

Dated: October 22, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Accordingly, Subpart A of Part 1980 is added as set forth below.

Subpart A—General

Sec.

1980.1 Purpose.
1980.2-1980.5 [Reserved]
1980.6 Definitions and abbreviations.
1980.7-1980.10 [Reserved]
1980.11 Full faith and credit.
1980.12 Case and identification numbers.
1980.13 Eligible lenders.
1980.14-1980.19 [Reserved]
1980.20 Loan guarantee limits.
1980.21 Guarantee fee.
1980.22 Charges and fees by lenders.
1980.23-1980.39 [Reserved]
1980.40 Environmental impact assessments and statements.
1980.41 Equal opportunity and nondiscrimination requirements.
1980.42 Flood or mudslide hazard area precautions.
1980.43 Clean Air Act and Water Pollution Control Act requirements.
1980.44 National Historic Preservation Act of 1966.
1980.45 Other Federal, State and local requirements.
1980.46—1980.59 [Reserved]
1980.60 Conditions precedent to issuance of the Loan Note Guarantee.
1980.61 Issuance of Lender's Agreement, Loan Note Guarantee and Assignment Guarantee Agreement.
1980.62 Lender sale and assignment of guaranteed portion of the loan.
1980.63 Defaults by borrowers.
1980.64 Liquidation.
1980.65 Protective advances.
1980.66 Additional Loans or advances.
1980.67-1980.79 [Reserved]
1980.80 Method of Review.
1980.81 Access to records of lenders.
1980.82 State supplements.
1980.83 FmHA forms.
1980.84-1980.100 [Reserved]

Appendix A-Form FmHA 449-34, "Loan Note Guarantee."
Appendix B—Form FmHA 449-35, "Lender's Agreement."
Appendix C—Form FmHA 449-36, "Assignment Guarantee Agreement."

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sect. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

Subpart A—General

§ 1980.1 Purpose.

This Subpart A contains the general regulations and prescribed forms which are applicable to the Farmers Home Administration (FmHA) guaranteed loan programs for Rural Housing loans, which is in Subpart D. Additional regulations for this program are found in Subpart D. These additional regulations apply to lenders, holders, borrowers, and other parties involved in making, guaranteeing, insuring (if applicable), holding, servicing, or liquidating such loans.

§§ 1980.2–1980.5 [Reserved]

§ 1980.6 Definitions and abbreviations.

(a) *General definitions.* The following general definitions are applicable to the terms used in this Subpart, and Subpart D and related forms. Additional definitions may be found in the Subpart relating to the particular type of loan involved.

(1) *A–95 agency.* Office of Management and Budget Circular A–95 establishes project notification and review system to coordinate planning of Federal programs and projects with State and local agencies. Such agencies are referred to in this regulation as A–95 agencies.

(2) *Assignment Guarantee Agreement (Form FmHA 449–36).* The signed agreement among FmHA, the lender, and the holder, setting forth (specifically or by reference) the terms and conditions of an assignment of a guaranteed portion of a loan or any part thereof.

(3) *Borrower.* All parties liable for the loan or any part thereof.

(4) *Conditional Commitment for Guarantee (FmHA Form 449–14).* FmHA's advice to the lender that the material it has submitted is approved subject to the completion of all conditions and requirements set forth in "Conditional Commitment for Guarantee."

(5) *Finance Office.* The office which maintains the FmHA financial records. It is located at 1250 Market Street, St. Louis, Missouri 63103, (Phone 314–622–4400).

(6) *FmHA.* The United States of America, acting through the Farmers Home Administration, an Agency of the United States Department of Agriculture. References to the National Office, Finance Office, State Office, County Office, State Director, District Director, County Supervisor, or other FmHA office or official should be read as prefaced by "FmHA."

(7) *Guaranteed loan.* A loan made and serviced by a lender for which FmHA has entered into a Form FmHA 449–35, "Lender's Agreement" and for which FmHA has issued a Form FmHA 449–34, "Loan Note Guarantee."

(8) *Hazard insurance.* Includes fire, windstorm, lightning, hail, explosion, riot, civil commotion, aircraft, vehicles, smoke, builder's risk, public liability, property damage, flood or mudslide, workmen's compensation, or any similar insurance that is available and needed to protect the security, or that is required by law.

(9) *Holder.* The person or organization other than the lender who holds all or a part of the guaranteed portion of the loan with no servicing responsibilities. When the lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a holder only when he uses Form FmHA 449–36, "Assignment Guarantee Agreement."

(10) *Insured loans.* A loan directly made and serviced by FmHA as lender with funds from the Rural Development Insurance Fund, Rural Housing Insurance Fund, or Agricultural Credit Insurance Fund.

(11) *Joint financing.* Occurs when two or more lenders (or any combination of such lenders) make separate loans to supply the funds required by one applicant. For example, such joint financing may consist of FmHA financial assistance with the Economic Development Administration (EDA), Department of Housing and Urban Development (HUD), Small Business Administration (SBA), other Federal and State agencies, and private and quasi-public financial institutions.

(12) *Lender.* The person or organization making and servicing the loan which is guaranteed under the provisions of the appropriate Subpart. The lender is also the party requesting a loan guarantee.

(13) *Lender's agreement (Form FmHA 449–35).* The signed agreement between FmHA and the lender setting forth (specifically or by reference) the lender's loan responsibilities when the Loan Note Guarantee is issued.

(14) *Loan Note Guarantee (Form FmHA 449–34).* The signed commitment issued by FmHA setting forth (specifically or by reference) the terms and conditions of the guarantee.

(15) *Market value.* The amount for which property would sell for its highest and best use at voluntary sale.

(16) *Note.* An evidence of the debt. In those instances where FmHA makes an insured loan or guarantees a bond issue, "note" shall also be construed to include "Bond" or other evidence of indebtedness where appropriate.

(17) *Principals of borrowers.* Include owners, officers, directors, entities and others directly involved in the operation and management of a business.

(18) *Transfer and assumption.* The conveyance by a debtor to an assuming party of the assets, collateral, and liabilities of the loan in return for the assuming party's binding promise to pay the debt outstanding. In relation to transfer and assumption cases, where appropriate, "liquidation" and "loan" shall be construed to mean "transfer and assumption," "promissory note" shall be construed to mean "assumption agreement," and "borrower" shall be construed to mean "assuming party" or "transferee."

(b) *Abbreviations.* The following abbreviations are applicable:

(1) ASCS—Agricultural Stabilization and Conservation Service.
(2) B&I—Business and Industry.
(3) EDA—Economic Development Administration.
(4) EPA—Environmental Protection Agency.
(5) EIS—Environmental Impact Statement.
(6) EM—Emergency loans.
(7) FO—Farm Ownership.
(8) RL—Recreation loans.
(9) SW—Soil and Water.
(10) OL—Operating loans.
(11) OL–Y—Operating loans—Youth.
(12) FDAA—Federal Disaster Assistance Administration.
(13) FIA—Federal Insurance Administration.
(14) FmHA—Farmers Home Administration.
(15) FMI—Forms Manual Insert.
(16) OGC—Office of the General Counsel.
(17) SBA—Small Business Administration.
(18) SBIC—Small Business Investment Company.
(19) USDA—United States Department of Agriculture.

§§ 1980.7–1980.10 [Reserved]

§ 1980.11 Full faith and credit.

The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the lender or holder has actual knowledge at the time it becomes such lender or holder or which lender or holder participates in or condones. The guarantee and right to require purchase will be directly enforceable by holder notwithstanding any fraud or misrepresentation by the lender or any unenforceability of the Loan Note Guarantee by lender. The Loan Note Guarantee will be unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

§ 1980.12 Case and identification (ID) numbers.

(a) *Case number.* The case number will be the applicant's (borrower's), or transferee's Social Security or Internal Revenue Service (IRS) tax number, whichever is appropriate.

(1) If such party is an individual, his or her Social Security number, will be used. If such party is husband and wife the husband's Social Security number will be used.

(2) If any party objects to furnishing FmHA a Social Security number, a case number will be assigned by the FmHA Finance Office.

(3) If such party is a legal entity, its IRS tax number will be used.

(4) The applicant's Social Security or IRS tax number preceded by State and County Code Numbers will constitute the entire case number to be used on all

FmHA forms. The County Supervisor will provide the lender with these numbers.

(b) *ID number of lender and holder.* The lender's and holder's IRS tax number will be used as its ID number in correspondence and FmHA forms relating to the guarantee.

§ 1980.13 Eligible lenders.

(a) *Local lenders.* All lenders may participate by using the various sources of capital and segments of the money market to meet the necessary financing requirements for guaranteed loan programs. FmHA ordinarily will require that a local lender be involved for each project. A local lender is a lender in or near a community where the project is or will be located who routinely provides loan services to such community. Although the project may involve other lenders, investors, or packagers, it is expected that a local lender will be the lead lender and be responsible to service and liquidate (if necessary) the loan. The local lender may use as agents, correspondents, branches, financial, other institutions or persons to provide expertise for its responsibilities. FmHA ordinarily will use the local lender as a point of contact for the administration of the program.

(b) *An eligible lender is:* (1) Any Federal or State chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, Savings and Loan Association, Building and Loan Association, or Small Business Investment Company, that is subject to credit examination and supervision by either an agency of the United States, or a State is eligible to make and service guaranteed loans provided it is in good standing with its licensing authority and has met licensing, loanmaking, loan servicing, and other requirements of the State in which the collateral will be located, and the loanmaking and/or loan servicing office requirements in paragraph (f) of this section, or

(2) Any other lender, including but not limited to, insurance companies, credit unions and mortgage loan companies that is approved for eligibility by FmHA. To qualify as a lender under this paragraph (b)(2) of this section, the lender will submit to FmHA the material in paragraph (i), (ii), (iii), (iv), and (v) of this paragraph. Lenders will be considered by FmHA for eligibility under paragraph (b)(2) of this section for loan-making on a nationwide, State, or loan-by-loan basis. They should indicate the type of eligibility requested in their submission. Lenders having sufficient experience, adequate organization for loan servicing, and sufficient capital and surplus to support the proposed loan program will be considered for eligibility on a national basis. Those licensed to do business only in specified States will be considered for eligibility only in those States. Material to be submitted is as follows:

(i) Form FmHA 449–18, "Lender or Holders Request for Approval."

(ii) Evidence showing that it has the necessary capital and resources to indicate success in meeting its responsibilities.

(iii) Copy of any license, charter, or other evidence of auhtority to engage in the proposed loanmaking and loan servicing activity. If licensing by the state is not required, an attorney's opinion to this effect will be submitted.

(iv) Information on lending operations, including length of time in the lending business; experience in making loans; management capability; range and volume of lending and servicing activities; current financial statements; sources of funds for the proposed loan; status of loan portfolio; any special requirements for equity ownership, options or payment of profits of the prospective borrower's company in exchange for any financial assistance to the business, loanmaking and servicing office location and rates charged for servicing and any other fees; e.g., loan origination, loan preparation, or brokerage fees. Such fees may not be greater than those charged by similarly situated lenders in the ordinary course of business.

(v) A copy of its loan agreement(s) ordinarily used.

(c) *FmHA determination.* FmHA will make such investigation as it deems necessary and will notify the prospective lender whether its request for eligibility is approved or rejected. If rejected, the reasons for the rejection will be indicated to the prospective lender in writing and if the lender is able to overcome the objections, it may resubmit the request. See appropriate Subpart.

(d) *Participations.* Lenders who are not eligible lenders are not barred from participating in loans made by eligible lenders.

(e) *Lender notification.* Each prospective lender will inform FmHA whether it qualifies for eligibility under paragraphs (b)(1) or (b)(2) of this section and if an eligible lender, which agency or authorities, if any, supervises such lender. This information will be furnished to FmHA on the appropriate application form or in letter form.

(f) *Lender location.* Each lender must maintain an office (either its main or branch office or that of an agent) near enough to the collateral's location so it can properly and efficiently discharge its loanmaking and loan servicing responsibilities.

(g) *Ownership.* All lenders will be owned and controlled as provided in paragraph V of Form FmHA 449–35, "Lender's Agreement." However, in a case where 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 lender is determined to be eligible by FmHA, paragraph V of the Lender's Agreement will be deleted and initialed by both the lender and FmHA.

(h) *Conflict of interest.* For possible lender-borrower conflict of interest, see paragraph VI of Form FmHA 449–35. All lenders will, for each proposed loan, inform FmHA as to whether the lender or its principal officers or the borrower or its principals or officers hold any stock or other evidence of ownership in the other. FmHA shall determine whether such ownership is sufficient to likely result in a conflict of interest.

(i) *Debarment.* See Part 1918 Subchapter C of this Chapter.

§§ 1980.14–1980.19 [Reserved]

§ 1980.20 Loan guarantee limits.

The maximum loss covered under the Form FmHA 449–34, "Loan Note Guarantee," will not exceed ninety percent of the principal and accrued interest on the indebtedness represented by the borrower's guaranteed loan promissory note or assumed under an assumption agreement. Lenders and applicant will propose the percentage of guarantee. The lender and applicant will be informed in writing on Form FmHA 449–14 by FmHA of any percentage of guarantee less than proposed by the lender and applicant, and the reasons therefor. FmHA will determine the percentage of guarantee after considering all credit factors involved, including but not limited to:

(a) *Applicant's management.* The applicant's management, and when appropriate, equity capital, history of operation, marketing plan, raw material requirements, and availability of necessary supporting utilities and services.

(b) *Collateral.* Collateral for the loan.

(c) *Financial condition.* Financial condition of applicant or applicants' principals, if appropriate.

(d) *Lender's exposure.* The lender's exposure before and after the loan.

(e) *Trends and conditions.* Current trends and economic conditions.

§ 1980.21 Guarantee fee.

(a) *Initial fee.* The fee will be one percent (1 percent) of the principal loan amount multiplied by the percent of guarantee, paid one time only at the time the Loan Note Guarantee is issued. The fee will be paid to FmHA by the lender and is nonrefundable. The fee may be passed on to the borrower.

(b) *Substitution fee.* In the event FmHA agrees to issue a Loan Note Guarantee in substitution for a Form FmHA 449–17, "Contract of Guarantee," issued under previous regulations (see § 1980.61 (b)(2)) the lender will pay to FmHA at the time the substitution is made a nonrefundable, one-time fee of one percent (1 percent) of the current principal loan balance multiplied by the percent of guarantee.

§ 1980.22 Charges and fees by lender.

(a) *Routine charges and fees.* The lender may establish the charges and fees for the loan, provided they are the same as those charged other applicants for similar types of transactions.

(b) *Late payment charges.* Late payment charges will not be covered by the Loan Note Guarantee. Such charges may not be added to the principal and interest due under any guaranteed note. Late payment charges may be made only if:

(1) *Routine.* They are routinely made by the lender in all types of loan transactions.

(2) *Payments received.* Payment has not been received within the customary time frame allowed by the lender. The term "payment received" means that the payment in cash or by check, money order, or similar medium has been received by the lender at its main office, branch office, or other designated place of payment.

(3) *Calculating charges.* The lender agrees with the applicant in writing that the rate or method of calculating the late payment charges will not be changed to increase charges while the Loan Note Guarantee is in effect.

§§ 1980.23–1980.39 [Reserved]

§ 1980.40 Environmental impact assessments and statements.

The need for an Environmental Impact Statement (EIS) will be determined by the FmHA State Director. The determination will be based upon FmHA's review of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," State and sub-State clearinghouse and other agency comments or other information available. If an EIS is necessary, applicants and lenders will be required to provide essential data for use in its preparation. FmHA State Director will coordinate preparation and processing of any required EIS. If joint agency financing for the proposal is involved, the lead agency will be responsible for preparation of the EIS. In all cases FmHA is responsible for assuring that the requirement of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), and 7 CFR Subpart G of Part 1901 of this chapter are met.

§ 1980.41 Equal opportunity and nondiscrimination requirements.

(a) *Equal Credit Opportunity Act.* In accordance with Title V of Pub. L. 93–495, the Equal Credit Opportunity Act, neither the lender nor FmHA will discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction. The lender will comply with the requirements of this Act as set forth in the Federal Reserve Board's Regulation implementing this Act. (See 12 CFR Part 202). Such compliance will be accomplished prior to loan closing.

(b) *Forms and requirements.* In accordance with Executive Order 11246, the following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases involving construction as indicated. The borrower is responsible for seeing that the requirements of paragraphs (b) (1) through (5) of this section are met.

(1) *Compliance reports.*—No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(2) *Equal Opportunity agreement.* Before loan closing, each borrower whose loan involves a construction contract of more than $10,000 must execute Form FmHA 400–1, "Equal Opportunity Agreement."

(3) *Contract or subcontract in excess of $10,000.* If the contract or a subcontract exceeds $10,000:

(i) The contractor or subcontractor must submit Form FmHA 400–6, "Compliance Statement," before or as a part of the bid or negotiation.

(ii) An Equal Opportunity Clause must be part of each contract and subcontract. This clause is incorporated in Form FmHA 424–6, "Construction Contract," which may serve as a guide.

(iii) With notification of the contract award, the contractor must receive:

(A) Form FmHA 400–3, "Notice to Contractors and Applicants," signed by the County Supervisor with an attached Equal Employment Opportunity Poster. Posters in Spanish must be provided and displayed where a significant portion of the population is Spanish speaking.

(B) Form AD–425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," if the contractor or subcontractor is subject to the requirements of paragraph (5) of this section.

(4) *One hundred or more employees and contract or subcontract exceeds $10,000.* If the contractor or subcontractor has 100 or more employees and the contract or subcontract is for more than $10,000.

(i) In addition to meeting the requirements of paragraph (b) (3) of this section, each such contractor or subcontractor must file Standard Form 100, "Equal Employment Opportunity Employer Information Report EEO–1," with the Joint Reporting Committee within 30 days of the contract or subcontract award, unless this report has already been submitted within the last 12 months.

(ii) An annual report must be filed on or before March 31, as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely, complete and accurate reports constitutes noncompliance with the Equal Opportunity Clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW., Washington, D.C. 20006.

(5) *Fifty or more employees and contract or subcontract exceeds $50,000.* If the contract or subcontract is more than $50,000 and the contractor or subcontractor has 50 or more employees, in addition to the requirements of paragraph (b) (3) of this section, each such contractor or subcontractor must be informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD–425 provides guidelines for the contractor or subcontractor in developing such a program.

(6) *Compliance reviews.* Compliance reviews must be made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in employment. Findings of the borrower or lender (when inspections are made), will be shown on Form FmHA 424–12, "Inspection Report." If there is any evidence of noncompliance, the borrower or lender will try to achieve voluntary compliance. If the effort fails, such borrower or lender will report all the facts to FmHA.

(7) *Employee complaints.* Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FmHA.

(i) A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(A) The name and address (including telephone number, if any) of the complainant.

(B) The name and address of the person committing the alleged discrimination.

(C) A description of the acts considered to be discriminatory.

(D) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(ii) Such complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FmHA for good cause shown by the complainant.

§ 1980.42 Flood or mudslide hazard area precautions.

(a) *Project location.* Projects located in special flood or mudslide hazard areas, as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development may be financed under this Subpart only:

(1) If the community, as a result of such designation by FIA as a special flood or mudslide prone area, has an approved flood plain area management plan.

(2) If the project location and construction plans and specifications for new buildings or improvements to existing buildings comply with an approved flood plain area management plan in paragraph (a) (1) of this section.

(b) *Flood insurance.* If project is located in a special flood or mudslide hazard area and if flood insurance is available it will be purchased by the borrower prior to loan closing. (See Part 1806 Subpart B of this Chapter.) (FmHA Instruction 426.2)

§ 1980.43 Clean Air Act and Water Pollution Control Act requirements.

(a) *Conditions.* As a condition for FmHA's making or guaranteeing a loan in excess of $100,000 and unless other-

wise exempted, an applicant for a loan will:

(1) Comply with all the requirements of section 114 of the Clean Air Act (42 U.S.C., 1857 C–9) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) relating to inspection monitoring, entry, reports, and information, as well as all other requirements specified in section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. (Such regulations and guidelines can be found at 40 CFR 15.4 and 40 FR 17126, April 16, 1975.)

(2) Notify the FmHA of the receipt of any communication from the EPA indicating that a facility to be utilized in the carrying out of the FmHA program loan purposes is under consideration to be listed on the EPA List of Violating Facilities. (Prompt notification is required prior to the making of the loan.)

(3) Certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA List of Violating Facilities pursuant to 40 CFR 15.20 as of the date of contract award.

(4) Include, or cause to be included, the criteria and requirements contained in this section in every nonexempt subcontract and will take such action as the Government may direct as a means of enforcing such provisions.

(5) Secure the service of a contractor who agrees to comply with the provisions in paragraph (a) of this section.

(b) *Solicitation.* Lender will cause to be included in all solicitation and contract provisions the stipulations contained in paragraph (a) of this section, provided the loan amount is $100,000 or more and not otherwise exempted.

(c) *Facility.* The term "facility", as used in this section only, means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, EPA determines that independent facilities are colocated in one geographical area.

(d) *Exemptions.* (1) *Transactions $100,000 and under.* Any contracts, subcontracts, loans, and subloans not exceeding $100,000 are exempt.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this section shall be applicable unless the applicant or borrower has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Authority of the Administrator.* When the Administrator of the FmHA determines that the paramount interest of the United States so requires, he may exempt any individual loan, contract or subcontract for a period of 1 year, and by rule or regulation any class of loans or contracts following consultation with EPA. In the case of an individual exemption, the Administrator shall notify the Director, Office of Federal Activities, EPA, as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof shall fully describe the purpose of the loan or contract and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(4) *Facilities located outside the United States.* This section shall not apply to the use of facilities outside the United States. The term "United States" as used herein includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

§ 1980.44 National Historic Preservation Act of 1966.

As a condition for FmHA making or guaranteeing a loan, the applicant will provide a written statement to FmHA of the effect, if any, the project will have on any district, site, or building, structure, or object that has been included in the National Register of Historic Places as maintained by the Department of Interior in accordance with the National Historic Preservation Act of 1966. Historic preservation as defined under this Act includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology and culture. (See Part 1890r of this chapter.) (FmHA Instruction 440.10)

§ 1980.45 Other Federal, State and local requirements.

In addition to the specific requirements of this regulation, proposals for facilities financed in whole or in part with an FmHA loan or guarantee will be coordinated with all appropriate Federal, State and local Agencies in accordance with the following:

(a) *Compliance with special laws and regulations.* Applicants and/or lenders will be required to comply with any Federal, State or local laws, regulatory commission rules, ordinances, and regulations which are presently in existence or may be later adopted which affect the project including, but not limited to:

(1) Organization and authority to design, construct, develop, operate and/or maintain the proposed facilities;

(2) Borrowing money, giving security therefor, and raising revenues for the repayment thereof;

(3) Land use zoning;

(4) Health, safety, and sanitation standards;

(5) Protection of the environment and consumer affairs.

(b) *In compliance.* The applicant and/or lender will be in compliance with this section effective with the date of issuance of the Loan Note Guarantee.

§§ 1980.46–1980.59 [Reserved]

§ 1980.60 Conditions precedent to issuance of the loan note guarantee.

(a) *Lender certification.* Form FmHA 449-34 will not be issued until the lender certifies to FmHA that:

(1) No major changes have been made in the lender's loan conditions and requirements since the issuance of the Conditional Commitment for Guarantee except, those approved in the interim by FmHA in writing.

(2) All planned property acquisition has been completed, all development has been substantially completed in accordance with plans and specifications, and all costs have not exceeded the amounts approved by the lender and FmHA.

(3) Required hazard, flood, or prevention insurance, workmen's compensation and personal life insurance when required is in effect.

(4) Truth in lending requirements have been met.

(5) All equal employment opportunity and nondiscrimination requirements have been or will be met at the appropriate time.

(6) The loan has been properly closed, and the required security instruments have been obtained, or will be obtained on any after acquired property that cannot be covered initially under State law.

(7) The borrower has title marketable in fact to the collateral then owned by him or it, subject to the instruments securing the loan to be guaranteed and subject to any other exceptions approved in writing by FmHA.

(8) When required, the entire amount of loan for working capital has been disbursed except in cases where the State Director has approved disbursement over an extended time.

(9) When required, personal, partnership or corporate guarantees have been obtained.

(10) All other requirements of the Conditional Commitment for Guarantee have been met.

(b) *Lender notification.* The lender will see that FmHA is notified so that it can make inspections at various stages during construction and/or the life of the loan, if FmHA has advised the lender that it desires to do so.

(c) *Execution of form.* The lender has executed and delivered to FmHA form FmHA 449–35.

(d) *Plans for marketing.* The lender advises FmHA of its plans to sell or assign any part of the loan as provided in Form FmHA 449–35.

(e) *Preclosing conference* (except for Rural Housing Single family loans). When a date for loan closing has been scheduled, the lender will contact FmHA for a preclosing review of all conditions and requirements.

(f) *Loan closing* (except for Rural Housing Single family loans). When loan closing plans are established, lender will notify the FmHA County Supervisor

so that an FmHA representative may attend the loan closing.

(g) *Additional Requirements.* See also appropriate Subpart for additional requirements.

§ 1980.61 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

(a) *Lender's Agreement.* If FmHA finds that all requirements have been met, the lender and FmHA will execute Form FmHA 449–35, "Lender's Agreement." The original will be delivered to FmHA and a signed duplicate original retained by the lender. There will be a Form FmHA 449–35 executed for all loans guaranteed by FmHA. The Lender's Agreement will be executed not later than the time the Loan Note Guarantee is signed and FmHA receives the guarantee fee.

(b) *Loan Note Guarantee.* (1) Upon receipt of the Form FmHA 449–35 and after all requirements have been met, FmHA will execute Form FmHA 449–34. All original(s) will be provided to the lender and attached to the note(s). A conformed copy with copies of notes attached will be retained by FmHA.

(2) In the event a lender has made a loan guaranteed by FmHA under previous regulations and has obtained a Form FmHA 449–17, "Contract of Guarantee," the lender may request the State Director to substitute a Loan Note Guarantee governed in all respects by these regulations for the previously issued Contract of Guarantee. The State Director will review the lender's written request for substitution of guarantees and may authorize the issuance of the new Loan Note Guarantee in exchange for the Contract of Guarantee. The lender will:

(i) Prepare and submit to FmHA a written request for such substituted guarantee.

(ii) Certify to FmHA that there is no adverse change in the borrower's financial situation, the collateral and terms of the loan remain the same as under the original guarantee, and the loan is in good standing.

(iii) Pay the required guarantee fee.

(iv) Certify to FmHA the outstanding principal amount of the loan.

(v) Execute Form FmHA 449–35.

(3) If the lender has selected the multi-note system as provided in paragraph III A2 of the Lender's Agreement, a Loan Note Guarantee will be prepared and attached to each note the borrower issues. All the notes will be listed on Form FmHA 449–34.

(4) If the lender requests a series of new notes to replace previously issued guaranteed notes as provided in paragraph III A2(b) of the Lender's Agreement, the County Supervisor may reissue the new Loan Note Guarantees to exchange for the original Loan Note Guarantees.

(c) *Assignment Guarantee Agreement.* In the event the lender assigns the guaranteed portion of the loan to a holder(s) in accordance with the provisions of the applicable Subpart, the lender, holder, and FmHA will execute Form FmHA 449–36, "Assignment Guarantee Agreement." The original of the agreement(s) will be provided to the holder with conformed copy(s) to the lender and FmHA. If the lender desires to assign a part(s) of the guaranteed loan to a holder(s), an Assignment Guarantee Agreement will be executed for each assigned portion. Attached to the Assignment Agreement will be a copy of the borrower's note(s) and a copy of the Loan Note Guarantee.

(d) *Refusal to execute contract.* If FmHA determines that it cannot execute the Loan Note Guarantee because all requirements have not been met, it will promptly inform the lender on Form FmHA 449–13, "Denial Letter" of the reasons, and give the lender a reasonable period within which to satisfy FmHA objections. If the lender writes FmHA within the period allowed requesting additional time to satisfy the objections, FmHA may, in writing, grant such additional time as it considers necessary and reasonable under the circumstances. If the lender satisfies the objections within the time allowed, the guarantee will be issued.

(e) *Cancellation of obligations.* If the conditions for the loan are rejected or cannot be met after completion of any appeal, FmHA will prepare and submit to the Finance Office, Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation."

(f) *Payment of guarantee fee.* The lender will prepare and deliver Form FmHA 449–19, "Guarantee Fee Report," and deliver the guarantee fee to the County Supervisor who concurrently delivers the Loan Note Guarantee(s).

(g) *Authorized FmHA Representatives to execute forms.* State Directors, District Directors and County Supervisors are authorized to execute the Lender's Agreement, Loan Note Guarantee or Assignment Guarantee Agreement.

§ 1980.62 Lender's sale or assignment of guaranteed portion of the loan.

Any sale or assignment by the lender of the guaranteed portion of the loan may be accomplished in accordance with the conditions in paragraph III of Form FmHA 494–35. Should the lender know at the time the loan application is being prepared that it plans to sell or assign any part of the guaranteed portion of the loan as provided in Form FmHA 449–35, the lender should provide this information with the application to FmHA.

§ 1980.63 Defaults by borrower.

Refer to paragraph XI of Form FmHA 449–35.

§ 1980.64 Liquidation.

(a) *Reference.* Refer to paragraph XII of Form FmHA 449–35.

(b) *Lender's option.* If a lender has made a 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.

§ 1980.65 Protective advances.

Refer to paragraph XIII, Form FmHA 449–35.

§ 1980.66 Additional loans or advances.

Refer to paragraph XIV of Form FmHA 449–35.

§§ 1980.67–1980.79 [Reserved]

§ 1980.80 Method of review.

Any adverse decision by the County Supervisor or District Director upon request of the aggrieved party will be reviewed by the State Director. Upon any adverse decision by the State Director the aggrieved party may request the Administrator of FmHA to review the State Director's decision. His address is Administrator, Farmers Home Administration, United States Department of Agriculture, Washington, D.C. 20250.

(a) *Request for review.* The request for review must be in writing and must be accompanied by supporting information and documentation. A copy of the request for review and supporting material must be sent by the requesting party to the State Director at the same time such party forwards the original to the Administrator.

(b) *State Director's report.* Upon receipt of the copy of the request for review and supporting material, the State Director will furnish a full report on the matter to the Administrator.

(c) *Administrator's decision.* The Administrator will act on the request as expeditiously as possible and will notify the requestor and the State Director in writing of his decision and the reason therefor.

§ 1980.81 Access to records of lenders.

Upon request by FmHA the lender will permit representatives of FmHA (or other agencies of the U.S. Department of Agriculture authorized by that Department) to inspect and make copies of any of the records of the Lender pertaining to FmHA guaranteed loans. Such inspection and copying may be made during regular offices hours of the lender, or any other time the Lender and FmHA finds convenient.

§ 1980.82 State supplements to this regulation.

FmHA State Directors may supplement this regulation subject to National Office review to the extent necessary to properly implement the program in their States.

§ 1980.83 FmHA Forms.

Forms FmHA 449–34, "Loan Note Guarantee," FmHA 449–35, "Lender's Agreement," and FmHA 449–36, "Assignment Guarantee Agreement," are incorporated in this Subpart A, made a part hereof, and appear as appendixes A, B and C "in the FEDERAL REGISTER." Copies of the forms may be obtained from any FmHA office.

§§ 1980.84–1980.100 [Reserved]

APPENDIX A—FORM FmHA 449–34, LOAN NOTE GUARANTEE

Type of Loan: _____
Applicable 7 CFR Part 1980 Subpart _____

_____
State

_____
County

_____
Date of Note

Borrower	FmHA Loan Identification No.
Lender	Lender's IRS ID Tax No.
Lender's Address	Principal Amount of Loan $

The guaranteed portion of the loan is $_____ which is _____ (%) percent of loan principal. The principal amount of loan is evidenced by _____ note(s) (includes bonds as appropriate) described below. The guaranteed portion of each note is indicated below. This instrument is attached to note _____ in the face amount of $_____ and is number _____ of _____.

Lenders identifying No.	Face amount	Percent of face amount	Amount guaranteed
		%	
	$_____		$_____
Total	$_____	100%	$_____

In consideration of the making of the subject loan by the above named Lender, the United States of America, acting through the Farmers Home Administration of the United States Department of Agriculture (herein called "FmHA"), pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or Title V of the Housing Act of 1949 42 U.S.C. 1471 et seq) does hereby agree that in accordance with and subject to the conditions and requirements herein, it will pay to:

A. Any Holder 100 percent of any loss sustained by such Holder on the guaranteed portion and on interest due (including any loan subsidy) on such portion.

B. The Lender the lesser of 1. or 2. below:

1. Any loss sustained by such Lender on the guaranteed portion including: a. Principal and interest indebtedness as evidenced by said note(s) or by assumption agreement(s), and

b. Any loan subsidy due and owning and

c. Principal and interest indebtedness on secured protective advances for protection and preservation of collateral made with FmHA's authorization, including but not limited to, advances for taxes, annual assessments, any ground rents, and hazard or flood insurance premiums affecting the collateral, or

2. The guaranteed principal advanced to or assumed by the Borrower under said note(s) or assumption agreement(s) and any interest due (including any loan subsidy thereon. If FmHA conducts the liquidation of the loan, loss occasioned to a Lender by accruing interest (including any loan subsidy) after the date FmHA accepts responsibility for liquidation will not be covered by this Loan Note Guarantee. If Lender conducts the liquidation of the loan, accruing interest (including any loan subsidy shall be covered by this Loan Note Guarantee to date of final settlement when the Lender conducts the liquidation expeditiously in accordance with the liquidation plan approved by FmHA.

Definition of Holder.—The Holder is the person or organization other than the Lender who holds all or part of the guaranteed portion of the loan with no servicing responsibilities. When the Lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a Holder only when he uses Form FmHA 449–36 "Assignment Guarantee Agreement."

Definition of Lender.—The lender is the person or organization making and servicing the loan which is guaranteed under the provisions of the applicable Subpart 7 CFR of Part 1980. The Lender is also the party requesting a loan guarantee.

CONDITIONS OF GUARANTEE

1. *Loan Servicing.*—Lender will be responsible for servicing the entire loan, and Lender will remain mortgagee and/or secured party of record notwithstanding the fact that another party may hold a portion of the loan. When multiple notes are used to evidence a loan, Lender will structure repayments as provided in the loan agreement.

2. *Priorities.*—The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The unguaranteed portion of the loan will not be paid first nor given any preference or priority over the guaranteed portion.

3. *Full Faith and Credit.*—The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender or any Holder has actual knowledge at the time it became such Lender or Holder on which Lender or any Holder par ticipates in or condones. In addition, the Loan Note Guarantee will be unenforcible by Lender to the extent any loss is occasioned by the violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

4. *Rights and Liabilities.*—The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentation by Lender or any unenforceability of this Loan Note Guarantee by Lender. Nothing contained herein will constitute any waiver by FmHA of any rights it possesses against the Lender. Lender will be liable for and will promptly pay to FmHA any payment made by FmHA to Holder which if such Lender had held the guaranteed portion of the loan, FmHA would not be required to make.

5. *Payments.*—Lender will receive all payments of principal, or interest, and any loan subsidy on account of the entire loan and will promptly remit to Holder(s) its pro rata share thereof determined according to its respective interest in the loan, less only Lender's servicing fee.

6. *Protective advances.*—Protective advances made by Lender pursuant to the regulations will be guaranteed against a percentage of loss to the same extent as provided in this Loan Note Guarantee notwithstanding the guaranteed portion of the loan is held by another.

7. *Repurchase by lender.*—The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy) less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where resonable. The Lender will notify the Holder(s) and FmHA of its decision.

8. *FmHA purchase.*—If Lender does not repurchase as provided by paragraph 7 hereof, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest (including any loan subsidy) to date of repurchase, less Lender's servicing fee, within thirty (30) days after written demand from Holder. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of his receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

9. *Lender's obligation.*—Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount including any loan subsidy then owed to any Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee nor does it waive any of FmHA's rights against Lender, and that FmHA will have the right to set-off against Lender all rights inuring to FmHA as the Holder of this instrument against FmHA's obligation to Lender under the Loan Note Guarantee.

10. *Repurchase by lender for servicing.*—If, in the opinion of the Lender, repurchase of the guaranteed portion of the loan is necessary to adequately service the loan, the

Holder will sell the portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee.

a. The Lender will not repurchase from the Holder(s) for arbitrage purposes or other purposes to further its own financial gain.

b. Any repurchase will only be made after the lender obtains FmHA written approval.

c. If the Lender does not repurchase the portion from the holder(s), FmHA at its option may purchase such guaranteed portions for servicing purposes.

11. *Custody of Unguaranteed Portion.*—The Lender may retain, or sell the unguaranteed portion of the loan only through participation. Participation, as used in this instrument, means the sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

12. *When Guarantee Terminates.*—This Loan Note Guarantee will terminate automatically (a) upon full payment of the guaranteed loan; or (b) upon full payment of any loss obligation hereunder; or (c) upon written notice from the Lender to FmHA that the guarantee will terminate 30 days after the date of notice, provided the Lender holds all of the guaranteed portion and the Loan Note Guarantee(s) are returned to be cancelled by FmHA.

13. *Settlement.*—The amount due under this instrument will be determined and paid as provided in the applicable Subpart of Part 1980 of Title 7 CFR in effect on the date of this instrument.

14. *Loan Subsidy.*—[1] In addition to the interest rate of the note attached hereto, FmHA will pay a loan subsidy of _____ percent per year. Payments will be made annually.

15. *Notices.*—All notices and actions will be initiated through the FmHA County Supervisor for _____ (County) _____ (State) with mailing address at the date of this instrument: _____

UNITED STATES OF AMERICA
Farmers Home Administration
By _____
Title _____

Date

Assumption Agreement by _____ dated _____ 19____.
Assumption Agreement by _____ dated _____ 19____.

APPENDIX B—FORM FMHA 449-35; LENDER'S AGREEMENT

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Type of Loan: _____

Applicable 7 CFR Part 1980 Subpart _____ (Lender) of _____ has made a loan(s) to _____ (Borrower) _____ in the principal amount of $_____ as evidenced by _____ note(s) (include Bond as appropriate) described as follows: _____

The United States of America, acting through Farmers Home Administration (FmHA) has entered into a "Loan Note Guarantee" (Form FmHA 449-34) or has issued a "Conditional Commitment for Guarantee" (Form FmHA 449-14) to enter into a Loan Note Guarantee with the Lender applicable to such loan to participate in a percentage of any loss on the loan not to exceed _____% of the amount of the principal advance and any interest (including any loan subsidy) thereon. The terms of the Loan Note Guarantee are controlling. In order to facilitate the marketability of the guaranteed portion of the loan and as a condition for obtaining a guarantee of the loan(s), the Lender enters into this agreement.

THE PARTIES AGREE

I. The maximum loss covered under the Loan Note Guarantee will not exceed _____ percent of the principal and accrued interest including any loan subsidy on the above indebtedness.

II. *Full faith and credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Lender has actual knowledge at the time it became such Lender or which Lender participates in or condones.

The Loan Note Guarantee will be unenforceable by the Lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security regardless of the time at which FmHA acquires knowledge of the foregoing.

III. *Lender's Sale or Assignment of Guaranteed Loan.* A. The Lender may retain all of the guaranteed loan. If the Lender desires to market all or part of the guaranteed portion of the loan the Lender may proceed under the following options:

1. *Assignment.* Assign all or part of the guaranteed portion of the loan to one or more Holders by using Form FmHA 449-36, "Assignment Guarantee Agreement." Holder(s), upon written notice to Lender and FmHA, may reassign the unpaid guaranteed portion of the loan sold thereunder. Upon such notification the assignee shall succeed to all rights and obligations of the Holder(s) thereunder. If this option is selected, the Lender may not at a later date cause to be issued any additional notes.

2. *Multi-Note System.* When this option is selected by the Lender, upon disposition the Holder will receive one of the Borrower's executed notes and Form FmHA 449-34, "Loan Note Guarantee" attached to the Borrower's note. However, all rights under the security instruments (including personal and/or corporate guarantees) will remain with the Lender and in all cases inure to its and the Government's benefit notwithstanding any contrary provisions of state law.

a. *At loan closing.* Provide for no more than 10 notes, unless the Borrower and FmHA agree otherwise, for the guaranteed portion and one note for the unguaranteed portion. When this option is selected, FmHA will provide the Lender with a Form FmHA 449-34, for each of the notes.

b. *After Loan Closing.* (1) Upon written approval by FmHA, the Lender may cause to be issued a series of new notes, not to exceed the total provided in 2a above, as replacement for previously issued guaranteed note(s) provided:

(a) The borrower agrees and executes the new notes.

(b) The interest rate does not exceed the interest rate in effect when the loan was closed.

(c) The maturity of the loan is not changed.

(d) FmHA will not bear any expenses that may be incurred in reference to such reissue of notes.

(e) There is adequate collateral securing the note(s).

(f) No intervening liens have arisen or have been perfected and the secured lien priority remains the same.

(2) FmHA will issue the appropriate Loan Note Guarantees to be attached to each of the notes then extant in exchange for the original Loan Note Guarantee which will be cancelled by FmHA.

3. *Participations.* a. The Lender may obtain participation in its loan under its normal operating procedures. Participation means a sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

b. The Lender may retain or sell any amount of the unguaranteed portion of the loan as provided in this section only through participation. However, the lender will retain the responsibility for loan servicing and liquidation.

B. When a guaranteed portion of a loan is sold by the Lender to a Holder(s), the Holder(s) shall thereupon succeed to all rights of Lender under the Loan Note Guarantee to the extent of the portion of the loan purchased. Lender will remain bound to all the obligations under the Loan Note Guarantee, and this agreement, and the FmHA program regulations found in the applicable Subpart of Title 7 CFR Part 1980, and to future FmHA program regulations not inconsistent with the express provisions hereof.

C. The Holder(s) upon written notice to the Lender may resell the unpaid guaranteed portion of the loan sold under provision III A.

IV. The Lender agrees loan funds will be used for the purposes authorized in the applicable Subpart of Title 7 CFR Part 1980 and in accordance with the terms of Form FmHA 449-14.

V. The Lender certifies that it is a citizen of the United States of America, or, if an organization, that the ownership of at least 51 percent of any outstanding interests of the Lender is owned by citizens of the United States. Further, such Lender certifies that any guarantees received shall be only on loans made by it, operating for itself and not on behalf of foreign citizens or organizations.

VI. The Lender certifies that none of its officers or directors, stockholders or other owners has a substantial financial interest in the borrower. The Lender certifies that neither the borrower nor its officers or directors, stockholders or other owners has a substantial financial interest in the Lender.

VII. The Lender certifies that it has no knowledge of any material adverse change, financial or otherwise, in the Borrower, his business, or any parent, subsidiaries, or affiliates since it requested a Loan Note Guarantee.

VIII. Lender certifies that a loan agreement and/or loan instruments concurred in by FmHA has been or will be signed with the Borrower.

IX. Lender certifies it has paid the required guarantee fee.

X. *Servicing.* A. The Lender will service the entire loan and will remain mortgagee and/or secured party of record, notwithstanding the fact that another may hold a portion of the loan. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. Lender may charge Holder a servicing fee. The unguaranteed portion of a loan will not be paid first nor given any preference or priority over the guaranteed portion of the loan.

B. Disposition of the guaranteed portion of a loan may be made prior to full disbursement, completion of construction and acquisitions only with the prior written approval of FmHA. Subsequent to full disbursement, completion of construction, and acquisition, the guaranteed portion of the

[1] If not applicable delete paragraph prior to execution of this instrument.

loan may be disposed of as provided herein.

It is the lender's responsibility to see that all construction is properly planned before any work proceeds; that any required permits, licenses or authorizations are obtained from the appropriate regulatory agencies; that the borrower has obtained contracts through acceptable procurement procedures; that periodic inspections during construction are made and that FmHA's concurrence on the overall development schedule is obtained.

C. Lender's servicing responsibilities include, but are not limited to: 1. Obtaining compliance with the covenants and provisions in the note, loan agreement, security instruments, and any supplemental agreements. None of the aforesaid instruments will be altered without FmHA's prior written concurrence.

2. Receiving all payments on principal and interest (including any loan subsidy) on the loan as they fall due and promptly remitting and accounting to any Holder(s) for their pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee. The loan may be reamortized or renewed only with agreement of the Lender and Holder(s) of the guaranteed portion of the loan and only with FmHA concurrence.

3. Inspecting the collateral as often as necessary to properly service the loan.

4. Assuring that adequate insurance is maintained. This includes hazard insurance obtained and maintained with a loss payable clause in favor of the Lender as the mortgagee or secured party.

5. Assuring that: taxes, assessment or ground rents against or affecting collateral are paid; the loan and collateral are protected in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigation; insurance loss payments, condemnation awards, or similar proceeds are applied on debts in accordance with lien priorities on which the guarantee was based, or to rebuilding or otherwise acquiring needed replacement collateral with the written approval of FmHA; proceeds from the sale or other disposition of collateral are applied in accordance with the lien priorities on which the guarantee is based, except that proceeds from the disposition of collateral, such as machinery, equipment, furniture or fixtures, may be used to acquire property of similar nature in value up to $_____ without written concurrence of FmHA; the Borrower complies with all laws and ordinances applicable to the loan, the collateral and or operation of the farm, business, or industry.

6. Assuring that if personal or corporate guarantees are part of the collateral, current financial statements from such loan guarantors will be obtained and copies provided to FmHA at such time and frequency as required by the loan agreement or Conditional Commitment for Guarantee. In the case of guararntees secured by collateral, assuring the security is properly maintained.

7. Obtaining the lien coverage and lien priorities specified by the Lender and agreed to by FmHA, properly recording or filing lien or notice instruments to obtain or maintain such lien priorities during the existence of the guarantee by FmHA.

8. Assuring that the borrower obtains title marketable in fact to the collateral.

9. Assuring that the Borrower (any party liable) is not released from liability for all or any part of the loan, except in accordance with FmHA regulations.

10. Providing FmHA a statement certified by an officer of the Lender of the unpaid principal balance of the guaranteed loan semiannually as of June 30 and December 31.

11. Obtaining from the borrower periodic financial statements under the following schedule: _____

_____

Lender is responsible for analyzing the financial statements, taking any servicing actions needed, and providing copies of statements and record of actions to the County Supervisor.

XI. *Defaults by Borrower.* A. The Lender will notify FmHA when a Borrower is thirty (30) days past due on a payment and is unlikely to bring its account current within sixty (60) days, or if the Borrower has not met its responsibilities of providing the required financial statements to the Lender or is otherwise in default. A meeting will be arranged by the Lender with the Borrower and FmHA to resolve the problem. Actions taken by the Lender with concurrence of FmHA may include but are not limited to the following or any combination thereof;

1. Deferment of principal payments (subject to rights of any Holder(s)).

2. An additional temporary loan by the Lender to bring the account current.

3. Reamortization of or rescheduling the payments on the loan (subject to rights of any Holder(s)).

4. Transfer and assumption of the loan in accordance with the applicable Subpart of Title 7 CFR Part 1980.

5. Reorganization.

6. Liquidation.

B. The Lender will negotiate in good faith in an attempt to resolve any problem and to permit the Borrower to cure a default, where reasonable.

C. The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days in payment of principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

D. If Lender does not repurchase as provided by paragraph C, FmHA will purchase from Holder(s) the unpaid principal balance of the guaranteed portion herein together with accrued interest (including any loan subsidy) to date of repurchase, within 30 days after written demand to FmHA from the Holder(s). Such demand will include a copy of the written demand made upon the Lender.

The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy to date of demand) and interest subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of his receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necesary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, the FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand, the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

E. Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by the Borrower on the loan and the amount due the Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee, nor does such purchase waive any of FmHA's rights against Lender, and FmHA will have the right to set-off against Lender all rights inuring to FmHA from the Holder against FmHA's obligation to Lender under the Loan Note Guarantee. To the extent FmHA holds a protion of a loan, loan subsidy will not be paid the Lender.

F. If the Lender was charging the Holder(s) a service fee, the Lender agrees that the service fee will terminate upon the date of the Holder(s) demand for purchase to FmHA.

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

XII. *Liquidation.* If the Lender concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the Borrower cannot or will not cure or eliminate within a reasonable period of time, a meeting will be arranged by the Lender with FmHA. When FmHA concurs with the Lender's conclusion or at any time concludes independently that liquidation is necessary, it will notify the Lender and the matter will be handled as follows:

The Lender will liquidate the loan unless FmHA, at its option, decides to carry out liquidation.

When the decision to liquidate is made, the Lender may proceed to purchase from Holder(s) the guaranteed portion of the loan. The Holder(s) will be paid according to the provisions in the Loan Note Guarantee or the Assignment Guarantee Agreement.

If the Lender does not purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing. FmHA will then purchase the guaranteed portion of the loan from the Holder(s). If FmHA holds any of the guaranteed portion, FmHA will be paid first its pro rata share of the proceeds from liquidation of the collateral.

A. *Lender's proposed method of liquidation.* Within 30 days after the decision to liquidate is made, the Lender will advise FmHA of its proposed method of liquidation and will provide FmHA with:

1. Such proof as FmHA requires to establish the Lender's ownership of the guaranteed loan promissory note(s) and related security instruments.

2. Information lists concerning the Borrower's assets including real and personal property, fixtures, claims, contracts, inventory (including perishables), accounts receivable, personal and corporate guarantees,

and other existing and contingent assets, advice as to whether or not each item is serving as collateral for the guaranteed loan.

3. A proposed method of making the maximum collection possible on the indebtedness.

4. If the outstanding principal B&I loan balance including accured interest is less than $200,000, the Lender will obtain an estimate of the market and potential liquidated value of the collateral. On B&I loan balances in excess of $200,000, and all other loans, the lender will obtain an independent appraisal report on all collateral securing the loan, which will reflect the current market value and potential liquidation value. The appraisal report is for the purpose of permitting the lender and FmHA to determine the appropriate liquidation actions. Any independent appraiser's fee will be shared equally by FmHA and the Lender.

B. *FmHA's response to Lender's liquidation proposal.* FmHA will inform the Lender whether it concurs in the Lender's proposed method of liquidation within 30 days after receipt of such notification from the Lender. If FmHA needs additional time to respond to the liquidation plan, it will advise the Lender of a definite time for such response. Should FmHA and the Lender not agree on the Lender's liquidation proposal, FmHA will proceed with the liquidation as follows:

1. The Lender will transfer to FmHA all its rights and interests necessary to allow FmHA to liquidate the loan. In this event, the Lender will not be paid for any loss until after the collateral is liquidated and the final loss is determined by FmHA.

2. FmHA will attempt to obtain the maximum amount of proceeds from liquidation.

3. Options available to FmHA include any one or combination of the usual commercial methods of liquidation.

C. *Acceleration.* The Lender or FmHA, if it liquidates, will proceed as expeditiously as possible when acceleration of the indebtedness is necessary including giving any notices and taking any other legal actions required by the security instruments. A copy of the acceleration notice or other acceleration document will be sent to FmHA or the Lender, as the case may be.

D. *Liquidation: Accounting and Reports.* When the Lender conducts the liquidation, it will account for funds during the period of liquidation and will provide FmHA with periodic reports on the progress of liquidation, disposition of collateral, resulting costs, and additional procedures necessary for successful completion of liquidation. When FmHA liquidates, the Lender will be provided with similar reports on request.

E. *Determination of Loss and Payment.* In all liquidation cases, a final settlement will be made with the Lender after the collateral is liquidated. FmHA will have the right to recover losses paid under the guarantee from any party liable.

1. Form FmHA 449-30 "Report of Loss," will be used for calculations of all estimated and final loss determinations.

2. When the Lender is conducting the liquidation, and owns any of the guaranteed portion of the loan, he may request a tentative loss estimate by submiting to FmHA an estimate of the loss that will occur in connection with liquidation of the loan. Such estimate will be prepared on Form FmHA 449-30, using the basic formula as provided on the report except that the appraisal value will be used in lieu of the amount received from the sale of collateral.

After the Report of Loss Estimate has been approved by FmHA, and within 30 days thereafter, FmHA will send the original Report of Loss Estimate to FmHA Finance Office for issuance of a Treasury check in payment of the estimated amount due the Lender.

After liquidation has been completed, a final loss report will be submitted on Form FmHA 449-30 by the Lender to FmHA.

3. After the Lender has completed liquidation FmHA, upon receipt of the final accounting and report of loss, may audit and will determine the actual loss. If FmHA has any questions regarding the amounts set forth in the Final Report of Loss, it will investigate the matter. The Lender will make its records available to and otherwise assist FmHA in making the investigation. If FmHA finds any discrepancies, it will contact the Lender and arrange for the necessary, corrections to be made as soon as possible. When FmHA finds the Final Report of Loss to be proper in all respects, it will be tentatively approved in the space provided on the form for that purpose.

4. When the Lender has conducted liquidation and after the Final Report of Loss has been tentatively approved:

a. If the loss is greater than the estimated loss payment, FmHA will send the original of the Final Report of Loss to the Finance Office for issuance of a Treasury check in payment of the additional amount owed by FmHA to the Lender.

b. If the loss is less than the estimated loss, the Lender will reimburse FmHA for the overpayment plus interest at the note rate from date of payment.

5. If FmHA has conducted liquidation, it will provide an accounting and report of loss to the Lender and will pay the Lender in accordance with the Loan Note Guarantee.

6. In those instances where the Lender has made authorized protective advances, it may claim recovery for the guaranteed portion of any loss of monies advanced as protective advances and interest resulting from such protective advances as provided above, and such payment will be made by FmHA when the final Report of Loss is approved.

F. *Maximum amount of interest loss payment.* Notwithstanding any other provisions of this agreement, the amount payable by FmHA to the Lender cannot exceed the limits set forth in the Loan Note Guarantee. If FmHA conducts the liquidation, loss occasioned by accruing interest (including any loan subsidy) will be covered by the guarantee only to the date FmHA accepts this responsibility. Loss occasioned by accruing interest (including any loan subsidy) will be covered to the extent of the guarantee to the date of final settlement when the liquidation is conducted by the Lender provided it proceeds expeditiously with the liquidation plan approved by FmHA. The balance of accrued interest (including any loan subsidy) payable to the Lender, if any, will be calculated on the final Report of Loss form.

G. *Application of FmHA loss payment.* The total amount of the loss payment remitted by FmHA will be applied by the Lender on the guaranteed loan debt. At time of final loss settlement the Lender will notify the Borrower that the loss payment has been so applied.

H. *Income from collateral.* Any net rental or other income that has been received by the Lender from the collateral will be applied on the guaranteed loan debt.

I. *Liquidation costs.* Certain liquidation costs will be allowed during the liquidation process. Such costs will be deducted from gross proceeds from the disposition of collateral. The amount allowed will be the amount agreed upon by FmHA and the Lender as being reasonable under the circumstances and should be determined prior to liquidation.

J. *Foreclosure.* The parties owning the guaranteed portion and unguaranteed portions of the loan will join to institute foreclosure action or, in lieu of foreclosure, to take a deed of conveyance to such parties. When the conveyance is received and liquidated, net proceeds will be applied to the guaranteed loan debt.

K. *Payment.* Such loss will be paid by FmHA within 60 days after the Lender has submitted the final Report of Loss form.

XIII. *Protective advances.* Protective advances must constitute an indebtedness of the borrower to the Lender and be secured by the security instrument(s). FmHA written authorization is required on all protective advances in excess of $500.00. Protective advances include, but are not liimted to, advances made for taxes, annual assessments, ground rent, hazard or flood insurance premiums effecting the collateral, and other expenses necessary to preserve or protect the security.

XIV. *Additional Loans or Advances.* The Lender will not make additional expenditures or new loans without first obtaining the written approval of FmHA even though such expenditures or loans will not be guaranteed.

XV. *Future Recovery.* After a loan has been liquidated and a final loss has been paid by FmHA, any future funds which may be recovered by the lender, will be pro-rated between FmHA and the Lender. FmHA will be paid such amount recovered in proportion to the percentage it guaranteed for the loan and the lender will retain such amounts in proportion to the percentage of the unguaranteed portion of the loan.

XVI. *Transfer and Assumption Cases.* Refer to the applicable Subpart of Title 7 of CFR Part 1980.

XVII. *Other Requirements.* This agreement is subject to all the requirements of the applicable Subpart of Title 7 CFR Part 1980, and any future amendments of these regulations not inconsistent with this agreement. Interested parties may agree to abide by future FmHA regulations not inconsistent with this agreement.

XVIII. *Execution of Agreements.* If this agreement is executed prior to the execution of the Loan Note Guarantee, this agreement does not impose any obligation upon FmHA with respect to execution of such contract. FmHA in no way warrants that such a contract has been or will be executed.

XIX. *Notices.* All notices and actions will be initiated through the FmHA County Supervisor for _____ (County) _____ (State) with mailing address at the date of this instrument: _____

_____

Dated this ____ day of _____ 19____.

Attest: __ [S5(-]

Lender: _____

Attest: _____ [SEAL]

By _____

Title _____

UNITED STATES OF AMERICA
Department of Agriculture
Farmers Home Administration

By _____

Title _____

Appendix C—Form FmHA 449-36

ASSIGNMENT GUARANTEE AGREEMENT

FmHA Loan Identification Number: _____

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Type of Loan: _____

Applicable 7 C.F.R. Part 1980 Subpart _____ of _____

(Lender) has made a loan to _____ in the principal amount of $_____ as

evidenced by a note(s) dated _____. The United States of America, acting through Farmers Home Administration (FmHA) entered into a Loan Note Guarantee Form FmHA 449-34) with the Lender applicable to such loan to guarantee the loan not to exceed ____% of the amount of the principal advanced and any interest (including any loan subsidy) due thereon as provided therein.

_____ of _____ (Holder) desires to purchase from Lender ____% of the guaranteed portion of such loan. Copies of Borrower's note(s) and the Loan Note Guarantee are attached hereto as a part hereof.

Now, therefore, the parties agree:

1. The principal amount of the loan now outstanding is $_____. Lender hereby assigns to Holder ____% of the guaranteed portion of the loan representing $_____ of such loan now outstanding in accordance with all of the terms and conditions hereinafter set forth. The Lender and FmHA certify to the Holder that the Lender has paid and FmHA has received the Guarantee Fee in exchange for the issuance of the Loan Note Guarantee.

2. *Loan Servicing.* The Lender will be responsible for servicing the entire loan and will remain mortgagee and/or secured party of record. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan.

The Lender will receive all payments on account of principal of, or interest (including any loan subsidy) on, the entire loan and shall promptly remit to the Holder its pro rata share thereof determined according to their respective interests in the loan, less only Lender's servicing fee.

3. *Servicing Fee.* Holder agrees that Lender will retain a servicing fee of _____ percent per annum of the unpaid balance of the guaranteed portion of the loan assigned hereunder.

4. *Purchase by Holder.* The guaranteed portion purchased by the Holder will always be a portion of the loan which is guaranteed. The Holder will hereby succeed to all rights of the Lender under the Loan Note Guarantee to the extent of the assigned portion of the loan. The Lender, however, will remain bound by all the obligations under the Loan Note Guarantee and the program regulations found in the applicable Subpart of 7 CFR Part 1980 now in effect and future FmHA program regulations not inconsistent with the provisions hereof.

5. *Full Faith and Credit.* The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Holder has actual knowledge at the time of this assignment, or which it participates in or condones.

6. *Rights and Liabilities.* The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentations by Lender or any unenforceability of the Loan Note Guarantee by Lender. Nothing contained herein shall constitute any waiver by FmHA of any rights it possesses against the Lender, and the Lender agrees that Lender will be liable and will promptly reimburse FmHA for any payment made by FmHA to Holder which if such Lender had held the guaranteed portion of the loan FmHA would not be required to make.

7. *Repurchase by the Lender (Defaults).* The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy), less the Lender's servicing fee. Holder(s) will concurrently send a copy of demand to FmHA. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and FmHA of its decision.

8. *Purchase by FmHA.* If Lender does not repurchase as provided by paragraph 7, FmHA will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest (including any loan subsidy) to date of repurchase, less Lender's servicing fee, within 30 days after written demand from the Holder. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from FmHA. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to FmHA or the original of the Assignment Guarantee Agreement properly assigned to FmHA without recourse including all rights, title, and interest in the loan. FmHA will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by FmHA, such proposed payment will not be later than 30 days from the date of demand.

The FmHA County Supervisor will promptly notify the Lender of his receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the FmHA County Supervisor with the information necessary for FmHA's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. FmHA will notify both parties who must resolve the conflict before payment by FmHA will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information, FmHA County Supervisor will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the FmHA Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the County Supervisor and State Director and remit the check(s) to the Holder(s).

9. *Lender's Obligations.* Lender consents to the purchase by FmHA and agrees to furnish on request by FmHA a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount then owed to any Holder(s). Lender agrees that any purchase by FmHA does not change, alter or modify any of the Lender's obligations to FmHA arising from said loan or guarantee nor does it waive any of FmHA's rights against Lender, and that FmHA shall have the right to set-off against Lender all rights inuring to FmHA as the Holder of this instrument against FmHA's obligation to Lender under the Loan Note Guarantee.

10. *Repurchase by Lender for Servicing.* If, in the opinion of the Lender, repurchase of the assigned portion of the loan is necessary to adequately service the loan, the Holder will sell the assigned portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee.

a. The Lender will not repurchase from the Holder(s) for arbitrage purpose or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains FmHA written approval.

c. If the Lender does not repurchase the portion from the Holder(s) FmHA at its option may purchase such guaranteed portions for servicing purposes.

11. *Foreclosure.* The parties owning the guaranteed portions and unguaranteed portion of the loan will join to institute foreclosure action or, in lieu of foreclosure, take a deed of conveyance to such parties.

12. *Reassignment.* Holder upon written notice to Lender and FmHA may reassign the unpaid guaranteed portion of the loan sold hereunder. Upon such notification, the assignee will succeed to all rights and obligations of the Holder hereunder.

13. *Notices.* All notices and actions will be initiated through the FmHA County Supervisor for _____ (county) _____ (state) with mailing address at the date of this instrument: _____

_____

Dated this ____ day of _____, 19____.

	Lender: _____
	Address: _____
Attest:	By _____
_____ [SEAL]	Title _____
	Holder: _____
	Address: _____
Attest:	By _____
_____ [SEAL]	Title _____
	UNITED STATES OF AMERICA
	Farmers Home Administration
Address _____	By _____
_____	Title _____

[FR Doc.76-31691 Filed 10-28-76;8:45 am]

[FmHA Instruction 1980-D]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart D—Rural Housing Program Loans

ADDITION

Beginning at page 39776 of the FEDERAL REGISTER dated September 16, 1976, there was published a notice of proposed rulemaking proposing to add a new Subpart D of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations concerning Guaranteed Rural Housing Loans. A notice of proposed rulemaking had previously been published on February 3, 1975, proposing to implement the Guaranteed Rural Housing Loan Program under Part 1844, Chapter XVIII, Title 7, Code of Federal Regulations. Because the Agency received numerous substantive comments, and made pertinent changes, the Agency again published a notice of proposed rulemaking on September 16, 1976. As it now reads, the addition of Subpart D implements the Guaranteed Single Family Rural Housing Loan Program for moderate-income families.

As a result of comments received on the September 16, 1976, proposal, substan-

tive, procedural and editorial changes were made. The principal changes are:

1. Section 1980.301 is clarified to show that the Guaranteed Rural Housing Loan Program is not subsidized, that the prospective borrower applies for a Guaranteed Loan with an eligible lender, and that the FmHA County Supervisor is the individual the lender contacts for processing loan guarantees.

2. Section 1980.303 is amended to clarify the citizenship requirement of applicants.

3. Section 1980.307 paragraph (c) is amended to reflect that housing must be appropriate for the needs of the applicant, and paragraph (b) is amended to clarify the loan value ratio.

4. Section 1980.309 paragraph (a) (3) is amended to clarify the loan to value ratio.

5. Section 1980.320 paragraph (a) is amended to prohibit discrimination or segregation and to make clear that FmHA is responsible for seeing that there is no discrimination or segregation by any agent, lessee or operator. Paragraph (b) is amended to refer to the regulations concerning the handling of discrimination complaints.

6. Section 1980.323 is amended to reflect the reduction in down payment requirements.

7. Section 1980.324 is revised to amend the collateral requirements to allow a second lien in the case of a loan for repairs.

8. Section 1980.330 paragraph (a) is amended to clarify the definition of "citizen" and paragraph (h) (1) is amended to provide that the moderate income requirement applies to all applicants below the moderate income level applicable to the state provided they are not eligible for FmHA interest credits and meet the other eligibility requirements such as repayment ability, inability to obtain credit elsewhere, and can demonstrate a lack of housing. Paragraph (h) is also amended to clarify moderate income.

9. Section 1980.345 is rewritten to make clear that a proposed borrower, if necessary, will seek credit from and make applications to several private lending sources. It also provides for a 30-day waiting period after applying for a Guaranteed Loan before consideration may be given to making an insured loan.

In addition, one comment was received which questioned the incontestability of the guarantee since they are unenforceable by the lender if any loss occurs due to a violation of usury laws, use of loan funds for unauthorized purpose, negligent servicing, or failure to obtain the required security. The regulation sets out that the guarantee is unenforceable by the lender for these reasons; and is incontestable except for fraud or misrepresentation of which the lender has actual knowledge at the time it becomes the lender, or which lender participates in or condones. For the holder, however, the guaranteed portion of the loan is enforceable and incontestible except for fraud or misrepresentation of which the holder has actual knowledge at the time it became the holder or which the holder participates in or condones. Both the holder and lender, who diligently make and service guaranteed loans are adequately protected. Additional comments have been received, and are being considered, which may result in future changes in these regulations.

The Farmers Home Administration recognizes that there is a great deal of public interest in this program. Therefore, even though comments were previously invited, interested persons are invited to submit further written comments, suggestions, or objections regarding this regulation to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, DC 20250. Comments will continue to be received as if this were published for prior rulemaking. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m. to 4:45 p.m.).

The new Part 1980, Subpart D reads as follows:

Subpart D—Rural Housing Program Loans

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General Administrative.

AUTHORITY: 42 U.S.C. 1480; 7 U.S.C. 1989; delegation of authority by Sec. of Agri. (7 CFR 2.23); delegation of authority by Asst. Sec. for Rural Development (7 CFR 2.70).

NOTE.—This new Subpart 1980–D supplements the provisions of Subpart 1980–A of the regulations with respect to Rural Housing (RH) loans guaranteed by the Farmers Home Administration (FmHA).

Subpart D—Rural Housing Program Loans

§ 1980.301 Introduction.

(a) *Policy.* This subpart, supplemented by Subpart A of this part, contains regulations for unsubsidized Single Family (SF) Rural Housing (RH) loans to moderate income families guaranteed by the Farmers Home Administration (FmHA) and applies to lenders, holders, borrowers, and other parties involved in making, guaranteeing, servicing, holding or liquidating such loans. Applicants able to obtain assistance under this subpart are not eligible for assistance under Part 1822 Subpart A. (FmHA Instruction 444.1).

(b) *Program objective.* The basic objective of the RH loan guarantee program is to assist moderate income families in obtaining modest, decent, safe and sanitary dwellings and related facilities for their own use in rural areas by guaranteeing sound RH loans when loans would not be made without a guarantee.

(c) *Program administration.* The loan guarantee program, like other FmHA programs, is administered by the Administrator through a State Director, serving each State through a District Director to the County Supervisor. All applications for guaranteed loans should be made with an eligible lender. The County Supervisor is the focal point for this FmHA loan guarantee program and the local contact person for processing and servicing guarantees although this Subpart refers in various places to the duties and responsibilities of other FmHA employees.

(d) *Administrative provisions.* Throughout this regulation there appear administrative provisions for the FmHA State Director, District Director and County Supervisor. These provisions establish the internal duties, responsibilities and procedures to carry out the requirements of the program. These provisions are identified as "ADMINISTRATIVE" and follow appropriate sections of this subpart.

§ 1980.302 Definitions.

The following definitions, in addition to those in Subpart A of this part, are applicable to RH loans:

(a) *Act.* Title V of the Housing Act of 1949 (42 U.S.C. 1471, et seq.).

(b) *Applicant.* An individual(s) who needs housing for himself and his family and applies for assistance in accordance with this regulation.

(c) *Development costs.* These costs include, but are not limited to, those for acquisition, planning, construction, or repair of the proposed facility; purchase of buildings, land easements, rights-of-way; and payment of interest during the period before the first principal payment becomes due, including interest on interim financing.

(d) *Dwelling.* A home suitable for the needs of a family. An existing dwelling is one which is more than one year old or was previously occupied as a residence.

(e) *Family.* One person or two or more persons who maintain or will maintain one dwelling.

(f) *Housing.* An adequate but modest single family dwelling and related essential equipment and facilities for which loans are authorized in § 1980.306. An adequate dwelling is one which meets the basic living requirements of the family applying for a guaranteed loan. The term housing also includes an adequate site and related easements and appurtenances owned or being acquired by the applicant.

(g) *Owner.* The holder of fee simple title or of a leasehold meeting the requirements of § 1980.309.

(h) *Packager.* A builder, developer, real estate agent, or other party who obtains and presents to an approved lender one or more applications from eligible applicant(s) for guaranteed RH loan(s) with which the applicant will obtain adequate housing that will be provided under an existing contract to build or repair at a fixed price.

(i) *Rural area.* Any town, village, city or place including the immediately adjacent densely settled area which is not part of or associated with an urban area, and

(1) Has a population not in excess of 10,000 if it is rural in character; or

(2) Has a population in excess of 10,000 but not in excess of 20,000, is not contained within a standard metropolitan statistical area (SMSA) and has a serious lack of mortgage credit for low- and moderate-income families as determined by FmHA.

(j) *Senior citizen.* The term "senior citizen" refers to age only and not to nationality. It is a person who is 62 years of age or over and, in the case of a married couple, may be either spouse.

(k) *State.* Any of the fifty States, the Commonwealth of Puerto Rico, the Virgin Islands, the territories and possessions of the United States, or the Trust Territory of the Pacific Islands.

§ 1980.303 Citizenship of applicants.

Loans shall be guaranteed only if made to individuals who are citizens of a state or reside there after being legally admitted for permanent residence or indefinite parole.

§ 1980.304 [Reserved]

§ 1980.305 Rural area determinations.

The State Director is responsible for determining the rural areas in a State in accordance with 7 CFR 1822.3(c) (FmHA Instruction 444.1 paragraph III C). The lender may contact the FmHA County Supervisor to determine if an area is rural for purposes of the guarantee loan program.

§ 1980.306 Loan purposes.

A loan may be guaranteed if made to an eligible applicant for such of the following purposes as are necessary to enable him to obtain adequate, decent, safe and sanitary housing in a rural area for use by his family as a permanent residence:

(a) *Purchase existing dwelling and site.* Buy an existing dwelling and a minimum adequate site on which it is located.

(b) *Purchase site only.* Buy a minimum adequate site on which to place a dwelling, if the applicant does not already own such a site.

(c) *Construct or purchase and relocate dwelling.* Build a dwelling on, or purchase and move an existing dwelling onto, a site already owned by the applicant, or on a minimum adequate dwelling site purchased by him with loan funds if he does not already own such a site.

(d) *Rehabilitate or improve existing dwellings.* Repair, enlarge, or otherwise improve or rehabilitate an existing dwelling already owned by the applicant or being acquired with loan funds, whether located on a site already owned by him or being acquired by him.

(e) *Utilities and facilities.* Provide adequate water, sewer, electric, heating, and other utilities and facilities that are necessary to make the housing adequate.

(f) *Equipment and material.* Purchase and install essential dwelling equipment and material such as a range, oven, refrigerator, clothes washer, clothes dryer, or wall-to-wall carpeting whether or not such equipment becomes real estate or fixtures under applicable State law. When such equipment is purchased with loan funds, it shall be in connection with the purchase, construction, or rehabilitation of the dwelling and shall be considered a part of the housing.

(g) *Site preparation.* Provide grading, seeding or sodding of lawns, trees, walks, yard fences, and driveways to building sites located adjacent to a road or street, and other such facilities, when included in a loan to buy, build or repair a dwelling.

(h) *Real estate taxes.* For initial loans, pay real estate taxes on the security property that are owed by the borrower and that are due and payable at the time of loan closing, provided the amount to be used for taxes is not a substantial part of the loan.

(i) *Expenses, fees, and social security taxes.* Pay expenses incident to obtaining plans and making the loan, such as fees and charges for legal, appraisal, architectural, engineering, and other technical services, closing costs, reasonable connection fees for utilities, such as water, sewer, electric, and gas, guarantee fee, and a loan fee or transfer fee, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds may also be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with making the planned improvements.

(j) *Interim financing.* Pay interim financing debts incurred for authorized loan purposes. This is not considered to be refinancing.

(k) *Refinancing.* Refinance debts owed by the applicant when all of the following conditions exist:

(1) The debts were incurred by the applicant at least 5 years before the application for the loan was made.

(2) The debts were incurred for a purpose for which a loan is authorized to be made under another paragraph of this section.

(3) If the loan is not refinanced, it will cause a hardship to the applicant.

(4) A substantial part of the loan will be for new purposes other than refinancing a debt.

§ 1980.307 Loan limitations and special provisions.

(a) *Prohibited loan purposes.* A loan will not be guaranteed if loan funds are to be used to buy furniture or other personal property except essential equipment and materials authorized in § 1980.306(f).

(b) *Limitations.* A loan may not be made for more than 97 percent of the present market value of the security for loans up to $25,000 and 95 percent of the loan in excess of $25,000. Except that a loan may not be made for more than 90 percent of the present market value of the security for loans for dwellings less than one year old when the lender has not made the inspections during construction. See § 1980.323 for applicant equity requirements. No loan in excess of $33,000 will be guaranteed, except the loan limit is $40,000 in Hawaii and Guam and $45,000 in Alaska.

(c) *Type of housing.* All housing must meet the following requirements:

(1) Be modest, economical in construction, consistent with the needs of the applicant and the market needs of the community, and not of elaborate or extravagant design or material; however, the housing may vary in accordance with the financial resources of the applicant.

(2) Any building purchased, repaired, enlarged, or otherwise improved or rehabilitated with loan funds must be structurally sound, functionally adequate, modest, decent, safe, sanitary, convenient, comfortable and in good condition before the loan is guaranteed. Existing housing will meet the minimum property standards for existing housing.

(d) *Subdivision clearance and approval—5 units or more.* (1) When 5 or more housing units are proposed for a new or existing subdivision, the subdivision must be approved by FmHA before issuance of a Conditional Commitment for Guarantee. The subdivision must meet the requirements of Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5).

(2) The builder, developer or packager will submit the following information to the lender who will furnish a copy of it to FmHA with a request for subdivision approval:

(i) Subdivision plans and specifications with sufficient detail to show the intent, extent, kind and quality of work and materials, and the house location for each lot. The builder, developer, or packager will also certify to the lender that the subdivision meets planning, zoning, development and all other requirements.

(ii) A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of existing suitable housing in the area.

(iii) Size of tract and advice as to its ownership and existing options to purchase; also a map showing the location and other supporting information on the neighborhood and existing facilities and services, such as medical and dental services, shopping areas, schools, churches, hospitals, recreation and communication facilities; business and industrial enterprises; streets or roads; central water, electric, gas and sewerage systems; solid waste disposals services; public and private transportation; and police and fire protection.

(iv) A preliminary plot plan and building plan, if available; advice as to type of construction; estimated total cost per living unit; utilities to be used and whether each is or will be publicly, community, or individually owned.

ADMINISTRATIVE

A—*FmHA subdivision approval.* If the subdivision is approved in accordance with Subpart D of Part 1804 of this chapter (FmHA Instruction 424.5) the FmHA County Supervisor will advise the lender by letter that FmHA will issue Loan Note Guarantee(s) in the subdivision if all applicable requirements of this regulation are met and if guarantee funding authority is available.

§ 1980.308 Transitions which will not be guaranteed.

The following transactions will not be guaranteed by FmHA:

(a) *Lease payments.* Lease payments.

(b) *Loans by other Federal agencies.* Loans made or participated in by other Federal agencies. This does not preclude the guaranteeing of loans by the Bank for Cooperatives, or the Federal Land Bank.

§ 1980.309 Loans on leasehold interests.

(a) *Leasehold interest.* A loan may be guaranteed if made on a leasehold owned or being acquired by the applicant on land owned by a State, political subdivision, public body, or public agency, on Indian tribal lands which are not available for purchase or on land where the lender determines that long-term leasing of homesites by nonpublic bodies is a well established practice and such leaseholds are freely marketable in the area provided the lender also determines that:

(1) The applicant is unable to obtain fee title to the property.

(2) A recorded mortgage constituting a valid and enforceable lien on the applicant's leasehold will be given as security.

(3) The amount of the loan plus down payment and any prior liens against the property will not exceed the value of the security.

(4) The terms of the lease meet the following requirements:

(i) The lease must contain such provisions as are necessary to enable the lessee to achieve the purposes for which the loan was made, and the lender as holder of a mortgage on the lease or leasehold interest to obtain adequate security, service the loan, and enforce the security instruments as necessary to protect the lender's holders and FmHA's interests. This includes, besides the lessor's written consent to the mortgage, such matters as:

(A) Reasonable security of tenure. The borrower's interest will not be subject to summary forfeiture of cancellation. In fact, the lease must contain a provision or an agreement must be executed by the lessor and the lessee and made a part of the lease indicating that any renewal provided for in the lease will be automatic as long as the lender has a lien on the property, unless otherwise authorized by the lender.

(B) The right to foreclose the mortgage and sell without restrictions that would adversely affect the salability of the security. Any effect on market value should be shown in the appraisal.

(C) Right of lender to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(D) The right of the lender, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit.

(E) The right of the borrower, in the event of default or inability to continue with the lease and the loan, or to transfer the leasehold, subject to the mortgage, to an eligible transferee with assumption of the debt.

(F) Advance notice to lender of lessor's intention to cancel or terminate the lease. Such advance notice will be long enough to permit lender to ascertain the amount of delinquencies, the total amount of the lessor's and any other prior interest, the market value of the leasehold interest, and if litigation is involved, to refer the case for legal advise and to permit appropriate legal action.

(G) Express provisions concerning the question of liability of lender for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during lenders occupancy or ownership, pending further servicing or liquidation.

(H) Any necessary provisions to assure fair compensation to the lessee for any part of the premises taken by condemnation.

(ii) The lease must have an unexpired term, from the date of loan approval, of at least 50 years (a lease for 25 years with an option to the lessee to renew for an additional 25 years would be considered a 50-year lease), except when.

(A) A lease is granted for the purpose of permitting a family to obtain a housing loan and the time required to process and approve the loan results in the unexpired term of the lease being not less than 49 years; or

(B) A lease is in existence at least 1 year prior to the date of loan approval. A housing loan may be guaranteed provided the unexpired term of the lease is at least 50 percent longer than the repayment period of the loan. In no case will the unexpired term of the lease be less than 15 years.

(iii) The rental charged for the lease should not exceed the rate being paid for similar leases.

(iv) Lease forms used by the Farmers Home Administration and the Veterans' Administration in the area, the Bureau of Indian Affairs (BIA) lease Form No. 5–184, "Lease," and other lease forms used by the Farmers Home Administration for housing loans on farm leaseholds may be used by the lender as guides in developing a lease. The lease may include a provision permitting the lessor the option of paying the housing debt in full in case the borrower defaults.

(b) *Lender certification.* The lender must certify to the FmHA that the requirements of this section are met.

§§ 1980.310–1980.313 [Reserved]

§ 1980.314 Interest rate.

(a) *Interest rate to borrower.* The interest rate which the lender may charge borrowers obtaining these loans is set by FmHA in accordance with statutory guidelines and will be the same as the interest rate for FmHA insured RH loans to moderate income borrowers. Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the money is outstanding.

(1) The interest rate to the borrower will be the prescribed interest rate in effect on the date of the Conditional Commitment for Guarantee.

(2) The applicable interest rate to the borrower will be specified in the guaranteed loan promissory note. The interest rate will remain constant during the existence of the FmHA guarantee, except as provided for in §§ 1980.343 and 1980.344 in transfer and assumption cases in which the interest rate to the transferee is changed.

(b) *Rate in effect.* The prescribed interest rate in effect may be ascertained from the FmHA office.

§ 1980.315 Terms of loan repayment.

(a) *Note.* Principal and interest on the loan will be due and payable as provided in the promissory note. Ordinarily, monthly payments will be made, however, when the borrower receives a majority of his income on a seasonal basis such as from the sale of farm crops, the lender may structure payments accordingly.

(b) *Maximum term.* The maximum time allowable for final maturity of an FmHA guaranteed loan shall be limited to thirty-three (33) years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured. If a leasehold is involved, see § 1980.309.

§ 1980.316 [Reserved]

§ 1980.317 Clearinghouse considerations.

When the preapplication or application involves a loan or loans in a subdivision of 10 or more new dwelling units in which the Department of Housing and Urban Development, the Veterans Administration or FmHA has not previously made, insured or guaranteed a housing loan, the lender will see that the requirements of Part 1901, Subpart H, of this chapter are complied with (FmHA Instruction 1901–H).

§ 1980.318 [Reserved]

§ 1980.319 Flood or mudslide hazard area precautions.

The lender is responsible for determining if the housing is located in a special flood or mudslide hazard area. Refer to § 1980.42 of this part and Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

§ 1980.320 Equal opportunity and nondiscrimination requirements in use, occupancy, rental or sale of housing.

(a) *Compliance.* The lender and borrower are prohibited from discriminating or segregating on account of race, color, religion, sex, marital status, or national origin in connection with the use, occupancy, rental, or sale of housing. The lender and borrower are responsible for seeing that no agent, lessee or operator so discriminates or segregates. These requirements should be discussed with the applicant or packager, builder or developer, and other parties involved as early in the negotiations as possible. For specific statement of some of those responsibilities see the following:

(1) *Executive Order No. 11063.* It is dated November 20, 1962 (27 FR 11527, 3 CFR Part 652 (1959—63 Compilation), 42 U.S.C.A. 1982 note), and prohibits such discrimination or segregation in cases in which federal financial assistance is involved in the provision, rehabilitation, or operation of housing and related facilities.

(2) *Fair Housing Act.* This is Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–294, 42 U.S.C. 3601 et seq.). It prohibits discrimination in the sale or rental of dwellings provided in whole or in part with loans guaranteed by the Federal Government; and provides for filing and handling complaints and investigations regarding, and enforcement of remedies for violations of, fair housing requirements.

(b) *Reporting.* If there is indication of noncompliance with these requirements, such facts will be reported by the borrower, lender or County Supervisor in writing to the State Director for remedial action. Should the State Director need assistance in handling any complaints of noncompliance, he will request assistance from the National Office. Compliance and complaints will be handled in accordance with Subpart E, Part 1901 of this chapter.

§ 1980.321—1980.322 [Reserved]

§ 1980.323 Applicant equity requirements.

The applicant will be required to contribute, from his own resources, a down payment of 3 percent of the loan up to $25,000 and 5 percent of the loan in excess of $25,000, in the form of cash or land. Except that a down payment of 10 percent of the loan is required for dwellings less than one year old when the lender has not made the inspections during construction. If the down payment is in land, an appraisal must be made to determine the market value of the land.

§ 1980.324 Collateral.

(a) *General.* The entire loan must be secured by a first lien, or a second lien in case of a repair loan, on the housing and the lender will maintain this lien priority. A guaranteed subsequent loan to a previously guaranteed loan must be secured by not less than a second lien. See § 1980.325 regarding provisions of security instruments. Also see § 1980.309 regarding liens on leaseholds. The lender is responsible for seeing that proper and adequate security is obtained and maintained in existence and of record to protect the interests of the lender, holder and FmHA.

(b) *Third party liens, suits pending, etc.* Among other things in obtaining the required security, it is necessary to ascertain that there are no claims or liens of laborers, materialmen, contractors, subcontractors, suppliers of machinery and equipment or other parties against the security property or the borrower, and that there are no suits pending or anticipated that would affect the security property or the borrower.

(c) *All collateral must secure entire loan.* All collateral of any nature must secure the entire loan unless that is legally impossible as in some Texas homestead cases. The lender cannot take separate collateral to secure only that portion of the loan or loss not covered by the guarantee.

§ 1980.325 Promissory notes, security instruments and financing statements.

(a) *Promissory notes, mortgages, and security agreements.* The lender may use its forms of promissory notes, real estate mortgages (including deeds of trust and similar instruments), and security agreements (including chattel mortgages in Louisiana and Puerto Rico), provided

(1) They contain a provision making it a default if the borrower does not continue to occupy the housing as a primary residence.

(2) Such forms do not contain any provisions that are in conflict or are inconsistent with the provisions of this part.

(3) Such forms are amended by inserting the following provisions:

(i) In real estate and chattel mortgages:

Guarantee by Government. Mortgagor understands that the loan evidenced by the Note secured hereby is being made or allowed to remain extant by Lender only on the condition that repayment thereof or any loss thereon will be guaranteed in whole or in part to Lender by the United States of America or an agency thereof (herein "Government"). Therefore, in consideration of such guarantee, Mortgagor agrees that if at any time it shall appear to the Government that Mortgagor may be able to obtain a loan without a guarantee from a bank, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee, Mortgagor will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(ii) In security agreements:

Guarantee by Government. Debtor understands that the loan secured hereby is being made or allowed to remain extant only on the condition that repayment thereof or any loss thereon will be gauranteed in whole or in part to Secured Party by the United States of America or an agency thereof (herein called the "Government"). Therefore, in consideration of such guarantee, Debtor agrees that if at any time it shall appear to the Government that Debtor may be able to obtain a loan without a guarantee from a bank, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee, Debtor will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(b) *Financing statements.* Commercial financing statement forms that comply with State laws and regulations may be used. They must be adopted by inserting provisions:

(1) Covering the "proceeds and products" of the collateral described, and

(2) That "disposition of the collateral is not authorized hereby."

§ 1980.326 Appraisal of property serving as collateral.

(a) *Qualified appraiser.* Property that will serve as collateral for loans will be appraised by a qualified appraiser. The appraiser will give his opinion regarding the market value of the collateral.

(b) *Lender responsible.* The lender will be responsible for determining that appraisers have the necessary qualifications and experience to make the appraisals. If the lender has any questions in this regard, it should consult with FmHA before having an appraisal made.

(c) *Appraisal report.* The appraisal report (which the lender is required to submit to FmHA as an enclosure with the application) will cover any property that is to serve as security.

ADMINISTRATIVE

A. *FmHA review of appraisals.* Appraisal reports are part of the material to be reviewed by FmHA in determining whether to issue a conditional commitment to guarantee the loan or a Loan Note Guarantee. The review of each appraisal will be made by the

FmHA County Supervisor or other FmHA personnel designated by him. The review will consist of checking the contents and determining the accuracy of the appraisal report. The FmHA County Supervisor or his designee will document that he approves the appraisal by indicating on the bottom of FmHA's copy of Form FmHA 449-14, "Conditional Commitment for Guarantee," the following: "I have reviewed the appraisal in the amount of $_____ and approve. Date _____ _____ _____ (Signature)."

§ 1980.327 Acquisition, construction, and development.

(a) *Acquisition of property.* The lender is responsible for seeing that any property to be acquired with loan funds is acquired as planned and that the required security is obtained. The lender is also responsible when financing an existing dwelling for seeing that a termite inspection is obtained if normally required in the area, and the requirements of paragraphs (b) (2), (4), (6) and (10) of this section are met.

(b) *Construction or development.* The lender and borrower are responsible for seeing that the loan purposes are accomplished with the loan funds. This includes, but is not limited to seeing that:

(1) Part 1804 of this chapter is used as a guide for planning and performing development work (FmHA Instruction 424.5).

(2) Applicable laws, ordinances, codes, and regulations, including the Minimum Property Standards (MPS) for One and Two Family Dwellings No. 4900.1, issued by the Department of Housing and Urban Development are complied with. Copies of the MPS may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(3) Drawings, specifications, and estimates are adequate.

(4) Adequate water, electric, heating, waste disposal, and any other necessary utilities and facilities are obtained.

(5) Construction or development contracts contain adequate provisions for the undertaking and are properly awarded and executed, and contractors are bonded when the lender considers bonding necessary.

(6) Equal opportunity and nondiscrimination requirements are met. See § 1980.41.

(7) Construction or development is performed expeditiously and properly, including inspection of sites and construction or development in various stages of completion to determine that the work and material conform with the drawings and specifications and any other requirements.

(8) Periodic or partial payments for construction or development are limited to a reasonable percentage of the actual value of the work and material in place.

(9) Final payment is made only after final inspection has been made and the construction or development has been found proper in all respects.

(10) No claims or liens of laborers, materialmen, contractors, subcontractors, or other parties exist against the borrower or the security property

§ 1980.328 Overruns in development costs.

When it is determined that there will be an overrun, either at bid opening or after construction has begun, the lender and borrower, with the advice of FmHA, will determine how the overrun costs will be met.

(a) *Minor changes.* Minor changes in the project which do not effect the approved loan purposes, increase the cost, or adversely affect the objectives or soundness of the loan may be approved by the borrower and lender. If any line item as reflected in the use of proceeds is changed 10 percent or less and the total loan remains the same, the lender may approve the change.

(b) *Major changes.* If major changes are necessary, which cannot be handled as provided in paragraph (a) of this section, the lender and borrower, with the advice of FmHA, will determine how the change or overrun costs will be met. FmHA will determine and inform the lender in writing whether the loan can still be guaranteed. The County Supervisor may approve cost overruns and line item changes on all loans. In any event, the loan will never exceed the limits specified in § 1980.307.

§ 1980.329 Inspections of construction and compliance reviews.

(a) *Qualified inspectors.* Inspections will be made during construction by a qualified construction inspector approved by the lender. The lender will notify FmHA when construction begins so that it can also make inspections at various stages of construction, repair or development if it desires to do so. The lender will also notify the FmHA when the construction is completed as the FmHA will also always make a final inspection for the protection of its financial interest. In connection with inspections of construction, equal opportunity and nondiscrimination compliance reviews will be made as required by § 1980.41(b)(6).

(b) *Inspections required by lender.* The lender will see that the following three inspections (and any additional inspections it deems necessary or advisable) are made:

(1) When footings and foundation are ready to be placed.

(2) When shell is closed in but plumbing, electrical and mechanical work are still exposed.

(3) When construction is completed.

ADMINISTRATIVE

A. *FmHA inspections.* If more than $2,500 of guaranteed loan funds are used to construct or repair buildings, provide land development work, acquire real or personal property, or for similar purposes, the County Supervisor or other qualified FmHA personnel will make such inspections as the County Supervisor deems necessary in the particular case to ascertain the existence and condition of such property. Regardless of the number of inspections, one inspection will always be made when construction is completed. Such inspections will be reflected on Form FmHA 424-12, "Inspection Report," or on the running case record. If the final inspection reveals that construction does not meet approved plans and specifications, the loan will not be guaranteed.

§ 1980.330 Borrower eligibility requirements for a loan.

The lender must determine that the applicant meets all the following requirements:

(a) *Citizen.* Is a natural person (individual) who is a citizen of a state or resides there after being legally admitted for permanent residence or on indefinite parole.

(b) *Legal capacity.* Possesses legal capacity to incur the obligations of the loan.

(c) *Ability and experience.* Possesses ability and experience necessary to carry out the undertakings and obligations required of him in connection with the loan.

(d) *Lack of housing.* Does not own adequate, decent, safe, and sanitary housing for his use. If the loan is to include funds for a site on which to build, he must be without an adequate site for the proposed dwelling.

(e) *Owner occupant.* Is or will become the owner occupant of the housing with respect to which the loan is made.

(f) *Income.* Has adequate and dependably available income to meet the living expenses, obligations, necessary capital replacements, and repayment of debts including the proposed loan.

(g) *Other credit.* Does not have sufficient resources to provide the housing on his own account, and cannot obtain credit for that purpose from other sources on terms and conditions he can reasonably be expected to meet without an FmHA guarantee.

(h) *Moderate income.* Has a moderate income.

(1) *Moderate income.* A moderate income is an adjusted annual income below the moderate adjusted income limits applicable to the State in which the housing is or is to be located. Income limits are published in Exhibit D to Part 1822, Subpart A (FmHA Instruction 444.1, Exhibit D). Applicants with incomes of less than that shown in Exhibit C to Part 1822, Subpart A (FmHA Instruction 444.1, Exhibit C), must not be eligible to receive interest credits from FmHA. FmHA should be requested to review preapplications from such applicants to see if they may be eligible for interest credits.

(2) *Annual income.* This consists of planned income to be received by the applicant, spouse, and all other adults who live, or propose to live, in the dwelling during the next 12 months, or in the case of a farmer, the period which most accurately reflects the annual cycle of his operation

(i) *Income included.* All net farm and nonfarm business income and gross income from wages, salaries, commissions, pensions, social security, unemployment compensation, alimony, and all other sources, except as indicated in paragraph (h)(2)(ii) of this section must be counted.

(A) Welfare, social security, child support payments, and other payments made on behalf of minors will be included.

(B) All expected overtime and bonus income will be counted.

(C) Projected farm and nonfarm business losses will be considered as "0" in determining annual income.

(ii) *Exempted income.* The following income will not be counted:

(A) Earnings from employment or income from GI Bill, fellowships, scholarships, or assistantships for schooling received by a full time student who is not the applicant or spouse of the applicant.

(B) Proceeds from the sale of equipment, mineral rights, or real estate sold under short term contract (usually 3 years or less).

(C) Cash value of food stamps, real estate tax exemptions, or similar types of assistance.

(D) Payments received for the care of foster children.

(iii) *Deductions from income.* In determining the applicant's annual income the following deductions can be allowed:

(A) A deduction may be made in the same manner as outlined in Internal Revenue Service (IRS) regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the applicant's trade, business, or farming operation. The applicant must provide an itemized schedule showing the depreciation claimed, and this schedule should be consistent with the amount of depreciation actually claimed for these items for Federal income tax purposes.

(B) A deduction may be made in the same manner as outlined in IRS regulations for necessary business expenses actually paid by the employee in excess of the amount reimbursed by the employer. The deduction must be reasonable and, in the judgment of the approving officials, should be deducted from an employee's income to reflect annual income on an equal basis with other employed persons. Deductions are not permitted for the following:

(*1*) Transportation to and from work.

(*2*) Cost of meals incurred on one day business trips.

(*3*) Educational expenses except those incurred to meet the minimum requirements of the employee's present position.

(*4*) Fines and penalties for violation of laws.

(C) Income deductions for child care, disabled dependent care, or care of an incapacitated husband or wife, may be made for expenditures actually paid to enable the husband or wife to be gainfully employed. The reason for any deduction must be recorded in detail in the applicant's loan docket. Such a deduction is authorized only if all the following conditions are met:

(*1*) For dependent children under the age of 15 cared for outside the home, the maximum monthly deduction will not exceed $200 for one child, $300 for two children, or $400 for three or more children.

(*2*) Expenses for child care services performed in the home are not limited to the above but are subject to the $400 maximum deduction each month.

(*3*) A deduction not to exceed $400 each month, for incapacitated husband or wife care, or care of disabled dependents age 15 or over who are incapable of self care is authorized only when service is authorized only when service is performed in the home.

(*4*) In no case will the aggregate of all deductions for child care, disabled dependent care, or incapacitated husband or wife care exceed $400 per month.

(*5*) Payments for these services must have been to other than close relatives or dependent members of the applicant's household. Close relatives include: son or daughter and their descendants, stepson or stepdaughter, brother or sister, stepbrother or stepsister, father or mother and their ancestors, stepfather or stepmother, nephew or niece, uncle or aunt, son-in-law or daughter-in-law, father-in-law or mother-in-law, and brother-in-law or sister-in-law.

(3) *Adjusted annual income.* This is annual income as defined in paragraph (h)(2) of this section, less 5 percent thereof and less an additional $300 for each minor person, excluding the husband and wife, who is a member of the immediate family and lives in the home. The immediate family includes those persons related to the applicant by blood, marriage, or operation of law, such as adoption or legal guardianship.

§ 1980.331 Filing and processing applications.

(a) *Applicant's contact.* Applicants desiring loan assistance as provided in this subpart must file loan applications with an eligible lender.

(b) *Loan priorities.* Applications and preapplications for loan guarantees received by FmHA from eligible lenders will be considered in the order received.

(c) *Veteran preference.* Applications received from veterans and from spouses and children of deceased servicemen who died in service during one of the periods described in this paragraph will be given preference. A veteran is a person who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable and who served on active duty in such forces: (1) during the period April 6, 1917, through March 31, 1921; (2) during the period of December 7, 1941 through December 31, 1946; (3) during the period of June 27, 1950, through January 31, 1955; or (4) for a period of more than 180 days, any part of which occurred after January 31, 1955; but on or before May 7, 1975. Discharges under conditions other than dishonorable include "clemency discharges."

(d) *Filing preapplications and applications.* Lenders may file preapplications as described in paragraph (e) of this section if they desire an expression of FmHA interest before assembling the complete application and request for Loan Note Guarantee or they may present the complete application, in one package, including the material required in paragraphs (e) and (g) of this section.

(e) *Preapplications.* Lenders may file preapplications with the County Office. They shall include:

(1) An application form or letter which shall include:

(i) Applicant's name, address, telephone number, statement of current annual family income and expenses, age of family members, citizenship of applicant (if not a citizen of a state evidence of being legally admitted for permanent residence or indefinite parole), and whether the applicant is a veteran.

(ii) Amount of loan request.

(iii) Name of the proposed lender, its address, contact person, and telephone number.

(iv) Brief description of the housing to be financed.

(v) Amount of applicant's equity.

(vi) Anticipated loan maturity.

(2) Comments of substate and state A–95 agencies when the preapplication involves a loan or loans for construction in a subdivision of 10 or more new dwelling units in which the Department of Housing and Urban Development, the Veterans' Administration or FmHA has not previously made, insured or guaranteed a housing loan.

(3) Statement from the applicant certifying that he does not own adequate, decent, safe and sanitary housing for the use of his family and he is unable to obtain the required credit without guarantee at reasonable rates and terms in the community in or near his location(s) from private or cooperative lending sources who normally make loans for similar purposes and periods of time.

(4) Statement from lender that it will not make the loan without a guarantee and that applicant has received, in writing, a warning that he is subject to criminal action if he knowingly and willingfully gives false information to obtain a federally guaranteed loan.

(f) *Preliminary determination by FmHA.* If preapplication information indicates the housing will not meet FmHA's minimum standards, the applicant is not eligible or that guarantee authority is not available, FmHA will so inform the lender. The lender will notify the applicant in writing of all reasons for the decision reached. If the applicant may be eligible, the housing may meet FmHA standards, and loan guarantee authority may be available, FmHA might inform the lender in writing that it may submit a complete application.

(g) *Applications will consist of:* (1) Application for loan on a form approved by the lender, which includes at a minimum the information requested in paragraph (e) of this section, and

(2) Architectural or engineering plans for dwelling and site if repair or new construction is planned.

(3) Cost estimates and forecasts of contingency funds to cover inflation or project changes.

(4) Appraisal reports.

(5) Credit report obtained by the lender.

(6) Form FmHA 400–1, "Equal Opportunity Agreement," if construction costing more than $10,000 is planned.

(7) Copies of building permits, if applicable, and any necessary certifications and recommendations of appropriate regulatory or other agencies having jurisdiction including any pollution control agency.

(8) A statement to justify the site selection and location, including its suitability for the type of dwelling proposed and its convenience to services and facilities.

(9) Proposed loan documents between the borrower and lender (See paragraph VIII of Form FmHA 449–35 "Lenders Agreement").

(10) Evidence of compliance with the Privacy Act of 1974:

(i) Form FmHA 410–9, "Statement Required by the Privacy Act." The lender will furnish all applicants two copies of Form FmHA 410–9 at the time an application is filed. The applicant will sign both copies, retaining one and providing one to the lender which becomes a part of the loan file.

(ii) Form FmHA 410–10 "Privacy Act Statement to References." If the lender or FmHA desires to obtain information concerning the applicant from any source, two copies of Form FmHA 410–10 will be provided to the source. The source will sign both copies, retain one and return the other copy, which becomes a part of the loan file.

(11) Any additional information required by FmHA.

(h) *Use of forms.* Lenders should use their forms, real estate mortgages, security instruments and other agreements, provided such forms do not contain any provisions that are in conflict or are inconsistent with provisions of this part.

ADMINISTRATIVE

The County Supervisor will determine if the material and information submitted are complete.

§ 1980.332 FmHA evaluation of applications.

FmHA will evaluate the application. FmHA will make a determination whether the borrower is eligible, the proposed loan is for an eligible purpose, there is reasonable assurance of repayment ability, sufficient collateral, and sufficient equity. If FmHA determines it is unable to guarantee the loan, the lender will be informed in writing by use of Form FmHA 449–13, denial letter. Such notification will include the reasons for denial of the guarantee. If FmHA is able to guarantee the loan, it will provide the lender and the applicant with Form FmHA 449–14, "Conditional Commitment for Guarantee", listing all requirements for such guarantee. County Supervisors are authorized to execute Form FmHA 449–14.

ADMINISTRATIVE

A. The County Supervisor will prepare Form FmHA 440–1, "Request for Obligation of Funds," in accordance with the Forms Manual Insert (FMI), the Finance Office will obligate funds and so notify the County Supervisor by forwarding the original and one copy of Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request." When the County Supervisor receives notice that funds have been obligated, he will notify the lender by providing him a copy of Form FmHA 449–14. The County Supervisor will record the actual date of lender notification on the remaining copy of Form FmHA 440–1 and make such copy a permanent part of the County Office loan file.

B. The County Supervisor will notify the lender of the reasons if he will not issue the Form FmHA 449–14.

§ 1980.333 Review of requirements.

(a) *Accepting conditions.* Immediately after reviewing the conditions and requirements in Form FmHA 449–14, and the options listed on the back of the form, the lender should complete and sign the "Acceptance or Rejection of Conditions," and return a copy to the County Supervisor. If conditions cannot be met, the lender and borrower may propose alternate conditions to FmHA. These alternatives will be considered and the lender will be advised of FmHA's decision. If altered conditions are acceptable, Form FmHA 449–14 will be revised.

(b) *Cancelling commitment.* If the lender indicates in the "Acceptance or Rejection of Conditions" that it desires to obtain a Loan Note Guarantee and subsequently decides at any time after receiving a conditional commitment that it no longer wants a Loan Note Guarantee, the lender should immediately advise the County Supervisor.

ADMINISTRATIVE

The County Supervisor will negotiate with the lender any changes, consistent with this regulation, to the initially issued or proposed Form FmHA 449–14.

§ 1980.334 Conditions precedent to issuance of the Loan Note Guarantee.

ADMINISTRATIVE

A. *The County Supervisor:*

1. Reviews all items required in accordance with Part 1980, Subpart A, of this chapter.

2. Reviews materials to see that all conditions imposed by Form FmHA 449–14 have been complied with.

3. Makes an onsite inspection of the property if he has not already done so. Such inspection will be reflected on Form 424–12, or on the running case record.

B. The District Director will conduct a post-closing audit for 10 percent of cases to assure that all requirements of the application, Conditional Commitment for Guarantee, and loan documents have been met and will document his review in the loan files examined.

§ 1980.335 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

Administrative (with reference to § 1980.61 of this Part):

A. *See § 1980.61 (a).* The original Form FmHA 449–35, will be kept in the County Office. Paragraph X C 10 of Form FmHA 449–35 will be crossed out for housing loans. Paragraph X C 5 will be completed by adding –0– in the blank for housing loans.

B. *See § 1980.61(b)(1).* Copy(s) of all issued Loan Note Guarantee(s) will be kept in the County Office.

C. *See § 1980.61(b)(3).* For reporting purposes when multi-notes are issued, the loan to the borrower will be counted as one loan regardless of the number of notes issued.

D. *See § 1980.61(b)(4).* The State Director will notify the Finance Office of the transaction.

E. *See § 1980.61(f).* The County Supervisor signs all Forms FmHA 449–13.

F. *See § 1980.61 (f).* The County Supervisor will—1. Review Form FmHA 449–19 for completeness.

2. Forward the guarantee fee and original Form FmHA 449–19 to Finance Office.

3. Retain in the County Office loan file the original of Form FmHA 449–35 and copies of Form FmHA 449–19, Form 449–34, "Loan Note Guarantee," and Form FmHA 449–36, "Assignment Guarantee Agreement".

§ 1980.336 [Reserved]

§ 1980.337 Loan servicing.

The lender is responsible for loan servicing. See paragraph X of Form FmHA 449–35. Loan servicing is a preventive rather than a curative action. Prompt follow up on delinquent payments and early recognition and solution of problems are keys to resolving many delinquent loan cases.

ADMINISTRATIVE

A. The County Supervisor is authorized to approve any servicing action consistent with Part 1872, Subpart A of this chapter (FmHA Instruction 465.1).

B. The State Director may consult with the National Office on any servicing problem and if it cannot be handled at the State level, the file will be forwarded to the National Office with proposed recommendations.

C. County Supervisor:

1. Assists in loan monitoring.

2. When the County Supervisor has been notified by the lender of borrowers failure to fulfill any conditions of the loan documents, the County Supervisor will forward the notification, the financial reports and any recommendations through the District Director to the State Director indicating the date reports were received in the County Office and requesting advice for future loan servicing.

3. Will notify in writing the Finance Office upon receipt of notice from the Lender when any guaranteed loan is delinquent more than 30 days or when the loan otherwise appears to be developing into a problem case. See paragraph XI of Form FmHA 449–35.

4. Is responsible for establishing an office management system for guaranteed loans in accordance with FmHA Instruction 405.1.

D. District Director—1. Will assure that the County Supervisor obtains from the Lender the necessary reports and that the County Supervisor transmits them to the State Director or Finance Office.

2. Will provide guidance and assistance to the County Supervisor if a loan develops into a problem case.

§ 1980.338 Defaults by borrower.

Refer to paragraph XI of Form FmHA 449–35. In case of default, the lender will arrange a meeting with the borrower to resolve the problem. A memorandum of the meeting, individuals who attended, a summary of the problem and proposed solutions will be forwarded to the County Supervisor to be retained in the loan file.

ADMINISTRATIVE

A. If the County Supervisor receives a notice of default on a loan, he will notify the State Director in writing of the details. The County Supervisor will notify the lender of decisions reached by FmHA and the decisions shall be in accordance with FmHA Instruction 465.1.

B. Purchase of guaranteed portions by FmHA: See Lender's Agreement and Assignment Guarantee Agreement—1. The County Supervisor monitoring the loan will coordinate and process requests for FmHA to purchase when the holder(s) are located in close proximity to the local lender. If several holders are located outside the area, the State Director will handle the transaction and notify the County Supervisor.

2. The County Supervisor will review the material submitted, verify the amounts due the holder(s) and transmit the request by memorandum to the State Director. Copies of evidence of ownership will be included. Any original evidence of ownership will be retained in the County Office. A proposed payment date will be established to calculate the interest due the holder(s).

3. The State Director will verify the amounts payable to the holder(s) and assure that all necessary material has been obtained. The State Director will request a check to pay the holder(s) on the appropriate data entry form.

4. If FmHA owns any guaranteed portion of the loan, it will be considered in any future report of loss calculations. A record of any purchase by FmHA will be maintained in the loan file.

§ 1980.339 Liquidation.

Refer to paragraph XII, of Form FmHA 449-35. If either the lender or FmHA concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure or eliminate within a reasonable period of time, it will notify the other party and the matter will be handled in accordance with paragraph XII of Form FmHA 449-35.

ADMINISTRATIVE

A. *Paragraph XII B of Form FmHA 449-35.* FmHA will exercise the option to liquidate only when there is reason to believe the lender's liquidation plan will likely not result in maximum recovery. State Directors are authorized to approve lender liquidation plans or exercise the FmHA option to liquidate.

B. *Paragraph XII D of Form FmHA 449-35.* County Supervisors are responsible for review and acceptance of accounting reports submitted by lenders and for submission of such reports to lenders when FmHA is conducting liquidation.

C. *Paragraph XII E 2 of Form FmHA 449-35.* County Supervisors are authorized to accept Report of Loss determinations on Form FmHA 449-30, "Loan Note Guarantee Report of Loss," from lenders and forward them to the State Director. The State Director will submit Form FmHA 449-30 to the Finance Office for payment of any lossess. The Finance Office forwards loss payment checks to the State Director for delivery to lender.

D. *Paragraph XII E 3 of Form FmHA 449-35.* Final loss payments will be made within the 60 days required but only after an audit to assure all collateral for the loan has been properly accounted for. State Directors are responsible to see that such audits are accomplished in time to be reviewed and accepted or otherwise resolved within the 60 day period. County Supervisors may conduct such audits.

§ 1980.340 Protective advances and expenses.

ADMINISTRATIVE

A. It is not intended that protective advances be made in lieu of additional loans. The County Supervisor is authorized to approve all protective advance. He will consider the following when approving such advances:

1. The total amount of outstanding advances, the amount of those for which approval is requested, the outstanding loan balance whether the account is current and, if not, the extent of the delinquencies.

2. The borrower's ability to pay the remaining loan balance and any future advances in accordance with the repayment schedule.

B. Advances and expenses which are allowable and are covered by the guarantee, not to exceed the maximum loss payable amount outlined in § 1980.20 of Subpart A, may include the following:

1. Taxes, ground rent and water rates, which are liens prior to the mortgage;

2. Special assessments, which are noted on the application for guarantee or which become liens after the Loan Note Guarantee is issued;

3. Hazard insurance on the mortgaged property;

4. Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee;

5. Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee) actually paid by the mortgagee and approved by the FmHA in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

6. Reasonable payments made by the mortgagee, with the approval of the FmHA for the purpose of protecting, operating, or preserving the property;

7. Any uncollected mortgage interest allowed pursuant to an approved forebearance plan;

8. Reasonable repairs to the housing to prepare it for resale; and

9. Reasonable resale cost.

§ 1980.341 Additional loans or advances.

Any additional loan that is to be guaranteed will meet the requirements of this regulation including area eligibility.

ADMINISTRATIVE

The County Supervisor may approve additional loans or advances provided he determines there will be no impairment of the borrower's ability to repay the guaranteed loan and such loan or advance will be in the best interest of FmHA.

§ 1980.342 Transfer and assumptions.

(a) *FmHA approval.* All transfers and assumptions must be approved in writing by FmHA.

(b) *Eligibility preference.* Preference will be given to applicants who, after the transfer and assumption are made, will meet the eligibility requirements for the loan.

(c) *Eligible and ineligible.* Available transfer and assumption options to applicants include the following:

(1) The total indebtedness may be transferred to another ineligible borrower.

(2) The total indebtedness may be transferred to an ineligible borrower.

(d) *Release of liability.* In any transfer and assumption case, the transferor may be released from liability by the lender with FmHA written concurrence only when the value of the collateral being transferred is at least equal to the amount of the loan or part of the loan being assumed.

(e) *Forms and case numbers.* The assumption will made on the lender's form of assumption agreement. The assumption agreement must contain the FmHA case numbers of the transferor and the transferee.

(f) *Notations and notices.* It is the lender's responsibility to see that all transfer and assumptions will be noted on the Loan Note Guarantee. The lender must give FmHA a copy of the transfer and assumption agreement. Notice must be given by the lender to FmHA indicating whether the transaction can be properly transferred, the conveyance instruments filed, registered or recorded, as appropriate, and whether the borrower will be released from liability.

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

(h) *Loan Note Guarantee.* The existing Loan Note Guarantee will continue in effect, so a new Loan Note Guarantee will not be issued. However, as soon as the transfer and assumption have been completed, the lender will so indicate on the original Loan Note Guarantee by inserting a chek in the Assumption Agreement box and inserting the name of the assuming party for those purposes on the Loan Note Guarantee.

ADMINISTRATIVE

A. *The County Supervisor may consent:*

1. To all transfer and assumption cases that meet the requirements of this regulation.

2. To the release of the transferor from liability on the loan. The County Supervisor may approve or disapprove the transfer and will notify the lender and the appropriate parties of his decision in writing. The Loan Note Guarantee will be endorsed in the space provided on the form.

B. A copy of the Assumption Agreement will be retained in the County Office file and the County Supervisor will send a copy to the State Director.

§ 1980.343 Eligible transferee—full assumption.

An "eligible transferee" is one that meets the eligibility requirements of this regulation. An eligible transferee is also one who meets the requirements of this regulation except that the housing being transferred is in an area which has ceased to be rural.

(a) *Changes in promissory note or security instrument provisions.* If the assumption arrangement changes the repayment schedule or interest rate, the changes must be approved in writing by the present debtors if they are not to be released from personal liability and by the holder. If the existing borrower's interest rate is less than the rate being charged to new borrowers at the time of the assumption, the assumption parties will be required to pay the higher current interest rate unless the assumption is being made by a deceased borrower's surviving spouse. Any new repayment schedule needed to meet the repayment ability of the transferee may cover a period not to exceed 33 years from the date of the original note. The lender's request for approval to FmHA will be accompanied by:

(1) An explanation of the reasons for the proposed change in the provisions of the promissory note or security instrument.

(2) A statement that the lender's determinations required by paragraph (b) of this section can be made.

(3) Advice as to whether the present debtors will sign an agreement to indicate their continued liability or will be released from personal liability.

(b) *Determinations by lender.* Before the transfer and assumption can be approved, the lender must determine that all of the following conditions exist or can be met:

(1) The transferee is an eligible applicant.

(2) The transferee will acquire all of the property securing the guaranteed loan balance.

(3) The transferee cannot acquire the security property without the guaranteed loan credit.

(4) The market value of the security property being acquired by the transferee is at least equal to the amount of the secured indebtedness against it.

(5) The priorities of the existing lien or liens securing the guaranteed loan will be maintained or improved.

(6) The transferee appears to have the ability and desire to pay the amount to be assumed.

(7) Proper hazard insurance can be obtained.

(8) The transaction can be properly closed and the conveyance instruments will be filed, registered or recorded, as appropriate and legally permissible.

(c) *Closing transfer and assumption.* As soon as the lender finds that it will be able to make the determinations required in paragraph (b) of this section and has received FmHA's approval, the lender may proceed with closing the transfer and assumption transaction. The closing will include, but will not be limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any legal requirements, and the filing, registration, or recordation of said conveyance instruments, as appropriate and legally permissible.

(d) *Material furnished to FmHA after closing.* Immediately after the transfer and assumption have been closed, the lender will furnish to FmHA:

(1) Two conformed copies of the executed assumption agreement.

(2) A statement showing:

(i) What changes, if any, have been made in the provisions of the promissory note or security instruments.

(ii) That all of the conditions and requirements of paragraph (b) of this section have been met.

(iii) That insertions have been made on the original Loan Note Guarantee as required in § 1980.342(h).

(iv) Whether the present debtors have been released from personal liability or have signed an agreement of continued personal liability.

ADMINISTRATIVE

A. *Concurrence of FmHA.* If the County Supervisor approves the proposed transfer, including any proposed changes in the promissory note or security instrument provisions, he will so advise the lender in writing and the lender may proceed with the transfer and assumption.

B. *Conformed copies—sent to and checked by FmHA and Finance Office.* When the County Supervisor receives the two conformed copies of the executed assumption agreement and the original statement from the lender as required in paragraph (d) of this section, he will examine them to see whether they are proper in all respects.

(1) If County Supervisor finds any errors or omissions in the conformed copies, he will return the defective material to the lender so that the errors or omissions may be corrected. If the original assumption agreement contains the same defects, it will first have to be corrected and the corrections initialed by the assuming parties and the lender and also by the present debtors if they will remain personally liable.

(2) If the County Supervisor finds the material to be in proper order, either before or after correction, he will prepare and send a Form FmHA 440–1 to the Finance Office for loan identification and future accounting purposes only.

§ 1980.344 Ineligible transferee—full assumption.

An "ineligible transferee" is one that does not meet the eligibility requirements of this regulation.

(a) *Continued liability of present debtors.* Since the promissory note repayment schedule (and probably the interest rate) will be changed in the assumption agreement, the present debtors will be required to sign the agreement of continued liability on the bottom of the assumption agreement if their continued personal liability is required because the assumption agreement repayment period is more than 5 years or for any other reason.

(b) *Interest rate and term of assumption.* The interest rate may be any legal rate agreed to by the lender and the assuming parties provided the rate does not exceed rates charged on similar loans in the area. The term in these cases cannot exceed 5 years except it may be up to 15 years if:

(1) The present debtors are not released from personal liability.

(2) FmHA makes a written determination that a period longer than 5 years is necessary to protect the financial interests of FmHA as guarantor.

(c) *Determinations by lender.* Before the transfer and assumption are consummated, the lender must obtain any holder's and FmHA's approval of the transaction. As a basis for obtaining that approval, the lender must furnish to FmHA a completed but unexecuted copy of the transfer document and a statement showing that the following determinations have been made:

(1) That the transferee is not an eligible applicant.

(2) That the proposed transfer and assumption appear to be the best method for most adequately protecting the financial interests of the lender and FmHA.

(3) That the market value of the security property to be transferred is equal to or more than the unpaid balance on the guaranteed loan plus any prior liens, or that the financial situation of the transferee is such that any difference could be readily collected.

(4) That the determinations, conditions and requirements of § 1980.343(b)(2), (5), (6), (7), and (8) are made.

(5) That the proposed term of the assumption is necessary and meets the requirements of paragraph (b) of this section.

(6) Whether the present debtors will sign an agreement of continued liability or will be released from personal liability.

(d) *Closing transfer and assumption.* Upon receipt of FmHA's approval letter, the lender may proceed with closing the transfer and assumption transaction. The closing will include, but will not be limited to, obtaining execution and delivery of the conveyance instruments and the assumption agreement, compliance with any legal requirements, and filing, registration, or recordation of said conveyance instruments, as appropriate.

(e) *Material furnished to FmHA after closing.* Immediately after the transfer and assumption have been closed, the lender will furnish to FmHA:

(1) Two conformed copies of the executed assumption agreement.

(2) A statement showing:

(i) That all of the conditions and requirements have been met in accordance with the approval letter issued by FmHA.

(ii) That the insertions have been made on the original Loan Note Guarantee as required in § 1980.342(h).

(iii) Whether the present debtors have been released from personal liability or have signed an agreement of continued liability.

ADMINISTRATIVE

A. *Approval by FmHA.* If the County Supervisor approves the lender's determinations and agrees that the transfer and assumption should be made as proposed, he will send a letter of approval to the lender. If the assumption term exceeds the 5 year limitation in paragraph (b) of this section, the letter will contain FmHA's express determination that the longer term is necessary to protect its financial interest as guarantor. If FmHA determines that it cannot approve the proposed transaction, it will inform the lender in writing of the reasons. If the lender satisfies FmHA's objections, it may resubmit the matter for reconsideration.

B. *Conformed copies—sent to and checked by FmHA and Finance Office.* The procedure set forth in § 1980.343 Administrative paragraph B of this part will be followed in examining and handling the material furnished under paragraph (e) of this section.

§ 1980.345 Insured loans.

It is the purpose of this regulation that proposed borrowers will seek credit from private lending sources and will make several loan applications, if neces-

sary, to eligible lenders. Applications for insured loans may be considered when no eligible lender has made application to FmHA for a loan guarantee within 30 days of the last application for a guaranteed loan with an eligible lender.

§ 1980.346–1980.400 [Reserved]

GENERAL ADMINISTRATIVE

A. *Office of the General Counsel (OGC).* In performing the FmHA functions, the advice and assistance of OGC may be sought and followed on any legal matter. However, in loanmaking, it is the responsibility of the lender to ascertain that all requirements for making, securing, and servicing the loan are duly met. If FmHA has any questions concerning the Lender's resolution of these matters, only the FmHA may consult with OGC.

B. *Delegation of Authority.* The State Director may delegate to his staff those administrative duties and responsibilities set forth in the Administrative sections of this subpart.

Effective date: This regulation shall become effective on October 29, 1976.

Dated: October 26, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–31692 Filed 10–28–76;8:45 am]

proposed rules

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

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 221]

[ER 1140-2-4]

WORK FOR OTHERS

Investigation and Supervision of Hydropower Projects Under the Federal Power Act

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, has proposed a regulation prescribing policies and procedures for investigation of license and permit applications filed with the Federal Power Commission (FPC), and referred to the Corps of Engineers for review and comments. The proposed regulation establishes Corps of Engineers review procedures in conformance with the applicable provisions of Sections 2 and 4(e) of the Federal Power Act of 1920, as amended; Section 10 of the River and Harbor Act of 1899; and Section 404 of the Federal Water Pollution Control Act Amendments of 1972. The Corps of Engineers review action, as proposed herein and based on request from the FPC, will consider the effects of hydroelectric power projects on navigation, and other responsibilities of the Corps in the area of water control management such as flood control, low flow augmentation or, if pertinent, any appreciably affected features of the Corps resource development program in the basin.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN-CWE-Y, Washington, D.C. 20314, no later than December 13, 1976.

Until the final regulation is published in the FEDERAL REGISTER field operating agencies having Civil Works responsibilities will utilize the policies and procedures contained in the proposed regulation to the fullest extent practicable. The regulation will become fully effective when published in final form in the FEDERAL REGISTER.

Dated: September 30, 1976.

JOHN J. QUINN, Jr.,
Executive Administrative Assistant.

PART 221—WORK FOR OTHERS

Sec.

221.1 Investigation and supervision of hydropower projects under the Federal Power Act (ER 1140-2-4).

221.2 through 221.9 [Reserved]

AUTHORITY: Sections 2 and 4(e) of the Federal Power Act of 1920 (41 Stat. 1603, 16 U.S.C. 791-823), as amended; Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151, 33 U.S.C. 403); and Section 404 of Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816, 33 U.S.C. 1344).

§ 221.1 Investigation and supervision of hydropower projects under the Federal Power Act (ER 1140-2-4).

(a) *Purpose.* This regulation establishes procedures for executing Corps of Engineers functions under the authority of the Federal Power Act administered by the Federal Power Commission (FPC). Based on a specific request from the commission, these functions include:

(1) Investigations of applications filed with FPC for permits and licenses, and for relicensing of projects to ascertain impacts on Corps of Engineers responsibilities.

(2) Investigation of applications for surrender or termination of license to ascertain impacts on Corps of Engineers responsibilities.

(3) Supervision and inspection of operations of licensed hydroelectric projects to ascertain impacts on Corps of Engineers responsibilities.

(b) *Applicability.* This regulation applies to all field operating agencies having Civil Works responsibilities.

(c) *References.* (1) Federal Power Commission publication entitled "Federal Power Act," as amended, dated 1 March 1971. The Act was originally enacted 10 June 1920 (41 Stat. 1603, 16 U.S.C. 791-823). This publication can be obtained from the Federal Power Commission, Washington, D.C. 20426.

(2) Code of Federal Regulations Title 18 Part I to 149, relating to FPC General Rules and Regulations, available at the Federal Power Commission, Washington, D.C. 20426.

(3) ER 1145-2-303 (33 CFR 209.120), Permits for Activities in Navigable Waters or Ocean Waters.

(4) ER 1140-2-1, Submission of Data for Headwater Benefits Determination.

(d) *Objective.* The objective of this Regulation is to establish procedures for meeting the Corps of Engineers responsibilities under applicable sections of the Federal Power Act as amended.

(e) *Definitions.* (1) "Licensed Project." A non-Federal hydroelectric project for which the FPC has issued a license granting authority for either construction, in the case of a proposed project, or for continued operation and maintenance of an existing project.

(2) "Major Projects." Hydroelectric projects with more than 2,000 horsepower installed capacity.

NOTE.—This regulation supersedes ER 1140-2-4, 8 December 1967, and ER 1140-2-2, 10 September 1965.

(3) "Minor Projects." Hydroelectric projects having installed capacity of 2,000 horsepower or less.

(4) "Permit Application." An application filed by a non-Federal entity with the FPC as a preliminary step in anticipation of filing for a license to construct and operate a hydroelectric project. A permit does not authorize construction. It merely gives the the permittee priority of application for an FPC license over other non-Federal entities for a period of time. The permittee then develops information necessary for inclusion in an application for license to construct and operate a hydroelectric project. Analysis of this information may result in a decision to apply for the license or to withdraw the intent.

(5) "Relicensing." A procedure applicable to projects for which the original period of license (usually, 50 years) will expire or has expired and application for new license has been or will be filed with the FPC.

(6) "Take Over." An act whereby the Federal government assumes project ownership. Upon the expiration of a license for a hydroelectric project, the United States, under certain specific conditions set forth in Section 14 of the Federal Power Act may "take over", maintain and operate the project. This does not apply to any project owned by a State or local government.

(f) *Authorities.* The Federal Power Act as amended delegates to the Secretary of the Army, the Chief of Engineers and the Corps of Engineers certain functions necessary for the FPC's administration of the Act. Implementation was provided through instructions issued by the President in a letter dated 18 May 1931 to the Secretary of War. These functions are set forth in the following excerpts from the Act;

(1) Section 2 of the Act provides in part that:

> The Commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army to serve the Commission as engineer officer or officers * * *

(2) Section 4(e) of the Act provides in part that:

> The Commission is hereby authorized and empowered * * * to issue licenses to citiezns of the United States, or to any associations of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of construction, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of

power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction * * *

* * * Provided that no license affecting the navigable capacity of any navigable water of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of the Army.

(g) *Investigation of Applications for Permits, Licenses, or Relicensing of Projects.* Upon referral by the FPC, the Chief of Engineers will assign the investigation of an application for permit, license or relicensing to the appropriate Division Engineer who will subbit a report on the investigations as specified herein to HQDA (DAEN–CWE–Y) WASH DC 20314 (exempt from reports control, Paragraph 7–2y, AR 335–15).

The investigation should be coordinated with all interested organization elements including Engineering, Construction/Operations, Planning and Office of the Counsel. The date that the report is to be submitted will be specified. The nature of investigation and report by the Division Engineer will depend upon the nature of the request from the FPC. In general, reports as appropriate for the type or application filed with the Commission will consider the following items as pertinent and will include recommendation of pertinent license provisions:

(1) *License Applications.* (i) The effect of the project on navigation and flood control, including adequacies of the plans of the structures affecting navigation. Section 4(e) of the Federal Power Act provides for approval of plans for hydroelectric power projects as noted in paragraph (f)(2) of this section. Section 4(e) approval normally will obviate the need for a Department of Army permit under Section 10 of the 1899 River and Harbor Act. The basis for Corps approval under Section 4(e) will be limited to effects on navigation, however, Section 4(e) does not obviate the need for a Department of the Army permit persuant to Section 404 of the Federal Water Pollution Control Act (see paragraph (j)(2) of this section). Such a permit is subject to a full public interest review pursuant to 33 CFR 209.120, and the application of the Environmental Protection Agency's guidelines in 40 CFR 230.

(ii) Recommendations for license provisions required to protect the interest of navigation. This item is discussed under paragraphs (h), (i) and (j) of this section.

(iii) Consideration of the project in relation to a comprehensive plan for developing the basin water resources from the standpoint of the Corps of Engineers programs and responsibilities. Specific references should be made to pertinent published Congressional documents containing results of studies and/or to Congressional resolutions directing studies to be made to provide identification.

(iv) Consideration of environmental aspects of a project as related to navigation and flood control matters or other specific Corps interests and responsibilities in particular cases.

(v) The matter of possible redevelopment of an existing project to improve the usefulness of the project in relation to the objectives of the Corps program in the basin. In the case of an unconstructed project, a recommendation, along with justification, should be included as to whether or not development should be undertaken by the United States.

(2) *Relicensing (New License) Application.* (i) Consider items (i) through (v) discussed under subparagraph (g)(1) of this section.

(ii) Recommendations should be furnished to the FPC with respect to possible need for "take over" of a project by the Federal government. Details on "takeover" under the Federal Power Act are provided in Part 16 of the Code of Federal Regulations, Title 18 (Part 1 to 149). A copy of Part 16 is provided for ready reference in Appendix A to this regulation.[1]

(3) *FPC Permit Application.* Consider appropriate recommendations to insure coordination of applicant's studies with the Division or District Engineer in cases where responsibilities and interests of the Corps of Engineers would be affected. The report should include discussion of Corps interests which could result in recommendations for provisions to be included in a subsequent license.

(h) *Terms and Conditions for Insertion in FPC Permits and Licenses.* In investigation of an application for FPC license or permit, consideration will be given to aspects of the project affecting authorized functions of the Corps as well as to the responsibilities assigned to the Corps by the Federal Power Act. Accordingly, the Division Engineer in his report on an application to the Chief of Engineers will always consider the necessity for including in any license or permit terms and conditions to protect the interests of navigation. Recommendations involving other responsibilities of the Corps in the area of water control management such as flood control, low flow augmentation and other purposes should also be considered.

(i) *Standard Terms and Conditions Used by the FPC in its Permits and Licenses.* Appendix B to this Regulation includes standard terms and conditions used by the FPC in licenses for projects affecting navigable waters of the U.S. The standard articles, included in Appendix B, are identified by the FPC in the following Forms:

(1) Form L–3 (Revised October 1975), Terms and Conditions of License For Constructed Major Project Affecting Navigable Waters of the United States.

(2) Form L–4 (Revised October 1975), Terms and Conditions of License For Unconstructed Major Project Affecting Navigable Waters of the United States.

Any special terms and conditions pertaining to the Corps of Engineers responsibilities, in addition to those identified in Appendix B should be tailored to suit the situation involved. Appendix B also provides a list of other FPC standard articles Forms that could be obtained from FPC offices.

(j) *Distinction between Corps of Engineers and FPC Jurisdiction with Respect to Non-Federal Hydroelectric Projects.* (1) The following procedures are currently being followed in connection with Department of Army permit responsibilities involving pre-1920 legislation:

(i) In regard to FPC licensing of projects, Corps responsibilities under Section 10 of the River and Harbor Act of 1899 may normally be met through the FPC licensing procedure including insertion of terms and conditions in the license in the interest of navigation. Section 4(e) of the Federal Power Act provides for approval of plans of project works by the Chief of Engineers and Secretary of the Army from the standpoint of interests of navigation. The considerations for our approval under Section 4(e) will be limited to effects of project works on navigation.

(ii) Applications to Corps Division or District Engineers for approval of repairs, maintenance or modification of non-Federal water power projects authorized under River and Harbor Acts as well as special Acts of Congress prior to 1920, or requests for advice with respect thereto should be referred to the FPC for consideration in accordance with the provisions of the Federal Water Power Act. The permittee should be advised that the application is being referred to the FPC for consideration and that if an FPC license is required, Corps recommendations will be furnished to the FPC.

(2) Responsibilities under Section 404 of the Federal Water Pollution Control Act as amended in 1972 (33 U.S.C. 1151) pertinent to discharge of dredged or fill material into the navigable waters at specified disposal sites will be met only through the Department of Army permit procedures as specified in ER 1145–2–303. In regard to FPC cases involving Section 404, our report to the FPC through (DAEN–CWE–Y) will specify the need for a Department of Army permit (Section 404) if, on the basis of the Division and District Engineers' reports, such permit is deemed necessary.

(3) In connection with FPC licensed projects there may be proposed non-power water oriented activities which are associated with the overall project but may not be a part of the hydroelectric power facilities at the project. Such cases, if involving navigable waters, should be reviewed from the standpoint of need for a Section 10 permit. Such Section 10 permit actions would involve consideration of the overall public interest including water quality, fish and wildlife, recreation, general environmental concerns and the needs and welfare of the people.

(k) *Investigation of Applications for Surrender or Termination of License.* The period of the FPC license for hydroelectric projects is usually 50 years. During

[1] See 18 CFR Part 16 for the text of these regulations.

and/or upon the expiration of the period of a license, a licensee may file with the FPC an application for surrender on termination of its license. These applications may encompass requests for physical removal of an existing dam and/or powerhouse structures from a stream. Division Engineers who would be assigned by the Chief of Engineers to review such applications will consider, in their review and report to DAEN–CWE–Y, the possibility that sediment discharge resulting from removal of a dam structure from a navigable river or from any site that may affect navigable waters would impair the anchorage and navigation and/or flood carrying capacity of the stream. In cases where there is a possibility of significant downstream shoaling (sedimentation) as the result of removal of a dam and its appurtenant structures, recommendation may be made to the FPC, through DAEN–CWE–Y, requiring licensee as a condition of approval of dam removal to agree to bear the expense for removal of any shoaling at the navigable river(s) which would be determined by the Corps to be detrimental to navigation. It should also be noted that a Department of the Army permit under Section 404 of the Federal Water Pollution Control Act amendments of 1972 (33 U.S.C. 1151), as discussed in paragraph (J)(2) of this section, may be needed in connection with removal of dams on or affecting the navigable waters if a discharge of dredged or fill material also occurs during the removal operation. Other recommendations with the Corps authority that should be considered in reviewing applications for surrender or termination of licenses for projects where their power facilities have been removed, or recommended for removal, is that upon any approval of such application by the FPC, continuation of existence of the non-power project on or affecting the navigable waters of the U.S. will require a Department of the Army permit in compliance with Section 10 of the Rivers and Harbors Act of 1899. Furthermore, it should be noted that in the absence of FPC non-power use license, pursuant to 16 U.S.C. 808(b), the structural safety and maintenance of dam and reservoir for a non-power project will be governed by the laws and regulations of the State in which the project is located.

(l) *Supervision and Inspection of Operation of Licensed Hydroelectric Projects.* Corps Division and District Engineers responsibilities with respect to any project affecting navigable waters include surveillance of operation and maintenance to insure that the interests of navigation are not adversely affected. In addition, in certain cases the Corps, at the request of the FPC, may act as agent for the FPC for overall supervision of project operation and maintenance. Corps Division Engineers have, in the past, represented the FPC in supervision and inspection of a number of FPC licensed projects within their respective divisions. The Commission by letter dated 4 March 1976, relieved the Corps of Engineers from acting as the Commission's representative for supervision and inspection of its licensed projects. This responsibility has been transferred by the Commission to its own regional engineers. There are no requirements for any periodic or annual reports from the Division offices regarding the operation of FPC licensed hydroelectric projects. However, Division Engineers will report to DAEN–CWE–Y, on a current basis any significant detrimental effects with respect to Corps of Engineers responsibilities or other matters which come to their attention.

(m) *Supervision of Construction of Licensed Hydroelectric Projects.* In cases where the FPC may request the Corps to supervise the actual construction of licensed hydroelectric projects on behalf of the Commmission, instructions will be furnished to the appropriate District Engineer through the Division Engineer at the time the request is made.

(n) *Other Investigation Under the Federal Power Act.* Corps of Engineers operations under the Federal Power Act also include participation in FPC procedures in determining headwater benefits from Corps reservoir projects (RCS, FPC–1003). This matter is discussed in ER 1140–2–1.

(o) *Funding of Operations Under the Federal Power Act.* (1) The salaries of the Corps of Engineers personnel involved in investigations discussed herein will be charged against funds for "Special Investigations" under the appropriation for "General Expenses." The FPC may provide reimbursement if requested by the Chief of Engineers to cover the non-personal expenses which may be incurred in the investigation and supervision of projects under permits and licenses.

(2) Non-personal costs amounting to less than $100 for any single investigation will not be reimbursed from the Commission funds but will be charged also to "Special Investigations" under the appropriations for "General Expenses." Each Division Engineer charged with a detailed investigation of an application for license or the supervision of a project that will require more than a nominal amount of non-personal costs will be specifically requested to submit an estimate of the funds required upon assignment of the work by the Chief of Engineers.

(3) Reimbursement from the FPC funds for non-personal costs in excess of $100 will be made by the Chief of Engineers upon submission of a voucher on Standard Form 1080 by the District Engineer through the Division Engineer. The voucher will show the fiscal year during which the work was done and the Commission project number on which the money was spent.

APPENDIX B

FEDERAL POWER COMMISSION FORM L–3 (REVISED OCTOBER, 1975)

Terms and Conditions of License for Constructed Major Projects Affecting Navigable Waters of the United States

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: *Provided, however,* That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commision for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said represenative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across

the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment of the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new licensee or to a non-power licensee under the provisions of Section 15 of said Act, the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: *Provided*, That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: *Provided*, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structure, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representatives of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Material may be dredged or excavated from, or placed as fill in, project lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filing in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 22. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and rights-of-way and such rights of passage through its dams or other structures, and shall permit such control of its pools, as may be required to complete and maintain such navigation facilities.

Article 23. The operation of any navigation facilities which may be constructed as a part of, or in connection with, any dam or diversion structure constituting a part of the project works shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army.

Article 24. The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 25. The Licensee shall construct, maintain, and operate at its own expense such lights and other signals for the protection of navigation as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 26. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of non-power facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 27. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 28. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

FEDERAL POWER COMMISSION FORM L–4
(REVISED OCTOBER, 1975)

Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters of the United States

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: *Provided, however,* That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as to the Commission may direct.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised exhibits insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the exhibits approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variation in or divergence from the approved exhibits. Such revised exhibits shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 4. The construction, operation, and maintenance of the project and any work incidental to additions or alterations shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of the project and for any subsequent alterations to the project. Construction of the project works of any feature or alteration thereof shall not be initiated until the program of inspection for the project works or any such feature thereof has been approved by said representative. The Licensee shall also furnish to said representative such further information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, as far in advance thereof as said representative may reasonably spec-

ify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new license or to a non-power licensee under the provisions of Section 15 of said Act, the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: *Provided*, That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wild-

life facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: *Provided*, That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commision finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall consult with the appropriate State and Federal agencies and, within one year of the date of issuance of this license, shall submit for Commission approval a plan for clearing the reservoir area. Further, the Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. Upon approval of the clearing plan all clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Material may be dredged or excavated from, or placed as fill in, project lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filling in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 22. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and rights-of-way and such rights of passage through its dams or other structures, and shall permit such control of its pools, as may be required to complete and maintain such navigation facilities.

Article 23. The operation of any navigation facilities which may be constructed as a part of, or in connection with, any dam or diversion structure constituting a part of the project works shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army.

Article 24. The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 25. The Licensee shall construct, maintain, and operate at its own expense such lights and other signals for the protection of navigation as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 26. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 27. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 28. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

List of FPC Standard Articles Forms Used In Permits And Licenses For Hydroelectric Projects

The following FPC standard articles Forms, in addition to the standard Forms L–3, and L–4 which are provided in this appendix, are available from the FPC offices:

FPC forms: [1]	*Title*
P–1	Terms and conditions of preliminary permit.
L–1	Terms and conditions of license for constructed major project affecting lands of the United States.
L–2	Terms and conditions of license for unconstructed major project affecting lands of the United States.
L–5	Terms and conditions of license for constructed major projects affecting navigable waters and lands of the United States.
L–6	Terms and conditions of license for unconstructed major project affecting navigable waters and lands of the United States.
L–9	Terms and conditions of license for constructed minor projects affecting navigable waters of the United States.
L–10	Terms and conditions of license for constructed major project affecting the interests of interstate or foreign commerce.
L–11	Terms and conditions of license for unconstructed major project affecting the interests of interstate or foreign commerce.
L–14	Terms and conditions of license for unconstructed minor project affecting navigable waters of the United States.
L–15	Terms and conditions of license for unconstructed minor project affecting the interests of interstate or foreign commerce.
L–16	Terms and conditions of license for constructed minor project affecting lands of the United States.
L–17	Terms and conditions of license for unconstructed minor project affecting lands of the United States.
L–18	Terms and conditions of license for constructed minor project affecting navigable waters and lands of the United States.
L–19	Terms and conditions of license for unconstructed minor project affecting navigable waters and lands of the United States.

[1] Revised October 1975.

[FR Doc.76–29446 Filed 10–28–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[Amdt. 2]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Amendment of Handling Regulation

This proposal would amend the handling regulation to impose minimum quality requirements on unbraided red onions.

Consideration is being given to issuing the following amendment to the han-

dling regulation, which was unanimously recommended by the Idaho-Eastern Oregon Onion Committee. The committee is the administrative agency established under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958; 41 FR 36195). This program regulates the handling of onions grown in that production area and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This season the volume and quality of red onions in the Idaho-Oregon production area are such that their unregulated handling is having a depressing effect on producer returns for all onions. Poorer quality unbraided red onions are being placed on the market to the detriment of the industry. Also, the 220 car estimated volume of red onions in the area is more than twice that of previous seasons and is now a significant factor in the onion market. The committee believes these unbraided red onions are competing with all other varieties and therefore also should meet quality, pack, inspection and assessment requirements. However, braided red onions would continue to be exempt. Such types are readily identifiable by their distinctive quality and appearance, they comprise a relatively small proportion of the crop and are shipped to specialized outlets.

All persons who desire to submit written data, views or arguments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250 not later than November 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposal is as follows:

Section 958.321 Handling regulation (41 FR 30013; 45997) is amended as follows:

1. The introductory paragraph preceding paragraph (a) is revised; paragraph (a)(2) is renumbered as (a)(3) and a new (a)(2) is added as follows:

§ 958.321 Handling regulation.

During the effective period herein through April 30, 1977, no handler may handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) * * *

(2) Red Varieties. U.S. No. 2 or better grade, 1½ inches minimum diameter.

* * * * *

Dated: October 22, 1976.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76-31627 Filed 10-28-76;8:45 am]

[7 CFR Part 980]

[Amdt. 1]

ONION IMPORTS

Proposed Minimum Quality Requirements

This proposal would amend the import regulation to impose minimum quality requirements on unbraided onions.

Notice is hereby given of a proposed amendment of § 980.115 Onion import regulation (41 FR 30014) applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The proposed amendment is based on, and complies with, a proposed amended regulation to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

Section 980.115 *Onion import regulation* (41 FR 30014) is amended as follows:

1. The introductory paragraph preceding paragraph (a) is revised paragraph (a)(2) is renumbered as (a)(3); a new (a)(2) is added and the first sentence of paragraph (h) is revised to read as follows:

§ 980.115 Onion import regulation.

Except as otherwise provided herein, during the effective period herein through April 30, 1977, no person may import any lot of onions, except braided red varieties, unless such onions are inspected, are at least "moderately cured" and meet the other requirements of this section.

(a) * * *

(2) *Red varieties.* U.S. No. 2 or better grade, 1½ inches minimum diameter.

* * * * *

(h) *Definitions.* For the purpose of this section "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned or frozen onions, pickling onions in brine, onion sets, green onions, or braided red onions. * * *

Dated: October 22, 1976.

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

[FR Doc.76-31721 Filed 10-28-76;8:45 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA

Proposed free and reserve percentages for 1976–77 marketing year

Notice is hereby given of a proposal to establish free and reserve percentages for the 1976–77 marketing year of 75 percent and 25 percent, respectively. The 1976–77 marketing year began on August 1, 1976. The proposed percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 41 FR 31541), regulating the handling of walnuts grown in California. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the marketing agreement and order program. The Board's recommendation is based on estimates for the current marketing year of supply, and inshell and shelled trade demands adjusted for handler carryover. The total 1976–77 supply subject to regulation is estimated at 169 million pounds kernelweight. Inshell and shelled trade demands adjusted for handler carryover are estimated at 33 and 92.8 million pounds kernelweight, or a total trade demand of 125.8 million pounds kernelweight.

The proposed regulation would establish the supply of merchantable walnuts available to the domestic inshell and shelled markets at maximum quantities that can be expected to be utilized, while also providing an ample carryover into the 1977–78 marketing year. The reserve is for export.

The recent order amendment limited the production area under the order to the State of California. The area had included Oregon and Washington as well as California. However, walnut production in Oregon and Washington declined in recent years, and California is now the smallest regional production area that is practical.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 19, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.223 Free and reserve percentages for California walnuts during the 1976–77 marketing year.

The free and reserve percentages for California walnuts during the marketing year beginning August 1, 1976, shall be 75 percent and 25 percent, respectively.

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

Dated: October 26, 1976.

DAVID A. PATTON,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76-31722 Filed 10-28-76;8:45 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA

Proposed Expenses of the Walnut Marketing Board and Rate of Assessment, for the 1976–77 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Marketing Board, and rate of assessment, for the 1976–77 marketing year. That year began August 1, 1976. The proposal is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 41 FR 31541). The amended marketing agreement and order regulate the handling of walnuts grown in California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a recommendation of the Board.

The proposed expenses total $258,315, and the proposed assessment rate is 0.25 cent per kernelweight pound for all walnuts certified as merchantable during the 1976–77 marketing year. Such rate of assessment is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 12, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.328 Expenses of the Walnut Marketing Board and rate of assessment for the 1976–77 marketing year.

(a) *Expenses.* Expenses in the amount of $258,315 are reasonable and likely to be incurred by the Walnut Marketing Board during the marketing year beginning August 1, 1976, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 984.69, is fixed at 0.25 cent per kernelweight pound for certified merchantable walnuts.

Dated: October 22, 1976.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76–31628 Filed 10–28–76;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Change in Minimum Grade Standards for Packed Raisins

Notice is given of a proposal to temporarily change the minimum grade standards for certain varietal types of packed raisins. This change is pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee.

Section 989.59(a) prescribes minimum standards for packed raisins. Section 989.59(b) provides that the standards for any varietal type then in effect may be changed by the Secretary, on the basis of a recommendation by the Committee or other pertinent information, if he finds that to do so would tend to effectuate the declared policy of the act. Paragraph (b) also authorizes the Secretary, upon recommendation of the Committee, to prescribe minimum standards for any varietal type. The minimum standards for packed natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached, Valencia, and Zante Currant raisins, are prescribed in § 989.59(a)(2). The minimum standards for packaged Dipped Seedless raisins are prescribed in § 989.212 of Subpart—Supplementary Regulations (7 CFR 989.201–989.231).

Rains during the month of September seriously damaged California's 1976 raisin crop. Producers and handlers are making special efforts to recondition the rain damaged crop to recover the maximum quantity of raisins acceptable for human consumption. However, it is expected that mechanical damage sustained by the raisins will be greater than normal due to additional washing and more intensive reconditioning procedures required to accomplish this objective. Thus, it is proposed that the tolerance for damaged raisins prescribed in the minimum standards for all of the varietal types listed in the previous paragraph be increased to 15 percent.

On October 15, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 45575) proposing, among other things, to increase the total tolerance in the minimum standards for discolored, damaged, and moldy raisins applicable to these varietal types, except Zante Currant raisins, to 10 percent. For Zante Currant raisins, it was proposed that this total tolerance be increased to eight percent. Increasing the tolerance for damaged raisins would necessitate a further increase in the total tolerance for discolored, damaged, and moldy raisins. Therefore, it is also proposed that this tolerance be increased to 20 percent for all of the varietal types previously listed, including Zante Currant raisins.

As with the changes proposed in the October 15 notice, the changes proposed in this notice are temporary, would end November 30, 1977, and would be set forth in § 989.202 (currently reserved) in Subpart—Supplementary Regulations.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 12, 1976. All written submission made pursuant to the notice shall be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 989.202 Changes in minimum grade standards for certain packed raisins for the period ending November 30, 1977.

Pursuant to § 989.59(b), the requirements set forth in § 989.59(a)(2) for natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached, and Valencia raisins, and the requirements set forth in § 989.212 for Dipped Seedless raisins, shall be U.S. Grade C as defined in the United States Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1858; 41 FR 34757) except that the tolerances prescribed for moldy and damaged raisins shall be changed to five percent, and 15 percent, respectively, and the total tolerance for discolored, damaged or moldy raisins shall be changed to 20 percent. Pursuant to § 989.59(b), the requirement set forth in § 989.59(a)(2) for Zante Currant raisins shall be U.S. Grade B as defined in such standards, except that the tolerances prescribed for moldy and damaged raisins shall be changed to five percent and 15 percent, respectively, and the total tolerance for discolored, damaged, or moldy raisins shall be changed to 20 percent. These changes shall terminate November 30, 1977.

Dated: October 26, 1976.

DAVID A. PATTON,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76–31723 Filed 10–28–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

[Docket No. 76N–0336]

SUBSTITUTES FOR MARGARINE (OLEOMARGARINE) OR BUTTER

Common or Usual Name; Extension of Time for Comments

The Food and Drug Administration is extending to December 28, 1976, the period for filing comments on the proposed rule making regarding amendment of Part 102 (21 CFR Part 102) to establish a common or usual name for substitutes for butter or margarine.

In the FEDERAL REGISTER of August 30, 1976 (41 FR 36509), the Commissioner of Food and Drugs issued a proposal to establish a common or usual name for substitutes for margarine (oleomargarine) or butter that contain less fat and/or oil than margarine or butter. Comments

were to be filed on or before October 29, 1976.

The Commissioner has received a letter requesting an extension of the comment period from the American Butter Institute (ABI), 110 North Franklin St., Chicago, IL 60606. In its letter, ABI asserts that the butter industry cannot study the impact of the proposal, analyze the document, and prepare meaningful comments by October 29, 1976. The letter from ABI is on file with the Hearing Clerk, Food and Drug Administration.

The Commissioner hereby extends the period for filing comments on the subject proposal to December 28, 1976.

Interested persons may 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 during working hours, Monday through Friday.

(Secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: October 22, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–31819 Filed 10–27–76;12:15 pm]

[21 CFR Parts 310, 369]

[Docket No. 76N–0046]

DIAMTHAZOLE DIHYDROCHLORIDE

Revocation of Provisions for Topical Preparations

The Food and Drug Administration (FDA) is proposing to revoke provisions in the Code of Federal Regulations concerning topical diamthazole dihydrochloride since withdrawal of approval of the new drug applications for the preparations is contemplated. Interested persons have until December 28, 1976 to comment.

Section 310.201(a)(7) (21 CFR 310.201(a)(7)) describes the conditions for exempting from prescription-dispensing requirements certain topical diamthazole dihydrochloride preparations. The regulation requires that the labeling contain certain warning statements intended to prevent occurrence of neurotoxic effects. Section 369.21 (21 CFR 369.21) contains suggested wording of the required warnings.

Since publication of the regulations, FDA has monitored adverse reactions with the drug as reported in the new drug application and medical literature. The available information, including numerous single reports and a clinical study conducted in 1953 at the Washington University School of Medicine, provides strong evidences that neurotoxicity is causally related to the topical administration of diamthazole dihydrochloride. The Commissioner of Food and Drugs concludes that the danger of severe neurotoxic reactions associated with the use of these preparations and the availability of safer, equally effective alternative drugs result in an unfavorable benefit-risk ratio for the diamthazole dihydrochloride preparations, either as prescription or over-the-counter products.

Appearing elsewhere in this issue of the FEDERAL REGISTER (DESI 7819) is a notice of opportunity for hearing on a proposal to withdraw approval of new drug applications for topical preparations containing diamthazole dihydrochloride. If approval is eventually withdrawn, it will be appropriate to simultaneously revoke the portions of the regulations that now provide for over-the-counter distribution, labeling, and warnings. In this document the Commissioner proposes to revoke the provisions in Part 310 exempting diamthazole dihydrochloride from prescription-dispensing requirements and to delete from Part 369 the suggested wording of the warning statement required for over-the-counter sale.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 503(b), 505, 701, 52 Stat. 1050–1053, as amended, 1055–1056, as amended (21 U.S.C. 352, 353(b), 355, 371)) and under the authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes to amend Parts 310 and 369 to read as follows:

§ 310.201 [Amended]

1. In Part 310, by amending § 310.201 by revoking paragraph (a)(7).

§ 369.21 [Amended]

2. In Part 369, by amending § 369.21 by revoking the item headed "DIAMTHAZOLE DIHYDROCHLORIDE FOR EXTERNAL USE."

Interested persons may, on or before December 28, 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 and the FDA Inflation Impact Assessment may be seen in the above office during working hours, Monday through Friday.

Dated: October 19, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–31616 Filed 10–28–76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1960]

FIELD FEDERAL SAFETY AND HEALTH COUNCILS

Proposed Expansion of Subpart F

Pursuant to section 19 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), Secretary of Labor's Order 8–76 (41 FR 24059) and Executive Order 11807, Sections 3(1) and 3(3), it is proposed to amend Part 1960 of Title 29, Code of Federal Regulations, by expanding Subpart F–Field Federal Safety and Health Councils.

On October 9, 1974, Safety and Health Provisions for Federal Employees were published in the FEDERAL REGISTER as 29 CFR Part 1960 (39 FR 36454). Since that time, it has become apparent that more detailed guidance is necessary with respect to the procedures for establishing and operating field councils. On July 7, 1976, the Federal Advisory Council on Occupational Safety and Health published notice in the FEDERAL REGISTER that a proposed expansion of Subpart F—Field Federal Safety and Health Councils, would be discussed at its public meeting on July 21, 1976 (41 FR 27881). The Council welcomed written data, views or comments concerning all agenda items, including the proposed expansion, and provided an opportunity for oral submissions. At the July 21 meeting, the Council adopted recommendations which form the basis of the regulatory guidelines proposed herein by the Occupational Safety and Health Administration. The proposal revises the current § 1960.50 and adds six new sections to Subpart F.

The proposed regulatory guidelines differ from the recommendations of the Council only to the extent that minor, grammatical changes of a non-substantive nature have been made. Thus, for example, where the second sentence of the Council's draft § 1960.51(a) contained the word "will," the proposal uses in lieu thereof the word "should." The change was made to reflect the fact that the Secretary is thereby directing the chairpersons of field councils to include specified information in their annual reports. Because the Secretary is issuing a guideline rather than undertaking an obligation, the term "will" is inapposite. Similar changes from "will" to "should" and, in some instances, from "shall" to "should" were made in §§ 1960.54(a)(1), 1960.55(a) and (b) and 1960.56(a), (b), (c), (d), and (e).

Interested persons are invited to submit, in writing, data, views and arguments on the proposed regulatory guidelines on or before December 15, 1976.

Comments should be directed to the Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, First Floor, 2100 M Street, NW, Washington, D.C. 20210. Copies of the comments which are received will be available for public inspection at that address. Changes may be made in the proposed regulatory guidelines as a result of comments which are submitted.

It is proposed to amend 29 CFR Part 1960 by revising Subpart F to read as follows:

Subpart F—Field Federal Safety and Health Councils

§ 1960.50 Purpose.

(a) Executive Order 11807 provides that the Secretary of Labor shall "facilitate the exchange of ideas and information throughout the Government with respect to matters of occupational safety and health through such arrangements as he deems appropriate."

(b) With this objective, the Secretary of Labor will continue to sponsor and/or provide guidance for those Field Federal Safety and Health Councils now established and in operation, and establish new field councils as necessary to assist agencies in the resolution of occupational safety and health problems on a local level. The field councils will consist primarily of qualified representatives of local area Federal field activities whose duties pertain to occupational safety and health, and also of representatives of recognized unions or other employee organizations at local area Federal field activities.

(c) Federal agency heads should ensure that their field activities are officially represented and actively participate in the programs of these councils. In addition, agency heads should encourage official representation and active participation by employee organizations.

§ 1960.51 Role of the Secretary of Labor.

(a) The Secretary of Labor will maintain liaison with agency heads to ensure that they encourage their field activities to participate actively in field council programs. To ensure maximum participation, the chairpersons of field councils should include in their annual reports to the Secretary of Labor descriptions of the degrees of participation and support they have received from Federal field activities and the Secretary of Labor will annually furnish each agency head with a report covering such information regarding its field activities.

(b) The Secretary of Labor will provide leadership and guidance and make available necessary equipment, supplies, and staff services to the Field Federal Safety and Health Councils to assist them in fulfilling their responsibilities. The Secretary of Labor will also, within his capability, provide consultative and technical services to field councils. These services may involve aid in any and all phases of developing and planning programs; and in sponsoring, conducting or supporting safety and health training courses.

§ 1960.52 Establishing a field federal safety and health council.

(a) Those field councils established and in operation prior to the effective date of this subpart will continue to function without interruption unless it is the desire of local councils to merge for reasons that would make the council more effective.

(b) The Secretary of Labor may establish a field federal safety and health council in any area where ten or more Federal establishments totaling 300 or more employees are located within an area with a radius of 50 miles. In any such area where there is no council already established, a field representative of the Secretary of Labor may, upon his own initiative or at the request of any establishment within the area, contact representatives of all establishments within the area and coordinated their efforts to organize a field council. Such representative of the Secretary of Labor will provide guidance and direction until the field council is well established.

(c) After a new field federal safety and health council has been organized, officers elected, and articles of organization drafted and accepted by the council membership, a formal request for recognition as a field council should be sent to the Secretary of Labor. Upon approval of the Articles of Organization, a charter will be issued.

§ 1960.53 Objectives.

The basic objective of field councils is to help accomplish the greatest possible reduction in the frequency, severity and cost of occupational accidents, injuries and illnesses in the Federal Government. Field councils should act on behalf of the Secretary of Labor or his designees on occupational safety and health activities in carrying out within their respective geographic areas the following functions:

(a) To act as a clearinghouse on information and data on occupational accidents or injuries and illnesses and their prevention.

(b) To plan, organize and conduct field council meetings or programs which will give technical advice and information to representatives of participating agencies and employee organizations.

(c) To promote improvement of safety and health programs and organizations in each Federal agency represented or participating in council activities.

(d) To promote coordination, cooperation and sharing of resources and expertise to aid agencies with inadequate or limited resources. These objectives can be accomplished in a variety of ways. For example, field councils could organize and conduct training programs for collateral duty safety personnel, coordinate or promote programs for courtesy inspections, or conduct evaluations of the agencies' safety and health programs.

(e) To provide Federal Executive Boards, Federal Executive Associations, and labor organizations with information on the administrative and technical aspects of safety and health management.

(f) To study the safety and health problems peculiar to local conditions and suggest approaches for eliminating such problems.

(g) To develop a cooperative relationship with local community leaders by informing them of the existing functions and objectives of the council and by calling on them for support and participation in council meetings and activities.

§ 1960.54 Membership.

(a) Each field council should consist of representatives of local Federal activities appointed by their respective activity heads as members or alternates. The categories of persons described hereinafter are eligible for membership on field councils. Categories (1), (2) and (3) refer solely to Federal personnel meeting the prescribed qualifications.

(1) *Safety professionals.* This category of membership will include Federal personnel identified in § 1960.2(h). Upon request, agencies should provide field councils with rosters of their personnel holding these titles referred to above in § 1960.2(h).

(2) *Related professions, occupations, or collateral duty personnel.* This category of membership will include persons employed in professions or occupations related to or concerned with safety or health of employees.

(3) *Representatives of recognized Federal labor organizations.* This category of membership will include representatives of recognized local labor organizations, if any, representing employees in each Federal field activity comprising the Field Council. Appointment of these members for attendance at meetings or participation in field council activities will be by their respective activity heads after consultation and/or negotiation with appropriate employee representatives. The term of service of each representative will be at the discretion of each representative's activity head. As used in this paragraph, the term "consultation and/or negotiation with appropriate employee representatives" shall include such consultation, conference or negotiation with representatives of Federal establishment employees as is consistent with Executive Order 11491, as amended, Executive Order 11636, or other collective bargaining arrangements. As used in this paragraph, the terms "recognized local labor organizations" and "appropriate employee representatives" should be interpreted with due regard for any obligation imposed by the aforementioned Executive Orders and any labor agreement that may cover the employees involved.

(4) *Representatives from nongovernment organizations.* Associate membership may be granted to any nongovernment individual who has demonstrated interest in occupational safety and health. An associate member has no voting rights and may not hold any office.

(b) Since a primary objective of the field Federal safety and health council is to facilitate an exchange of ideas and information with respect to health and safety, no maximum limitation

should be placed on the numbers of personnel in any of the above categories that will be members and/or attend meetings and/or participate in field council activities.

(c) All officially designated members, representatives and alternates shall have voting privilege and serve without additional compensation.

§ 1960.55 Organization.

(a) Field council officers should include as a minimum, a chairperson, vice chairperson, and secretary, who should be elected for a one or two year term on a calendar year basis by a majority vote of the representatives present at a regularly scheduled meeting. Election of officers should be held at least 60 days before the beginning of a calendar year.

(b) There should be a Field Council Executive Committee consisting of all elected officers, chairpersons of appointed committees, the immediate past chairperson of the field council, and a representative of employees who is a member of the field council and who has been selected or elected by the union representatives who are members of the council. The executive committee should meet as necessary on the call of the chairperson.

(c) In order for the Executive Board of the field council to be properly representative of the membership, it should not have more than two representatives from the same field activity.

(d) Committees may be appointed by the chairperson for specific purposes as warranted.

§ 1960.56 Operating procedures.

(a) The Executive Committee of each council should meet at least 45 days before the beginning of each calendar year and plan an annual program for the council designed to accomplish the objectives and functions stated in § 1960.53 above. Planning should include the establishment of necessary committees, types of programs and places of meetings to be held. Duties of all officers of the field council should be clearly established.

(b) The council program should include at least four general meetings per year.

(c) At the first general meeting of the council, committees should be appointed and the cooperation of all participants should be solicited to aid the functioning of committees and the successful accomplishment of the council's objectives.

(d) Meetings and other activities of the field council should be conducted as outlined in the council schedule.

(e) Each field council should submit to the Secretary of Labor or his designee by March 15 of each year a report describing the activities and programs of the previous calendar year and plans for the coming year. The Office of Federal Agency Safety Programs—OSHA—will furnish guidelines to field councils in preparing their reports.

(Secs. 19, 24, 84 Stat. 1609, 1614 (29 U.S.C. 668, 673), Secretary of Labor's Order No. 8-76 (41 FR 24059), E.O. 11807).)

Signed at Washington, D.C., this 26th day of October, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-31780 Filed 10-28-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[EDR-305A; Docket No. 29421; October 22, 1976]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Service of Charter Tariff Publications on Charterers; Supplemental Notice of Proposed Rulemaking

By EDR-305, September 21, 1976, the Board issued a Notice of Proposed Rulemaking in this proceeding requesting comments from interested persons in response to its proposal to require an issuing carrier or its agent, at the time it transmits a charter tariff publication to the Board, to send one copy of the publication and letter of transmittal to each person with whom the carrier has contracted to provide charter service when such tariff publication will or may affect the rates, charges, terms, conditions, rules, or regulations applicable to one or more of the flights operated pursuant to such contract. The Board requested that the comments be filed by October 26, 1976.

Counsel for Trans International Airlinse, by oral communication on October 21, 1976, has requested an extension of the filing date to November 5, 1976. In support of the request, counsel stated that a misunderstanding existed between the carrier and its trade association (NACA) on who was to bear the responsibility for filing the comments; and that, being an interested party, TIA would want sufficient time to adequately express its views to the Board.

There have been no prior extensions of time in this proceeding, and there is no indication that the requested extension of time would prejudice any party.

The undersigned finds that good cause has been shown for an extension of time for filing comments.

Accordingly, pursuant to the authority delegated in Section 385.20(d) of the Board's Organization Regulations (14 CFR Part 385), the undersigned hereby extends the time for filing comments to November 5, 1976.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

SIMON J. EILENBERG,
Associate General Counsel, Rules Division.

[FR Doc.76-31714 Filed 10-28-76;8:45 am]

[14 CFR Part 250a]

[EDR-312; Docket No. 29410; October 26, 1976]

REMEDIES FOR CHARTER OVERBOOKING BY CARRIERS

Advance Notice of Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration rulemaking action that would require U.S. and foreign direct air carriers to provide a summary remedy, including the payment of liquidated damages, to individuals who have entered into contracts as charter participants, in instances where the carriers have to cancel their "overbooked" charter flights.

This Advance Notice of Proposed Rulemaking is being issued to invite participation by the industry (including air carriers, foreign air carriers, and travel agents), interested governmental agencies, consumer organizations, and members of the general public, in the Board's efforts to determine whether or not the rules requested by the petition should be considered for possible adoption by the Board, with or without modification, and in one or more separate proceedings.

The issues raised by the petition are discussed in the attached Explanatory Statement. This advance notice is issued under the authority of sections 204, 401, and 402 of the Federal Aviation Act of 1958, 72 Stat. 743, 754, 757, 49 U.S.C. 1324, 1371, 1372.

Interested persons may participate in the proposed rulemaking through submission of 20 copies of written data, views, or arguments addressed to the Docket Section, Civil Aeronautics Board, Washingtton, D.C. 20428. All comments received on or before December 13, 1976, and reply comments received on or before January 3, 1977, will be considered by the Board before taking further action. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., upon receipt.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by November 8, 1976, a request to be placed on the Service List in Docket 29410. The Service List will be prepared by the Docket Section and sent to the persons named on it. Those persons are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named on it. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comments.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above address, without the necessity of filing additional copies.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

This action is initiated by a petition for rulemaking by the Board's Office of the Consumer Advocate (OCA).

The petition refers to a recent problem, of significant proportions, which arose as a result of charter overbooking by Trans World Airlines, (TWA).[1] In its petition, OCA noted that direct air carriers commonly have in their offiical tariffs provisions allowing them to cancel any charter flights for such reasons as mechanical difficulties, weather, or conditions beyond their control, or even, in some instances, at their sole discretion. OCA pointed out that the Board has rules (14 CFR Part 250) requiring prompt payment of liquidated damages as compensation for passengers denied boarding on scheduled flights because of oversales. The compensation consists of payment of an amount equal to the ticket price (with minimum and maximum amounts specified in the rule) while allowing the passenger to retain his flight coupon, which of course is exchangeable for comparable transportation or refundable in full. OCA argued that the situation with cancellation of charter flights because of overbooking of available space is essentially similar, except that in the charter case an entire aircraft is affected rather than just one or a few seats.

The petition therefore requests that in cases where a carrier cancels a charter contract because of "overbooking," and is unable to provide equivalent subservice within a reasonable period of time, the carrier be required to remit to each participant an amount equal to his portion of the charter price, plus either damages in an equal amount or tickets on scheduled air transportation over the same routing.[2]

Nine answers to the petition were received.[3] Almost all suggested some modifications of the scheme proposed by OCA. Most of the direct air carriers suggested that the airlines presently do not receive large enough cancellation fees from charter operators, thus leading to pressure on the airlines to overbook. However, several contended that the recent instance involving TWA, cited in the OCA petition, was the only one in which charter participants actually were denied transportation for which they had contracted. The scheduled carrier respondents argued that furnishing scheduled transportation should be enough, and favored allowing the canceling carrier to furnish substitute transportation by its own scheduled service. NACA, representing the supplemental carriers, argued that this remedy would be unfair to them, since supplementals may not provide scheduled services; that it would provide an undue incentive to scheduled carriers to overbook charters; and that it should be prohibited except as a last resort after all other carriers had been given an opportunity to perform the carriage.

Several important issues are raised by the petition and the answers, upon which the Board would like to receive comment from interested members of the public and consumer representatives, as well as from affected carriers and charterers.

The first question is whether the present situation calls for Board rulemaking, i.e., whether the problem described in the petition is widespread or likely to become widespread unless we take such regulatory action, or whether, as some answers contended, the cited problem appears to have been an isolated one, involving only one carrier during one particular period, and does not require a regulatory remedy.

If it were decided that some regulatory action is called for, other questions must be considered. One respect in which cancellation of a charter flight could differ markedly from the situation to which our "denied boarding" rule applies (i.e., the carrier denies boarding to individual passengers who have arrived at the airport to occupy their reserved seats aboard a scheduled service flight that is departing), is that the former takes place significantly in advance of the planned departure time. Thus, the type of summary liquidated damages remedy which our "denied boarding" rule provides might not be appropriate or warranted in situations where the disappointed prospective charter participant may have ample opportunity to make alternative arrangements in mitigation of his damages. Although it is true that alternative charter transportation might not be as readily available or as easily arranged as scheduled transportation, it seems clear that a prospective passenger on a charter flight that is canceled 30 days in advance is in a quite different situation from one whose flight is canceled 1 or 2 days in advance. Should there then be a period of time, in advance of the planned departure date, before which the carrier may cancel the flight with only a refund to the participant of money paid, with perhaps a sliding scale of penalties after that (as suggested by Continental)?

Another issue raised in the answers is whether the same provisions should apply regardless of the particular circumstances of the cancellations—whether for example equipment failures or unavailability of crew should be considered in the same category as those caused solely by deliberate overbooking attributable to overestimates of available capacity expected to result from cancellations by charter operators.[4] The answers that considered the question agreed that so-called force majeure cancellations (war, riots, and weather were generally included) should not lead to penalties, but apparently there was some disagreement as to whether mechanical difficulties and crew problems, such as those caused by labor disputes, should be included in that category.

A closely related question is what constitutes satisfactory substitute transportation, and whether furnishing scheduled transportation over the same routing should be sufficient remedial action in all cases. As already noted, NACA argued that furnishing scheduled transportation by the canceling carrier would provide little deterrent and give an advantage to scheduled carriers over the supplemental carriers. The OCA petition itself, however, seemed to contemplate that comparable substitute transportation would preclude a canceling carrier's liability for further compensation, and a scheduled-service ticket would appear to be in fact comparable to charter service in virtually all cases.

A question concerning substitute transportation is what standards of comparability should be applied—to what extent for example, less luxurious equipment could be substituted without further compensation. Moreover, where the carrier's charter contract is with a charter operator, who in turn sells seats to participants, should each participant be given the choice of accepting or rejecting substitute transportation, or should the charter operator be allowed to make the decision on the basis of his assessment of the preferences of the majority of his customers? For that matter, should the rule apply to single entity charters, in which the individual participants make no cash payments?

Other questions exist in the area of the mechanics of the compensation payment: Should the payment be directly to the participants, as the petition requested, or should it be channeled through the charter operator? Should the method of distributing refunds depend on the status of payments as between the participants, charter operator and direct air carrier?

Finally it should be noted that the Board is currently reexamining the "denied boarding" rule,[5] to which the proposed "charter overbooking" rule is analogized by the petition, and commenters are invited to focus on the possible relevancy of their views herein to the issues involved in that proceeding.

[FR Doc.76-31715 Filed 10-28-76;8:45 am]

[1] See letter from the Board to Trans World Airlines, dated June 7, 1976, a copy of which has been placed in this Docket.

[2] Although the petition does not address itself to the question of whether its proposed rule should affect all classes of direct carriers operating charters, we are tentatively of the view that, if such rule is adopted, it should apply to all certificated U.S. air carriers and all foreign air carriers holding permits under section 402 of the Act.

[3] Airline Charter Tour Operators Association (ACTOA), American Society of Travel Agents, Inc. (ASTA), National Air Carriers Association (NACA), American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Pan American World Airways, Inc., and Pathfinder Corp.

[4] In this connection it should be noted that our "denied boarding" rule does not require compensation to be made to overbooked passengers who are denied boarding because the scheduled flight is performed by "equipment of lesser capacity when required by operational and/or safety reasons . . ." § 250.6(a).

[5] Docket 29139.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 635-4]

KRAFT PULP MILLS

Standards of Performance for New Stationary Sources; Correction

In FR Doc. 76-27786 appearing at page 42012 in the FEDERAL REGISTER of September 24, 1976, the following changes should be made:

1. On page 42012, paragraph 3, line 10 is corrected to read as follows: "0.0125 g/Kg ADP is proposed for smelt."

2. On page 42016, § 60.283(a)(3) is corrected to read as follows:

§ 60.283 Standard for total reduced sulfur (TRS).

* * * * * * *

(a) * * *

(3) From any smelt dissolving tank any gases which contain TRS in excess of 0.0125 g/Kg ADP (0.025 lb/ton ADP).

3. On page 42020, Equation 16-2 is corrected to read as follows:

$$TRS = \Sigma(H_2S,\ MeSH,\ DMS,\ 2DMDS,\ x)d$$

4. On page 42027, Equation 17-7 is corrected to read as follows:

$$I = \frac{100\ T_s[KV_{1c} + (Vm/Tm)\ (P_{bar} + \Delta H/13.6)]}{60\ \theta v_s P_s A_n}$$

Dated: October 21, 1976.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.76-31552 Filed 10-28-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20660]

BEATRICE, FALLS CITY, AND PAWNEE CITY, NEBRASKA

Table of Assignments

Adopted: October 20, 1976.
Released: October 21, 1976.

Order. In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Beatrice, Falls City, and Pawnee City, Nebraska), Docket No. 20660, RM-2559.

1. The Notice of proposed rulemaking in this proceeding was adopted on December 16, 1975, and released on December 19, 1975 published at 40 FR 59601, December 29, 1976. Comments and reply comments were due by February 13, 1976, and March 4, 1976, respectively.

2. The Commission has recently discovered that, through inadvertence, petitioner's counsel was not mailed a copy of the notice. Consequently, petitioner failed to file comments.

3. In view of the Commission's responsibility for this failure, the comment and reply comment periods are being reopened. *Accordingly, it is ordered,* That interested parties may file comments on or before December 3, 1976, and reply comments on or before December 28, 1976.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-31643 Filed 10-28-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20889]

FM BROADCAST STATIONS, MARKSVILLE, LOUISIANA

Table of Assignments

Adopted: October 20, 1976.
Released: October 21, 1976.

Order. In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Marksville, Louisiana), Docket No. 20889, RM-2683.

1. The notice of proposed rulemaking in this proceeding was adopted on August 6, 1976, and released on August 12, 1976 published 41 FR 34980, August 18, 1976. Comments and reply comments were due by September 20 and October 12, 1976, respectively.

2. The Commission has recently discovered that, through inadvertence, petitioner was not mailed a copy of the notice. Consequently, petitioner failed to file comments.

3. In view of the Commission's responsibility for this failure, the comment and reply comment periods are being reopened. *Accordingly, it is ordered,* That interested parties may file comments on or before December 3, 1976, and reply comments on or before December 28, 1976.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-31642 Filed 10-28-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20885]

FM BROADCAST STATIONS, PARK CITY, UTAH

Table of Assignments

Adopted: October 20, 1976.
Released: October 21, 1976.

Order. In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Park City, Utah), Docket No. 20885, RM-2649.

1. The notice of proposed rulemaking in this proceeding was adopted on July 29, 1976, and released on August 6, 1976 and published at 41 FR 34079, August 12, 1976. Comments and reply comments were due by September 13 and October 5, 1976, respectively.

2. The Commission has recently discovered that, through inadvertence, petitioner was not mailed a copy of the notice. Consequently, petitioner failed to file comments.

3. In view of the Commission's responsibility for this failure, the comment and reply comment periods are being reopened. *Accordingly, it is ordered,* That interested parties may file comments on or before December 3, 1976, and reply comments on or before December 28, 1976.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-31641 Filed 10-28-76;8:45 am]

[47 CFR Part 81]

[Docket No. 20949; FCC 76-939]

RADIO TELEGRAPH LOGS

Elimination of Certain Requirements Regarding Entries

Adopted: October 13, 1976.
Released: October 28, 1976.

In the matter of amendment of Part 81 of the rules to eliminate certain requirements regarding entries in radiotelegraph logs, Docket No. 20949, RM 2635.

1. Notice of proposed rulemaking is hereby given.

2. RCA Global Communications, Inc. (hereafter RCA Globcom) has submitted a petition for rulemaking to eliminate the requirement for public coast stations, which by reason of Subpart G of Part 81 of the rules are required to maintain a watch on the frequency 500 kHz, to make a positive entry in the radiotelegraph log at least once each 15 minutes regarding signals received on that frequency. RCA Globcom, the licensee of six public coast radiotelegraph stations, contends that this record keeping requirement is unduly burdensome and serves no useful purpose since the Commission also requires these coast stations to make log entries regarding the observance of the silence periods and the reception of distress signals. Further, it is suggested that the elimination of the subject requirement would promote operating efficiencies by freeing personnel to improve the handling of customer traffic.

3. 500 kHz is the international distress and calling frequency in the band 405-535 kHz. Public coast stations licensed to use telegraphy in this band must maintain an efficient safety watch on 500 kHz. The listening watch and the subject log entries were adopted as part of a program to promote the safety of life and property at sea through the use of radio. The requirement contained in § 81.214(a)(4) of the rules, positive entry in the log every 15 minutes was designed to substantiate that a proper listening watch is being maintained and thereby prevent its abandonment for extended periods of time. While the Commission does not feel that a requirement for an entry in the radiotelegraph log at least once each 15 minutes is burdensome when an operator is continually guarding the frequency and, as a matter of course, entering traffic handled in the station log, it is felt that in light of the other requirements in § 81.214(a) for these stations to make positive entries in the log regarding the observance of the silence period twice an hour and all distress signals received, the entry of a statement as to whether signals were received on 500 kHz every 15 minutes

may not be essential to insure the watch is stood in accordance with the rules.

4. Therefore, we are issuing this Notice of Proposed Rule Making to amend the rules as requested by petitioner RCA Globcom. However, we wish to note that since this proposed amendment may possibly have a negative effect on maintaining the existing level of compliance with watch standing requirements on 500 kHz, the Commission seeks comments from concerned members of the public regarding the desirability of deleting the subject log entry requirements.

5. Accordingly, we propose to amend § 81.214(a)(4) to delete the requirement that a positive entry be made at least once each 15 minutes stating whether or not signals were received on the assigned frequency 500 kHz.

6. The proposed amendments to the Commission's rules, as set forth below, is issued pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 26, 1976, and reply comments on or before December 6, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Section 81.214(a)(4) is amended by deleting the last sentence, to read as follows:

§ 81.214 Station records.

(a) * * *

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kHz), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kHz during the 500 kHz silence periods, a positive entry shall be made in respect to each such silence period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silence period is prohibited.

* * * * *

[FR Doc.76-31640 Filed 10-28-76;8:45 am]

[1] Commissioner White not participating.

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Docket No. R-0003, Reg. Z]

DISCLOSURE OF VARIABLE INTEREST RATE LOANS

Proposed Rulemaking

The Board of Governors of the Federal Reserve System is publishing for comment a proposed amendment to Regulation Z to require creditors to disclose to customers, in advance of their becoming obligated on a credit contract, a variable interest rate clause if the contract, note, or other instrument evidencing the obligation so provides. On December 27, 1974, the Board published for comment in the FEDERAL REGISTER (39 FR 44779) a proposed amendment to Regulation Z, § 226.8(b)(8), which would have required disclosure of the fact that the annual percentage rate is subject to change, the conditions under which the rate may be changed and, if applicable, the maximum and minimum rates stipulated in the credit contract.

The comments received by the Board on its earlier proposal generally supported mandatory disclosure of variable rate clauses, but several commenters suggested that the proposed regulation did not require disclosure of sufficient information to enable customers to compare variable rate loans with fixed rate loans or to alert customers to the impact of a change in rates. Therefore, the proposed amendment has been expanded to require disclosure of certain additional information that may be necessary for a meaningful evaluation of the economic consequences to the customer of a variable rate loan.

This new proposed amendment to § 226.8(b) establishes disclosure requirements for certain other than open end credit plans in which the annual percentage rate is prospectively subject to change. The Truth in Lending disclosures given to the customer prior to the consummation of the original extension of credit would include:

(1) the conditions under which any change in rate may occur;

(2) the manner in which the change in rate may be effected, e.g., change of maturity, change in periodic payments, or change in the amount due at maturity;

(3) a statement of the change in the amount of the periodic payment caused by an immediate decrease and increase of one quarter of one percentage point in the annual percentage rate (or a greater change if that is permitted in the contract), assuming no change in maturity; and

(4) a statement of the change in maturity caused by an immediate decrease and increase of one quarter of one percentage point in the annual percentage rate (or a greater change if that is permitted in the contract) assuming no change in the amount of the periodic payment.

The third and fourth disclosures would be applicable primarily to a typical real estate mortgage transaction but would not apply to some other credit transactions, such as single payment loans and demand loans. An example of how these disclosures could be made, assuming a 20-year, level monthly payment real estate mortgage for $40,000 at an initial annual percentage rate of 9 percent, in which the mortgage note permitted a maximum incremental change of one percentage point in the annual percentage rate, and in which the change could be effected either by changing the amount of the monthly payment or by changing the maturity, is shown below:

A. Based on the principal outstanding at the time this contract is consummated, if the annual percentage rate were decreased one percentage point, to 8 percent, under the terms of this contract, the monthly payment to principal and interest would be decreased by $25.32. If the annual percentage rate were increased one percentage point, to 10 percent, under the terms of this contract, the monthly payment to principal and interest would be increased by $26.11. Under either condition the maturity of the debt and the number of payments would remain unchanged.

B. Based on the principal outstanding at the time this contract is consummated, if the annual percentage rate were decreased one percentage point, to 8 percent, under the terms of this contract, the number of monthly payments would be decreased by 36. If the annual percentage rate were increased one percentage point, to 10 percent, under the terms of this contract, the number of monthly payments would be increased by 75. Under either condition the amount of the monthly payment to principal and interest would remain unchanged.

This example is presented for illustrative purposes only and does not indicate that any particular format or substantive credit terms are required by the Board.

Pursuant to the authority granted in 15 U.S.C. § 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. Section 226.8(b) would be amended by the addition of paragraph (8) as follows:

§ 226.8 Credit other than open-end—Specific disclosures.

* * * * *

(b) * * *

(8) If the annual percentage rate as disclosed under § 226.8(b)(2) is prospectively subject to change, the following additional disclosures shall be made:

(i) The fact that the annual percentage rate is subject to change and the conditions under which such rate may change, including: (A) Identification of

the index, if any, with respect to which such change in annual percentage rate is tied; and (B) Any limitation on such change;

(ii) The manner (such as a change in payment amounts, number of scheduled periodic payments, or change in the amount due at maturity) in which any change in the annual percentage rate may be effected;

(iii) If the obligation is repayable in substantially equal installments at substantially equal intervals (including those obligations providing for "balloon" payments) and the change could be effected by a change in the periodic payment amount, a statement of the estimated decrease and increase in the amount of the payment caused by a hypothetical immediate decrease and increase of the maximum amount of incremental change in the annual percentage rate allowed by the contract, or if there is no such limitation, a change of one quarter of one percentage point, based upon the number of scheduled periodic payments and original amount financed disclosed at consummation;

(iv) If the obligation is repayable in substantially equal installments at substantially equal intervals (including those obligations providing for "balloon" payments) and the change could be effected by a change in the number of periodic payments, a statement of the estimated decrease and increase in the number of periodic payments caused by a hypothetical immediate decrease and increase of the maximum amount of incremental change in the annual percentage rate allowed by the contract, or if there is no such limitation, a change of one quarter of one percentage point, based upon the periodic payment amount and the original amount financed disclosed at consummation.

Any change in the annual percentage rate within the conditions or limitations disclosed in accordance with this paragraph is a subsequent occurrence under § 226.6(g) and is not a refinancing under § 226.8(j).

2. Should the Board adopt the proposed amendment after considering the comments received, § 226.810 would be rescinded, and an affective date would be set far enough in advance to allow for the orderly change of forms where necessary.

3. To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, The Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received at the Board not later than November 29, 1976. All material submitted should include the docket number R-0003.

4. This notice is published pursuant to § 553(b) of Title 5 United States Code and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, October 20, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 76-31693 Filed 10-28-76; 8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-2]

RULES OF PRACTICE AND PROCEDURE

Proposed Rulemaking

OCTOBER 20, 1976.

Notice is hereby given that the Postal Rate Commission is considering rulemaking action for the purpose of amending its rules of practice. The proposed amendments are attached to this notice.

The Commission is considering a number of miscellaneous rule changes, most of which are designed to update our rate case filing requirements so as to more accurately reflect our decisions in Docket Nos. R74-1 [1] and R76-1.[2] The remainder are concerned with other aspects of our hearing procedures, including interlocutory appeals, a new type of hearing participant, viz, commenters, and related amendments. While not first in numerical order, the amendments to our rate filing requirements are the most important change, and are therefore discussed initially.

CHANGES IN RATE CASE FILING REQUIREMENTS

Subpart B of our rules of practice (39 CFR 3001.51-56) pertains to requests for changes in rates and fees. In this discussion, we are presently concerned only with Rule 54 (39 CFR 3001.54), dealing with contents of formal requests.

AMENDMENT TO § 3001.54(h)(2)

Section 3001.54(h)(2) requires that postal costs be separated as between direct and indirect costs which can be attributed to classes of mail,[3] any other costs which can reasonably be assigned to each class of mail,[4] and any costs which cannot be attributed or reasonably assigned.[5] Footnote "a" to § 3001.54(h)(iv) indicates that in the presiding officer's initial decision in Docket No. R71-1 (I.D. R74-1, Vol. 1, 1-9), two possible interpretations of 39 U.S.C. 3622(b)(3)[6] were noted. First, that all costs are either "attributable" or "reasonably assignable" and, second, that there are some "remaining costs which cannot be attributed or reasonably assigned to classes of mail." (ID.) If the first interpretation were deemed correct, no costs would be reported in the category denominated by § 3001.54(h)(2)(iv). It was further recognized in this footnote that it was not necessary in Docket No. R71-1 to adopt either reading as exclusive.

In Docket No. R74-1, the Commission adopted the position that all postal costs are either attributable (i.e., causally related to classes of mail) or institutional (overhead costs), and that institutional costs would be assigned to the mail classes end services on the basis of market factors.[7] Since we have adopted this position, the requirement of listing costs that cannot be attributed or reasonably assigned has become meaningless and we propose to eliminate it as well as the accompanying footnote.

In Docket No. R74-1 the Commission also decided that attributable costs are those costs that vary with volume.[8] However, rule 54(h)(2)(i), (ii), which requires that the direct costs be separated from the indirect costs was adopted prior to our decision that attributable costs are variable costs. The terms direct and indirect costs are accounting terms[9] which have little relevance to an economic analysis of costs that vary with volume.[10] The Postal Service attributes both direct and indirect costs.[11] Therefore, in light of our rate case decisions the requirement that direct costs be separated from indirect costs has no value and we propose to permit the aggregation of both types of costs.[12]

We also propose to add a requirement that costs for each subclass of mail be presented as well as each class of mail. In the past, the Service has failed to furnish separate costs for certain subclasses, such as third class circulars and catalogs. Instead, an aggregated cost for the class as a whole was provided. This is insufficient for our needs since we recommend rates for each separate subclass and we must know the attributable cost for that subclass.

AMENDMENT TO § 3001.54(j)

This section of our rules requires data on postal revenues and volume. Specifically, data is requested on price and cross-elasticities for each class of mail as

[1] Opinion and Recommended Decision of the Postal Rate Commission, Postal Rate and Fee Increases, 1973, Docket No. R74-1, Vol. 1, 1-471-1349 (hereinafter cited as PRC Op. R74-1, 1-).

[2] Opinion and Recommended Decision of the Postal Rate Commission, Postal Rate and Fee Increases, 1975, Docket No. R76-1.

[3] 39 CFR 3001.54(h)(2)(i), (ii).

[4] 39 CFR 3001.54(h)(2)(iii).

[5] 39 CFR 3001.54(h)(2)(iv).

[6] One of the factors in ratemaking is "the requirement that each class of mail or type of mail ervice bear the direct and indirect postal costs attributable to that class or type plus that portion of all costs of the Postal Service reasonably assignable to such class or type." 39 U.S.C. 3622(b)(3).

[7] See PRC Op. R74-1, 1-623-45.

[8] PRC Op. R74-1, 1-587-612.

[9] Direct costs are traceable to a specific production order, while indirect costs are not so traceable. See Gordon and Shillinglaw, Accounting A Management Approach 524 (5th ed. 1974).

[10] See Docket No. R76-1, USPS Exh. 38, pp. 3-4; see also PRC Op. R74-1, 1-573-76.

[11] See Docket No. R76-1, USPS Exh. 36, pp. 5-10.

[12] Of course, we recognize that the In-Office Cost System separates the indirect from the direct costs, and, therefore, as a practical matter, the Service presumably will continue its past practice of segregating these costs.

well as other data relevant to customer demand. We are not proposing any truly substantive changes in this section, but only propose to refine the terminology used so as to more accurately reflect the specific type of information required. For example, as written the present rules use terms such as "variables relevant to customer demand," and "identification of the cross-elasticity of demand." These terms, while not inaccurate, are not specific enough. After three rate cases, we have gained sufficient experience to realize that, for practical purposes, we are concerned with changes in revenues due to (1) rate changes, (2) possible diversion from one to another class or subclass of mail, and (3) population, personal income, and other nonprice variables which affect volume. Our proposed amendments reflect these objectives, using the above terminology.

AMENDMENTS TO § 3001.54(k)

Rule 54(k)(iii) requires summary reports from the Workload Recording System (WLRS) for the latest two fiscal years. The Workload Recording System is no longer in use and has been replaced by the Management Operating Data System (MODS). However, the utility of MODS as a tool for analyzing the variability of Postal Service costs has not yet been established. We anticipate that the usefulness of MODS in postal ratemaking will be explored further in the next rate case. Upon completion of that case, if it appears that MODS is valuable for postal ratemaking, we could decide to incorporate MODS into our rate case filing requirements. Until that time, however, we do not propose to substitute MODS for WLRS in section 54(k)(iii) of our rules.[13]

NEW § 3001.54 REQUIREMENTS

As a result of our rate case experience, we are proposing to add three new requirements in connection with the filing of rate cases. The first (a new § 3001.54(l)) deals with information concerning billing determinants (i.e., the volume of mail related to each rate element in determining revenues). In the past, the Postal Service has supplied much of this information in the form of workpapers. But the data, although comprehensive, has been incomplete in certain respects. The information presented, for example, has not provided a basis for calculating revenues for alternative rate proposals suggested by other parties or the Commission, where pound and minimum-per-piece rates, degressive rates for heavier pieces, or zone rates were involved. Thus, we propose to add a requirement that a rate filing include all relevant and material billing determinants for each class and subclass of mail, and postal service.

Second, we are also proposing a requirement (§ 3001.54(m)) that the calculations supporting continuing and phasing appropriations as well as the phasing schedule for phased rates be included in a rate filing. In the past, such calculations have not been presented in adequate detail. In addition, the phased rate schedules have not been explained clearly and in sufficient detail to enable the parties to understand fully the Postal Service's methodology.

Finally, we are proposing a rule (§ 3001.54(n)) which would require the Service to reconcile previous rate case volume, revenue and expense projections with actual experience. We believe that we will be better able to evaluate future rate case filings if we systematically review the Service's past estimates. If those estimates turn out to be reasonably accurate, we, as well as the other parties, will have a firmer foundation for accepting future estimates. If, on the other hand, those estimates turn out to be consistently inaccurate, then the Commission and the Postal Service can decide what corrective action is necessary. In the final analysis, we believe that the discipline to be gained from such reconciliations will be of benefit to all parties concerned.

OTHER CHANGES IN THE RULES

CHANGES REGARDING PARTICIPATION IN PROCEEDINGS

Certain changes are proposed in the rules providing for public participation in Commission cases. In particular, the service requirements and settlement conference provisions applicable to limited participators under section 19a would be brought into line with the often substantial importance of the positions taken by some limited participators, and an entirely new mechanism would be created for the expression of views, without participation as a litigant, by members of the public.

The Commission's experience has shown that limited participation under section 19a is being used both by persons having a major interest in our proceedings and by members of the public who wish to do no more than place their views or suggestions on record. The present procedures thus may be deficient in that (1) the admission of limited participators is now possible without notice to the Postal Service (and the complainant in a complaint case under 39 U.S.C. 3662), and without opportunity for an answer to the petition for limited participation, and (2) they are required even of those persons whose actual participation in the case will be minimal. If the Commission remedies the first deficiency by requiring service of the petition, the burden on these persons would be somewhat increased.

Present section 29 of the Commission's rules of practice provides for settlement proposals and conferences. The Commission wishes to encourage the settlement of issues or entire proceedings where appropriate, and with this end in view we propose to make a technical amendment giving limited participators the same standing vis-a-vis settlement proposals and conferences as is currently accorded to full intervenors. Section 5(h) of the rules makes limited participators "participants" for purposes of certain sections of the rules—among which, however, section 29 is not included. Since section 29 speaks in terms of "participants," this omission technically excludes limited participators from the settlement provision.

Accordingly, the Commission proposes to make amendments to its rules of practice along the following lines. First, section 5(h) would be amended by adding section 29 to the list of sections for purposes of which a limited participator is considered a "participant." This would place limited participators on the same footing as intervenors for settlement purposes. Second, we would revise section 19a in two particulars: (1) Section 19a(a) would be amended to require service of a petition for limited participation on the Postal Service and, in a complaint proceeding, on the complainant as well; and (2) a new subsection would be added, permitting answers to such petitions. Thus, limited participators would be subject to the same requirements, in this respect, as intervenors. The remaining subsections would be redesignated but not otherwise changed.

To expand public participation in our proceedings—and to simultaneously avoid costs attendant to full intervenor participation—we propose the creation of a new and less formal procedure for the simple expression of views which will require the addition of a new section 19b. The Commission believes that a procedure such as that described below would be welcomed by those who have views to offer on postal questions relevant to Commission proceedings, but who do not themselves possess the needed degree of technical expertise (or the resources necessary to employ experts). We foresee also, however, that the Commission itself and the parties appearing before it may benefit as well from the availability of this public input. A party (including the Officer of the Commission designated pursuant to 39 U.S.C. 3624(a)) may wish to develop in detail, and advocate formally, an idea contributed through the mechanism described herein. Similarly, the Commission, as it has done in the past in connection with questions raised sua sponte, may pursue a suggestion contributed in this way by issuing a Notice of Inquiry. The Commission believes that a procedure along the lines described would beneficially broaden public participation in postal rate, classification, and service cases.

A person ("commenter") filing an informal expression of views under this new provision would not become, for any purpose, a participant in the proceeding. The commenter would not be required to serve such a statement on participants, but the statements would be maintained on file by the Commission's Secretary and would be open to public inspection. These statements would become a part of the Commission's administrative files in the case, but would not be treated as evidence of record for decisional purposes.

[13] We also propose to eliminate § 3001.54(k)(v) which calls for a reconciliation of costs by budget categories with costs by accounting classification. In Docket No. R76-1 the Service presented its revenue requirements by cost segment and we assume this practice will continue.

Subsection (b) of the proposed rule states that neither the statement nor any exhibits attached to it would be available as evidence unless (1) the matter alleged was otherwise formally introduced into evidence (e.g., through being adopted by a participant) pursuant to the usual requirements of trial-type hearing procedure, or (2) the matter was one of which the Commission could properly take official notice under section 31 (j) of the rules. Commenters could request, or the Commission could sua sponte extend, the opportunity to take part in any oral argument held after the close of the record.

A commenter would be required to state his name and full mailing address, to describe the issue or issues in the case to which his comments pertained, and to set forth his views, opinions, or suggestions thereon.

INTERLOCUTORY APPEALS—AMENDMENT TO § 3001.32

At present, there is no deadline for filing a request for certification of an interlocutory appeal. Theoretically, parties wishing to take an appeal from a ruling of a presiding officer could wait weeks or even months to initiate our appeal procedures. Although this has not been a problem in the past, we think it is the better practice to expeditiously resolve any matter where a dispute may exist. Without a deadline for filing appeals, it is possible that an unresolved issue could delay or complicate the orderly completion of a particular hearing. To remedy this deficiency, we are proposing a five-day deadline for requesting the presiding officer to certify an appeal and a ten-day deadline for applying to the Commission for review where certification has been denied by the presiding officer.

In consideration of the foregoing, it is proposed to amend 39 CFR Part 3001 as follows:

Subpart A—Rules of General Applicability

1. By revising § 3001.5 (a) and (h) to read as follows:

§ 3001.5 Definitions.

(a) "Act" means the Postal Reorganization Act (84 Stat. 719, Title 39, United States Code), as amended.

* * * * *

(h) "Participant" means any party and the officer of the Commission who is designated to represent the interests of the general public and, for purposes of §§ 3001.11(e), 12, 21, 23, 24, 29, 30, 31, and 32 only, it also means persons granted limited participation.

* * * * *

2. By revising § 3001.19a to read as follows:

§ 3001.19a Limited participation by persons not parties.

Notwithstanding the provisions of § 3001.20, any person may appear as a limited participator in any case that is noticed for a proceeding pursuant to § 3001.17, in accordance with the following provisions:

(a) *Form of request.* Requests for leave to be heard as a limited participator shall be in writing, shall set forth the nature and extent of the requestor's interest in the proceeding, shall include the name and full mailing address of the person or persons who are to receive service of documents by the Secretary, and shall be served on the Postal Service (and on the complainant in a complaint proceeding) pursuant to § 3001.12. Except where good cause for late filing is shown, requests for leave to be heard as a limited participator shall be filed not later than the date fixed for the filing of petitions to intervene pursuant to § 3001.20(c).

(b) *Answers.* Answers to requests to be heard as a limited participator may be filed by any participant or limited participator in a proceeding or any person who has filed a petition to intervene or a request to be heard as a limited participator therein no later than 10 days after the request to be heard as a limited participator is filed.

(c) *Action on requests.* As soon as practicable the Commission shall act to grant or deny requests for limited participation. The grant of a request for limited participation shall not constitute a determination by the Commission that the grantee has such an interest in the proceeding that he would be aggrieved by an ultimate decision or order of the Commission.

(d) *Scope of participation.* Subject to the provisions of § 3001.30(f), limited participators may present evidence which is relevant to the issues involved in the proceeding and their testimony shall be subject to cross-examination on the same terms applicable to that of formal participants. Limited participators may file briefs or proposed findings pursuant to §§ 3001.34 and 3001.35, and within 15 days after the release of an intermediate decision, or such other time as may be fixed by the Commission, they may file a written statement of their position on the issues. The Commission or the presiding officer may require limited participators having substantially like interests and positions to join together for any or all of the above purposes. Sections 3001.25 through 3001.28 shall not be applicable to limited participators. However, limited participators, particularly those making contentions under 39 U.S.C. 3622(b)(4), are advised that failure to provide relevant and material information in support of their claims will be taken into account in determining the weight to be placed on their evidence and arguments.

3. By adding a new § 3001.19b, to read as follows:

§ 3001.19b Informal expression of views by persons not parties or limited participators (commenters).

Notwithstanding the provisions of §§ 3001.19a and 3001.20, any person may file with the Commission, in any case that is noticed for a hearing pursuant to § 3001.17, an informal statement of views in writing, in accordance with the following provisions:

(a) *Contents of statement.* A statement filed pursuant to this section shall set forth the name and full mailing address of the person by whom or on whose behalf it is filed, a concise statement of the issue or issues to which the comments contained therein apply, and a clear statement of any views, opinions, or suggestions which the person filing the statement wishes to lay before the Commission.

(b) *Disposition by the Commission or presiding officer.* Statements filed pursuant to this section shall be made a part of the Commission's files in the proceeding. The Secretary shall maintain a file of such statements which shall be segregated from the evidentiary record in the proceeding, and shall be open to public inspection during the Commission's office hours. A statement or exhibit thereto filed pursuant to this section shall not be accepted in the "record," as defined by § 3001.5(k) except to the extent that they are (1) otherwise formally introduced in evidence, or (2) a proper subject of official notice, pursuant to § 3001.31(j).

(c) *Ex parte communications—exception.* A statement filed pursuant to this section shall not be considered an ex parte communication within the meaning of § 3001.7.

4. By revising § 3001.32 (b) and (c) to read as follows:

§ 3001.32 Appeals from rulings of the presiding officer.

* * * * *

(b) *Appeals certified by the presiding officer.* (1) Before the issuance of an initial decision pursuant to § 3001.39(a) or the certification of the record to the Commission pursuant to § 3001.38(a), rulings of the presiding officer may be appealed when the presiding officer certifies in writing that an interlocutory appeal is warranted. The presiding officer shall not certify an appeal unless the officer finds that (i) the ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion and (ii) an immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy.

(2) A request for the presiding officer to certify an appeal shall be made within 5 days after the presiding officer's ruling has been issued. The request shall set forth with specificity the reasons that a participant believes than an appeal meets the criteria of paragraphs (b)(1)(i) and (b)(1)(ii) of this section. Such requests shall also state in detail the legal, policy, and factual arguments supporting the participant's position that the ruling should be modified. If the appeal is from a ruling rejecting or excluding evidence, such request shall include a statement of the substance of the evidence which the participant contends would be adduced by the excluded evidence and the conclusions intended to be derived therefrom.

(3) The presiding officer may request responsive pleadings from other participants prior to ruling upon the request to certify an appeal.

(c) *Appeals not certified by the presiding officer.* If the presiding officer declines to certify an appeal, a participant who has requested certification may apply to the Commission for review within 10 days. Unless the Comission directs otherwise, its review of the application will be based on the record and pleadings filed before the presiding officer pursuant to paragraph (b) of this section.

Subpart B—Rules Applicable to Requests for Changes in Rates or Fees

1. By revising paragraphs (h), (j), (k) and (l) § 3001.54 and adding new paragraphs (m) and (n) to § 3001.54 to read as follows:

* * * * *

§ 3001.54 Contents of formal requests.

(h) *Separation, attribution, and assignment of certain costs.* (1) Every formal request shall separate the Service's actual and estimated total costs, for the fiscal years specified in paragraph (f) of this section, as between postal services (including international mail) and nonpostal services. The presentation shall show the methodology for separating postal costs as between postal services and nonpostal services, and shall be in sufficient detail to allow a determination that non nonpostal costs have been assigned or allocated to postal services.

(2) Subject to paragraph (a)(2) of this section, the costs for postal services, as set forth by functions pursuant to paragraph (f) of this section(shall be separated as between:

(i) Those direct and indirect costs which can be attributed to each class and subclass of mail or type of mail service;

(ii) All other costs of the Service which shall be reasonably assigned to each class and subclass of mail or type of postal service.

(3) The methodology used to derive the costs requested in paragraphs (h)(2)(i) and (ii) of this section shall be set forth in detail.

(4) The attributable and other costs reasonably assignable as provided in paragraphs (h)(2)(i) and (ii) of this section shall separately be attributed or assigned to mail classes and subclasses and type of mail service. The submission shall identify the methodology used to attribute or assign each type of such costs and, subject to paragraph (a)(2) of this section, shall also include an analysis of the effect on costs of:

(i) Volume;

(ii) Peaking patterns;

(iii) Priority of handling;

(iv) Mailer preparations;

(v) Quality of Service;

(vi) The physical nature of the item mailed;

(vii) Expected gains in total productivity, indicating such factors as operational and technological advances and innovations; and

(viii) Any other factor affecting costs.

(5) The Service shall furnish the data relevant to its analysis of the effect on costs of the factors specified in paragraphs (h)(4)(i) through (viii) of this section.

* * * * *

(j) *Revenues and volumes.* (1) Subject to paragraph (a)(2) of this section, every formal request shall set forth the actual and estimated revenues of the Postal Service from the then effective postal rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to paragraphs (f) and (g) of this section.

(2) Subject to paragraph (a)(2) of this section, every formal request shall set forth the estimated revenues based on the suggested rates and fees for the fiscal years selected for the presentation of cost information submitted pursuant to paragraph (f)(2) of this section.

(3) Subject to paragraph (a)(2) of this section, the actual and estimated revenues referred to in paragraph (j)(1) and (2) of this section shall be shown in total and separately for each class and subclass of mail and postal service and for all other sources from which Postal Service collects revenues.

(4) Each revenue presentation required by paragraphs (j)(4)(1), (2), and (3) of this section shall, subject to paragraph (a)(2) of this section, be supported by an identification of the methods and procedures employed.

(5) Subject to paragraph (a)(2) of this section, there shall be furnished in every formal request:

(i) The actual volume of mail at the prefiled rates for the most recent past fiscal year;

(ii) The estimated volume of mail at the prefiled rates for the fiscal year in which the filing is made;

(iii) The estimated volume of mail for the fiscal year in which the filing is made assuming the effectiveness of the suggested rates;

(iv) The estimated volume of mail for the future fiscal year, assuming the retention of the prefiled rates; and

(v) The estimated volume of mail for the future fiscal year, assuming the effectiveness of the suggested rates.

(6) Subject to paragraph (a)(2) of this section, a demand analysis shall be presented in every formal request, for each class and subclass of mail and postal service. The analysis shall include such items as the following:

(i) The identification of the change in revenues for each class and subclass of mail and postal service resulting from changes in rates and fees;

(ii) The identification of the change in revenues for each class and subclass of mail and postal service resulting from diversion from one class or subclass of mail and postal service to any other class or subclass of mail and postal service;

(iii) The identification of the change in revenues for each class and subclass of mail and postal service resulting from changes in population, personal income, business activity, alternative or competitive services, and other nonprice factors affecting postal service and volume. The revenue effect shall be shown separately for each factor; and

(iv) The identification of peaking patterns.

(k) *Financial statements and related information.* (1) Subject to paragraph (k)(3) of this section, every formal request shall include, for the 2 fiscal years immediately preceding the fiscal year in which the date of formal filing occurs, the Balance Sheet, the Statement of Income and Expense, basic statistical information and the Statement of Income and Expense by budget categories of the Postal Service. This information shall include data with respect to:

(i) Balance Sheet and a supporting schedule for each item appearing thereon;

(ii) Statement of Income and Expense and a supporting schedule for each item appearing thereon;

(iii) As appropriate, statistical data with respect to revenue, pieces (by physical attributes, showing separately amounts of mail identified as stamped, metered, and imprinted, or other), weight, distance, "billing determinants," postal employees (number, total payroll, productivity, etc.), postal space, post offices (number, classes, etc.), and any other pertinent factors which have been utilized in the development of the suggested rate schedule;

(iv) Statement of Income and Expense by cost segment.

(2) A reconciliation of the budgetary information with actual accrued costs shall be provided for the most recent fiscal year.

(3) If the fiscal information for the immediately preceding fiscal year is not fully available on the date of filing, a preliminary or pro forma submittal shall be made and upon final completion an updated report shall be filed in substitution therefor.

(l) *Billing determinants.* A statement indicating for each class and subclass of mail and postal service the relevant billing determinants (e.g., the volume of mail related to each rate element in determining revenues) separately for the current rates and the proposed rates. Proposed changes in rate design and the related adjustments of billing determinants should be explained in detail.

(m) *Continuing and phasing appropriations.* A statement presenting detailed calculations of continuing appropriations according to section 2401(c) of the Act and phasing appropriations under section 3626 of the Act and any proposed adjustment to such phased rates under section 3627 of the Act indicated by circumstances known at the time of the filing. Calculation of all the phased rates for the entire applicable phasing period should be explained in detail.

(n) *Prior rate case reconciliations.* (1) Every formal request shall contain an explanation, considering both price and non-price variables, of the reasons that the costs, revenues and volumes (by class and subclass of mail), projected for the fiscal year test period used in the most recently concluded rate case, differ from the actual accrued costs, revenues and volumes.

(2) The explanation required by paragraph (n) (1) of this section is applicable where the subclass estimate differs from the actual number by more than two (2) percent.

The Commission invites all interested persons to submit their comments on its proposed rule changes. Comments may be filed on or before November 12, 1976. Any replies to such comments are to be filed on or before November 26, 1976. An original plus 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it in addition to the comments invited in this notice.

(Secs. 3603, 3622, 3623 of the Postal Reorganization Act; (39 U.S.C. 3603, 3622, 3623), 84 Stat. 759–61 (5 U.S.C. 553, 80 Stat. 383).)

By the Commission.[1]

JAMES R. LINDSAY,
Secretary.

[FR Doc.76-31382 Filed 10-28-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661 et seq., it is proposed to amend, as set forth below, §§ 107.3, 107.4 [new], 107.103, 107.201, 107.701, 107.702, 107.1102, and 107.1105 of Part 107, Chapter I, Title 13 of the Code of Federal Regulations.

Prior to final adoption of such amendments, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416 on or before November 29, 1976.

Information. The Small Buiness Investment Act (SBI Act) was amended on June 4, 1976, to permit unincorporated SBIC's to be licensed by SBA (Pub. L. 94–305, sec. 106, approved June 4, 1976, 90 Stat. 663 et seq.). On June 25, 1976, the SBIC Regulation was amended to incorporate conforming textual changes to accommodate its existing provisions to limited partnerships (13 CFR Part 107, Rev. 5, Amdt. 5, 41 FR 26201, June 25, 1976). The purpose of this notice is to set forth, and invite written comments on, proposed additional regulations dealing with SBICs organized as limited partnerships, as distinguished from corporations.

I. Paragraph (a) of proposed new § 107.4 states that an applicant for an SBIC license may be a limited partnership organized "solely for the purpose of performing the functions and conducting the activities contemplated under the Act * * *."

Paragraph (b) of proposed § 107.4 requires the articles or partnership agreement to provide for a single corporate general (CGP) organized "solely for service as such * * *." The CGP may not serve any other licensee in that capacity, and may not be removed or replaced by the limited partners without prior SBA approval. Under paragraph (d), the CGP will be allowed to invest its own separate assets (i.e., "capital * * * not invested in the Unincorporated Licensee") in only two ways: (1) In securities representing fully-guaranteed U.S. Government obligations, in commercial and/or savings acounts in FDIC-insured banks, or in insured savings accounts in FSLIC-insured institutions up to the amount of insurance and (2) pursuant to § 107.1004(c), in joint financings of small concerns with its partnership SBIC. Comments are invited on the merits of expanding the CGP's permitted activities to include investments in U.S. Government Agency securities not representing fully-guaranteed obligations of the United States.

Vested with sole management powers over the affairs of the partnership, the CGP will constitute for all practical purposes the SBIC in actual operation. In keeping with its management authority as well as fiduciary relationship, obligations, and accountability under section 9(1) of the Uniform Limited Partnership Act (ULPA), paragraph (c) of proposed § 107.4 subjects the CGP to the same examination, reporting, conflicts-of-interest, disciplinary and other statutory and regulatory requirements applicable to the Licensees themselves. More specifically, paragraph (c) refers to examination and reporting requirements under section 310(b) of the SBI Act; suspension, removal, and other disciplinary provisions of sections 313 and 314 of the Act; conflicts-of-interest restrictions under section 312 of the Act governing officers, directors and shareholders. In addition, the following regulatory provisions would apply to the CGP: Section 107.203(b)(1) and (2) relating to nonperformance or violation of the terms of any provision of the Act, regulation thereunder or under any loan or obligation held or guaranteed by SBA or of any other agreement with SBA, and § 107.203(b) (3)(iii) and (4) pertaining to salary increases and employment of former SBA personnel. Paragraph (c) expressly ties the CGP in with the same regulatory requirements as govern Licensees, by declaring that the term "Licensee" in the following sections of the SBIC Regulation "shall be deemed to include the corporate general partner of an Unincorporated Licensee": definition of "Associate of a Licensee" in § 107.3; and §§ 107.103, 107.701, 107.702, 107.703, 107.801, 107.802, 107.803, 107.809, 107.901, 107.902, 107.1101, 107.1102, 107.1105, 107.1203, and 107.1301.

Under paragraph (e) of proposed § 107.4, any reorganization of a corporate licensee as a limited partnership would require prior SBA approval pursuant to § 107.903, which now governs reorganizations as well as mergers or consolidations of corporate licensees.

CGP's Liability. Under section 9(1) of the ULPA, a general partner in a limited partnership is liable for partnership debts and obligations, as in the case of a general partnership. The CGP of an unincorporated licensee will, therefore, be bound by statutory ties of fiduciary relationship and accountability.[1] Pursuant to section 15 of the Uniform Partnership Act (which applies to relationships within a limited partnership), the CGP will be "liable (a) for everything chargeable to the partnership under sections 13 and 14 (wrongful acts and breaches of trust toward third parties) * * * (and) * * * (b) * * * for all other debts and obligations of the partnership * * *."

Pursuant to section 9(1) of the ULPA, the CGP will be liable to SBA for the partnership's debts and obligations evidenced by debentures issued under section 303(b) of the SBI Act, to the extent that partnership assets are insufficient to satisfy such debts. SBA will thus be vested with a statutory creditor's right to subject the CGP's separate assets to its claim in case of a deficiency in partnership assets. SBA is currently considering its legal authority as well as the administrative desirability not to look to the CGP's separate assets for the partnership's indebtedness. It would be helpful if written comments on the merits were submitted for SBA's consideration.

II. Existing definitions of "Associate of a Licensee" and "Licensee" appearing in § 107.3 of the SBIC Regulation, heretofore applicable only to corporate licensees, would be amended to include the functional equivalent in limited partnerships. For example, paragraph (b) of the definition of "Associate of a Licensee" would apply to owners of ten or more percent of the partnership capital of an Unincorporated Licensee. In addition to corporate licensees, the definition of "Licensee" would extend to "* * * a limited partnership organized pursuant to § 107.4 ('Unincorporated Licensee') to which a license has been granted pursuant to the Act."

Several minor corrections will be made in §§ 107.103, 107.201(b), 107.701 (b)(2), 107.702, 107.1102 (a) and (b)(1) (iii), and 107.1105(a).

The following amendments are proposed:

1. Section 107.3 Definition of terms.

(1) The definition of *"Associate of a Licensee"* is amended by amending paragraph (b).

[1] Separate Statement of Commissioner Saponaro filed as part of the original document.

[1] Judicial precedents on the general partner's fiduciary relationship are cited in the Note following section 9 of the ULPA in Uniform Laws Annotated, Master Ed., Vol. 6 (1969).

(2) The definition of "Licensee" is amended:

(3) Section 107.3 Definition of Terms is further amended by inserting the appropriate alphabetical places the definitions of "Corporate Licensee" and "Unincorporated Licensee".

§ 107.3 **Definition of terms.**

* * * * *

"Associate of a Licensee."

* * * * *

(b) Any Person owning or Controlling, directly or indirectly, ten or more percent of any class of stock of such Corporate Licensee, or ten or more percent of the partnership capital of such Unincorporated Licensee.

* * * * *

"Corporate Licensee" see "Licensee."

* * * * *

Licensee. 'Licensee' means either a corporation ('Corporate Licensee'), or a limited parternship organized pursuant to § 107.4 ('Unincorporated Licensee'), to which a license has been granted pursuant to the Act. For sections deeming 'Licensee' to include the corporate general partner of an Unincorporated Licensee, see § 107.4(c).

* * * * *

"Unincorporated Licensee" see Licensee."

2. A new § 107.4 would be added reading as follows:

§ 107.4 **Limited Partnership SBIC.**

(a) *General.* A limited partnership organized under State law solely for the purpose of performing the functions and conducting the activities contemplated under the Act may apply for a license pursuant to section 301(c) of the Act.

(b) *Application.* Such application shall include the Articles, providing for a sole corporate general partner organized under State law solely for service as such, which shall not serve in such capacity for any other Licensee, and which may not be removed or replaced by action of the limited partners without prior written approval of SBA.

(c) *Obligations of the corporate general partner.* Such general partner shall be subject to the same examination and reporting requirements as a Corporate Licensee under section 310(b), the disciplinary provisions of sections 313 and 314, and its officers, directors and shareholders shall be bound by the conflict of interest rules under section 312 of the Act. Moreover, the events of default specified in § 107.203(b)(1)(ii) and (iii) and (b)(2), relating to contractual and regulatory violations and to insolvency and bankruptcy, and § 107.203(b)(iii) and (4), relating to salaries and to the employment of former SBA personnel, shall apply to the corporate general partner and be deemed to have been agreed to by the Unincorporated Licensee. 'Licensee' in (1) the definition of *'Associate of a Licensee'* in §§ 107.3, and (2) §§ 107.103, 107.701, 107.702, 107.703, 107.801, 107.802, 107.803, 107.809, 107.901, 107.902, 107.1101, 107.1102, 107.1105, 107.1203 and 107.1301 shall be deemed to include the corporate general partner of an Unincorporated Licensee.

(d) *Capital or corporate general partner.* The corporate capital of such general partner which is not invested in the Unincorporated Licensee shall be invested only as permited by the last sentence of section 308(b) of the Act, pursuant to §§ 107.808 and 107.1004(c), or any of them.

(e) *Reorganization of Corporate Licensee.* A Corporate Licensee wishing to reorganize as an Unincorporated Licensee may apply to SBA for approval pursuant to § 107.903 of these Regulations.

3. Miscellaneous minor amendments would be made, reading as follows:

(1) Section 107.103 Public notice would be amended to read as follows:

§ 107.103 **Public notice.**

SBA shall publish notice of the license application in the FEDERAL REGISTER. It shall include such appropriate information as the name and location of the proposed Corporate Licensee, its areas of operation, the names and addresses of its officers, directors, and owners of ten or more percent of its voting stock; and, in the case of an Unincorporated Licensee, its name, location and areas of operation and the names and addresses of the officers, directors and owners of ten or more percent of any class of the stock of the corporate general partner, the corporate general partner's name and address, and each partner owning ten percent or more of the Unincorporated Licensee's Private Capital, and shall provide an opportunity for the submission of written comments. The proposed Licensee shall publish a similar notice in a newspaper of general circulation in the city or proposed areas of operation, and a certified copy shall be furnished to SBA within ten days.

(2) Section 107.201 *Funds to Licensee* would be amended by amending paragraph (b) to read as follows:

§ 107.201 **Funds to licensee.**

(b) *SBA Guaranty.* (1) SBA may in its discretion agree to guarantee a Licensee's debentures unconditionally irrespective of the validity, regularity or enforceability of such debentures or any other circumstances which might constitute a legal or equitable discharge or defense of a guarantor and, pursuant to its guaranty, to make timely payments of principal and interest, irrespective of any default by the issuing Licensee or acceleration of the maturity thereof by SBA. (2) Persons interested in providing funds to Licensees under such guaranty may notify SBA by letter, certifying whether such lender has a direct or indirect beneficial interest of ten or more percent of the actual or potential voting rights in any Licensee, or in any Person directly or indirectly Controlling, Controlled by or under common Control with, any Licensee. Such certification will not be required from lenders where the borrowing Licensees will be selected or approved by SBA or its agents. SBA will endeavor to match such offers with applications pursuant to paragraph (a) of this section but cannot assure that such offers will be accepted. SBA in its discretion may also arrange for public or private financing under its guaranty authority.

(3) No SBA guaranty shall be extended to a lender: (i) having a direct or indirect beneficial interest of ten or more percent of the actual or potential voting rights in the Private Capital of the Licensee to be guaranteed, or in any Person directly or indirectly or indirectly Controlling, Controlled by, or under common Control with, such Licensee; or (ii) having such interest involving another Licensee which has received or is about to receive pursuant to any understanding, agreement, cross-dealing, reciprocal or circular arrangement any direct or indirect financing (or a commitment for financing) from another lender with SBA's guaranty. SBA may void any guaranty obtained in violation of this paragraph (b)(3), but the foregoing shall not apply to lenders whose borrowers are selected or approved by SBA or its agents.

§ 107.701 **[Amended]**

(3) Section 107.701(b)(2) is amended by inserting the word "or" after the semicolon at the end thereof.

§ 107.702 **[Amended]**

(4) Section 107.702 *Common Control* is amended by replacing the upper-case "P" with a lower-case "p" in the word "partner" appearing in the lead-in paragraph and paragraph (a) thereof.

§ 107.1102 **[Amended]**

(5) Section 107.1102(a) is amended by inserting a comma after the words "Unincorporated Licensee."

§§ 1107.1102 and 107.1105 **[Amended]**

(6) Section 107.1102(b)(10)(iii) Preservation of records and § 107.1105(a) Changes to be reported are amended by replacing the lower-case "a" with an upper-case "A" in the word "Articles."

(Catalog of Federal Domestic Assistance No. 59.011, Small Business Investment Companies).

Dated: October 22, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-31663 Filed 10-28-76;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.

[CM-6/121]

DEPARTMENT OF STATE

OVERSEAS SCHOOLS ADVISORY COUNCIL

Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Wednesday, December 8, 1976, 9:30 a.m. in Conference Room 1207, Department of State building, Washington, D.C.

Agenda items scheduled for discussion are as follows:

I. Welcome and introduction of members.
II. Greetings from the Department of State.
III. Report of action of executive committee meeting of May 27, 1976.
IV. Status report of seventh presentation.
V. Progress report of phase II of council's activities:
A. Letter to U.S. companies and foundations;
B. Directory of U.S. corporations and foundations; and
C. Fund-raising handbook.
VI. Report on local fund-raising efforts by the overseas schools.
VII. Report of IDEA's activities.
VIII. Future council activities.

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Judy Knott, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703–235–9600, prior to December 8. The public may participate in discussions at the Chairman's instructions.

Date: October 18, 1976.

ERNEST N. MANNINO,
Executive Secretary, Overseas Schools, Advisory Council.

[FR Doc.76-31611 Filed 10-28-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 25–76]

TREASURY NOTES SERIES S–1978

Interest Rates

OCTOBER 22, 1976.

The Secretary of the Treasury announced on October 21, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 25–76, dated October 15, 1976, will be 5⅞ percent per annum. Accordingly, the notes are hereby redesignated 5⅞ percent Treasury Notes of Series S–1978. Interest on the notes will be payable at the rate of 5⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-31612 Filed 10-28-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

DRAFT ENVIRONMENTAL STATEMENT

Public Hearing

OCTOBER 22, 1976.

Informal public hearings will be held for the purpose of soliciting comments from the public on the Draft Environmental Impact Statements (DEISs) for the proposed closure of Kincheloe Air Force Base (AFB), Michigan and the proposed reduction of Loring AFB, Maine. In the event that either or both proposed actions are implemented, the natural environment in the vicinity of each base 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 Kincheloe AFB vicinity on November 15 and 16, 1976 and in the Loring AFB vicinity on November 17 and 18, 1976. DEISs for these proposed actions were officially filed with the Council on Environmental Quality (CEQ) on September 10, 1976. Copies are available from:

449 DMW/01, Kincheloe AFB, Michigan 49788.
42 BMW/01, Loring AFB, Maine 04751.
Special Assistant for Environmental Quality, (SAF/ILE), The Pentagon, Room 4C885, Washington, D.C. 20330.

In addition, copies of the DEISs have been placed in the following locations for public reference:

KINCHELOE AFB VICINITY

Bayliss Public Library, 501 Court, Sault Ste. Marie, Michigan 49783.
St. Ignace Public Library, 395 N. State Street, Municipal Building, St. Ignace, Michigan 49781.
Kincheloe AFB Library, Building 204, Kincheloe AFB, Michigan 49788.

LORING AFB VICINITY

Robert A. Frost Memorial Library, Limestone, Maine 04750.
Mark & Emily Turner Memorial Library, 39 Second Street, Presque Isle, Maine 04769.
Caribou Public Library, 30 High Street, Caribou, Maine 04736.
Office of Information, Room 27, Building 5100, Loring AFB, Maine 04751.

The presiding officer for the Kincheloe AFB hearing will be Colonel Russell A. Stanley, Chief Judge, 4th Circuit, USAF Trial Judiciary, Lowry AFB, Colorado 80230, Telephone (303) 394–2404.

The presiding officer for the Loring AFB hearing will be Colonel Harold W. Gardner, Chief Trial Judge, USAF Trial Judiciary, Forrestal Building, Washington, D.C. 20314, Telephone (202) 693–5810.

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 dates for including written communications in the hearing records are five days after dates of public hearings in each case. Submit written communications to the 449 BMW/01 Kincheloe AFB, Michigan 49788 or to 42 BMW/01, Loring AFB, Maine 04751 as appropriate.

The informal public hearing for the Kincheloe AFB vicinity will be held at the following specific times and place: 2:00 p.m.–8:00 p.m., November 15, 1976; 2:00 p.m.–8:00 p.m., November 16, 1976; National Guard Armory, East Portage Avenue, Sault Ste. Marie, Michigan 49783.

The informal public hearing for the Loring AFB vicinity will be held at the following specific times and place: 3:00 p.m.–10:00 p.m., November 17, 1976; 3:00 p.m.–10:00 p.m., November 18, 1976; Limestone High School, 75 High Street, Limestone, Maine 04750.

The period during which public comments will be received on both the Kincheloe AFB and Loring AFB DEISs is extended from October 25, 1976 to November 24, 1976. Written comments which are not to be made part of the hearing records should be forwarded to the Special Assistant for Environmental Quality (SAF/ILE), The Pentagon, Room 4C885, Washington, D.C. 20330. 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. 76-31798 Filed 10-28-76; 8:45 am]

Department of the Army

MISSISSIPPI ARMY AMMUNITION PLANT, BAY ST. LOUIS, MISSISSIPPI

Filing of Final Environmental Impact Statement

OCTOBER 19, 1976.

In compliance with the National Environmental Policy Act of 1969 the Department of the Army has prepared a Final Environmental Impact Statement for the establishment of the Mississippi Army Ammunition Plant.

The proposed Mississippi Army Ammunition Plant is to be located in the Southwest portion of Mississippi and will require new construction in the

Northern portion of the land now owned by the NASA National Space and Technology Laboratories (NSTL) in Hancock County, Mississippi. The plant will be a Government-owned, contractor-operated ammunition manufacturing complex with a capability to manufacture the improved type of 155mm artillery ammunition.

The Impact Statement does not indicate that there is a significant adverse impact on the environment which would result from the establishment of the Mississippi Army Ammunition Plant.

The Final Environmental Impact Statement was transmitted to the Council on Environmental Quality on July 1976.

Copies are available for inspection, during normal working hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (Phone (202) 694–1163).

Copies of the Environmental Impact Statement have been provided to federal, state and local agencies that had provided substantive comment to the Draft EIS.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary Of the Army (Civil Works).

[FR Doc.76–31583 Filed 10–28–76;8:45 am]

Office of the Secretary

CHAPTER X, "APPEAL AND HEARING PROCEDURE," FROM THE REGULATION FOR THE CIVILIAN HEALTH AND MEDICAL PROGRAM FOR THE UNIFORMED SERVICES (CHAMPUS)

Notice of Publication

The Office of the Assistant Secretary of Defense (Health Affairs) is currently preparing a DOD Instruction which includes a comprehensive Regulation for the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) (Chapter 55, title 10, United States Code). This Instruction will be published in the FEDERAL REGISTER in the near future.

However, a Court Order issued on 30 August 1976 by Newell Edenfield, United States District Judge, United States District Court, Northern District of Georgia, Atlanta Division in the case of *Edison v. Department of Defense*, Civil Action No. C76–364A, included the following:

"The defendents (CHAMPUS) are FURTHER ORDERED to promulgate within sixty (60) days regulations providing for notice and hearing to CHAMPUS claimants in accordance with this order." (page 7.)

Implementation of this Court Order therefore requires the Department of Defense to modify its schedule insofar as publishing the CHAPTER of the Regulation setting forth the CHAMPUS appeals process is concerned. Therefore (let it be known that) the above order is being complied with by publication of said CHAPTER X, "Appeal and Hearing Procedure" of the CHAMPUS Regulation as of this date.

Written comments on this CHAPTER X, "Appeal and Hearing Procedure," are invited. Each person submitting a comment should include his or her name and address, and give reasons for any recommendation. Such comments should be submitted within sixty (60) days to:

ASD (HA, DASD (HR&P)), Directorate for CHAMPUS Policy and Liaison, Room 3D-200, The Pentagon, Washington, D.C. 20301

Effective date: The effective date of this CHAPTER X, "Appeal and Hearing Procedure" is deferred until adoption of the entire DOD Instruction, which will include the complete CHAMPUS Regulation.

Approved: October 21, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

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CHAPTER X

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CHAPTER X

Appeal and Hearing Procedures

A. *General.* This CHAPTER establishes and explains the procedures for review of benefit decisions by CHAMPUS and by those agents of CHAMPUS who, under contract to CHAMPUS, perform certain work in administering the CHAMPUS benefits. In the course of administering the CHAMPUS benefits, certain decisions are made by OCHAMPUS and by its contracted agents (CHAMPUS Contractors). Where these decisions affect the rights or liabilities of beneficiaries, their sponsors, participating providers of services or their duly designated representative, the affected parties may request a reconsideration or appeal in accordance with this CHAPTER. Actions under this CHAPTER will be confined to benefit issues arising out of determinations based upon CHAMPUS Regulations and relate only to the specific dispute being considered. Actions under this CHAPTER cannot be used to challenge such Regulations.

B. *Definitions.* As used in this CHAPTER, the following definitions apply—1. *Days.* "Days" means calendar days.

2. *Appealing Party.* "Appealing Party" means a CHAMPUS beneficiary or sponsor, a participating provider of services or their duly designated representative.

3. *Party to a Hearing.* "Party to a Hearing" means an appealing party or parties and CHAMPUS.

4. *Participating Provider.* "Participating Provider" means a hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or other authorized provider, which furnished services or supplies to a CHAMPUS beneficiary and which has agreed, by act of signing and submitting a CHAMPUS claim form, to accept the CHAMPUS-determined reasonable cost/charge as the total charge (even though less than the actual billed amount), whether paid for fully by the CHAMPUS allowance or requiring cost sharing by the beneficiary (or sponsor).

5. *Representative.* "Representative" means any person who has been designated by the appealing party as counsel or advisor, or who is otherwise eligible to serve as the appealing party's counsel or advisor.

6. *Initial Determination.* "Initial Determination" means a formal decision on the part of an individual in a CHAMPUS Contractor's office or in OCHAMPUS who has reviewed a claim, or a formal request for benefits under a special provision of this Program. An initial determination may be in the form of a payment or rejection, in part or whole, of a claim or approval or disapproval of an application for a benefit; or a termination of a benefit. There must be an adverse initial determination before a reconsideration and/or appeal can be initiated.

7. *Amount in Dispute.* "Amount in Dispute" means the amount of money owed by or paid by a CHAMPUS beneficiary for medical services and/or supplies. In determining the amount, only those charges which are related to coverable services and supplies can be included. In the same computation, only the CHAMPUS-determined reasonable charge/cost amounts will be considered to be in dispute for purposes of determining whether or not an appeal can be filed.

C. *Types of Initial Determinations: By Whom Made.* Initial determinations are made by CHAMPUS Contractors and OCHAMPUS (including OCHAMPUSEUR).

1. *CHAMPUS Contractors.* CHAMPUS Contractors initially make the following determinations:—a. *Individual Beneficiary.* With respect to an individual beneficiary:—(1) whether the individual who obtained CHAMPUS benefits under the CHAMPUS Basic Program was an eligible CHAMPUS beneficiary as defined in CHAPTER III of this Regulation, "Eligibility," at the time services and supplies were obtained;

(2) whether coverage of services and supplies furnished is authorized under either CHAPTERS IV OR V of this Regulation, "Basic Program Benefits" and "Program for the Handicapped," respectively;

(3) whether a physician's certificate is required and where applicable, whether the Treatment Plan (Basic Benefits Program) or Management Plan (Program for the Handicapped) is being properly followed;

(4) whether items or services are excluded from coverage or otherwise limited in terms of coverage;

(5) whether the provider's bill or other evidence of payment due, or made, for authorized benefits received is acceptable; and

(6) the amount of an applicable deductible or cost share.

b. *Provider of Services and Supplies.* With respect to a provider of services or supplies:

(1) whether the provider is eligible to participate in CHAMPUS, i.e., is licensed and/or certified to practice or conduct business in the state or jurisdiction where the services were provided (refer to CHAPTER VI of this Regulation, "Authorized Providers");

(2) whether the type and duration of care was reasonable and appropriate;

(3) whether the services or supplies were medically necessary;

(4) whether the costs or charges for services and supplies furnished were reasonable; and

(5) whether the provider is entitled to payment pursuant to a signed agreement of the appropriate claim form.

2. *The Director, OCHAMPUS.* The Director, OCHAMPUS (or a designated OCHAMPUS employee) makes the following initial determinations:—a. *Individual Beneficiaries.* With respect to individual beneficiaries:—(1) authorization for extended inpatient care (extended inpatient care is also subject to periodic review by OCHAMPUS);

(2) all approvals (initial and reapprovals) for coverage under the Program for the Handicapped.

b. *Institutional Providers.* With respect to institutional providers, approval of residential treatment centers and similar institutions. (Refer to CHAPTER VI of this Regulation, "Authorized Providers.")

3. *Notice of Determination and Right to Review.*—a. *CHAMPUS Contractors.* Where the initial determination is made by a CHAMPUS Contractor, written notice of this determination shall be mailed to the provider of the care (if participating) and/or the CHAMPUS beneficiary (or sponsor) at the last known address. For those beneficiaries under 18 years of age, notice to the sponsor or guardian constitutes notice to the beneficiary. Payment of a claim, along with the CHAMPUS Explanation of Benefits form (CEOB), constitutes notification. In each instance when a CHAMPUS claim is adjudicated, a CEOB is sent to the beneficiary/patient (or sponsor). A copy of the CEOB is also sent to the provider if the claim was submitted on a participating basis. In the case of initial determinations which result in the disallowance of a claim in total or in part, the notice of determination shall inform the beneficiary (and where applicable, the provider) of the right to review if the beneficiary (or provider) is dissatisfied with the determination and that a request for review must be initiated within six (6) months. (Refer to CHAPTER VII of this Regulation, "Claims Submission, Review and Payment.") The initial determination becomes final unless an informal review is requested in accordance with Section D. of this CHAPTER or the determination is reopened by the CHAMPUS Contractor on its own motion for an administrative review.

b. *OCHAMPUS (including OCHAMPUSEUR).* Where the initial determination is made by the Director, OCHAMPUS (or a designated employee of OCHAMPUS) in response to applications for approval of extended inpatient care, coverage under the Program for the Handicapped or request for approval as a CHAMPUS-approved institution (or in such other instances as may be authorized by the Director, OCHAMPUS), written notice of this determination, including the reason for the determination and the underlying facts supporting the decision, shall be mailed to the applicant at the last known address. This written notice of determination shall inform each party to the determination of the right to review if the beneficiary is dissatisfied with the determination. The initial determination becomes final unless the applicant requests a reconsideration. The procedure for requesting a reconsideration is set forth in Section G. of this CHAPTER.

D. *Request for Informal Review of an Initial Determination Made by a CHAMPUS Contractor.*

1. *General.* The request for review may be made by the beneficiary (or sponsor), a participating provider, or their designated representative.

2. *Procedure for Requesting an Informal Review.*

a. *Written Request Required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by the CHAMPUS Contractor.

b. *Where to Submit.* The request must be submitted to the office of the CHAMPUS Contractor where the initial determination was made.

c. *Allowed Time to File.* The request must be received within one hundred and eighty (180) days after the date of the notice of the initial determination.

d. *Official Filing Date.* A request for an informal review shall be deemed filed on the date it is received in the office of the CHAMPUS Contractor.

3. *Informal Review.* The informal review process will be conducted by the office making the initial determination and will include a thorough review of the case. Such review must be based on the evidence submitted for the initial determination plus any further evidence that the appealing party or CHAMPUS may submit or obtain. The appealing party will be advised in writing by certified mail as to the result of the informal review, the reason for such determination and the underlying facts supporting the decision. Unless the case qualifies for automatic referral for the reconsideration process (refer to Subsection D.4. of this CHAPTER), the appealing party will be further advised of the right to a reconsideration of the claim if still dissatisfied.

4. *Automatic Referral for Reconsideration.* Where the informal review concurs with the initial determination and the amount in dispute is more than $500.00, the case will be automatically referred for the reconsideration process (refer to Section E. of this CHAPTER), without waiting for a specific request from the appealing party(ies).

E. *Request for Reconsideration of an Informal Review Made by a CHAMPUS Contractor.*

1. *General.* The request for reconsideration will be made by the same appealing party (ies) making the original request for informal review.

2. *Procedure for Requesting Reconsideration.*

a. *Written Request Required.* The request must be in writing, must state the specific

matter in dispute and must include a copy of the written determination resulting from the informal review procedure.

b. *Where to Submit.* The request must be submitted to the office of the CHAMPUS Contractor where the initial determination was made and informal review conducted.

c. *Allowed Time to File.* The request must be received within sixty (60) days after the date of the notice of the results of the informal review.

d. *Official Filing Date.* A request for a reconsideration shall be deemed filed on the date it is received in the office of the CHAMPUS Contractor.

3. *Reconsideration Process.* The reconsideration process will be a thorough and independent review of the case. It is based on the evidence submitted for the initial determination, the informal review, plus any further evidence that the appealing party or CHAMPUS may wish to submit or obtain in connection with the reconsideration. The reconsideration will be made by a different member of the CHAMPUS Contractor staff from the one who made the initial determination and/or performed the informal review. The appealing party will be advised in writing by certified mail as to the result of the reconsideration, the reasons for such determination and the underlying facts supporting the decision.

a. *Amount in Dispute is $100.00 or Less.* This written notice will further advise the appealing party that the results of the reconsideration are final if the amount in dispute is $100.00 or less.

b. *Amount in Dispute is More Than $100.00.* If the amount in dispute is more than $100.00 and the appealing party is still dissatisfied, there is the further right to appeal the case to the Director, OCHAMPUS.

F. *Appeal to the Director, OCHAMPUS of a Reconsideration Conducted by a CHAMPUS Contractor.*—1. *General.* If a dispute has not been resolved in the course of the CHAMPUS Contractor's Informal Review and Reconsideration procedures, and the amount in dispute is more than $100.00, the appealing party(ies) may appeal to the Director, OCHAMPUS. The appeal process within OCHAMPUS consists of two levels. The first level is a review by the Director, Contract Management. The second level is a formal hearing before a hearing officer appointed by the Director, OCHAMPUS.

2. *Procedure for Requesting a Review by the Director, Contract Management (First Level Appeal).*

a. *Written Request Required.* The request must be in writing, must state the specific matter in dispute and must include copies of the written determination as a result of the informal review and the reconsideration procedures of the CHAMPUS Contractor.

b. *Where to Submit.* The request must be filed with the Director, Contract Management, OCHAMPUS, Denver, Colorado 80240.

c. *Allowed Time to File.* The request must be received within sixty (60) days after the date of the notice of the results of the reconsideration.

d. *Official Filing Date.* An appeal shall be deemed filed on the date it is received at OCHAMPUS.

3. *The Appeal Process.* The appeal process is a thorough review of the facts in the case furnished or obtained by the appealing parties and CHAMPUS. The Director, Contract Management (or a designee), will conduct the review and as soon as possible, but no later than, ninety (90) days after receipt of the appeal, will issue a written report of the review findings and conclusions, the reasons for such determination, and the underlying facts supporting the decision. A copy of this report will be sent to the appealing party(ies) by certified mail.

a. *Amount in Dispute is $500.00 or Less.* The findings are final if the amount in dispute is $500.00 or less.

b. *Amount in Dispute is More than $500.00.* If the amount in dispute is more than $500.00 and the appealing party(ies) continues to dispute the matter, there is the right to appeal to the Director, OCHAMPUS, and request a hearing conducted by a hearing officer.

4. *Procedure for Requesting a Hearing (Second Level Appeal).*

a. *Written Request Required.* The request must be in writing, must state the specific matter in dispute and must include copies of the written determinations as a result of the informal review and the reconsideration procedures of the CHAMPUS Contractor and the report issued by the Director, Contract Management from the first level appeal.

b. *Where to Submit.* The request must be submitted to the Director, OCHAMPUS, Denver, Colorado 80240.

c. *Allowed Time to File.* The request must be received within sixty (60) days after the date of the report of findings by the Director, Contract Management.

d. *Official Filing Date.* An appeal shall be deemed filed on the date it is received at OCHAMPUS.

5. *Contents of a Request for a Hearing.* The hearing request need not be formal but it must be specific as to such issues as continue to be in dispute, setting forth the appealing party's contentions as to those issues. If an appeal fails to state the specific grounds upon which it is based, then the appealing party (or the representative) shall be notified by certified mail that it does not comply with the requirement of this Regulation, and shall be granted ten (10) days after the date of mailing such notice to the appealing party within which to file an amended appeal. If within the time permitted the appealing party (or representative) fails to amend said appeal as notified, the appeal shall be dismissed. In such an event, the original CHAMPUS decision in the case shall be deemed to be final.

6. *Merger of Successive Appeals.* If, at the time any appeal is filed, one or more prior appeals by the same appealing party involving the same or similar issues have not been heard by a hearing officer, such prior appeals may upon notice to the parties to the hearing be combined with the last appeal filed, and the hearing officer may issue a single decision.

7. *Withdrawal of Appeal.*—a. *Withdrawal by Appealing Party.* An appeal may be withdrawn by the appealing party (or the representative) by written request at any time before the decision is issued or by oral request at the time of the hearing. If such request is made, the hearing officer shall issue a decision dismissing the appeal, and the original CHAMPUS decision in the case shall be deemed to be final unless Paragraph F.7.b. of this CHAPTER applies.

b. *Reinstatement of Appeal.* An appeal so dismissed shall be reinstated by the hearing officer if the appealing party (or the representative) files a written application and shows therein that the requests for withdrawal resulted from misinformation given by OCHAMPUS or the Department of Defense or from fraud or coercion, or other good cause as determined by the hearing officer. An application for reinstatement shall be made within thirty (30) days after personal service or mailing of the decision dismissing the appeal; or, in the event of fraud, within thirty (30) days after discovery of such fraud, but in no event later than one year after issuance of the decision dismissing the appeal; otherwise the original CHAMPUS decision in the case shall be deemed to be final.

8. *Notice and Scheduling of Hearing.*—a. *Written Notice.* Written notice of the time and place of hearing an appeal shall be mailed to each party to the hearing at least fifteen (15) days before the date of the hearing. The time and place of the hearing will be determined by the hearing officer who shall select a reasonable time and location that are mutually convenient to OCHAMPUS and the appealing party.

b. *Reasonable Time.* Appeals shall be heard as soon as reasonably possible.

c. *Records Available.* Copies of records furnished by OCHAMPUS to the hearing officer shall be made available to the appealing party for inspection at a reasonable and convenient time.

9. *Waiver of Right to Appear.* If all parties to the hearing waive their right to appear before the hearing officer personally or by representation, it will not be necessary for the hearing officer to give notice of or conduct a formal hearing as provided in Subsection F.8. of this CHAPTER. A waiver of right to appear must be in writing and filed with the hearing officer or the Director, OCHAMPUS. When the right to appear has been waived, the hearing officer will decide the case on the records and documents submitted by all parties to the hearing.

10. *Dismissal of Request for Hearing*—a. *By Application of Appealing Party.* With the approval of the hearing officer, a request for a hearing may be withdrawn or dismissed at any time prior to the mailing of notice of the decision upon the application of the party(ies) (or representative) filing the request for such hearing. A request for dismissal must be in writing and filed with the hearing officer or orally stated at the hearing. When dismissal is entered pursuant to request, it will be final and binding and the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accordance with Paragraph F.10.d. of this CHAPTER.

b. *Dismissal by Abandonment.* A hearing officer may dismiss a request for hearing upon abandonment by the appealing party or parties who filed the request. An appealing party will be deemed to have abandoned a request for a hearing, other than where personal appearance is waived in accordance with Subsection F.9. of this CHAPTER, if neither the appealing party nor a designated representative appears at the time and place fixed for the hearing, and if within ten (10) days after the mailing of a notice by certified mail to the appealing party by the hearing officer to show cause, such party does not show good and sufficient cause for such failure to appear and failure to notify the hearing officer prior to the time fixed for hearing that an appearance cannot be made. When dismissal by abandonment occurs, the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accordance with Paragraph F.10.d. of this CHAPTER.

c. *Dismissal for Cause.* The hearing officer, may on personal motion, dismiss a hearing request, either entirely or as to any stated issue under one of the following circumstances:

(1) Where the appealing party requesting the hearing is not a proper party under Subsection B.1. of this CHAPTER, or does not otherwise have a right to a hearing; or

(2) Where the appealing party who filed the hearing request dies and there is no information before the hearing officer showing that an individual who is not a party may be prejudiced by the determination of the CHAMPUS Contractor.

(3) The amount in dispute is less than required.

(4) When a hearing request is dismissed for cause, the original CHAMPUS decision in the case shall be deemed to be final unless the dismissal is vacated in accord-

ance with Paragraph F.10.d. of this CHAPTER.

d. *Vacation of Dismissal.* A hearing officer may, on request by an appealing party and for good and sufficient cause shown, vacate any dismissal of a request for hearing at any time within six (6) months from the date of mailing notice of the dismissal to the party requesting the hearing at the last known residence address.

11. *Witnesses and Evidence.* All parties to the hearing are responsible for producing witnesses and other evidence in their own behalf at the hearing. Existing law does not authorize the Department of Defense to subpoena witnesses and/or records. The hearing officer may issue invitations and requests to individuals to appear and testify in order that the full facts in the case may be presented.

12. *Additional Parties.* Whenever it appears that other parties should be joined in order to dispose of all issues, the hearing officer may so order and may grant such continuance and hold such additional hearings as may be necessary.

13. *Consolidation of Proceedings.* Any number of proceedings may be consolidated for hearing or decision when the facts and circumstances are similar and no substantial right of any party to the hearing will be prejudiced.

14. *Severance of Issues.* The hearing officer may, upon the motion of any party to the hearing, or upon personal motion, proceed to the hearing of any issue or issues before the hearing of any other issue in the appeal where it is found that the decision of that issue or issues could abate further proceedings on the appeal.

15. *Preparation for Hearing.* A party to the hearing appearing at a hearing before a hearing officer shall have the case evidence and witnesses present and be ready to proceed. The hearing officer, if it is deemed necessary for preparation for a hearing, may on reasonable notice require all parties to the hearing to submit a written statement of their contentions and the reasons therefor. A copy of such written statement(s) shall be provided to all parties to the hearing.

16. *Conduct of Hearing*—a. *CHAMPUS Determinations First.* The basis of the CHAMPUS determination shall be presented to the hearing officer first. The appealing party (or the representative) will then be given the opportunity to demonstrate why this determination is held to be in error.

b. *Testimony.* Testimony shall be taken only an oath, affirmation or penalty of perjury.

c. *Right to Examine Parties to the Hearing and Their Witnesses.* Each party to the hearing shall have the right to call and examine all other parties to the hearing and their witnesses; to introduce exhibits; to question opposing witnesses and parties to the hearing on any matter relevant to the issue even though the matter was not covered in the direct examination; to impeach any witness regardless of which party to the hearing first called the witness to testify; and to rebut any evidence presented.

d. *Relevant Evidence.* Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

e. *Interrogatories and Depositions.* A hearing officer may order the taking of interrogatories and depositions (recognizing that the Department of Defense does not have subpoena power), and assess the expense to the requesting party when the hearing officer deems it proper.

f. *Questioning and Admission of Evidence.* A hearing officer may question any party to the hearing or witness and may admit any relevant and material evidence.

g. *Conduct of Hearing.* The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties to the hearing. Prior to taking evidence, the hearing officer shall identify and state the issues in dispute on the record and the order in which evidence will be received.

h. *Appealing Party Responsibilities.* An appealing party has the responsibility of providing whatever facts are necessary to support the opposition to the CHAMPUS determination.

i. *Burden of Evidence.* The burden of producing evidence as to a particular fact is on the party to the hearing against whom a finding on that fact would be required in the absence of further evidence.

j. *Transcript of Hearing.* A verbatim transcript (in triplicate) will be made of the hearing and made a permanent part of the record. The appealing parties will be furnished without cost one copy of the transcript, less the exhibits. Corrections will be allowed by the hearing officer solely for the purpose of conforming the transcript to the actual testimony.

k. *Right to Open Hearing.* Because of the personal nature of the matters to be adjudicated, hearings will normally be closed to the public. However, the appealing party (or the representative) may request an open hearing. In that event, it will be open except to the extent that other legitimate Government purposes can only be protected by closing portions of the hearing.

17. *Department Records.*—a. *Hearing Officer Rights.* A hearing officer may order the production or inspection of any records of relevant portions of records in the possession of CHAMPUS when necessary to decide the issues in any proceeding before a hearing officer or to assist an appealing party in preparing for the proceeding.

b. *Rights of Appealing Party.* A request by an appealing party (or the representative) for an order to produce or inspect CHAMPUS records shall be in writing and shall state clearly the information desired, the records desired to be produced or inspected, and the reason therefor.

18. *Continuance of Hearings: Further Hearing.* A hearing officer may continue a hearing to another time or place on his or her own motion or, upon a showing of good cause, at the request of any party. Written notice of the time and place of the continued hearing, except as provided herein, shall be in accordance with this Regulation. When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to each party to the hearing present at the hearing. Prior to the decision to continue the hearing, the hearing officer on his or her own motion, or upon a showing of good cause, may order a further hearing. Notice thereof shall be given in accordance with this Regulation.

19. *Continuance for Additional Evidence.* If, after a hearing has begun, the hearing officer determines that additional evidence is necessary for the proper determination of the case, the following procedures may be invoked:

a. *Continue Hearing.* The hearing may be continued to a later date and any party to the hearing ordered to produce additional evidence; or

b. *Close Hearing.* The hearing may be closed and the record held open in order to permit the introduction of additional documentary evidence. Any material submitted after the close of the hearing shall be made available to all parties to the hearing and each party to the hearing shall have the opportunity for rebuttal. The hearing officer may order a further hearing if the nature of the additional evidence or the refutation thereof makes a further hearing desirable.

20. *Representation at a Hearing.* A hearing officer may refuse to allow any person to represent a party to the hearing in any hearing when such person engages in unethical, disruptive or contemptuous conduct or intentionally fails to comply with the proper instructions or order of the hearing officer or the provisions of this Regulation.

21. *Oral Argument and Briefs.* At the request of any party to the hearing made prior to the close of the hearing, the hearing officer shall grant oral argument. If written argument is requested, it shall be granted and the parties to the hearing shall be advised as to the time and manner within which such argument is to be filed. The hearing officer may, at personal discretion, require any party to the hearing to submit written memoranda pertaining to any or all issues raised in the hearing.

22. *Disqualification of Hearing Officer.* A hearing officer shall voluntarily disqualify himself or herself and withdraw from any proceedings in which the hearing officer cannot give a fair or impartial hearing or in which there is a personal interest. A party to the hearing may request the disqualification of a hearing officer by filing an affidavit stating in detail the grounds upon which it is claimed that a fair and impartial hearing cannot be given or that the hearing officer has an interest in the proceeding. The hearing officer shall immediately present the affidavit to the Director, OCHAMPUS (or a designee), who will investigate the allegations and shall advise the complaining party in writing of the decision. A copy of such decision shall also be mailed to any other appealing parties. If the Director, OCHAMPUS, can conveniently reassign the case to another hearing officer, no investigation shall be required.

23. *Decision.* At the conclusion of the hearing, the hearing officer shall take the matter under submission and, as soon as is reasonably possible thereafter, prepare a recommended decision in the case which will be based on the evidence adduced at the hearing or otherwise included in the hearing records. The written record must contain findings of fact and statement of reasons. The recommended decision will be submitted to the Director, OCHAMPUS, for review.

a. *Decision Review, Director, OCHAMPUS.* The recommended decision will be reviewed by the Director, OCHAMPUS, who may concur without comment or who may prepare a written opinion of the recommendation. However, the Director, OCHAMPUS, may not alter the hearing officer's report or effect any change in the recommendations. The Director, OCHAMPUS, must within thirty (30) days of receipt, release the hearing officer's report, along with concurrence or a statement of reasons for disagreement.

(1) If the hearing officer finds for the appealing party(ies) and the Director, OCHAMPUS concurs, no further review is required and the appealing party(ies) will be so notified by certified mail by the Director, OCHAMPUS.

(2) If the hearing officer finds against the appealing party(ies) (whether or not the Director, OCHAMPUS concurs) or the Director, OCHAMPUS disagrees with the hearing officer's report (whether or not the finding is for or against the appealing party(ies)), the Director, OCHAMPUS will forward the hearing officer's report, along with concurrence and/or a statement giving the reasons for disagreement, to the Assistant Secretary of Defense (Health Affairs) for final review.

b. *Action by ASD(HA).* The ASD(HA) (or a designee) may adopt the recommended decision or the recommended decision may be rejected. In the case of rejection, the ASD (HA) (or a designee) shall prepare a statement outlining the reasons for disagreement with the hearing officer's report and the underlying facts supporting such disagreement. In this circumstance the ASD(HA) (or a designee) can have a revised decision prepared based upon the record, or may remand the matter to the hearing officer to take additional evidence. In the latter instance, the hearing officer thereafter shall submit to the ASD(HA) a new recommended decision in a form that may be adopted as the decision of the ASD(HA).

c. *Final Decision.* The decision shall be final upon adoption by the ASD(HA) (or a designee). Copies of the final decision of the ASD(HA) shall be sent by certified mail to the appealing parties and any representative thereof. Such notification shall include the hearing officer's report and any statements by the Director, OCHAMPUS or the ASD(HA), (or a designee), where there is nonconcurrence with the hearing officer's report.

24. *Authority of the Hearing Officer.* The hearing officer in exercising the authority to conduct a hearing under this Regulation is to comply with Chapter 55 of Title 10, Unietd States Code, Chapter 5 of Title 5, United States Code and this Regulation, as well as with policy statements, manuals, instructions, procedures, and other guidelines issued by the Assistant Secretary of Defense (Health Affairs) and/or by the Director, OCHAMPUS in effect at the time the service and/or supply in dispute was rendered. A hearing officer may not establish or amend policy, procedures or instructions.

25. *Representatives*—a. *Appealing Party Representative.* An appealing party may appoint any individual to act as representative (i.e., designated agent) at the hearing unless such person is disqualified or suspended from acting in administrative proceedings or unless otherwise prohibited by law. When the representative is an attorney, in the absence of information to the contrary, a statement that such authority has been delegated will be accepted as evidence of authority to represent a party.

b. *Representative's Authority.* The representative will have the same authority as the appealing party and notice required to be given to an appealing party under this Regulation will be given to the representative of such appealing party.

G. *Request for Reconsideration of an Initial Determination Made by the Director, OCHAMPUS (or a Designated CHAMPUS Employee, including OCHAMPUSEUR)*— 1. *General.* The request for reconsideration may be made by the beneficiary (or sponsor), the beneficiary's representative, the participating provider, a long-term care facility, or any other party whose rights with respect to the particular decision may be affected by such reconsideration.

2. *Procedure for Requesting Reconsideration*—a. *Written Request Required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by OCHAMPUS (or OCHAMPUSEUR).

b. *Where to Submit.* The request must be filed with the Director, Health Services, OCHAMPUS, Denver, Colorado 80240.

c. *Allowed Time to File.* The request must be received within one hundred eighty (180) days after the date of the notice of the initial determination.

d. *Official Filing Date.* A request should be deemed filed on the date it is received at OCHAMPUS.

3. *Conduct of Reconsideration Process.* The reconsideration will be conducted by the Director, Health Services and will be a thorough review of the case. It is based on the evidence submitted for the initial determination plus any further evidence that the requesting party or OCHAMPUS may submit or obtain. The appealing party will be advised in writing by certified mail as to the result of the reconsideration, the reasons for the determinations and the underlying facts supporting the decision and will be further advised of the right to request a formal review of the disputed case by the Director, OCHAMPUS, if dissatisfied with the results of the reconsideration.

H. *Request for Formal Review by the Director, OCHAMPUS*—1. *Procedure for Requesting a Formal Review.*

a. *Written Request Required.* The request must be in writing, must state the specific matter in dispute and must include a copy of the applicable initial determination made by OCHAMPUS (or OCHAMPUSEUR) and the result of the OCHAMPUS reconsideration.

b. *Where to Submit.* The request must be submitted to the Director, OCHAMPUS, Denver, Colorado 80240.

c. *Allowed Time to File.* The request must be received within sixty (60) days after the date of the reconsideration decision.

d. *Official Filing Date.* The request shall be deemed filed on the date it is received at OCHAMPUS.

2. *Formal Review.* The formal review will be a thorough and independent review of the case. It is based on the evidence submitted for the initial determination and/or the reconsideration, plus any further evidence that the appealing party or OCHAMPUS may wish to submit or obtain. The formal review will be conducted by either the Director or Deputy Director, OCHAMPUS. The appealing party will be advised in writing by certified mail as to the result of the formal review, the reasons for the determination and the underlying facts supporting the decision.

a. *Amount in Dispute is $500.00 or Less.* The results of the formal review by the Director, OCHAMPUS, are final if the amount in dispute is $500.00 or less.

b. *Amount in Dispute is More than $500.00.* If the amount in dispute is more than $500.00 and the appealing party is still dissatisfied, there is the right to appeal to the Director, OCHAMPUS, and request a hearing conducted by a hearing officer in accordance with the procedures set forth in Subsections F. 4. through F. 25. of this CHAPTER.

I. *Dismissal of Late Filing.* If a request for informal review or a reconsideration by a CHAMPUS Contractor, or a request for reconsideration or formal review by OCHAMPUS, or an appeal (either first or second level) is filed after the time permitted herein, a decision shall be issued denying or dismissing the request or appeal. Late filing may be permitted only if the appealing party can show to the satisfaction of the CHAMPUS Contractor or the Director, OCHAMPUS (or a designee), that timely filing of the request or appeal was impossible due to extraordinary circumstances over which the beneficiary had no control.

J. *Right to Legal Action.* The establishment of this CHAPTER X of this Regulation, "Appeal and Hearing Procedures," in no way shall be construed to deny the right to initiate legal action. However, before legal action may be instituted, all administrative remedies provided under this CHAPTER X must first be exhausted.

[FR Doc.76-31712 Filed 10-28-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the commodity and service listed below were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29472) and July 30, 1976 (41 FR 31933).

After consideration of all the relevant data presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

CLASS 7520

Holder, Desk Memorandum (IB), 7520-00-139-3802, 7520-00-290-6445.

SIC 7218

Laundry Services (SH), U.S. Army Medical Material Agency, Fort Detrick, Frederick, Maryland.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-31664 Filed 10-28-76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January to September 1976

5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Public Law 93–502, Nov. 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first 9 months of 1976 in order to notify the public of the availability of these indexes for sale and/or public inspection.[1]

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS USDA, 14th and Independence Ave. SW. Washington, D.C. 20250.
Do	Marketing quota. Review committee determinations; 1969–75; listing by crop-year of all decisions made on marketing quota appeals.	do	Do.
Do	Board of contract appeals decisions; 1969–75; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do	CCC Board dockets: 1969–75; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Department of Agriculture, Rural Electrification Administration.	Index of current REA publications: Electric Program, as of Apr. 6, 1976, with supplement thereto updating the index to June 30, 1976. An alphabetic and numerical index of REA electric program bulletins, staff instructions, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South, Washington, D.C. 20250. No charge.	Director, Information Service Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043 South Washington, D.C. 20250.
Do	Index of current REA publications: Telephone as of Mar. 5, 1976, with supplement thereto updating the index to June 30, 1976. An alphabetic and numerical index of REA telephone program bulletins, staff instructions, contract forms, specifications, sections of the Telephone Engineering and Construction and Telephone Operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0–9). Aug. 6, 1976. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation. Shelf stock. $2.76 per copy; reproduced copies, $5.50 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do	Guide to indexes, catalogs, and lists of departmental publications (AFR 0–1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Numerical index of standard publications and recurring periodicals (AFR 0–2). June 4, 1976. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force Installation. Shelf stock. $2.78 per copy; reproduced copies $5.90; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Miscellaneous Air Force and other Government agency publications (AFR 0–16). Sept. 10, 1976. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.08 per copy; reproduced copies, $2.10 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Publications Numbering Systems (AFR 5–4). February 15, 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.45 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Disposition of Air Force documentation (AFM 12–50). Oct. 1, 1969. Pt. 2 consists of decision logic tables which provide for disposition of documentation created or accumulated by all Air Force activities. Attachment 3 is an index to the tables, arranged alphabetically by title of the record.	DADF at nearest Air Force installation. Shelf stock will not be used. Pt. 2 is voluminous, therefore, only tables pertaining to requested records will be reproduced. $2. for 1st 6 pages, plus $0.05 for each additional page. Checks payable to: AFO (name of base furnishing copies).	Do.
Department of Defense, Department of the Army, TAGCEN, Army Publications Directorate.	DA pamphlet 310–1: Index of administrative publications (regulations, circulars, pamphlets, posters, general orders, joint chiefs of staff publications.) Basic dated May 1975, with/change 1, Aug. 25, 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do	DA pamphlet 310–2: Index of blank forms, May 1974, with/change 1, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310–3: Index of doctrinal, training, and organizational publications (field manuals, reserve officer's training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables and trajectory charts, tables of distribution and allowances). Basic dated May 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310–4: Index of technical manuals, technical bulletins, supply manuals (types 7, 8, and 9), supply bulletins, and lubrication orders. Basic dated November 1974, with change 1, February 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do	DA pamphlet 310–6: Index of supply catalogs and supply manuals. Basic dated July 1975, with change 2, dated Jan. 2, 1976. NOTE.—A new edition is presently at the printers and is expected to be distributed within 2 mo. Price will remain the same.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50 Payable to: Treasurer of United States.	Do.

[1] Annual Guide for 1975 appeared at 41 F.R. 4678, Jan. 30, 1976.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Defense Civil Preparedness Agency.	Publications catalog, MP-20: A listing of publications and other printed matter on the U.S. Civil Defense program available to the public. Contains a brief resume of each one and provides information on where to obtain.	U.S. Army Publications Center, Civil Preparedness Branch, 2800 Eastern Blvd. (Middle River), Baltimore, Md. 21220. No charge.	DCPA Headquarters, Room 1D511, Pentagon Bldg., Washington, D.C. 20301 or DCPA regional offices as shown at app. C, pt. 1813, ch. XVIII, title 32, CFR.
Do	DCPA manual 5450.2: Index of DCPA instructions and manuals, a listing, both numerical and subjective, of the Agency instructions announcing policy, outlining programs, and prescribing internal operating procedures.	do	Do.
Defense Communications Agency.	1. DCA circulars and notices: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA circulars and notices and those circulars, notices, and changes published during the period Jan. 1-June 30, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those publications which have been canceled or replaced since Jan. 1, 1976, by a publication of a different number. Publications superseded by a revised issue bearing the same number are not included. Enclosure 2 is an alphabetical listing of current DCA notices. 2. DCA instructions: Enclosure 1 consists of 2 sections. Section A contains the index of current DCA instructions and those instructions and changes published during the period Oct. 1, 1975 to Mar. 31, 1976, are highlighted by a number sign (#) in the left margin. Section B contains a listing of those instructions which have been canceled or replaced by an instruction of a different number since Oct. 1, 1975. Enclosure 2 is an alphabetical listing of current DCA instructions.	Defense Communications Agency, Washington, D.C. 20305. No charge.	Defense Communications Agency, 8th St. and South Courthouse Rd., Arlington, Va. 22204.
Defense Nuclear Agency	Index to administrative publications, May 10, 1976, with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, R. & D., logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, Attention: PAO, Washington, D.C. 20305. $1 by xeroxing, $0.35 by printing run. Payable to: Treasurer of the United States.	
Do	Government reports index: Biweekly, annual cumulation. Description: Indexes DNA and other Government-sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI) instructions, Mar. 27, 1974, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, Attention: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pages at $0.05 per page ($0.45). Checks payable to Treasurer of the United States.	
Defense Nuclear Agency, field command.	FCDNA instruction 5025.8I. Dec. 31, 1975 with changes. Description: Current index to field command instructions.	Field Command, Defense Nuclear Agency, Attention: Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Supply Agency	DSAH 5025.1, pt. I: Defense Supply Agency index of publications, January 1976, provides an alphabetical and numerical listing of DSA and DOD publications applicable to the Defense Supply Agency.	HQ DSA (DSAH-XMD), Bldg. 6, Door 26, Cameron Station, Alexandria, Va. 22314. Price: $2 minimum fee per order, plus $0.01 per printed page. Payable to: Defense Supply Agency.	HQ DSA, Attention: DSAH-XA, Room 4D435, Cameron Station, Alexandria, Va. 22314.
Do	DSAH 5025.1, Pt. III: Index of Federal catalog system publications, January 1976, provides a numerical listing of cataloging handbooks, Federal item identification guides, identification lists, master cross-reference lists, and related publications.	Defense Logistics Services Center, Attention: DLSC-AP, Federal Center, Battle Creek, Mich. 49016. Price: $2 minimum fee per order, plus $0.01 per printed page. Payable to: U.S. Treasury Department.	Defense Logistics Services Center, Attention: DLSC-TD, Room 1-9-7, Federal Center, Battle Creek, Mich. 49016.
Do	DSAH 5025.6: Index of forms, January 1976, is a listing of DSA and DD forms used by DSA.	HQ DSA (DSAH-XMD), Bldg. 6, Door 26, Cameron Station, Alexandria, Va. 22314. Price: $2 minimum fee per order, plus $0.01 per printed page. Payable to: Defense Supply Agency.	HQ DSA, Attention: DSAH-XA, Room 4D435, Cameron Station, Alexandria, Va. 22314.
Defense Supply Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC-B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration.	Do.
Do	Bureau of Drugs staff manual guide. Primarily concerned with the preparation of and review of documents within the Bureau of Drugs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $21.50. Checks payable to Food and Drug Administration.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry. Over 3,000 pages.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. (Suggest before ordering, to request transmittal checklist to ascertain programs needed.) Checks payable to Food and Drug Administration.	Do.

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Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Supervisor, Public Records and Documents Center (HFC–18) Room 4–62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.
Do	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do	Do.
Do	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration.	Do.
Do	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration.	Do.
Do	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration.	Do.
Do	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC–18) 5600 Fishers Lane, Rockville, Md. 20852. $5.20. Payable to Food and Drug Administration.	Do.
Do	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration.	Do.
Do	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration.	Do.
Do	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration.	Do.
Do	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $60; Vol. II, $60; Vol. III, $30. Checks payable to Food and Drug Administration.	Do.
Do	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration.	Do.
Do	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration.	Do.
Do	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $5.90. Payable to Food and Drug Administration.	Do.
Do	Extracts from annual subject indexes published by the FEDERAL REGISTER relating to food and drugs from 1967 to date.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $11.50. Payable to Food and Drug Administration.	Do.

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Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act index; from July 4, 1967–Mar. 31, 1976, includes items in the following categories: (1) administrative manuals and memorandum, (2) animal resources and programs, (3) audio-visuals policy and criteria, (4) clinical center operations, (5) contracts policy and guides, (6) employee and committee member handbooks and manuals, (7) grants policy and guides, (8) library resources and guidelines, (9) minority programs, (10) patient policy, (11) research centers guides, (12) safety guides and permits, and (13) site visit formats.	In addition to copies of the NIH EOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds $5. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.
Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration.	The ADAMHA Freedom of Information Act Index is comprised of various ADAMHA component program guidelines, handbook listings, policy supplements, instructions, and manual materials. The index is divided to reflect the various ADAMHA components, namely the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, the National Institute of Mental Health, including Saint Elizabeths Hospital, and the Office of the Administrator.	Copies of the ADAMHA Freedom of Information Act index are maintained by the HEW, FOI Officer, Room 5300, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201. ADAMHA will also make copies available if requests are forwarded to: Director, OCPA, ADAMHA, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852. Fees are 10¢ per page with the charge being made if the total amount exceeds $5 and are payable to Treasurer of the United States.	Director, Office of Communications and Public Affairs, Parklawn Bldg., Room 16-95, 5600 Fishers Lane, Rockville, Md. 20852.
Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Operations, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Operations, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated July 7, 1975. Subject: Medical care, resource personnel. This is the written procedure for handling telephone calls regarding the medical care of certain individuals.	Center for Disease Control, Attention: Director, Office of Biosafety, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Biosafety, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Memorandum dated Apr. 27, 1976. Subject: Hot line, 633-5313. This is the written procedure for handling reports of damage to packages of infectious materials.	do	Do.
Do	Staff publications booklet: An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee, Tuberculosis Control Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Annual report to Congress regarding smoking and health.	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga., 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE. Atlanta, Ga. 30333.
Do	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974, on trade secret information.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Park Bldg., Room 3-30, 5600 Fishers Lane, Rockville, Md. 20852.
Do	"NIOSH Policy Letter", dated Nov. 5, 1973, regarding reimbursement to an employer for financial loss (production time; pay) incurred as a result of a NIOSH research project.	do	Do.
Do	The President's report on occupational safety and health, annual report for 1974. This report covers programs of the Department of Labor; Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	do	Do.
Do	The Federal coal mine health program in 1973. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969.	do	Do.
Do	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public. HEW publication No. (NIOSH) 75-170.	do	Do.
Do	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	do	Do.
Do	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Venereal disease review criteria, dated Dec. 10, 1971.	do	Do.
Do	Recommended treatment schedules for syphilis, dated 1976.	do	Do.
Do	Gonorrhea, CDC recommended treatment schedules, dated 1974.	do	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Commentary on national strategies to control gonorrhea, dated July 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.	Program guidelines for the influenza immunization project grants, dated Apr. 14, 1976.	do.	Do.
Do.	Community-wide influenza compaign, achieving public response.	do.	Do.
Do.	Influenza immunization operations workbook, dated May 1976.	do.	Do.
Do.	Recommendation of the Public Health Service Advisory Committee on Immunization Practices. Influenza vaccine, preliminary statement, dated May 25, 1976, and supplemental statement, dated July 1976.	do.	Do.
Do.	Supplemental guidelines on informed consent for influenza immunization project grants, dated June 21, 1976.	do.	Do.
Do.	Guidelines for assessing immunity levels, dated November 1973.	do.	Do.
Do.	Immunization Against Disease, 1972 handbook.	do.	Do.
Do.	Directions for use of PHS PPD products for use in tuberculosis control programs, dated January 1971.	do.	Do.
Do.	Recommendation of the Public Health Service Advisory Committee on Immunization Practices, BCG vaccines, dated February 1975.	do.	Do.
Do.	Preventive therapy of tuberculosis infection, dated February 1975.	do.	Do.
Do.	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	do.	Do.
Do.	Summary of the report of the Ad Hoc Advisory Committee on Isoniazid and Liver Disease, dated Mar. 19, 1971.	do.	Do.
Do.	Memorandum dated Nov. 15, 1971, regarding tuberculin PPD-T distributed by CDC.	do.	Do.
Do.	Statement on preventive treatment of tuberculosis, dated June 25, 1971.	do.	Do.
Do.	Concepts and evaluation measures recommended by an ad hoc committee on evaluation of tuberculosis, dated September 1971.	do.	Do.
Do.	Memorandum dated Jan. 13, 1972, regarding PPD-tuberculin and PPD-Battey distributed by CDC.	do.	Do.
Do.	Memorandum dated Nov. 21, 1972. Subject: Liver disease among recipients of isoniazid chemoprophylaxis under special surveillance—preliminary report.	do.	Do.
Do.	Memorandum dated Dec. 15, 1972. Subject: Liver disease among recipients of isoniazid chemoprophylaxis under special surveillance—followup report.	do.	Do.
Do.	Memorandum dated Jan. 23, 1973. Subject: Liver disease among recipients of isoniazid chemoprophylaxis under special surveillance—followup report.	do.	Do.
Do.	Memorandum dated Jan. 29, 1973, regarding PPD-tuberculin and atypical mycobacterial PPD antigens.	do.	Do.
Do.	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	do.	Do.
Do.	Suggested tuberculosis nurse functions in a nurse directed clinic, dated April 1974.	do.	Do.
Do.	Recommendations for health department supervision of tuberculosis patients—MMWR, dated Feb. 23, 1974.	do.	Do.
Do.	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	do.	Do.
Do.	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	do.	Do.
Do.	Urban rat control project grants program guidelines for applicants, dated 1975.	do.	Do.
Do.	Guidelines for grant applications for childhood lead-poisoning control, dated Mar. 14, 1974.	do.	Do.
Do.	Policy statement—laboratories performing blood lead determination for community programs receiving lead-based paint poisoning grant funds, dated 1972.	do.	Do.
Do.	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	do.	Do.
Do.	Policy and procedures for shipping and lending federally owned X RF analyzers, Mar. 26, 1973.	do.	Do.
Do.	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Facilities Engineering and Construction Manual, ch. CDC: 3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-57, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-1, dated Sept. 3, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	do	Do.
Do	Administrative issuance. Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	do	Do.
Do	Administrative issuance. Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	do	Do.
Do	Administrative issuance. Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	do	Do.
Do	Administrative issuance. Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 75-8, dated Sept. 22, 1976. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 74-1, dated Jan. 16, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during nonwork hours.	do	Do.
Do	Administrative issuance. Manual Guide—General Administration No. CDC-18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	do	Do.
Do	Administrative issuance. CDC General Memorandum No. 72-3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	do	Do.
Do	Administrative issuance. Manual Guide—Personal Property Management No. CDC-2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production o exhibits by commercial contractors.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC-19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	do	Do.
Do	Administrative issuance. Manual Guide—Safety Management No. CDC-2, dated Apr. 22, 1969. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	do	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Manual Guide—Safety Management No. CDC-3, dated June 8, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7-2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	do.	Do.
Do.	Administrative issuances. Manual Guide—General Administration No. CDC-5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	do.	Do.
Do.	Administrative issuance. Manual Guide—General Administration No. CDC-61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	do.	Do.
Do.	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.	do.	Do.
Do.	Administrative issuances. Manual Guide—General Administration No. CDC-11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.	do.	Do.
Do.	Administrative issuance. Manual Guide—Travel CDC-10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and the conditions of the contracts.	do.	Do.
Do.	Administrative issuances. Manual Guide—Travel No. CDC-2 and Correspondence Manual Chapter 10-40, dated Jan. 14, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	do.	Do.
Do.	Administrative issuance. CDC general memorandum No. 75-12, Privacy Act, dated Sept. 25, 1975. This issuance provides general information to CDC employees on the act.	do.	Do.
Do.	Administrative issuance. CDC general memorandum No. 75-10, Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	do.	Do.
Do.	Administrative issuance. CDC general memorandum No. 75-2, civil defense, dated April 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	do.	Do.
Do.	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	do.	Do.
Do.	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	do.	Do.
Do.	Administrative issuance. CDC unnumbered memorandum, injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	do.	Do.
Do.	Administrative issuance. Manual guide—general administration No. CDC-8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	do.	Do.

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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-2, commercial employment offices, dated Jan. 7, 1976. This issuance provides policy on using commercial employment offices for recruiting personnel.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do	Administrative issuance. Personnel guide for supervisors, ch. III, CDC guide 1-9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.	do	Do.
Do	Administrative issuance. National Institute for Occupational Safety and Health Administration, ssuance No. 6, dated Apr. 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.	do	Do.
Do	Administrative issuance. National Insitute for Occupational Safety and Health Administration. ssuance No. 8, dated Oct. 30, 1975. Th's issuance provides procedures for maintenance of minutes of NIOSH meetings with representatives o nongovernmental groups.	do	Do.
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90-23 (Freedom of Information). July 1, 1973, to Mar. 1, 1976. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration Room 10A-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852, (301) 443-1730.
Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to September 1976. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of September 30, 1976. The respective bureau level indexes are listed as follows: OA—OFFICE OF THE ADMINISTRATOR OCPA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1977-81; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; OM/OFS—policy decisions and opinion. BMS—BUREAU OF MEDICAL SERVICES Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; CHAMPUS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda. IHS—INDIAN HEALTH SERVICES IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions. BCHS—BUREAU OF COMMUNITY HEALTH SERVICES BCHS administrative guide system; BCHS Operations Manual. BQA—BUREAU OF QUALITY ASSURANCE BQA transmittal system; BQA Procedures Manual; PSRO Program Manual; PSRO Financial Management and Accounting Systems Manual; PSRO Contracts Management Manual; PSRO Management Information System (PMIS) Federal Reports Manual (FRM) medical care evaluation studies; PMIS—FRM—cost reporting; PMIS—FRM—concurrent review reporting; PSRO Hospital Discharge Data Set (PHDDS) Training Manual.	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20852. Checks payable to DHEW/Public Health Service. Mail to HSA Collection Officer, DHEW/PHS/HSA, Room 16-36, 5600 Fishers Lane, Rockville, Md. 20852. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md.
HEW/PHS/Office of Administrative Management.	Index to the PHS Manual for financial evaluation of Public Health Service awards, continuous from July 1, 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20852. Fees as prescribed in 45 CFR 5.61 are 10¢ per page, with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20852.
Do	A guide to institutional cost sharing agreements for research grants and contracts, supported by the Department of Health, Education, and Welfare, continuous from July 1974.	Copies may be obtained from Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. No charge.	Division of Grants and Contracts, 5600 Fishers Lane, Rockville, Md. 20852.
Do	PHS procurement regulations; policies and procedures which implement and supplement the DHEW procurement regulations and the Federal procurement regulations, continuous from May 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20852. Fees as prescribed in 45 CFR 5.61 are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service.	Copies available: ASC Forms and Publications Service Center, OAM, 12100 Parklawn Dr., Rockville, Md. 20852 Additional information: Division of Grants and Contracts ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20852.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
HEW/PHS/Office of Administrative Management.	PHS grants policy statement; comprehensive policy document for use by PHS grantees, continuous from July 1974.	GPO, 90 cents, Superintendent of Documents (Stock No. 1730-00055).	Superintendent of Documents, GPO, Washington, D.C. 20402.
Do	Index to PHS supplements to HEW Grants Administration Staff Manual; supplementation and implementations to HEW manual; continuous from January 1974.	Photocopies available if requests are forwarded to: Division of Grants and Contracts, ORM/OAM/PHS, 5600 Fishers Lane, Rockville, Md. 20852. Fees are prescribed in 45 CFR 5.61, as 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, PHS.	Division of Grants and Contracts ORM, OAMs PHS, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Tables of contents to PHS supplementation of HEW staff manuals containing authorities, policies, and procedures in the following areas: Emergency, forms management, general administration, grants administration, organization, public affairs, systems management, records management, safety management, security, facilities engineering and construction, procurement, and reports management.	Chief, Management Support Branch, Division of Management Policy and Analysis, OASH. Room 17-75 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Fees as described in 45 CFR 5.61, are 10¢ per page with the charge being made if the total amount exceeds $5. Checks payable to DHEW, Public Health Service, Office of the Assistant Secretary for Health.	Chief, Management Support Branch, Division of Management Policy and Analysis, Room 17-75, Parklawn Bldg., 5600 Fishers Lane Rockville, Md. 20852.
Do	Table of contents to PHS Commissioned Corps Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Do.
Do	Table of contents to PHS supplementation of the Federal Personnel Manual containing authorities, policies, and procedures in that subject area.	do	Do.
Do	Table of contents to Parklawn guidelines: a series of internal operating guides providing operating instructions and procedures of a continuing nature for occupants of the Parklawn Bldg., Rockville, Md., with regard to operations of the Administrative Services Center, Office of Administrative Management. Guidelines include such subjects as procedures for operation and use of official conference rooms; apportionment and assignment of parking spaces; official hours; and conservation of paper in copying, duplicating, and printing, Parklawn Bldg.	Executive Officer, Administrative Services Center, Office of Administrative Management, OASH, Room 5-77, Parklawn Bldg. 5600 Fishers Lane, Rockville, Md. 20852. Fees, as prescribed in 45 CFR 5.61, are 10c per page with the charge being made if the total amount exceeds $5. Checks payable to Department of Health, Education, and Welfare, Public Health Service, Office of the Assistant Secretary for Health.	Do.
HEW/PHS/Office of Assistant Secretary for Health/OEEO.	Guidelines for the precomplaint counseling system in the Public Health Service regional offices.	No charge. Director, OEEO/OASH, Room 17-66, 5600 Fishers Lane, Rockville, Md. 20852.	Director, OEEO/OASH, Room 17-66, 5600 Fishers Lane, Rockville, Md. 20852.
HEW/PHS/Office of Long-Term Care.	Long-term care facility improvement study; introductory report, July 1975.	U.S. Government Printing Office, Washington, D.C. 20402. Price $2.15.	Ms. Florence Gareau
Do	ONHA policy circulars or memoranda (numbered).	ONHA will provide single copies of 1 memorandum without charge. Complete sets of policy memoranda published by Commerce Clearing House, Inc., 4025 W. Peterson Ave., Chicago, Ill. 60646. (annual subscription charge).	Ms. Florence Gareau
Department of the Interior, Bonneville Power Administration.	BPA Manual Index dated 11-5-75; 33 pp. Policy, procedural, and directives material indexed by subject and BPA Manual chapter number.	The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting Bonneville Power Administration's Public Information Office, 1002 NE. Holladay St., Portland, Oreg. 97208, or the Washington, D.C., office, 5600 Interior Bldg., Washington, D.C. 20240.	Bonneville Power Administration offices listed in previous column or BPA area offices at the following: 919 NE. 19th Ave., Portland, Oreg. 97208; 415 1st Ave. North, Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 East 7th St., Eugene, Oreg. 97401; Highway 2 E., Box 758, Kalispell, Mont. 59901; U.S. Federal Bldg., Wenatchee, Wash. 98801; and 531 Lomax St., Idaho Falls, Idaho 83401.
Department of the Interior, Bureau of Indian Affairs.	Bureau of Indian Affairs Manual Index (BIAM); Oct. 6, 1975. Internal instructions and procedures for Bureau employees on Indian programs (such as realty, forestry, social services, education, etc.) and on administrative areas (such as personnel, safety, finance, etc.) Accounting Procedures Handbook Index: Procedures for handling individual Indian money accounts and investment procedures for Indian money. Guaranteed and Insured Loans Guidelines: Instructions and procedures for processing loans. United States Direct Loans and Loans by Tribes and Relending Organization Guidelines: Contains terms, conditions, and processing procedures for such loans. Financing by Customary Financial Institutions Handbook Index: Internal instructions to assist Indians and Indian organizations to obtain justified financing to promote their economic development. Real Estate Appraisal Handbook Index: General policy and standards for real estate appraisals and applies to all real estate transactions affecting real property under, or to be taken under, the Bureau's jurisdiction. General Grazing Regulations Handbook: Internal administrative instructions on implementing the regulations. Investigations and Planning Handbook: General guidelines on conducting inventories of Indian resources. Construction Handbook: Contains policy and requirements for construction projects. Operation and Maintenance Handbook: Policy and procedure for operating and maintaining irrigation and power projects. Road Construction Handbook: General guidelines for conducting public hearing and construction requirements.	Not a sales publication	1. Central office. Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Ave. NW., Washington, D.C. 20245, telephone 202-343-4144. 2. Field offices. See U.S. Organization Manual for addresses.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of the Interior, Bureau of Land Management.	Subject Function Classification Chart—Release No. 1—1027—Feb. 5, 1976. This classification chart contains the complete index of the entire manual system. Manuals have not as yet been issued on all subjects.	Bureau of Land Management, Denver Federal Center Building 50, Denver, Colo. 80225, price $4.10, make checks payable to: Bureau of Land Management.	Bureau of Land Management, Division of Records Systems, Department of the Interior, 18th and C Sts. NW., Washington, D.C. 20240. Phone 202-343-5739.
Department of the Interior, Bureau of Mines.	Basic Bureau of Mines Manual, General Table of Contents and Checklist—July 6, 1976. Numeric and subject listing of internal policies and procedures by series, part, chapter, paragraph, and subordinate paragraph.	In accordance with fee schedule in 43 CFR 2, app. A, Bureau of Mines.	Chief, Organization and Management Staff, Columbia Plaza Office Bldg., 2401 E St. NW., Washington, D.C. 20241.
Department of the Interior, Bureau of Reclamation.	Reclamation Instructions Index—Apr. 1, 1974: Subject listing of current instructions pertaining to Bureau of Reclamation organization and delegations of authority, policy and procedures, and detailed instructions on limited technical subjects.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. No charge.	Division of Management Support, E. & R. Center, Bureau of Reclamation, P.O. Box 25007, Denver, Colo. 80225. Phone: 303-234-2081.
	Guidelines—Task Force Report on Water Marketing Index.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240. No charge.	Bureau of Reclamation, Division of Personnel, Branch of Management Systems, Interior Department, Washington, D.C. 20240.
Department of the Interior, Fish and Wildlife Service.	Administrative Manual. Index related to administrative policies, procedures and standards of the Fish and Wildlife Service as contained in the Administrative Manual.	Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Price: In accordance with the uniform fee schedule contained in 43 CFR 2, app. A. Checks payable to: Fish and Wildlife Service.	Arthur J. Ferguson, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, phone: 202-343-5627.
Department of the Interior, Geological Survey.	Index to the USGS Manual	U.S. Geological Survey, Branch of Management Analysis, Mail Stop 206, Reston, Va. 22092. Standard FOIA fees.	Gertrude M. Winkle, Branch of Management Analysis, phone: (703) 860-7211.
Department of the Interior, Mining Enforcement and Safety Administration.	MESA Management Manual Index June 24, 1974 to present. MESA publishes a Management Manual which describes policies, standards, and procedures, which are directives upon all MESA personnel. The manual is organized to be compatible with that of the Department, both in numbering and arrangement. Thus, the Departmental Manual's index and the MESA Management Manual's index are one in the same.	Not a sales publication	MESA Headquarters Office Ballston Tower No. 3, 4015 Wilson Blvd., Arlington, Va. 22203.
	Procurement Handbook Index: Provides instructions regarding the use of the open market purchasing procedures within MESA to personnel involved in the procurement functions.		
	Health and Safety Manual for Orders, Notices and Report Writing Index: Handbook gives guidelines for issuance of notices, orders and other reports by MESA coal mine health and safety inspectors.		
	Coal Mine Health and Safety Inspection Manual for Surface Coal Mines and Surface Work Areas of Underground Coal Mines Index: Manual outlines the inspection procedures used for surface coal mine inspections performed by MESA inspectors.		
	Coal Mine Health and Safety Inspection Manual for Underground Mines Index: Manual outlines the inspection procedures used for underground coal mine inspections performed by MESA inspectors.		
	Metal and Nonmetal Mine Health and Safety Inspection and Investigation Manual Index: Manual outlines the inspection procedures used for all inspections of metal and nonmetal mines by MESA inspectors.		
	Mine Rescue and Recovery and Accident Investigation Procedures Index: Manual outlines procedures to be followed in the event of a mine accident for both rescue and recovery work and the accident investigation.		
	Coal Mine Safety Electrical Inspection Manual for Underground Coal Mines, Surface Coal Mines, and Surface Work Areas of Underground Coal Mines Index: Manual outlines the duties of an inspector inspecting underground and surface coal mines for electrical hazards.		
	Property Handbook Index: Handbook provides information and instructions to MESA property management personnel regarding MESA's automated capitalized property system.		
Department of the Interior, National Park Service.	National Park Service Directives System. Consisting of: (Numbered) NPS Guidelines; NPS Special Directives; NPS Staff Directives.	Department of the Interior, National Park Service, 18th and C. Sts. NW., Washington, D.C. 20240. Attention: Assistant to the Director for Public Affairs.	Department of the Interior, National Park Service, 18th and C Sts. NW., Washington, D.C. 20240. Attention: Assistant to the Director for Public Affairs, telephone (202) 343-6843, room 3041.
	Guidelines document procedures or techniques required by the operational elements to accomplish specific jobs in their day-to-day activities.	Index price: No charge.	
	Special Directives issued by the Director or his deputy, of major importance and of special concern to the Director and the Service, instructions which are affecting the Service in part or as a whole.		
	Staff Directives instructions issued by an Associate Director. Directive in nature pertaining only to a certain segment of the Service.		
Department of the Interior, Office of the Secretary.	Departmental Manual Table of Contents and Checklist, November 1975; policy, procedural, and directives material indexed by part and chapter.	Not a sales publication	Department of the Interior, Office of the Secretary, Division of Directives and Reports Management, Washington, D.C. 20240.

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Department of the Interior, Office of the Secretary, Office of Personnel Management.	Checklist of DM additions to the FPM, issued July 19, 1974. This index identifies the departmental manual chapters which contain policies and/or programs which supplement the Federal personnel manual.		Office of Personnel Management, Division of Program Planning and Evaluation.
Department of Labor/ILAB	Trade adjustment assistance decision, Apr. 1 to June 30, 1976.	Bureau of International Labor Affairs, 10¢ per page, Department of Labor.	ILAB, New Department of Labor Bldg., 200 Constitution Ave. NW., Washington, D.C. 20210 or DOL publication-information offices in major cities in the United States.
DOL/OSHA	Program directives, Jan. 1 to June 30, 1976		
DOL/OWCP/FECA	Bulletins: compensation, Federal employees, longshoremen, black lung, Jan. 1 to June 30, 1976.	Office of Workers Compensation Programs, 10¢ per page, Department of Labor.	Office of Workers Compensation, New Department of Labor Bldg., 200 Constitution Ave. NW., Washington, D.C. 20210 or DOL publication-information offices in major cities in the United States.
DOL/OWCP/LHWCA			
DOL/OWCP/BLBP			
DOL/ESA/W-H	Wage hour, field operations handbook	Wage and hour, 10¢ per page, Department of Labor.	Wage and Hour Division, New Department of Labor Bldg., 200 Constitution Ave. NW. Washington, D.C. 20210.
DOL/ESA/OFCC	Office of Contract Compliance, program memoranda.	Office of Contract Compliance, 10¢ per page, Department of Labor.	Office of Contract Compliance.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges; 1968–75; 1 page listing of opinions and final orders regarding regulation of toll bridges issued by the Federal Highway Administrator, which identifies the case and the date issued.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do	Cease and desist and driver disqualification final orders by the Federal Highway Administrator; 1969–75; 6-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	do	Do.
Do	Cross reference index of current Federal Highway Administration directives as of Sept. 30, 1976. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. Shelf stock, $10.80 per copy; reproduced copies, $9.20 per copy; shelf stock will be used while it lasts. Checks payable to: The Treasury of the United States.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590; Federal Highway Administration Regional Offices. (For location see 49 CFR pt. 7.); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7).
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF), has determined that publication in the FEDERAL REGISTER of the ATF index of materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the index is changing continually and that items listed are of interest to relatively few potential users. Copies of the index may, however, be obtained upon request to the Office of Assistant to the Director, Public Affairs, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226, at a cost of $2. The index is entitled, "Index of Materials Required by the Freedom of Information Act, ATF P 1200.3" The Index covers the period of July 1967 through March 1976 and consists of final opinions and orders made in the adjudication of cases, statements of policy and bureau directives, and the latest listing of ATF publications.	Office of Assistant to the Director, Public Affairs, Room 4402, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226. Price: $2. Make check payable to Bureau of Alcohol, Tobacco, and Firearms.	Public Affairs Reading Room 4402, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave. NW., Washington, D.C. 20226; Bureau of Alcohol, Tobacco, and Firearms, North Atlantic Regional Office, 6 World Trade Center, Room 620, New York, N.Y. 10048; Bureau of Alcohol, Tobacco, and Firearms, Mid-Atlantic Regional Office, Room 340, 2 Penn Center Plaza, Philadelphia, Pa. 19102; Bureau of Alcohol, Tobacco, and Firearms, Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340; Bureau of Alcohol, Tobacco, and Firearms, Central Regional Office, Federal Office Bldg., Room 6522, 550 Main St., Cincinnati, Ohio 45202; Bureau of Alcohol, Tobacco, and Firearms, Midwest Regional Office, 230 South Dearborn St., 15th Floor, Chicago, Ill. 60604; Bureau of Alcohol, Tobacco, and Firearms, Southwest Regional Office, Main Tower, 1200 Main St., Room 355, Dallas, Tex. 75202; Bureau of Alcohol, Tobacco, and Firearms, Western Regional Office, 525 Market St., 34th Floor, San Francisco, Calif. 94105.
Department of the Treasury, Customs Service.	CSA (Customs Simplification Act) Index (revised) Index to letters and letters relating to Customs Simplification Act, from 1956 forward.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $1.75. Checks payable to: U.S. Customs Service.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
	Synopsis of Decisions on the Duty Assessment Process, 1972; administrative and court decisions and rulings concerning duty assessment process.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229; Price: $3. Checks payable to: U.S. Customs Service.	Do.
	Customs Forms Catalog; Customs and other agency forms currently available from the Customs Service, July 1975.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: (not available until revision is complete). Checks payable to: U.S. Customs Service.	Do.
	KWIC (Key Word in Context) Index, June 1975; current Customs Service circular letters.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price: $1. Checks payable to: U.S. Customs Service.	Do.

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Department of the Treasury, Customs Service.	The Assistant Commissioner, Regulations and Rulings, U.S. Customs Service, has determined that publication in the FEDERAL REGISTER of the Legal Keyword Precedent Directory required by the Freedom of Information Act is unnecessary and impracticable for the reason that the index, currently maintained on 19 microfiche, is changing continually and presently represents the equivalent of approximately 5,000 computer pages of material. The index is available for inspection and viewing at Headquarters, U.S. Customs Service, 1301 Constitution Ave. NW., Washington, D.C., during regular business hours. The Customs Service is considering making copies of the microfiche available for sale if warranted by demand. The index is a listing by selected keywords of all classification rulings issued since early 1975 that affect a substantial volume of imports or transactions or are otherwise of general interest or importance and of all published classification rulings issued since Aug. 31, 1963, including classification decisions of the Customs courts, Treasury decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The index also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Price has not been determined, but duplicate microfich will be made available at cost.	Freedom of Information and Privacy Branch, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967–Sept. 1976; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220; $1.50; Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave. Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451.
Civil Service Commission (CSC).	Index to Civil Service Commission information. CSC document No. 1. Period covered: March 1976 to July 1976. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B–431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list. Fiscal year 1972 (additions and deletions occurring after Aug. 20, 1971 thru June 30, 1972); fiscal year 1973; fiscal year 1974; fiscal year 1975; fiscal year 1976 (July 1, 1975 thru Sept. 30, 1976).	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention: Freedom of Information Officer.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.
Council on Environmental Quality.	*Memoranda to the heads of all Federal agencies:*		
Do	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 382-7965.
Do	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do	Do.
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 30, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1973.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974. p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 30, 1976	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Council on Environmental Quality.	(xvii) CEQ memo to heads of agencies on SCRAP decision Nov. 26, 1975.	Available from CEQ	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-7965.
Do	(xviii) CEQ memo to heads of agencies on environmental impact statements Feb. 10, 1976.	do	Do.
Do	(xix) CEQ position paper "Pollution Control and Employment" February 1976.	do	Council on Environmental Quality, Attention: Dr. E. H. Clark, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-6162.
Do	(xx) CEQ memo to heads of agencies on prime agricultural lands Aug. 30, 1976.	do	Council on Environmental Quality, Attention: General Counsel, 722 Jackson Pl. NW., Washington, D.C. 20006 (202) 382-7965.
Do	(xxi) CEQ memo to heads of agencies on NEPA Supreme Court decisions Sept. 16, 1976.	do	Do.
Do	(xxii) CEQ memo to heads of agencies on NEPA requirement to projects abroad.	do	Do.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7965.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973 p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do	Do.
Do	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 13.	do	Do.
Energy Research and Development Administration.	ERDA headquarters reports: Cumulative index issued monthly starting Jan. 1 1975. Includes report number, corporate author, and subject indexes. Includes reports prepared by individual headquarters authors, task forces and study groups, and environmental statements covering ERDA programs and facilities.	ERDA Library and Public Document Room, Washington, D.C. 20545. Copies made available at $0.08 per page. Payable to: Energy Research and Development Administration.	ERDA Library and Public Document Room, Room 1223, 20 Massachusetts Ave. NW., Washington, D.C. 20545.
Do	ERDA manual table of contents: Covers directives; procurement instructions and regulations; and property management regulations, instructions, and bulletins. A cumulative table of contents is issued quarterly listing ERDA issuances and those AEC issuances still in effect.	do	Do.
ERDA, Board of Contract Appeals (BCA).	Decisions and orders for the periods Jan. 19, 1975 to December 1975 and Jan. 1 to June 30, 1976, including indexes.	do	Do.
Do	Atomic Energy Commission Reports: Oct. 1956-Jan. 1975, Vols. 1-8: Contains the BCA decisions and orders and indexes.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.	Do.
Farm Credit Administration	Index of FCA Information Materials; Oct. 1, to Dec. 31, 1976; (1) Publications (those available in supply); (2) news releases—(single copies available free of charge) issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Information Division, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578. No charge.	Mr. Carroll Arnold, Director of Information, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578.
Federal Communications Commission.	The "FCC Reports," containing Commission decisions of historical or precedential significance since 1934 and indices thereto. The "FCC Reports" are published weekly in pamphlet form and are subsequently compiled and published in bound volumes. The bound volumes contain cumulative indices. Cumulative index volumes covering longer periods are issued periodically.	Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Available on a subscription basis. Bound volumes may also be purchased separately. Prices vary. Checks: Superintendent of Documents.	Office of General Counsel, Federal Communications Commission.
Federal Power Commission	Subject—Index: Apr. 1 through June 30, 1976.	Office of Public Information, Federal Power Commission, Washington, D.C. 20426. No charge.	Office of Public Information, Federal Power Commission, Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C Sts. NW.
Do	Microfilm copies of above index covering period July 4, 1967 to Dec. 31, 1975. Subsequent years to be microfilmed.	Order from Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Checks payable to Board of Governors of the Federal Reserve System. $12.50 a roll.	Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C St. NW., (202) 452-3684.
Do	Hard copy bound index for:		
	1967	do[1]	Do.
	1968-71	do[2]	Do.
	Copies for additional years in preparation.		
Do	Individual copy of the card index	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.

See footnote at end of table.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Federal Reserve System, Board of Governors.	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.3 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Freedom of Information Office, Room B-1118, Main Board Bldg., 20th and C St. NW., (202) 452-3684.
Federal Trade Commission (FTC).	Final orders and opinions (duplicated pages of Index): Bound volumes of decisions July 1967, to June 1973.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-12 each.	Legal and Public Records, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do	Advisory opinions (duplicated pages of Index): Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do	Final orders and opinions: Supplemental index, July 1973 to September 1976.	Legal and Public Records FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do	Enforcement statement, July 1967 to September 1976.	do	Do.
Do	Trade regulation rules, July 1967 to September 1976.	do	Do.
Do	Manuals—operating administrative	do	Do.
Do	Freedom of Information Act, access requests and responses, March 1973-September 1976.	do	Do.
Do	Closing letters, investigatory material, March 1974-September 1976.	do	Do.
Do	Motions to quash, investigational subpoenas, June 1962-September 1976.	do	Do.
Do	Motions to quash, 6(b) Orders and Orders requiring access, November 1975-September 1976.	do	Do.
Do	Clearance requests, January 1969-September 1976.	do	Do.
Do	Commissioners' outside contacts, April 1974-September 1976.	do	Do.
Do	Staff opinion letters, May 1962-September 1976.	do	Do.
Foreign Claims Settlement Commission (FCSC).	Guide to indexes, claim decisions, list of FCSC publications, and other material related to claims programs administered by the Foreign Claims Settlement Commission (July 4, 1967 to June 30, 1976).	Executive Director, FCSC, 1111 20th St. NW., Washington, D.C. 20579. No charge.	Executive Director, FCSC, 1111 20th, St. NW., Washington, D.C. 20579.
General Services Administration (GSA).	GSA Freedom of Information Act index; July 4, 1967 through Mar. 31, 1976. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (AV), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1033, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
Indian Claims Commission	Index of Indian Claims Commission decisions, inception to date: tribe, docket number, citations, summary of action, date. Currently 173 pp.	Clerk, Indian Claims Commission, 1730 K St., NW., Room 642, Washington, D.C. 20006. $0.04 per page. (Payee to be designated.)	Clerk, Indian Claims Commission, 1730 K St., NW., Room 642, Washington, D.C. 20006.
International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
Do	Brochure: Falcon Dam and powerplant	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545. No charge.	Reservoirs Manager, U.S. Section, IBWC, P.O. Box 1, Falcon Village, Tex. 78545.
Do	Water Bulletins: Containing data for 1 yr, covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1974.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: $3 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, Room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do	Water Bulletins: Containing data for 1 yr covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1973.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: $2 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above).
Interstate Commerce Commission.	Interpretations Manual		Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423.
National Labor Relations Board.	Digest of Decisions of the National Labor Relations Board; July 1, 1967-June 30, 1968; Subject matter index to decisions of the N.L.R.B. including outline.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; $4.75; Superintendent of Documents.	Any regional office of the National Labor Relations Board or Freedom of Information Officer, National Labor Relations Board, 1717 Pennsylvania Ave. NW., Washington, D.C. 20570.
Do	Digest of Decisions of the National Labor Relations Board; July 1, 1968-June 30, 1969; Subject matter index to decisions of the N.L.R.B. including outline.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; $4; Superintendent of Documents.	Do.
Do	Digest of Decisions of the National Labor Relations Board; July 1, 1969-June 30, 1970; Subject matter index to decisions of the N.L.R.B. including outline.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; (price: not yet consolidated for purchase); Superintendent of Documents.	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
National Labor Relations Board.	Litigation Manual Outline and Litigation Manual National Labor Relations Board; July 1, 1956-June 30, 1971; Subject matter classification of court decisions relating to the National Labor Relations Act.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; $9.60; Superintendent of Documents.	Any regional office of the National Labor Relations Board or Freedom of Information Officer, National Labor Relations Board, 1717 Pennsylvania Ave. NW., Washington, D.C. 20570.
Do.	Classified index of N.L.R.B. and related court decisions; July 1970-June 1974; Subject matter classification to Board decisions and court decisions related to the National Labor Relations Act.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; $19.50; Superintendent of Documents.	Do.
Do.	Classified index of N.L.R.B. and related court decisions; subscription to cumulative publications part 1 July 1, 1974-June 30, 1975; part 2 July 1, 1975-Dec. 31, 1975; part 1 now being printed; part 2 in preparation for print.	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; $21 for both parts when available; Superintendent of Documents.	Do.
Do.	Classified index of decisions of regional directors of the National Labor Relations Board in representation proceedings; prepublication print and supplement for July 1, 1967—March 1975; index in publication for period June 1, 1967-Dec. 30, 1975 with quarterly supplements thereafter.	Prepublication print and supplement available from Freedom of Information Officer, N.L.R.B., 1717 Pennsylvania Ave. NW.; $7.00; National Labor Relations Board—printed index and quarterly supplements to be available from Superintendent of Documents, Government Printing Office.	Do.
Do.	Classified index of dispositions of unfair labor practice charges by the General Counsel of the National Labor Relations Board; subject matter index to advice memoranda and appeals memoranda and dispositions; July 1, 1967-Dec. 31, 1975.	In publication; will be made available through Superintendent of Documents with quarterly supplements.	Do.
Do.	Table of cases in which the General Counsel of the National Labor Relations Board refused to issue complaint on ULP charges because of insufficient evidence; July 1, 1967-Dec. 31, 1975; and quarterly thereafter; rudimentary subject outline of cases in which the General Counsel refused to issue complaint because of insufficient evidence; cases in which refusal to issue complaint was based upon finding of no violation of the act are listed in the classified index of dispositions of ULP charges by the General Counsel described *supra*.	Not published because unnecessary and impracticable due to insignificance of cases listed therein. Copies available at cost of direct duplication.	Do.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Sept. 30, 1976. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do.	Index of Office of the Director staff memoranda (O/D) in effect, as of Sept. 30, 1976. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do.	Do.
Do.	Numerical index of NSF important notices in effect as of Sept. 30, 1976. An index of notices serving as the primary means o general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.	do.	Do.
Do.	Reference file of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do.	Do.
Do.	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do.	Do.
Do.	Publications of the National Science Foundation. An index by topical classification, as of February 1975, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special studies publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 75-13.)	NSF Central Processing Section 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Communications Resource Branch (OGPP) Room 531, 1800 G St. NW., Washington D.C. 20550.
Do.	NSF guide to programs. A composite listing of summary information about NSF support programs, as of September 1976. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 76-33.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 3800-00195. Unit price: $2.05.	Do.

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Sept. 30, 1976. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates. Safety enforcement decisions, May 18, 1967 to Sept. 30, 1976. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 9, 1976. Numerical listing (by NTSB order No.) of staff operations directives.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to June 30, 1976. Keyword index of OMB bulletins.	Office of Management and Budget. No fee	Velma N. Baldwin, Assistant to the Director for Administration.
Do	Office of Management and Budget circulars Index, 1948 to June 30, 1976. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1976. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through June 30, 1976. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Do	Listing of Federal management circulars transferred from General Services Administration. Arranged by number, subject, and date.	do	Do.
Office of Telecommunications Policy.	Office of Telecommunications Policy public document index, 1970 to June 30, 1975. Arranges statements of policy by title under keyword subject heading.	Copies of index may be obtained by writing to: Publications Office, Office of Telecommunications Policy, 1800 G St. NW., Washington, D.C. 20504.	Publications Office, Office of Telecommunications Policy, 1800 G St. NW., Washington, D.C. 20504.
Do	Office of Telecommunications Policy circulars index, 1971 to June 30, 1976. Arranges OTP circulars chronologically by number and title.	do	Do.
Do	Office of Telecommunications Policy orders to staff indexed chronologically by number and title.	do	Do.
Pension Benefit Guaranty Corporation, Office of the General Counsel.	Index to Pension Benefit Guaranty Corp. Opinion Manual; Sept. 2, 1974 to Mar. 31, 1976; interpretive letters addressing the provisions of title IV of the Employee Retirement Income Security Act—plan termination insurance program.	The Office of Communications, Pension Benefit Guaranty Corp., Room 7100, 2020 K St. NW., Washington, D.C. 20006; Charge $55; Payable to The Pension Benefit Guaranty Corp.	The Office of Communications, Attention: Mr. Joel Greenblatt, (202) 254-4817, 2020 K St. NW., Washington, D.C. 20006.
Postal Rate Commission	Postal Rate Commission index, from 1971 to date. Opinions and recommended decisions, advisory opinions and orders having a precedential value.	Secretary of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C.
Postal Service	USPS Public Index, July 4, 1967-Sept. 30, 1976. List of USPS Directives and Publications; Index of Final Legal Opinions, Orders; Current Information Services Price List.	USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260. Section I—List of USPS Directives and Publications ..... $1 Section II—Index of Final Legal Opinions and Orders ..... $9 Complete Index ..... $10 Checks payable to U.S. Postal Service.	General Manager, Library Division, USPS Headquarters Library, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.
Renegotiation Board	Index of documents, vols. 1 and 2, 1967 to present: Agreements, modification agreements, clearances after assignment, clearances after reassignment, clearances without assignment, clearance agreements, letters not to proceed, final opinions, regional board opinions, orders, modification orders, special accounting agreements, interpretations, general orders, administrative orders, memoranda of decision, statements of facts and reasons, summaries of facts and reasons, decisions on applications for stock item exemption, decisions on new durable productive equipment exemption, and decisions on applications for commercial exemption.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446. $0.15 per copy.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446, Room 4310, Telephone: 254-7019.
Selective Service System	1. Index to Selective Service regulations and directives, 1948 to 1972. 2. Index to Selective Service regulations and registrants processing manual, 1972 to present. 3. General index to reconciliation service manual. 4. Registrant information bank guide index, 1972 to present.	National Headquarters, Selective Service System, 600 E St. NW., Washington, D.C. 20435. Prices: 1. $2, 2. $2, 3. $2, 4. $0.10. Make checks payable to: Selective Service System.	Records Manager, National Headquarters, Selective Service System, 600 E St. NW., Washington, D.C. 20435. Telephone (202) 382-2304.
Tennessee Valley Authority	Index to general administrative releases; covers period through September 1976; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

[1] $5. a copy.
[2] $10. a copy for each year.

OCTOBER 26, 1976.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.76-31647 Filed 10-28-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 28990]

NEW MEXICO

Application

OCTOBER 21, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 6 W.,
Sec. 10, S½NE¼ and NW¼SE¼.

The cathodic protection station will be used in connection with natural gas operations in the area and will cross .094 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-31683 Filed 10-28-76;8:45 am]

[NM 29052]

NEW MEXICO

Application

OCTOBER 21, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 29 E.,
Sec. 31, E½NE¼, and SW¼NE¼.

This pipeline will convey natural gas across .456 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-31682 Filed 10-28-76;8:45 am]

MEDFORD DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Medford District Advisory Board will meet on November 23, 1976 and December 14, 1976 at the Brewery Restaurant, 509 Southwest G Street, Grants Pass, Oregon at 9:00 a.m.

The agenda for both meetings will be to review multiple use recommendations for management of national resource lands in the Josepine Master Unit.

The meeting is open to the public. Anyone wishing to make an oral statement should contact the Board Chairman, Mr. Martin Craine, c/o Bureau of Land Management, prior to the meeting. Any interested person may file a written statement for consideration by the board by sending it to the District Manager, Bureau of Land Management, 310 W. Sixth Street, Medford, Oregon 97501.

GEORGE C. FRANCIS,
District Manager.

OCTOBER 18, 1976.

[FR Doc.78-31678 Filed 10-28-76;8:45 am]

COMMERCIAL WHITEWATER USE OF MERCED RIVER

Application for Special Recreation Permit

As a result of a meeting held on October 20, 1976 between commercial whitewater outfitters and personnel of the Bureau of Land Management, Folsom District, California, notice is hereby given that a Special Recreation Use Permit is required for the use of Federal lands adjacent to the Merced River between El Portal and Bagby, California, for commercial whitewater activities. Applications for the 1977 season must be received by close of business November 5, 1976, in the Folsom District Office, 63 Natoma Street, Folsom, California 95630. The applications must include two copies of Special Recreation Use Application, Form 6260-2, a $10.00 filing fee and a certified copy of past commercial use for 1974, 1975, and 1976.

HUGH RIECKEN,
District Manager.

[FR Doc.76-31603 Filed 10-28-76;8:45 am]

IDAHO

Transfer of Jurisdiction of Acquired Indian Lands

OCTOBER 13, 1976.

1. Pursuant to Pub. L. 94-114 (89 Stat. 577) and sec. 2 thereof, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Shoshone-Bannock Tribes of Idaho. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. One existing mineral lease, which has been issued on a portion of this land will remain in force and effect in accordance with the terms and provisions of the act under which the lease was issued. The lease file will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Portland, Oregon. Future rentals for this lease will be paid to and collected by that office. Jurisdiction of this mineral lease is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Shoshone-Bannock Tribes.

3. Boise Meridian, Idaho:

T. 2 S., R. 37 E.,
Sec. 14, NW¼ except a strip of land described as follows: Beginning at a point 660 feet east of NW¼NW¼ corner sec. 14, thence south 518 feet; thence N. 76° 10′ E. 600 feet; thence N. 51° 55′ E. 100 feet; thence N. 63° 39′ E. 389 feet to the north line of sec. 14; thence west along the north line of sec. 14, 1,439 feet to place of beginning, containing 9.56 acres.
Sec. 15, S½SW¼NW¼, W½SW¼, SE¼SW¼, and part of the N½SW¼NW¼ described as follows: Beginning 660 feet north of the ½ section corner common to sections 15 and 16; thence N. 63° 23′ E. 1,475.8 feet to the center of the NW¼ sec. 15; thence south 660 feet; thence west 1,320 feet to point of beginning, containing 10.00 acres.
Sec. 34, NE¼;
Sec. 35, E½.
T. 3 S., R. 36 E.,
Sec. 25, SE¼NW¼NE¼, NE¼SW¼NE¼, SW¼, S½N½N½SE¼, S½N½SE¼, S½SE¼;
Sec. 36, N½N½N½NE¼.
T. 3 S., R. 37 E.,
Sec. 1, lot 3 (44.85), lot 4 (44.68), S½NW¼;
Sec. 2, lot 1 (44.52), lot 2 (44.36), S½NE¼;
Sec. 30, S½SE¼SW¼, S½SW¼SE¼;
Sec. 31, lot 1 (29.99), lot 2 (30.04), E½NW¼, W½E½NE¼SW¼, E½W½NE¼SW¼.
T. 4 S., R. 36 E.,
Sec. 28, lots 1, 2, 5, 7, 8, 9, 10, 15, 16;
Sec. 32, S½ of lot 8, N½ of lot 16;
Sec. 33, lot 3, E½ of lot 5, lot 6.
T. 5 S., R. 37 E.,
Sec. 3, lot 3 (40.52), lot 4 (40.39), S½NW¼, SW¼;
Sec. 4, E½SE¼, E½NW¼SE¼, E½W½W½SE¼;
Sec. 5, lot 3 (41.09), lot 4 (41.30), S½NW¼, SW¼;
Sec. 6, SE¼;
Sec. 9, N½, SE¼;
Sec. 10, NW¼.
T. 5 S., R. 38 E.,
Sec. 21, NE¼.
T. 6 S., R. 36 E.,
Sec. 3, S½.
T. 6 S., R. 38 E.,
Sec. 5, All.
T. 10 S., R. 33 E.,
Sec. 1, lot 1 (17.29), lot 2 (17.40), lot 3 (17.50), lot 4 (17.67), S½N½, S½;
Sec. 2, lot 2 (17.81), lot 3 (17.91), lot 4 (18.01), S½NW¼, N½SW¼, N½N½SW¼SW¼, N½S½N½SW¼SW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 3, lot 1 (18.17), S½NE¼, E½SW¼, SW¼SW¼, SE¼;

Sec. 4, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 5, lot 1 (19.54), lot 2 (19.59), lot 3 (19.63), lot 4 (19.68), S½N½, N½SW¼, SE¼;
Sec. 6, lot 1 (19.84), lot 2 (19.01), lot 5 (41.74), SW¼NE¼, SE¼NW¼;
Sec. 8, NW¼NE¼, N½NW¼, SE¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 9, E½NE¼, S½SW¼
Sec. 10, N½, N½S½;
Sec. 11, NE¼NE¼, SW¼NE¼, NW¼;
Sec. 12, N½, N½SE¼.
T. 10 S., R. 34 E.,
Sec. 7, lot 2 (33.01), SE¼NW¼.

Containing a total of 8,710.98 acres.

LARRY L. WOODARD,
Acting State Director.

[FR Doc.76-31605 Filed 10-28-76;8:45 am]

[NM 28989]

CONTINENTAL OIL CO.

Application

OCTOBER 20, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 18 S., R. 34 E.,
Sec. 30, W½SE¼;
Sec. 31, NW¼NE¼.

This pipeline will convey natural gas across .503 of a mile of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operation.

[FR Doc.76-31604 Filed 10-28-76;8:45 am]

O&C MULTIPLE USE ADVISORY BOARD AND OREGON STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the O&C Multiple Use Advisory Board and the Oregon State Multiple Use Advisory Board of the Bureau of Land Management will meet jointly in the Mt. Jefferson Room at the Coliseum Travelodge, 1441 NE 2nd Avenue, Portland, Oregon, November 23 and 24, 1976. The meeting will be devoted principally to the consideration of problems and programs associated with multiple use management of the national resource lands.

During the first day, November 23, there will be presentations and discussions of the following topics: State Director's report; update on the status of legislation affecting the Bureau of Land Management (BLM); land use planning—including a status report on BLM planning, coordination of county, state, and BLM planning, and planning by the State of Oregon; and recreation management—including a review of BLM recreation management and recreation management by the State of Oregon, plus the State's concept of BLM's role in recreational management.

The first part of the second day of the meeting, November 24, will be devoted to study of the subjects of land use planning and recreation management, each by a separate committee composed of members drawn from both advisory boards. The committees will make recommendations for action to be taken jointly by both advisory boards later that morning.

The meeting will be open to the public. Time will be allowed at 4:30 p.m. on Tuesday, November 23, for brief comments by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the State Director, Oregon State Office, Bureau of Land Management, 729 NE Oregon Street, Post Office Box 2965, Portland, OR 97208, phone 503-234-3361, extension 4001, by close of business November 19, 1976. Any interested person or organization may file a written statement at the same address for consideration by the Boards.

Copies of the agenda and further information about the meeting may be obtained from the State Director. The meeting may be obtained from the State Director. The meeting will commence at 9:00 a.m. on Tuesday, November 23, and is expected to conclude by noon on Wednesday, November 24.

MURL W. STORMS,
State Director.

OCTOBER 19, 1976.

[FR Doc.76-31681 Filed 10-28-76;8:45 am]

[OR 16757]

OREGON

Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1976.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 16757, for withdrawal of the lands described below, from location and entry under the general mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands to be withdrawn as the Metolius Research Natural Area, for the purpose of preserving the area for environmental research of pine dwarf mistletoe, western pine beetles, blister rust, and browse plants.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than November 23, 1976, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 N.E. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

Metolius Research Natural Area

The Metolius Research Natural Area lies within portions of Sections 25, 26, 34, 35, and 36, T. 12 S., R. 9 E., Will. Mer., and is described as follows:

Beginning at a point 396 feet west of the quarter corner between Sections 34 and 35, T. 12 S., R. 9 E.; thence in a northerly direction parallel to and 100 feet east of the centerline of Road #113 to a point on the east-west line between Sections 23 and 26, T. 12 S., R. 9 E.; thence easterly along the line between Sections 23 and 26 and Sections 24 and 25, T. 12 S., R. 9 E., to a point on the summit of Green Ridge approximately 1,000 feet west of the quarter corner between Sections 24 and 25, T. 12 S., R. 9 E.; thence in a southerly direction along the summit of Green Ridge to a point on the east-west line between Section 36, T. 12 S., R. 9 E., and Section 1, T. 13 S., R. 9 E., approximately 300 feet west of the quarter corner between said sections; thence in a westerly direction along said section line to the section corner common to Sections 35 and 36, T. 12 S., R. 9 E., and Sections 1 and 2, T. 13 S., R. 9 E.; thence in a northerly direction along the section line between Sections 35 and 36, T. 12 S., R. 9 E., to the quarter corner common to said Sections; thence in a westerly direction approximately 5,670 feet to point of beginning.

The area described contains approximately 1,318 acres in Jefferson County Oregon.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-31679 Filed 10-28-76;8:45 am]

[U-34418]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of

1920, as amended (30 U.S.C. 185), the Uinta Pipeline Corporation has applied for a 4½ inch natural gas pipeline right-of-way and compressor station across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 15 E.,
Sec. 33.
T. 12 S., R. 15 E.,
Secs. 3, 10, 11, and 12.
T. 12 S., R. 16 E.,
Secs. 7, 8, 9, 10, 15, 22, 27, 33, 34, and 35.
T. 13 S., R. 16 E.,
Sec. 1.
T. 13 S., R. 17 E.,
Sec. 6.

The pipeline will convey gas from the Peters Point gas field to an existing gas sales line.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

October 20, 1976.

[FR Doc.76-31677 Filed 10-28-76;8:45 am]

[OR 9342 (Wash.)]

WASHINGTON

Order Providing for Opening of Public Lands

OCTOBER 20, 1976.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 36 N., R. 33 E.,
Sec. 4, lot 5 and SW¼SW¼.
T. 35 N., R. 37 E.,
Sec. 22, SW¼SE¼.
T. 31 N., R. 38 E.,
Sec. 26, NE¼NW¼, SE¼NE¼, and W½NE¼.
T. 31 N., R. 39 E.,
Sec. 22, E½NW¼.
T. 32 N., R. 41 E.,
Sec. 6, lot 3 and SE¼SW¼.
T. 39 N., R. 41 E.,
Sec. 3, lot 4.

The areas described aggregate 444.82 acres in Ferry and Stevens Counties.

2. The subject lands consist of widely scattered parcels located within 35 miles of the Town of Colville in northeastern Washington. Elevation varies from 2,000 to 4,800 feet above sea level, and the topography is generally mountainous and moderately steep. The parcels are characterized as cut-over timberlands with some merchantable timber remaining. In the past, the lands have been used for recreation, timber harvest, and livestock grazing purposes. The lands have public recreational values, and they will be managed, together with adjoining national resource lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. November 25, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-31680 Filed 10-28-76;8:45 am]

[Docket No. M 76-587]

Office of Hearings and Appeals

A AND K 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), A and K Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, 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 Elkhorn scoop, 32 inches high, and one Paul's roof bolter, 30 inches high.

3. The No. 3 Mine is in the Hazard No. 4 Seam which ranges from 44 to 48 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 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 29, 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.

OCTOBER 21, 1976.

FRANCES A. PATTON,
Acting Director, Office of Hearings and Appeals.

[FR Doc. 76-31590 Filed 10-28-76;8:45 am]

[Docket No. M 76-436]

APACHE BITUMINOUS 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), Apache Bituminous Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that elec-

tric 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The coal seam in this mine varies in height from 42 to 48 inches.

2. Petitioner has installed canopies on its shuttle cars, but the equipment operators refuse to operate the machines because of poor vision. The equipment operators must lean out of the machines in order to see properly with the canopies installed.

REQUESTS FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

October 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76–31591 Filed 10–28–76;8:45 am]

[Docket No. M 76–512]

CHEYENNE 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), Cheyenne Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, 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 cabs and canopies on the electrical equipment in this mine would create a safety hazard to the equipment operators.

2. The Petitioner employs conventional mining equipment along with associated roof bolters and AR4 scoops to extract the coal.

3. The No. 3 Mine runs through a coal seam ranging from 36 to 48 inches in height with very significant rolls and dips which bring the coal seam height down to the electrical equipment level. Installation of the canopies will cause the equipment to shear roof bolts as well as limit operators' vision creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment 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 which might occur.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

October 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76–31592 Filed 10–28–76;8:45 am]

[Docket No. M 76–578]

HARPER VALLEY 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), Harper Valley Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Modification of the cab and canopy requirements of 30 CFR 75.1710 is sought with respect to the following equipment used in Petitioner's No. 2 Mine: one 28 Lee Norse continuous mining machine, which is 35 feet long, 34 inches high, 10 feet wide; two 6 SC Joy schuttle cars, which are 26 feet long, 39 inches high, 8 feet wide; one Wilcox roof bolting machine, which is 8 feet 3 inches long, 25 inches high, 3 feet 11 inches wide. The equipment is 8 to 10 years old.

2. The No. 2 Mine produces 100 tons of coal per day on one production shift per day.

3. The condition of the top is generally good. The floor is in fair condition and is wet and muddy.

4. The danger posed by the intallation of cabs and canopies includes dislodged roof bolts and obstruction of the equipment operator's vision. The coal seam is uneven. Canopies would drag the roof.

5. If the Petition is granted, Petitioner will train employees in roof and rib control, including roof testing and compliance with the approved roof control plan.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

October 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31593 Filed 10-28-76;8:45 am]

[Docket No. M 76-589]

LOFTIS 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), Loftis Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Loftis 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches.

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. This petition is in reference to mining and haulage equipment.

2. The coal seam in this mine ranges from 51 to 64 inches.

3. The equipment operators object to the installation of canopies on Petitioner's equipment because it reduces their vision of the roof and of the movement of other equipment and because canopies force them to work in uncomfortable operating positions for long periods of time, thereby creating an additional hazard to their work.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 21, 1976.

[FR Doc.76-31594 Filed 10-28-76;8:45 am]

[Docket No. M 76-579]

MARTIN COUNTY COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Martin County Coal Corp. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1–S Mine located in Martin County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches.

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The cabs and canopies on the following equipment are unsafe and pose a hazard to the workers, equipment operators, and others in the area of said equipment.

(a) Two battery powered tractors.
(b) Three battery powered scoops.
(c) Two 21SC shuttle cars.
(d) One 14 BU 10 Joy loader.
(e) One 15 RU Coal Loader.
(f) One 81 CD Coal Drill.
(g) One 265 Lee Norris continuous miner.

2. Petitioner is mining coal in a seam that averages about 50 inches high.

3. At the present time canopies are installed on the self-propelled electric face equipment. The company requests permission to remove the canopies from said equipment because the use of canopies on this equipment diminishes the overall safety to the machine operator and other workers in the area of said equipment in the following manner:

(a) To provide room for the canopies on said equipment, the workers must mine a portion of the roof, thereby dis-

turbing the roof rock and creating a less than ideal roof control plan, all of which create a greater hazard of roof falls.

(b) The canopy impairs the vision of the worker operating the equipment, decreasing his ability to maneuver the equipment and increasing the likelihood of accidents causing injury to the worker-operator and others in the area of the equipment.

4. Petitioner respectfully requests that the Secretary modify the interpretation and application of the provisions of 30 CFR 75.1710–1(a) at the Petitioner's mine by waiving the requirements of § 75.1710–1(a) as interpreted and applied by the inspectors and the District 6 Manager to the extent that Petitioner will be allowed to operate its electric self-propelled equipment in coal that is less than sixty (60) inches at its No. 1–S Mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

OCTOBER 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31595 Filed 10-28-76;8:45 am]

[Docket No. M 76-580]

PANTHER CREEK 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), Panther Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in McDowell County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

Technology does not presently exist to enable Petitioner to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Furthermore, based upon its present accident records, Petitioner believes that canopies would not improve miner safety.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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, Va. 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 21, 1976.

[FR Doc.76-31597 Filed 10-28-76;8:45 am]

[Docket No. M 76-586]

PROSPECT 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), Prospect Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 8 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, 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 tractor, one roof bolt machine, and one Joy loading machine.

3. The No. 8 Mine is in the Splash Dam Seam which ranges from 46 to 48 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 equipment 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 equipment 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 29, 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.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 21, 1976.

[FR Doc.76-31598 Filed 10-28-76;8:45 a.m.]

[Docket No. M 76-583]

R AND W 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), R and W Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1 located in Knott 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.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) 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)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. The equipment for which modification of the requirements of 30 CFR 75.1710-1 is sought includes a roof bolter (28 inches high) and a scoop (30 inches high). The equipment is about 2 years old.

2. The coal seam height in Elkhorn Seam No. 1 averages 34 inches. The mine floor and roof are uneven; as a result, the seam height varies considerably.

3. Mining heights are decreased further by the use of cable boards and headers up to 6 inches.

4. Installation of cabs or canopies would create hazards and require the equipment operators to work in cramped and uncomfortable positions.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

OCTOBER 21, 1976.

FRANCIS A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31599 Filed 10-28-76;8:45 am]

[Docket No. M 76-509]

THOMAS MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Thomas Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) 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 opertor 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)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches;

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, 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 electrical equipment in this mine would create a safety hazard to the equipment operators.

2. The electrical equipment in question consists of one AR4 Elkhorn Scoop (29 inches in height), and one Paul's repair bolting machine (27 inches in height).

3. The No. 1 Mine is in the Hazard No. 4 coal seam averaging 50 inches in height, with rolls in the top. Installation of canopies will reduce the operators' vision creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, that this could be a contributing factor in any accidents that might occur.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

October 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31600 Filed 10-28-76;8:45 am]

[Docket No. M 76-584]

TRIPPLE R 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), Tripple R Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) 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 subparagraph (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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches; and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the requirements of 30 CFR 75.1710–1 with respect to his 74A Unitrac, which is 8 feet long and 36 inches high. The equipment is new.

2. The average height of the coal seam in locations where the equipment is used is 48 inches.

3. Petitioner produces 100 tons of coal per day on one production shift using conventional mining techniques.

4. The top is slate. The floor is soft.

5. The coal seam is not a constant height.

6. Installation of a cab or canopy will prevent the operator from sitting in an upright position and make operation of the equipment unsafe.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

October 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31601 Filed 10-28-76;8:45 am]

[Docket No. M 76-585]

TRIPPLE R 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), Tripple R Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine located in Buchanan County, Virginia.

30 CFR 75-1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75-1710 is specified by 30 CFR 75-1710–1(a) which provides:

(a) 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) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more,

(6) On and after July 1, 1978, in coal mines but less than 30 inches; and
having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the requirements of 30 CFR 75.1710–1 with respect to his 86 Unitrac, which is 8 feet long and 42 inches high. The equipment is new.

2. The average height of the coal seam in locations where the equipment is used is 48 inches.

3. Petitioner produces 100 tons of coal per day on one production shift using conventional mining techniques.

4. The top is slate. The floor is soft.

5. The coal seam is not a constant height.

6. Installation of a cab or canopy will prevent the operator from sitting in an upright position and make operation of the equipment unsafe.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 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.

OCTOBER 21, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31602 Filed 10-28-76;8:45 am]

FEDERAL MARITIME COMMISSION

COMMODORE CRUISE LINE LTD. AND BISCAYNE EXPRESS LINE, INC.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 8, 1976. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Sean O'Callaghan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pennsylvania 19102.

Agreement No. 10233–1 modifies the basic space charter agreement between the parties by (1) substituting the use of the vessel *M/V Caribe* for the present vessel *M/V "Bolero"*; (2) adding the ports of Puerto Plata, Dominican Republic and Freeport, Bahamas to the scope of the agreement; and (3) eliminating authorization for the parties to agree on the appointment of port agents, husbandry agents and the like.

By order of the Federal Maritime Commission.

Dated: October 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31688 Filed 10-28-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 178]

ASSIGNMENT OF HEARINGS

OCTOBER 26, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 83835 (Sub-No. 130), Wales Transportation, Inc., now assigned November 4, 1976, at Dallas, Tex., will be held at the Tax Court, Room 330, U.S. Post Office & Courthouse, Bryan and Ervay Streets, instead of Room 5A15-17, Federal Building, 1100 Commerce St.

MC 119988 (Sub-No. 91), Great Western Trucking Co., Inc., now assigned November 2, 1976, at Dallas, Tex. will be held at the Tax Court, Room 330, U.S. Post Office & Courthouse, Bryan & Ervay Streets, instead of Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 135732 (Sub-24), Aubrey Freight Lines, Inc. now being assigned December 1, 1976 (3 days) at Chicago, Illinois and will be held in Room 1119, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-12925, Seawheels, Inc. (Formerly Penbrook Hauling Co., Inc.)—Purchase (Portion)—Daily Express, Inc. now being assigned December 15, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F-12678, Jenkins Truck Line, Inc.—Control—Larry L. Fenner Transport, Inc., and MC 120298 Sub 2, Larry L. Fenner Transport, Inc., now assigned December 1, 1976, at Chicago, Ill., is postponed indefinitely.

MC-F-12693, Jenkins Truck Line, Inc.—Merger—Ratliff & Ratliff, Inc., and MC 61593 (Sub-No. 378), Jenkins Truck Line, Inc. now assigned November 16, 1976, at Washington, D.C. canceled and application dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31717 Filed 10-28-76;8:45 am]

[Notice No. 143]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 26, 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 on or before November 15, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44735 (Sub-No. 31TA), filed October 18, 1976. Applicant: KISSICK TRUCK LINES, INC., 7101 E. 12th St., P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and couplings, connectors and accessories for pipe* (except iron and steel pipe), from the plantsite of Armco Steel Corporation, at or near Springfield, Ill., to points in Iowa, Kansas, Missouri and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armco Steel Corporation, 7000 Roberts St., Kansas City, Mo. 64125. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 53965 (Sub-No. 119TA), filed October 18, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. Box 1387, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. 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 Section 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 of Dubuque Packing Co., at Mankato, Kans., to St. Louis, Mo., and its Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dubuque Packing Company, Mankato, Kans. 66956. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. Mc 113651 (Sub-No. 200TA), filed October 18, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 N. Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat by-products and articles distributed by meat packinghouses* (except commodities in bulk and hides), from Clarksville, Tenn., to points in New York, New Jersey, Massachusetts, Pennsylvania, Virginia, Maryland, Ohio, Indiana, New Hampshire, Connecticut and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Frosty Morn Meats, Inc., Frosty Morn Ave., Clarksville, Tenn. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46902.

No. MC 115860 (Sub-No. 12TA), filed October 15, 1976. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7178, Colorado Springs, Colo. 80933. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural sprinkler systems, parts and supplies*, from points in El Paso County, Colo., to points in Florida, Georgia, Idaho, Illinois, Iowa, Minnesota, Missouri, Montana, North Dakota, Oregon, South Dakota, Washington and ports of entry on the International Boundary Line between the United States and Canada located in Montana and North Dakota. Restriction: Restricted to shipments originating at said origin points and destined to said destination points and further restricted against (a) the transportation of commodities which because of size or weight require the use of special equipment; (b) earth drilling machinery and (c) pipe incidental to and used in connection with the construction, repairing or dismantling of pipe lines; (2) *Steel conduit*, from the plantsite of Northwest Pipe & Casing Company, located at or near Clackamas, Oreg., to the plantsite of Higromatic Division of Butler Manufacturing Company, located in El Paso County, Colo. Restriction: Restricted to shipments originating at said origin point and destined to said destination point and further restricted against (a) the transportation of commodities which because of size or weight require the use of special equipment, (b) earth drilling machinery, and (c) pipe incidental to and used in connection with the construction, repairing or dismantling of pipelines; and (3) Materials, supplies and equipment used in the manufacturing, servicing, sale and distribution of agricultural sprinkler systems, from the plantsite of Higromatic Division of Butler Manufacturing Company, located at or near Pasco, Wash., to the plantsite of

Higromatic Division of Butler Manufacturing Co., located in El Paso County, Colo. Restriction: Restricted to shipments originating at said origin point and destined to said destination point and further restricted (a) against the transportation of commodities which because of size or weight require the use of special equipment; (b) earth drilling machinery and (c) pipe incidental to and used in connection with the construction, repairing or dismantling of pipelines, for 180 days. Supporting shipper: Higromatic Division, Butler Manufacturing Company, P.O. Box 7406, Colorado Springs, Colo. 89033. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 118831 (Sub-No. 143TA), filed October 18, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Decatur and Smyrna, Ga., to points in Alabama, Connecticut, Delaware, Florida, Kentucky, Maine, Maryland, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemax Incorporated, P.O. Box 5912, Greenville, S.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 121793 (Sub-No. 1TA), filed October 15, 1976. Applicant: JESSE EASLEY, doing business as VAL VERDE CARTAGE AND STORAGE, P.O. Box 302, Socorro, N. Mex. 87801. Applicant's representative: James E. Snead, 215 Lincoln Ave., P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods and commodities which because of size or weight require the use of special equipment for handling), between points within a 50 mile radius of Socorro, N. Mex., Applicant intends to interline with other carriers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Eagle Wholesale Company, P.O. Box 828; Nylico Industries, Inc., P.O. Box 768, Magdalena, N. Mex. 87825. Whitfield Transportation Inc., P.O. Box 7676, Phoenix, Ariz. 85011. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 126243 (Sub-No. 17TA), filed October 15, 1976. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting;* and (2) *materials and supplies* used in the manufacture of carpet (except commodities in bulk), between Poteau, Okla., and Wilburton, Okla. Applicant intends to tack its existing authority with MC 126243 subs 8 and 13, for 180 days. Supporting shipper: Congoleum Corp., Carpet Division, South Erwin St., Cartersville, Ga. 30120. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 128883 (Sub-No. 1TA), filed October 15, 1976. Applicant: NORTH IOWA EXPRESS, INC., 1021 N.E. 58th Ave., P.O. Box AY, Des Moines, Iowa 50303. Applicant's representative: Donald E. Schneider, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Des Moines, Adel, Dallas Center, Granger, Grimes, Johnston, Linden, Minburn, Redfield, and Waukee, Iowa. Applicant intends to interline at Des Moines, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129057 (Sub-No. 2TA), filed October 18, 1976. Applicant: ACADEMY MOVERS, INC., 421 W. Sycamore St., Junction City, Kans. 66441. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Junction City, Kans., on the one hand, and, on the other, points in Pottawatomie County, Kans., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic for 180 days. Supporting shippers: Imperial Van Lines, Inc., 2805 Columbia St., Torrance, Calif. 90503. Lyon Household Shipping, Inc., 3416 S. La Cienega Blvd., Los Angeles, Calif. 90016. Vanpac Carriers, Inc., 2114 Macdonald Ave., Richmond, Calif. 94801. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 133566 (Sub-No. 62TA), filed October 18, 1976 Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite facility of Kraft Foods, at or near New Ulm, Minn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Maine, Virginia, and the District of Columbia, restricted to traffic originating at the above-named origin and destined to points in the named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraft Foods, 500 Peshtigo Ct., Chicago, Ill. 60609. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133604 (Sub-No. 4TA), filed October 18, 1976. Applicant: LYNN'S POULTRY, INC., 712 S. 11th St., Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepackaged meats, frozen foods, fish, poultry, dairy products, soap powders, and exempt fruits and vegetables* when moving in the same vehicle with regulated or non-exempt commodities, and freezers and freezer-refrigerators moving in mixed loads with the above commodities, from the plantsite and facilities used by Rich Plan Corporation, at Ottumwa, Iowa, to Decatur, Montgomery, and Tuscaloosa, Ala.; Pennsacola, Pompano Beach, and Sanford, Fla.; August and Macon, Ga.; Baton Rouge, De Ridder, and New Orleans, La.; Vicksburg, Miss.; Charlotte, N.C.; Columbia, S.C.; and Nashville, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Plan Corporation, S. Iowa Ave., Ottumwa, Iowa 52501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 135425 (Sub-No. 21TA), filed October 18, 1976. Applicant: CYCLES LIMITED, P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by a manufacturer of medical

and surgical supplies (except in bulk), from East Greenwood, S.C., to points in California, Oregon, and Washington, under a continuing contract with Parke-Davis & Company, for 180 days. Supporting shipper: Parke-Davis & Company, P.O. Box 118, Detroit, Mich. 48232. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 E. Amite Bldg., Jackson, Miss. 39201.

No. MC 136301 (Sub-No. 6TA), filed October 14, 1976. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, Del. 19966. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pickled products*, in containers, from the plantsite, located at or near Seaford, Del., to points in that part of the United States in and east of Wisconsin, Illinois, Missouri, Tennessee, Mississippi, and Louisiana, under a continuing contract with Vlasic Foods, Inc., for 180 days. Supporting shipper: Ira M. Kaplan, Director of Distribution, Vlasic Foods, Inc., 33200 W. 14 Mile Road, West Bloomfield, Mich. 48033. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 138157 (Sub-No. 29TA), filed October 18, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as, SOUTHWEST MOTOR FREIGHT, INC., 2391 South Market St., Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from Columbus and Bellevue, Ohio to points in the United States (except Alaska, Hawaii, and Ohio), under contract with Johnson Corporation. Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, for 180 days. Supporting shipper(s): Johnson Corporation, 851 West Third Avenue, Columbus, Ohio 43212. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, ICC Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 139495 (Sub-No. 174TA), filed October 18, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines, champagnes, brandies* (except in bulk), from points in California to points in Alabama, Georgia, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, Tennessee, and points in New Mexico on and north of Interstate Highway 40, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately six (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Building, 110 North Market, Wichita, Kans. 67202.

No. MC 139913 (Sub-No. 2TA) filed October 18, 1976. Applicant: FOSTER'S FREIGHT, INC., 174 Passaic Street, Garfield, N.J. 07026. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, appliances and home entertainment units, crated and uncrated*, Between the facilities used by VORNADO, Inc., at Harrison, N.J., on the one hand, and, on the other, points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia). Restriction: (1) The services described herein are limited to the transportation of the described commodities in straight loads, and in mixed loads of (a) *such Merchandise* as it dealt in by department stores, and (b) *equipment, materials and supplies* used in such businesses (except commodities in bulk and foodstuffs), requiring partial pack up from or partial delivery to a facility used by Vornado, Inc., at East Brunswick, East Hanover, Edison, Fairfield, Garfield, New Brunswick or South Plainfield, N.J., or Guilderland Center, N.Y. (2) The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Vornado, Inc., of Garfield, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vornado, Inc., 174 Passaic Street, Garfield, N.J. 07026. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140448 (Sub-No. 2 TA) filed October 14, 1976. Applicant: DAUGHERTY'S K. AND K. TRUCKING COMPANY, LTD., 1460 Newton Road, Lexington, Ky. 40505. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Butler County, Ky., to points in Gibson County, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin R. Twist, President, Kentucky Pioneer Coal Co., 1215 Citizens Plaza, Louisville, Ky. 40202. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 142274 (Sub-No. 1 TA) filed October 15, 1976. Applicant: ADMIRAL DELIVERY SYSTEM, INC., 2436 Hamilton Ave., Cleveland, Ohio 44114. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between Cleveland, Ohio, on the one hand, and, on the other, Warren, Ohio. Applicant intends to interline at Cleveland and Warren, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Delivery Systems, Inc., 300 E. Seven Mile Road, Detroit, Mich. SEND PROTESTS TO: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 E. Ninth St., Cleveland, Ohio 44199.

No. MC 142292 (Sub-No. 1 TA) filed October 18, 1976. Applicant: R. WARREN WHITLEY, Box 173, Belleville, Ontario, Canada K8N50A2. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Pre-cast and pre-stresed concrete structural products*, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to points in Michigan, New York and Ohio, and returned shipments of damaged and rejected pre-cast and pre-stressed concrete structural products on return, under a continuing contract with Stanley Structures Limited, for 180 days. Supporting shipper: Donald A. Drybrough, Manager, Field Operations, Stanley Structures Limited, Box 1311, Heart Lake Road, Brampton, Ontario, Canada L6V 2N7. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 142492 (Sub-No. 1 TA) filed October 18, 1976. Applicant: CASTLE SERVICE CORP., 70 Comsewogue Road, East Setauket, N.Y. 11733. Applicant's representative: William Q. Keenan, 277 Park Ave., New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamp or lighting fixture parts* made wholly or partly *of glass or vitreous materials; and glass or vitreous vases, trays and other decorative articles, together with the materials and supplies* used in the manufacture thereof transported in the same vehicle or separately, between Brooklyn, N.Y., and Cambridge, Ohio; and between Brooklyn, N.Y., and Cambridge, Ohio, on the

one hand, and, on the other, Bono, Ark.; Chicago, and Elk Grove Village, Ill.; Mayfield, Ky.; Detroit, Mich.; Kosciousko, Miss.; Memphis, Tenn., and Milwaukee, Wis., under a continuing contract with Super Glass Manufacturing Co.; The Cambridge Glass Co., for 180 days. Supporting shipper: Super Glass Manufacturing Co.; The Cambridge Glass Co., 1020 E. 48th St., Brooklyn, N.Y. 11203. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31718 Filed 10-28-76;8:45 am]

[Volume No. 54]

OCTOBER 22, 1976.

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); RAILROAD ABANDONMENTS; ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before November 29, 1976. Such protest shall comply with Special Rule 247 (d) of the Commission's general rules of practice (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 116048 (Sub-No. 23) (Notice of filing of petition to add a destination State) filed October 7, 1976. Petitioner: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, N.C. 28518. Petitioner's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Petitioner holds a motor *common carrier* Certificate in NO. MC 116048 (Sub-No. 23), issued July 28, 1976, authorizing transportation over irregular routes of *frozen foods* and *potato products*, from Portland, Maine, and points in Aroostook County, Maine, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. By the instant petition, petitioner seeks to add Mississippi as an additional destination state to the authority above.

No. MC 134238 (Sub-No. 8) (Notice of filing of petition to modify permit) filed October 4, 1976. Petitioner: GENE'S, INC., 10115 Brookville Salem Rd., Clayton, Ohio 45315. Petitioner's representative: Paul F. Beery, 8 E. Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* Permit in No. MC 134238 (Sub-No. 8), issued May 30, 1975, authorizing transportation over irregular routes, of (1) *dairy products* and *water ices*, in vehicles equipped with mechanical refrigeration, from the facilities of Kroger Co., located at or near Cincinnati, Ohio, to the facilities of Ice Cream Service, Inc., located in Westmoreland County, Pa., and (2) *returned shipments* of the commodities named in (1) above from the described destination in (1) above to the described origin in (1) above, under a continuing contract, or contracts, with Kroger Co., of Cincinnati, Ohio, subject to the right of the Commission to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operation shall conform to the provisions of Section 210 of the Act. By the instant petition, petitioner seeks to modify its authority above (I) by substituting Three Rivers Ice Cream Service, Inc., located in Butler County, Pa. as a destination facility in lieu of Ice Cream Service, Inc., located in Westmoreland County, Pa.; and (II) to change the name of the origin facility and the contracting shipper to The Kroger Co. in lieu of Kroger Co., to reflect the correct corporate name of the shipper.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 720 (Sub-No. 17) filed September 22, 1976. Applicant: BIRD TRUCKING CO., INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, 329 West Wilson St., P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured or distributed by manufacturers of food and food stuffs and materials, equipment and supplies used or useful in the manufacture, sale or distribution of such commodities as are manufactured or distributed by manufacturers of food and food stuffs (except commodities in bulk), between points in Manitowoc County, Wis. and Wabasha County, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis.

No. MC 720 (Sub-No. 19) filed September 28, 1976. Applicant: BIRD TRUCKING, INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail, chain grocery, food business houses, and drug stores* (except commodities in bulk), between Bedford Park, Ill., on the one hand, and, on the other, points in Brown, Calumet, Columbia, Dane, Dodge, Door Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowac, Marquette, Milwaukee (except points in the city of Milwaukee and its Commercial Zone), Outgamie, Ozaukee, Portage, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Winnebago, and Wood Counties, Wis., restricted to traffic originating at or destined to facilities used by Bristol-Myers Company, its subsidiaries or divisions, located in Bedford, Ill.

NOTE.—Duplicate authority may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Washington, D.C.

No. MC 720 (Sub-No. 20) filed October 4, 1976. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and 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), and *materials, equipment or supplies* used or useful in the manufacture, sale or distribution of the aforemention commodities above, between the plantsite and warehouse facilities utilized by Hillshire Farm Company, located at or near New London, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necesary, the applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 730 (Sub-No. 394) filed September 29, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from Odessa, Tex., to points in Kansas, New Mexico, and Oklahoma; and (2) *graphite*, in bulk, from Buckeye, Ariz., to points in California, Colorado, Nevada, New Mexico, Texas, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 2095 (Sub-No. 5) filed September 20, 1976. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, Kans. 66534. 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: *Gypsum and gypsum products and materials and supplies*, use in the installation and distribution therof, from the plantsite and warehouses of Georgia-Pacific Corporation, located at Blue Rapids, Kans., to points in Illinois, Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 3252 (Sub-No. 95), filed September 17, 1976. Applicant: MERRILL TRANSPORT CO., a Corporation, 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metals*, from points in Maine and New Hampshire, to points in Connecticut, Illinois, Indiana, Ohio, Kentucky, Michigan, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, (2) *machinery and machine parts*, from the plantsite of Southworth Machine Co., located at Portland, Maine, to points in Delaware, Florida, Illinois, Indiana, Georgia, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, (3) *nuclear power plant components, machinery, tanks, and fabrications* (except commodities in bulk), from Portland, Maine, to points in Maryland, New Jersey, New York, Pennsylvania, and Virginia, (4) *paper mill rolls* between Jay, Maine, on the one hand, and, on the other, Beloit, Wis.; and (5) *iron and steel articles and materials, equipment, and supplies* (except in bulk) used in the manufacture and distribution thereof, between (a) Winchester, Va., Gouverneur and Conklin, N.Y., and Augusta, Maine, (b) from Winchester, Va., Gouverneur and Conklin, N.Y., to points in Maine and New Hampshire, and (c) From Augusta, Maine, to points in New York and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine, or Boston, Mass.

No. MC 3468 (Sub-No. 167), filed September 21, 1976. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from Pontiac, Mich., to points in North Carolina, South Carolina, Virginia, and Georgia (except the counties of Barstow, Carroll, Catoosa, Chattanooga, Cherokee, Clayton, Cobb, Coweta, Dade, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Lumpkin, Murray, Paulding, Pickens, Polk, Rockdale, Towns, Union, Walker, White, and Whitfield).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 3854 (Sub-No. 32), filed September 28, 1976. Applicant: BURTON LINES, INC., East Durham Station, P.O. Box 11306, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, Pennsylvania Avenue & 13th St., NW., 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building, and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of Certainteed Corporation in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *Materials, equipment, and supplies* used in the manufacture, installation, and distribution of roofing and building materials from points in the above described territory to the plantsite and warehouse facilities of Certainteed Corporation in Granville County, N.C.; and (3) *Roofing, building, and insulating materials, and materials, equipment, and supplies* used in the manufacture, installation, and distribution of roofing and building materials, between the plantsites and warehouse facilities of Certainteed Corporation in Granville County, N.C., on the one hand, and, on the other, the plantsites and warehouse facilities of Certainteed Corporation in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa., and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 112), filed September 16, 1976. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, 700 World Center Bldg., 918 16th St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, to Cattlettsburg, Ky., and Neville Island, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 5987 (Sub-No. 3), filed September 23, 1976. Applicant: KULB TRUCKING, INC., 789 Rambler Road, Warminister, Pa. 18974. Applicant's representative: Alan Kahn, Two Penn Center Plaza, Suite 1920, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the facilities of Tuesday Industries, Inc., located in Bensalem Township, Bucks County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland,

New Jersey, New York, Ohio, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 11722 (Sub-No. 52), filed September 13, 1976. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Philip G. Skofstad, P.O. Box 594, 1300 NE. Linden, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans, can ends, and can manufacturing materials and supplies*, between points in California, Idaho, Oregon, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 124658 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 19227 (Sub-No. 231), filed October 6, 1976. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, Fla. 33152. Applicant's representative: Thomas A. Leonard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robins, Inc., located in Richland County, S.Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C., or Atlanta, Ga.

No. MC 21135 (Sub-No. 9), filed September 24, 1976. Applicant: M. L. KESTER TRANSPORTATION, INC., 51st Street and Columbia Avenue, Philadelphia, Pa. 19131. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, supplies, and materials*, used in the installation of such commodities (except commodities in bulk), from the warehouse and distribution facilities of Armstrong Cork Company, at East Hempfield (Lancaster County), Pa., to points in Delaware, Maryland, New Jersey, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 22301 (Sub-No. 22), filed September 30, 1976. Applicant: SIOUX TRANSPORTATION COMPANY, INC., P.O. Box 3088, Sioux City, Iowa 51108. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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, in tank vehicles), from the plantsite and storage facilities of Spencer Foods, Inc., located at or near Schuyler, Nebr., to points in Iowa, Illinois, Indiana, Michifigan,C Oandnois, nois, Indiana, Michigan, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 24784 (Sub-No. 7), filed September 24, 1976. Applicant: BARRY, INC., 463 South Water, Olathe, Kans. 66061. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement and coatings, caulking and glazing compounds, wood preservatives, and sound deadners* (except in bulk), from the plantsite and/or storage facilities of Southwest Grease & Oil Co. (Kansas City), Inc., located at or near Olathe, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 29120 (Sub-No. 196), filed October 7, 1976. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Dubuque, Iowa, as an off-route points in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 31389 (Sub-No. 217), filed September 24, 1976. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the plantsite and distribution facilities of Rimpull Corporation, located at or near Olathe, Kans., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 31389 (Sub-No. 218), filed September 30, 1976. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown St., P.O. Box 213, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Coushatta, La., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, La., or Washington, D.C.

No. MC 33970 (Sub-No. 16), filed July 13, 1976. Applicant: GEORGE HILDEBRANDT, INC., R.F.D. 2, Hudson, N.Y. 12534. Applicant's representative: Neil D. Breslin, 99 Washington Avenue, Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soil, soil conditioners, and horticultural accessories*, from Claverack, N.Y., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials*, used in the preparation and packaging of soil, soil conditioners, and horticultural accessories, from points in Connecticut, Illinois, Massachusetts, New Jersey, Ohio, and Rhode Island, to Claverack, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 35807 (Sub.-No. 62), filed September 23, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authoritly sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Boston, Mass., and points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, under a continuing contract, or contracts, with Federal Reserve Bank of Boston, located at Boston, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 36556 (Sub-No. 34), filed October 4, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred H. Figge (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 Carnation Company, located at or near Oconomowoc, Wis., to the plantsite and warehouse facilities of the Carnation Company, located at or near Sebring, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 41406 (Sub-No. 54), filed September 20, 1976. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, hydrants, valves, fittings, couplings,* and *castings, and materials and supplies* used in the installation thereof, from the plantsite of Clow Corporation, located at Coshocton, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 42487 (Sub-No. 856), filed September 13, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100–1660 L Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa., and Stroudsburg, Pa.: From the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa. over Pennsylvania Highway 940 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 80, thence over Interstate Highway 80 to Stroudsburg, and return over the same route, serving no intermediate points, (2) between the terminal site of Consolidated Freightways Corporation of Delaware located in Tobyhanna Township) Monroe County, Pa., and Newburgh, N.Y.: From the terminal site of Consolidated Freightways Corporation of Delaware located in Monroe County, Pa. over Pennsylvania Highway 940 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction U.S. Highway 9W near Newburgh, N.Y., thence over U.S. Highway 9W to Newburgh, also, from junction Interstate Highway 380 and Pennsylvania Highway 435, near Gouldsboro, Pa. over Pennsylvania Highway 435 via Daleville and Moscow, Pa. to junction Pennsylvania Highway 348, thence over Pennsylvania Highway 348 to junction Pennsylvania Highway 348 and Interstate Highway 84, near Mt. Cobb, Pa. and return over the same route, serving no intermediate points.,

(3) Between the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa. and Waterbury, N.Y.: From the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa. over Pennsylvania Highway 940 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 84, thence over Interstate Highway 84 to Waterbury, also from junction Interstate Highway 380 and Pennsylvania Highway 435 near Gouldsboro, Pa. over Pennsylvania Highway 435 via Daleville and Moscow, Pa. to junction Pennsylvania Highway 348, thence over Pennsylvania Highway 348 to junction Pennsylvania Highway 348 and Interstate Highway 84, near Mt. Cobb, Pa. and return over the same route, serving no intermediate points, (4) between the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa. and the junction of Interstate Highway 80 and U.S. Highway 11 near Lime Ridge, Pa.: From the terminal site of Consolidated Freightways Corporation of Delaware located in (Tobyhanna Township) Monroe County, Pa. over Pennsylvania Highway 940 to junction Interstate Highway 380, thence over Interstate Highway 380 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 11 near Lime Ridge, Pa. and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 43663 (Sub-No. 28), filed September 28, 1976. Applicant: BAKER DRIVEAWAY COMPANY, INC., 3999 East South Boulevard, Bloomfield Hills, Mich. 48013. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New automobiles, new trucks, bodies, cabs, chassis, and unfinished automobiles*, including ambulances, hearses, and taxis, in truckaway service, in initial and secondary movements, restricted to traffic originating at the facilities of the Chrysler Corporation; (a) from points in Wayne and Macomb Counties, Mich., to points in Delaware; (b) from points in Belvidere, Ill., and points in Bonne County, Ill., to points in Delaware and Virginia; and (c) from St. Louis, Mo., and points in St. Louis County, Mo., to points in Delaware, Maryland, Virginia and the District of Columbia, and (2) *New automobiles, new trucks, bodies, cabs, chassis, and unfinished automobiles*, including ambulances, hearses, and taxis, in truckaway service, and in secondary movements, from points in Illinois, Indiana, Michigan, Ohio, Maryland, and Virginia to points in Delaware.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 45893 (Sub-No. 12), filed September 30, 1976. Applicant: ROSS TRUCK LINES, INC., 1010 North Pearl, Paola, Kans. 66071. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Welda, Kans., and Wolf Creek Generating Station and construction site, located approximately 3 miles west of New Strawn, Kans., serving no intermediate point: (1) From Welda, Kans., over U.S. Highway 169 to its junction with Kansas Highway 57, thence westerly over Kansas Highway 57 to its junction with U.S. Highway 75, thence north over U.S. Highway 75 to New Strawn, Kans. and thence west over County roads to the Wolf Creek Generating Station and construction site, and return over the same route; and (2) From Welda westerly over County roads to Burlington, thence north on U.S. Highway 75 to New Strawn, and thence west over County roads to the Wolf Creek Generating Station and construction site, and return over the same route, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 47583 (Sub-No. 33), filed September 17, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials* including *products* necessary in the installation thereof, from the plantsite and storage facilities of Owens Corning Fiberglas Corporation located in the Kansas City Commercial zone and from Pauline, Kans., to points in Arkansas and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 49368 (Sub-No. 96), filed September 20, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., Seven-Oaks Station, P.O. Box 5216, Detroit, Mich. 48233. Applicant's representative: Eugene C. Ewald, 100 West 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 and driveaway service, (1) from the plant sites of General Motors Corporation located at Atlanta and Doraville, Ga. to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (2) from the plant site of General Motors Corporation located at Linden, N.J., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Ten-

nessee, and Virginia; (3) from the plant site of General Motors Corporation located at or near Wilmington, Del., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia; and (4) from the plant site of General Motors Corporation located at Baltimore, Md., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, the operations described herein are limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 518), filed September 27, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse derived fuel* (RDF) and *bulk materials* recovered from municipal solid waste, in tank vehicles, from Cockeysville, Md., to Spring Grove, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50307 (Sub-No. 83), filed September 30, 1976. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35 Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacturing of wearing apparel, between Deer Park, Md., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 52460 (Sub-No. 186), filed September 21, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, 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.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 59909 (Sub-No. 13), filed October 7, 1976. Applicant: JACOBS TRANSFER, INC., 2300 Beaver Road, Landover, Md. 20785. Applicant's representative: Richard A. Mehley, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md. and points in the District of Columbia, on the one hand, and, on the other, points in that part of Delaware, Maryland, and Virginia east of the Chesapeake Bay and south of Chesapeake and Delaware Canal, restricted against service to or from the facilities of Western Electric Company, Inc., or the Chesapeake and Potomac Telephone Company of West Virginia.

NOTE.—Applicant holds contract carrier authority in MC-52974 and subs thereunder, therefore dual operations may be involved. Common control was approved in MC-F-12122. Applicant states it does not seek duplicating authority. Applicant further states it seeks to tack the requested authority with its existing authority in Sub-Nos. 8 and 11, at Washington, D.C., to provide service on general commodities (with usual exceptions), between points in that part of Maryland and Virginia within 25 miles of Zero Milestone, Washington, D.C., and points in Charles and St. Mary's Counties, Md. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 60122 (Sub-No. 8), filed October 6, 1976. Applicant: JOHN VIANO AND EDWARD VIANO, doing business as, VIANO BROTHERS, Harding Highway, Landisville, N.J. 08326. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Syracuse, N.Y., to Landisville, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 60430 (Sub-No. 22), filed October 7, 1976. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes Barre (Dorrance), Pa. 18703. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk); and (2) *equipment, materials and supplies* used or useful in the conduct of such business (except commodities in bulk), between the facilities of Weis Markets, located at or near Milton, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, Maryland, New Jersey, New York, Ohio, Rhode Island, and Piers in Philadelphia, Pa. Harbor.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Harrisburg, Pa.

No. MC 61403 (Sub-No. 242), filed September 17, 1976. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, from points in Henry County, Ky. on and north of Kentucky Highway 146 and on and west of U.S. Highway 421, to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Michigan, Ohio, North Carolina, Texas, and Wisconsin; and (2) *contaminated liquid chemicals*, bulk, in tank vehicles, from the destination points in (1) above, to points in Henry County, Ky. on and north of Kentucky Highway 146 and on and west of U.S. Highway 421.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 63973 (Sub-No. 17), filed September 14, 1976. Applicant: KALER FREIGHT LINES, INC., 504 12th Street Southeast, Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Muscatine and Keokuk, Iowa serving all intermediate points and the off-route points of Ardon, Cranston, Letts, Morning Sun, Elrick Junction, Kossuth, Augusta, Montrose, Garland, Sandusky, Viele, Denmark, Sawyer, Cairo, Roscoe, Garland, and Pleasant Grove, Iowa: From Muscatine over U.S. Highway 61 to Keokuk, and return over the same route; (2) Between junction U.S. Highway 218 and Iowa Highway 22 and Keokuk, Iowa, serving all intermediate points and off route points of Washington, Brighton, Pleasant Plain, Perlee, Salina, Germanville, Coppock, Wayland, Fairfield, Four Corners, Lockridge, Rome, Wyman, Winfield, Noble, Trenton, Oakland Mill, Salem, Houghton, St. Paul, Pilot Grove, Mt. Hammill, West Point, Franklin, Warren, Argyle, Mt. Union, Yarmouth, Marsh, Riverside, and Gladiwin, Iowa: From junction U.S. Highway 218 and Iowa Highway 22 over Iowa Highway 218 to Keokuk, and return over the same route; (3) Between junction U.S. Highway 218 and Iowa Highway 22 and Muscatine, Iowa, serving all intermediate points: From junction U.S. Highway 218 and Iowa Highway 22 over Iowa Highway 22 to Muscatine, and return over the same route; (4) Between junction U.S. Highway 218 and Iowa Highway 92 and junction U.S. Highway 61 serving all intermediate points and the off route point of

Conesville, Iowa: From junction U.S. Highway 218 and Iowa Highway 92 over Highway 92 to junction U.S. Highway 61 and return over the same route.

(5) Between Mt. Pleasant and Burlington, Iowa, serving all intermediate points and the off route point of Lowell, Iowa: From Mt. Pleasant over U.S. Highway 34 to Burlington and return over the same route; (6) Between Wapello and Burlington, Iowa, serving all intermediate points: From Wapello over U.S. Highway 61 to Burlington, and return over the same route; (7) Between junction U.S. 218 and Iowa Highway 22 and Allison, and Osage, Iowa, serving no intermediate points: From junction U.S. Highway 218 and Iowa Highway 22 over U.S. Highway 218 to junction Iowa Highway 3, thence over Iowa Highway 3 to junction Iowa Highway 14, at Allison, Iowa, thence over Iowa Highway 14 to junction unnumbered Iowa Highway, thence over unnumbered Iowa Highway to Osage, and return over the same route; (8) Between Osage, Iowa and Austin, Minn., serving all intermediate points and the off route points of Myrtle, London, and Rose Creek, Minn.: From Osage over U.S. Highway 218 to Austin and return over the same route; (9) Between Austin and Fairmont, Minn., serving all intermediate points and the off route points of Moscow, Lerdal, Bancroft, Manchester, Twin Lakes, Gordonsville, Glenville, Baroda, Wells, Walters, Mansfield, Emmons, Kiester, Bricelyn, Frost, Dell, Easton, Delavan, Winnebago, Huntley, Granada, Northrop, East Chain, Pilot Grove, Marna, and Elmore, Minn.: From Austin over U.S. Highway 16 to Fairmont, and return over the same route; (10) Between Fairmont, Minn., and Armstrong, Iowa, serving all intermediate points: From Fairmont over Minnesota Highway 15 to the Iowa-Minnesota State Line, thence over Iowa Highway 15 to Armstrong, and return over the same route; and (11) Between Armstrong and Osage, Iowa serving all intermediate points and the offroute points of Ledyard, Stevens, Rake, Vinje, Scarville, Lake Mills, Rice Lake, and Neils, Iowa: From Armstrong over Iowa Highway 9 to Osage, and return over the same route.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Des Moines, Iowa or Chicago, Ill.

No. MC 65525 (Sub-No. 22), filed October 7, 1976. Applicant: WHITE BROTHERS TRUCKING CO., P.O. Box 96, Wasco, Ill. 60183. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* with or without bodies designed for off-highway, and (2) *parts, attachments, and accessories for the* commodities described in (1) above, from the plant site and facilities of Caterpillar Tractor Co. located in Scott County, Iowa, to points in Illinois, Indiana, Michigan, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applican requests it be held at Washington, D.C.

No. MC 69397 (Sub-No. 24), filed September 28, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the Federalsburg Industrial Park located at or near Federalsburg, Md. and points in Sussex County, Del., to points in Delaware, Maryland, New Jerseyq, New York, the District of Columbia, and points in Pennsylvania on and east of the Susquehanna River.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Salisbury, Md.

No. MC 71459 (Sub-No. 60), filed September 21, 1976. Applicant: O.N.C. FREIGHT SYSTEMS, P.O. Box 10280, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equiment), Between Alamosa, Colo., and Reno, Nev., serving no intermediate points, as an alternate route in conjunction with its otherwise regular routes, between Alamosa and Reno: From Alamosa over U.S. Highway 160 to Cortex, Colo., thence over U.S. Highway 666 to Monticello, Utah, thence over U.S. Highway 163 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction U.S. Highway 40 and Interstate Highway 80 to Reno and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 71478 (Sub-No. 38), filed September 27, 1976. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc. located at or near Henryetta, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla., or Kansas City, Mo.

No. MC 72524 (Sub-No. 6), filed October 1, 1976. Applicant: MARKLE TRUCK LINE, INC., Box 717, Pendleton, Oreg. 97801. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets*, in bulk, in hopper type equipment, from the plantsite of Amalgamated Sugar Co., located at or near Nampa, Idaho, to points in Umatilla County, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland or Pendleton, Oreg.

No. MC 73165 (Sub-No. 393), filed October 7, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments (except tractors used for pulling highway trailers), *lift trucks excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* with or without bodies designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plant sites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 77016 (Sub-No. 17), filed September 24, 1976. Applicant: BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Morehead, Ky. and Grahn, Ky., serving all intermediate points: From Morehead, Ky., over U.S. Highway 60 to junction Kentucky Highway 182, thence over Kentucky Highway 182 to Grahn, Ky., and return over the same routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Frankfort or Morehead, Ky.

No. MC 82841 (Sub-No. 196), filed October 4, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plant site and warehouse facilities of the Masonite Corporation, Roofing Division, Little Rock, Ark., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, Missouri, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 83539 (Sub-No. 442), filed October 7, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: James M. Doherty, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* with or without bodies designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plant sites and facilities of Caterpillar Tractor Co. located in Scott County, Iowa, to points in Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with Belger Cartage Service, Inc. J. H. Rose Truck Line, Inc., Daily Express, Inc., Dallas & Mavis Forwarding Co., Inc., Eagle Motor Lines, Inc., Gregory Heavy Haulers, Inc., Home Transportation Company, Inc., International Transport, Inc., H. J. Jefferies Truck Line, Inc., Keen Transport, Inc., Ligon Specialized Hauler, Inc., Machinery Transports, Inc., Parkhill Truck Company, Superior Trucking Company, Inc., Warren Transport, Inc., and White Bros. Trucking Co., at Washington, D.C.

No. MC 85970 (Sub-No. 8), filed September 24, 1976. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, P.O. Box 7237, Memphis, Tenn. 38107. Applicant's representative: James O. Lanier, 208 N. Mill Avenue, Dyersburg, Tenn. 38024. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Memphis, Tenn., and Union City, Tenn., serving all intermediate points between Dyersburg, Tenn., and Union City, including Dyersburg: From Memphis over U.S. Highway 51 to Union City, and return over the same route; (2) Between Union City, Tenn., and Dresden, Tenn., serving all intermediate points: From Union City over Tennessee Highway 22 to Dresden and return over the same route; (3) Between Martin, Tenn., and Greenfield, Tenn., serving all intermediate points: From Martin over U.S. Highway 45–E to Greenfield, and return over the same route; (4) Between Dresden, Tenn., and Gleason, Tenn., serving all intermediate points: From Dresden over Tennessee Highway 22 to Gleason, and return over the same route; (5) Between Gleason, Tenn., and Greenfield, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Gleason over unnumbered county road to Greenfield, and return over the same route;

(6) Between Union City, Tenn., and Rutherford, Tenn., serving all intermediate points: From Union City over U.S. Highway 45–W to Rutherford, and return over the same route; (7) Between Greenfield, Tenn., and Bradford, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Greenfield over U.S. Highway 45–E to Bradford, and return over the same route; (8) Between Brownsville, Tenn., and Covington, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route operations, serving no intermediate points: From Brownsville over Tennessee Highway 54 to Covington, and return over the same route; (9) Between Memphis, Tenn., and Bradford, Tenn., serving all intermediate points between Bells, Tenn., and Bradford, including Bells: From Memphis over U.S. Highway 79 to Bells, thence over Tennessee Highway 20 (also Tennessee Highway 88) to Alamo, Tenn., thence over Tennessee Highway 54 to Bradford, and return over the same route; (10) Between Trenton, Tenn., and Bradford, Tenn., serving all intermediate points: From Trenton over U.S. Highway 45–W to Rutherford, thence over Tennessee Highway 105 to Bradford, and return over the same route; (11) Between Dyersburg, Tenn., and St. Louis, Mo., serving no intermediate points: From Dyersburg over Tennessee Highway 78 to its junction with Tennessee Highway 79, thence over Tennessee Highway 79 to the Mississippi River, thence by ferry across the Mississippi River to Missouri Highway 84, thence over Missouri Highway 84 to its junction with Interstate Highway 55, thence over Interstate Highway 55 to St. Louis (also from Dyersburg over Interstate Highway 155 to its junction with Interstate Highway 55, thence over Interstate Highway 55 to St. Louis), and return over the same routes;

(12) Between Jackson, Tenn., and Bells, Tenn., serving no intermediate points, and serving Bells for joinder only: From Jackson over Tennessee Highway 20 to Bells, and return over the same route; (13) Between Alamo, Tenn., and Dyersburg, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route authority, serving no intermediate points: From Alamo over Tennessee Highway 20 to Dyersburg, and return over the same route; (14) Between Trenton, Tenn., and Dyersburg, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route authority, serving no intermediate points: From Trenton over Tennessee Highway 104 to Dyersburg and return over the same route; (15) Between Dyer, Tenn., and Newbern, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular route authority, serving no intermediate points: From Dyer over Tennessee Highway 77 to Newbern, and return over the same route; (16) Between Rutherford, Tenn., and Trimble, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular route authority, serving no intermediate points: From Rutherford over Tennessee Highway 105 to Trimble, and return over the same route; (17) Between Dresden Tenn., and Greenfield, Tenn., as an alternate route for operating convenience only, in connection with carrier's regular-route authority, serving no intermediate points: From Dresden over Tennessee Highway 54 to Greenfield, and return over the same route;

(18) Between Troy, Tenn., and the junction of Missouri Highway 162 and Interstate Highway 55 located at or near Portageville, Mo., as an alternate route for operating convenience only, in connection with carrier's regular-route authority, serving no intermediate points: From Troy over Tennessee Highway 21 to the Mississippi River, thence by ferry across the Mississippi River to Missouri Highway 162, thence over Missouri Highway 162 to its junction with Interstate Highway 55, and return over the same route; restricted in the above as follows: (1) Service at Memphis is restricted to that portion of Memphis, and its commercial zone as defined by the Commission, lying wholly within Tennessee, (2) service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to or interchanged at St. Louis, Mo., Dyersburg, Tenn., and/or Jackson, Tenn., and their respective commercial zones, and (3) service at Jackson, Tenn., is restricted to the handling of traffic originating at, destined to or interchanged at St. Louis, Mo., and its commercial zone.

NOTE.—Applicant states that the purpose, in part, of this application is to convert a Certificate of Registration covering routes one through ten above in MC 85970 (Sub-Nos. 5, 6, and 7) to Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Union City, Tenn.

No. MC 87113 (Sub-No. 16), filed September 22, 1976. Applicant: WHEATON VAN LINES, INC., 8010 Castelton Road, Indianapolis, Ind. 46250. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, set up or knocked down, between points in the United States (including Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at Indianapolis, Ind.

No. MC 88621 (Sub-No. 14), filed October 8, 1976. Applicant: BEAVERSON TRUCKING, INC., 1752 Locust, Wooster, Ohio 44691. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and their products and by-products between points in Illinois, Indiana, Pennsylvania, and West Virginia, restricted to service performed under a continuing contract or contracts with Cofsco, Inc., at Wooster, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 89238 (Sub-No. 15), filed October 4, 1976. Applicant: ELDON D. AYRES, 640 Canyon, Spearfish, S. Dak. 57783. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retailers, manufacturers, distributors, and warehousers of building materials, building supplies and hardware, between the plantsite, warehouses and facilities of Robbins & Stearns Lumber Co., and its wholly-owned divisions, including Building Products Supply and R. & S. Construction, located in Rapid City, S. Dak., and its Commercial zone, on the one hand, and, on the other, points in California, Colorado, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington and Wyoming; and (2) from points in California, Colorado, Idaho, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington and Wyoming, to the job sites of Robbins & Stearns and its wholly-owned divisions, including Building Product Supply and R. & S. Construction, located at points in Nebraska, North Dakota and South Dakota, and under a contract, or contracts, with Robbins & Stearns Lumber Co., Inc., and its wholly-owned divisions, including Building Products Supply and R. & S. Construction.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Rapid City, or Spearfish, S. Dak.

No. MC 89684 (Sub-No. 95), filed September 1, 1976. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, P.O. Box 366, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cut flowers, plants and florist supplies*, between Farmington, Centerville and Salt Lake City, Utah, and Denver, Colo., serving all intermediate points in Colorado; (i) From Farmington and Centerville over Interstate Highway 15 to Salt Lake City; and (2) between Salt Lake City, Utah and Denver, Colo.: (a) From Salt Lake City, Utah over Interstate Highway 15 to junction with U.S. Highway 50 near Spanish Fork, Utah; thence over U.S. Highways 50–6 (and Interstate Highway 70 where completed) to Denver, Colo.; (b) From Salt Lake City over Interstate Highway 80 to junction with U.S. Highway 40 at Silver Creek Junction, and thence over U.S. Highway 40 to Denver, Colo., and (c) From Salt Lake City, Utah over Interstate Highway 80 to Laramie, Wyo.; thence over U.S. Highway 287 to Denver, Colo. and, as an alternate route between Loveland, Colo. and Denver, Colo., and (c) From Salt Lake City, Utah Highway 34 to junction U.S. Highway 87, and thence over U.S. Highway 87 to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 93980 (Sub-No. 66), filed September 28, 1976. Applicant: VANCE TRUCKING COMPANY, INC., Raleigh Road, P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of Certain-Teed Corporation located in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from the destination points in (1) above, to the plantsite and warehouse facilities of Certain-Teed Corporation, located in Granville County, N.C.; and (3) *Roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of Certain-Teed Corporation, located in Granville County, N.C., on the one hand, and, on the other plantsites and warehouse facilities of Certain-Teed Corporation located at points in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 247), filed September 22, 1976. Applicant: BONNEY MOTOR EXPRESS, INC., Route 460, P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Harry G. Buckwalter (same address as applicant). 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 Motors Carrier Certificates*, 61 M. C. C. 209 and 766 (except hides and commodities in bulk), from Waterloo, Iowa to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Waterloo, Iowa.

No. MC 100666 (Sub-No. 332), filed September 22, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N. W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Missouri east of U.S. Highway 63 to points in South Carolina west of U.S. Highway 1.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 102616 (Sub-No. 923), filed September 24, 1976. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorocarbon cleaning compounds*, in bulk, in tank vehicles, from the plantsite of E. I. DuPont de Nemours & Co., located at Montague, Mich., to Boulder, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 102616 (Sub-No. 924), filed October 1, 1976. Applicant: COASTAL TANK LINES, 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal oil*, in bulk, in tank vehicles, from Dubuque, Iowa and points in the St. Louis-East St. Louis Commercial Zone, to Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 103051 (Sub-No. 379), filed September 28, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground*

non-metallic minerals, in bulk and in bags from Campobello, S.C., to points in Georgia, North Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Nashville, Tenn.

No. MC 103721 (Sub-No. 27), filed October 4, 1976. Applicant: INDIAN VALLEY BULK CARRIERS, INC., Ridge Road, Tylersport, Pa. 18971. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, in bulk, in dump vehicles, from points in North Carolina, to points in Berks, Bucks, Chester and Montgomery Counties, Pa.; and (2) *decorative roofing aggregates and concrete block aggregates*, from points in Berks County, Pa., to points in Delaware, Maryland and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 103993 (Sub-No. 872), filed September 23, 1976. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 106194 (Sub-No. 30), filed September 21, 1976. Applicant: HORN TRANSPORTATION, INC., 1500 West 25th Street, P.O. Box 1808, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V of *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 276, from the plantsite of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Colorado, Kansas, Missouri, and Oklahoma, restricted to the transportation of traffic originating at the plantsite or warehouse facilities of Nucor Corporation, located at or near Norfolk, Nebr., and destined to points in the above-named destination states (except for traffic moving in foreign commerce).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 106194 (Sub-No. 31), filed October 7, 1976. Applicant: HORN TRANSPORTATION, INC., 1500 West 25th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, parts and supplies*, from points in El Paso County, Colo., to points in the United States (except those in the Kansas City, Missouri-Kans., Commercial Zone as defined by the Commission, and those in Alaska, Hawaii, Kansas and Colorado); and (2) *materials, supplies and equipment* used in the manufacture, servicing, sale and distribution of sprinkler irrigation systems, from points in the United States (except Alaska and Hawaii) to El Paso County, Colo., restricted to shipments originating at or destined to points in El Paso County, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Denver, Colo.

No. MC 106674 (Sub-No. 209), filed September 20, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Indianapolis, Ind., to points in Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107064 (Sub-No. 117) filed September 15, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from points in Hockley County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107064 (Sub-No. 118), filed September 28, 1976. Applicant: STEERE TANK LINES, INC., 2808 Fairmount St., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., located at or near Farnsworth, Tex., to points in Colorado, Kansas, New Mexico and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107162 (Sub-No. 49), filed October 4, 1976. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route No. 1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction board*, from ports of entry on the International Boundary Line between the United States and Canada located at or near Saulte Ste. Marie, Mich., to points in Illinois, Indiana, Michigan, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Green Bay, Wis., or Lansing, Mich.

No. MC 107403 (Sub-No. 987), filed October 7, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge*, dry, in bulk, in tank vehicles, from Dunmore, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Vermont, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107478 (Sub-No. 27) filed October 4, 1976. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation, located in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *material, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from the destination points name in (1) above, to the plantsite and warehouse facilities of CertainTeed Corporation, located in Granville County, N.C. and (3) *roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsite and warehouse facilities of CertainTeed Corporation, located in Granville County, N.C., on the one hand, and, on the other, the plantsite and warehouse facilities of CertainTeed Corporation, located at points in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 107515 (Sub-No. 1029) filed September 30, 1976. Applicant: REFRIG-

ERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp*, from the plantsite and warehouse facilities of Bowater Southern Paper Corp. located at or near McMinn County, Tenn., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington D.C.

No. MC 108119 (Sub-No. 51) filed October 7, 1976. Applicant: E. L. MURPHY TRUCKING COMPANY, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft loading and maintenance equipment*, from Monterey County, Calif. to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 108341 (Sub-No. 53), filed September 27, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the plantsite and warehouse facilities of CertainTeed Corporation in Granville County, N.C.; to points in, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia; (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from points in the above described territory to the plantsite and warehouse facilities of CertainTeed Corporation in Granville County, N.C.; and (3) *roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials between the plantsites and warehouse facilities of CertainTeed Corporation in Granville County, N.C., on the one hand, and on the other, the plantsites and warehouse facilities of CertainTeed Corporation in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 106), filed September 29, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas applicances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas applicances, between Danville, Ky. and Lafayette, Ind., under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 341), filed September 22, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-finished vinyl and covered paneling, particleboard, hardboard, or composition board, fibreboard, gypsumboard, and molding*, from points in Charleston County, S.C., to points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charleston, S.C. or Atlanta, Ga.

No. MC 109397 (Sub-No. 342) filed October 8, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special containers or casks* used to transport radioactive material and *special containers or casks containing radioactive materials*, between points in Campbell County, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 343) filed October 8, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and by-product materials; radioactive materials and related reactor equipment, component parts, and associated materials*, from points in the United States (except those in Alaska, Georgia, Hawaii, Ohio, Indiana, North Carolina, South Carolina, and Virginia, points in Michigan on and south of Michigan Highway 21, and those in the Chicago, Ill. Commercial Zone, the Milwaukee, Wis. Commercial Zone, and the St. Louis, Mo. Commercial Zone), to points in Campbell County, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109689 (Sub-No. 303) filed October 6, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, P.O. Box 1825, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air entraining agents*, consisting of saponified waste residual compounds, liquid bulk; *unrefined polyglycol residual mixtures*, as grinding aids for cement tank vehicles, *metered discharge*, from the facilities of Penn-Dixie Chemical Co., located at Houston, Tex.; North Judson, Ind.; Waukeegan, Ill., and Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110563 (Sub-No. 190) filed September 23, 1976. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except fresh, frozen, or bulk), from the plantsite and storage facilities of the Clorox Company and of the Grocery Store Products Company, located in Kennett Square and West Chester, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, restricted to traffic originating at the plantsite and storage facilities of the Clorox Company and of the Grocery Store Products Company, located in Kennecott Square and West Chester, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 110563 (Sub-No. 191) filed September 27, 1976. Applicant: COLD-WAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 Sioux City, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Omaha, Nebr.

No. MC 110563 (Sub-No. 192) filed October 4, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and warehouse facilities utilized by Fisher Cheese Company located at or near Wapakoneta, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, restricted to the transportation of traffic originating at the named origin point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Toledo, Ohio.

No. MC 111401 (Sub-No. 468) filed September 20, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from El Dorado, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 111401 (Sub-No. 471) filed October 6, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Baton Rouge, La., to Des Moines, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 111545 (Sub-No. 227) filed October 7, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, S.E., Marietta, Ga. 30067. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* with or without bodies designed for off-highway use, (2) *Parts, attachments, and accessories* for the commodities described in (1) above from the plantsites and facilities of Caterpillar Tractor Co. located in Scott County, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 111594 (Sub-No. 72) filed September 30, 1976. Applicant: CW TRANSPORT, INC., 610 High Street, P.O. Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Wisconsin Rapids, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from the plantsite and storage facilities of FMC Corporation located at Bedford Park, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111611 (Sub-No. 30) filed September 23, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewiston, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, chemical compounds, insecticides, and synthetic strapping*, from the plantsites of F.M.C. Corporation located at or near Cartaret, N.J.; Middleport and Buffalo, N.Y.; Baltimore, Md.; Nitro and South Charleston, W. Va. and Lewiston, Pa., to points in Arizona, California and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, or Los Angeles, Calif.

No. MC 111611 (Sub-No. 31) filed October 1, 1976. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, P.O. Box 786, Lewistown, Pa. 17044. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic textile fibers and yarns*, from the plantsites of Avtex Fibers, Inc., located at Lewistown, Pa., Front Royal, Va., and Nitro, W. Va., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Philadelphia, Pa.

No. MC 111981 (Sub-No. 21), filed September 16,, 1976. Applicant: ROBIDEAU'S EXPRESS, INC., Front Street and Oregon Avenue, Philadelphia, Pa. 19102. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) from the destinations states named in (1) above, to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted in (1) above to the transportation of traffic originating at the warehouses of Beatrice Foods Co., at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and in (2) above, to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co., at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington D.C., or Philadelphia, Pa.

No. MC 112223 (Sub-No. 103), filed September 29, 1976. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (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 storage facilities of Farmland Industries, Inc., located at or near Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112520 (Sub-No. 321), filed October 6, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Pensacola, Fla., to points in Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 112520 (Sub-No. 322), filed October 7, 1976. Applicant: McKENZIE TANK LINES, INC., 122 Apple Yard Drive, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils*,

in bulk, in tank vehicles, from points in Mobile County, Ala., to points in Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 112617 (Sub-No. 353), filed October 1, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol* (except denatured), in bulk, in tank vehicles, from the plantsite of Grain Processing Corp., located at Muscatine, Iowa; the Fleishmann Distilling Corp., located at Clinton, Iowa; and Midwest Solvents Co., located at Atchison, Kans., to the plantsite of Heublein, Inc., located at or near Paducah, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112713 (Sub-No. 196), filed September 29, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving the plantsite of Eagle-Picher Industries, Inc., located at or near Seneca, Mo., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 113459 (Sub-No. 107), filed September 27, 1976. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors with or without attachments* (except tractors used for pulling highway trailers), *lift trucks excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks with or without bodies designed for off-highway use;* and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plant sites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications of Belger Cartage Service, Inc.; C&H Transportation Co., Inc.; Daily Express, Inc.; Dallas & Mavis Forwarding Co., Inc.; Eagle Motor Lines, Inc.; Gregory Heavy Haulers, Inc.; Home Transportation Company, Inc.; International Transport, Inc.; Keen Transport, Inc.; Ligon Specialized Hauler, Inc., et al. at Washington, D.C.

No. MC 113658 (Sub-No. 11), filed October 8, 1976. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport, P.O. Box 16346, Commerce City, Colo. 80022. Applicant's representative: William K. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as described in Appendix I in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo. to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio Pennsylvania, Virginia, West Virginia, Wisconsin, Rhode Island, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 113855 (Sub-No. 360), filed October 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors with or without attachments* (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks with or without bodies designed for off-highway use;* and (2) *parts, attachments, and accessories* for the commodities described in (1) above, from the plant sites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications of Belger Cartage Service, Inc.; C & H Transportation Co., Inc.; Daily Express, Inc.; Dallas & Mavis Forwarding Co., Inc.; Eagle Motor Lines, Inc.; Gregory Heavy Haulers, Inc.; Home Transportation Company, Inc.; H. J. Jeffries Truck Line, Inc.; Keen Transport, Inc.; Ligon Specialized Hauler, Inc. et al. at Washington, D.C.

No. MC 114211 (Sub-No. 285), filed September 30, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420. Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and building materials*, from Pulaski County, Ark., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or New Orleans, La.

No. MC 114211 (Sub-No. 287), filed October 4, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) Self-propelled vehicles, (b) *equipment* designed for use in conjunction with self-propelled vehicles and (c) *parts and attachments* for the commodities named in (a) and (b) above, from Pocahontas, Iowa, to points in the United States, including Alaska, but excluding Hawaii; and (2) *Materials, equipment and supplies* used or useful in the manufacture of the above commodities, from points in the United States, including Alaska, but excluding Hawaii, to Pocahontas, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Des Moines, Iowa.

No. MC 114211 (Sub-No. 288), filed October 4, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Dan Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, and parts and attachments* for irrigation systems, from Havana, Ill., to points in the United States (except Alaska and Hawaii) including ports of entry on the International Boundary line between the United States and Canada, for further movements to points in the Provinces of Canada; and (2) *materials, equipment and supplies*, (except commodities in bulk) used in the manufacture and distribution of irrigation systems, and *parts and attachments* for irrigation systems, from points in the United States (except Alaska and Hawaii) and ports of entry on the International Boundary line between the United States and Canada, to Havana, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114552 (Sub-No. 123), filed September 23, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building and insulating materials* (except iron and

steel articles and commodities in bulk), from the plantsite and warehouse facilities of Certain-Teed Corporation located in Granville County, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *Materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, from the destination points in (1) above, to the plantsite and warehouse facilities of Certain-Teed Corporation, located in Granville County, N.C.; and (3) *Roofing, building and insulating materials and materials, equipment and supplies* used in the manufacture, installation and distribution of roofing and building materials, between the plantsites and warehouse facilities of Certain-Teed Corporation, located in Granville County, N.C., on the one hand, and, on the other the plantsites and warehouse facilities of Certain-Teed Corporation located at points in Clarke and Chatham Counties, Ga.; Cook and St. Clair Counties, Ill.; Scott County, Minn.; Jackson County, Mo.; Erie County, Ohio; Mayes County, Okla.; York County, Pa.; and Dallas County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 114552 (Sub-No. 125), filed September 22, 1976. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220,, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strand, wire and spirals*, from the facilities of Wire Mil, Inc., at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 114552 (Sub-No. 126), filed September 30, 1976. Applicant: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof decking*, from the facilities of Martin Fireproofing Georgia, Inc. located at or near Elberton, Ga., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 114569 (Sub-No. 150), filed October 4, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except animal feed and animal feed ingredients, hides and commodities in bulk), from the plantsite and storage facilities of Minden Beef Company, located at or near Minden, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Lincoln, Nebr.

No. MC 114569 (Su-No. 151), filed Oc-October 8, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets*, from the plantsite and storage facilities of C. H. Masland and Sons, located at or near Carlisle, Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114569 (Sub-No. 152), filed September 22, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New

No. MC 114569 (Sub-No. 152), filed September 22, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and seed and nut snack food products* moving in vehicles equipped with mechanical temperature control devices, from St. Louis, Mo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 115162 (Sub-No. 337), filed October 7, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, plywood, and/or lumber* in straight or mixed truckloads, from the plant site of MacMillan Bloedel, Inc., located at or near Pine Hill (Wilcox County), Ala., to points in Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 115322 (Sub-No. 120), filed September 20, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177 Highway 527, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except commodities in bulk), from Marysville, Pa., to points in Florida, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 115331 (Sub-No. 419), filed October 6, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds, bath salts, bubble bath, textile softeners, modified soda ash, drugs, and medicines* (other than in bulk), from Rockwood, Mich., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Minnesota, Nebraska and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich. or Washington, D.C.

No. MC 115379 (Sub-No. 47), filed September 22, 1976. Applicant: JOHN D. BOHR, INC., P.O. Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, from Wilmington, Del., to points in Maryland, Ohio, Pennsylvania and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 115654 (Sub-No. 57), filed September 27, 1976. Applicant: TENNESSEE CARTAGE CO., INC., 1238 Antioch Pike, P.O. Box 23193, Nashville, Tenn. 37202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), *advertising matter and related articles*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Charms Company, located at or near Covington, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 115703 (Sub-No. 9), filed September 22, 1976. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, Pa. 19610. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* which because of their size or weight require the use of special handling or equipment; and (2) *articles* which do not require the use of special handling or equipment when moving on the same vehicle and at the same time in mixed load with the commodities named in (1) above, and when moving on a single bill of lading and with traffic moving from a single consignor, between the plantsite and storage facilities of Rockwell International, MGD Graphic Systems, Group, located at or near Wyomissing, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 115730 (Sub-No. 19), filed September 21, 1976. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap*, from points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio and Wisconsin to the facilities of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Washington, D.C.

No. MC 115904 (Sub-No. 64), filed September 24, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Denver, Colo., to points in Iowa, Nevada, North Dakota, South Dakota and Wyoming, restricted against the transportation of those commodities falling within the category described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and further restricted to the transportation of traffic originating at the facilities of Amoco Chemicals Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 115917 (Sub-No. 32), filed October 6, 1976. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, N.C. 28616. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., N.W., 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay, feldspar, mica and sand*, from points in Cleveland County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Raleigh, N.C. or Washington, D.C.

No. MC 116254 (Sub-No. 165), filed October 7, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, from the plantsite of Ohio Ferro Corporation, located at Montgomery County, Ala., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 116459 (Sub-No. 62), filed September 28, 1976. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Sam Speer (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Georgia, Kentucky, North Carolina, South Carolina and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Atlanta, Ga.

No. MC 116628 (Sub-No. 20), filed October 1, 1976. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, N.J. 07070. Applicant's representative: William P. Sullivan, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and *materials and supplies* used in the operation of such stores (1) between points in Florida and Michigan; and (2) between points in Florida and Michigan, on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Illinois, Massachusetts, New Jersey, New York, Pennsylvania, Texas, Virginia, and the District of Columbia, under a continuing contract, or contracts, with Lord & Taylor located at New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116710 (Sub-No. 25), filed September 23, 1976. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, 2001 East Texas St., Bossier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper type motor vehicles, from the plant site and storage facilities of Texas Eastman Company, A Division of Eastman Kodak Company, located at or near Longview, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Texas Eastman Company, a Division of Eastman Kodak Company, Longview, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, La., Dallas or Houston, Tex.

No. MC 116763 (Sub-No. 358), filed September 27, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versaille, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (beer) (except in bulk, in tank vehicles), *and related advertising materials*, from South Volney, N.Y., to points in Maine, Massachusetts, New Hampshire and Vermont; and (2) *returned empty malt beverage containers*, from points in Maine, Massachusetts, New Hampshire and Vermont, to South Volney, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisc.

No. MC 116915 (Sub-No. 29), filed September 23, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings, and accessory materials;* and (2) *materials, equipment and supplies* used in the manufacture and production of the commodities named in (1) above (except commodities in bulk), between the facilities of Cresline Plastics, located at or near Henderson, Ky., on the one hand, and, on the other, points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota and Texas, restricted to shipments originating at or destined to the facilities of Cresline Plastics.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Frankfort or Lexington, Ky.

No. MC 117068 (Sub-No. 71), filed September 24, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: (1) (a) *Hoist, truck bodies and related equipment, and hydraulic cylinders;* and (b) *truck body parts,* between Lake Crystal, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), including ports of entry on the International Boundary line between the United States and Canada, located in Minnesota, Montana, North Dakota, and Washington; and (2) *materials, and supplies,* used in the manufacture and installation of the commodities described in (1) (a) above, from points in the United States (except Alaska and Hawaii), to Lake Crystal, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Chicago, Ill.

No. MC 117119 (Sub-No. 600), filed September 17, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark., 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods and foods not frozen* in mixed shipments with frozen foods (except commodities in bulk), in vehicles, equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by Foodmaker, Inc., located at Houston, Tex., to St. Louis, Mo., Chicago, Ill., Detroit, Mich., Boston, Mass., Norristown, Pa., Denver, Colo., Beltsville, Md., Richmond, Va., and Orlando, Fla., restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 117439 (Sub-No. 50), filed October 1, 1976. Applicant: BULK TRANSPORT, INC., P.O. Box 1429, 5500 Florida Blvd., Baton Rouge, La. 70821. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* (1) from Avery Island, La., to points in Alabama, Arkansas, Georgia, Mississippi and Texas; (2) from Jefferson Island, La., to points in Alabama, Georgia and Mississippi; and (3) from Weeks Island, La., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge, New Orleans or Lafayette, La.

No. MC 117815 (Sub-No. 254), filed September 30, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods,* from the facilities of the Pillsbury Company located at or near Seelyville, Ind., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska and Wisconsin; and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above, to the plant site of the Pillsbury Company located at or near Seelyville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Chicago, Ill.

No. MC 117940 (Sub-No. 186), filed September 28, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpeting, hard surface floor covering, wallboard, insulation material, floor screens, wall panels, advertising materials, and materials, accessories and supplies* used in the installation of named commodities (except commodities in bulk), from the plant sites and storage facilities utilized by Armstrong Cork Company, located in Lancaster, Marietta and East Hampsfield Township, Pa., to points in Minnesota and Wisconsin, restricted to shipments originating at the facilities of Armstrong Cork Company, at named origins and destined to named destination states.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 117940 (Sub-No. 187), filed September 30, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight, (1) from the plantsites and facilities of Minnesota Mining and Manufacturing Company located at St. Paul, Minn. and Ames, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia and the District of Columbia, restricted against service to storage and warehouse facilities of Minnesota Mining and Manufacturing Company. (2) from the plantsites and facilities of Minnesota Mining and Manufacturing Company located at Bristol, Pa., Freehold and Newark, N.J., and Middleway, W. Va., to the plantsites and facilities of Minnesota Mining and Manufacturing Company located at St. Paul, and Eagan, Minn., and Ames, Iowa, and (3) from the facilities of Minnesota Mining and Manufacturing company located at or near Middleway, W. Va., to the facilities of Minnesota Mining and Manufacturing Company located at or near Dallas, Tex.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 118039 (Sub-No. 30) filed October 4, 1976. Applicant: MUSTANG TRANSPORTATION, INC., 1551 Perry Blvd., N.W., Atlanta, Ga. 30318. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from the plantsite of Miller Brewing Company located at Fort Worth, Tex., to points in Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 118142 (Sub-No. 134), filed September 27, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Horsemeat,* fresh and frozen, from Chehalis and Stanwood, Wash., to Chicago, Ill., Palestine, Tex., and points on the International Boundary line between the United States and Canada located at or near Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118142 (Sub-No. 135), filed September 24, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the Report and *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Tama Meat Packing Corporation, located at or near Holton, Kans., to points in Arizona and California, restricted to shipments originating at the named plantsite and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118142 (Sub-No. 136), filed October 4, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen food and dehydrated potatoes*, from the plantsite of Inland Storage Distribution, located at Kansas City, Kans., to points in Alabama, Arkansas, Georgia, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118202 (Sub-No. 61) (Partial Correction), filed August 3, 1976, published in FEDERAL REGISTER issue of September 16, 1976, and republished as corrected this issue. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. NOTE.—The purpose of this partial correction is to indicate the correct commodities in (2) to read: *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment, and supplies* (except hides and commodities in bulk), the rest remains the same.

NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 118207 (Sub-No. 4), filed September 20, 1976. Applicant: FAST FREIGHTWAYS, INC., 2600 S. Parker Road, P.O. Box 2347, Denver, Colo. 80201. Applicant's representative: Harold Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude rubber* (except in bulk), from points in Louisiana and Texas, to points in California and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 118756 (Sub-No. 4), filed October 8, 1976. Applicant: McCANDLISH, INC., 112 S. Broad Street, Bremen, Ohio 43107. Applicant's representative: Paul F. Beery, 8 East Broad Street, 9th Floor, Columbis, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tanks and oil and gas separators and accessories and parts* for the above described commodities, (a) between the plantsite of Bremen Manufacturing Co., Inc., located at Bremen, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; and (b) between the plantsite of Westerman, Inc., located at Bremen, Ohio, on the one hand, and, on the other, points in Illinois, New York and Tennessee; and (2) *equipment, materials, and supplies* used in the mnaufacture of tanks and oil and gas separators, and the return of *rejected tanks and oil and gas separators and accessories and parts* for the above described commodities, (a) from points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, and West Virginia, to the plantsite of Bremen Manufacturing Co., Inc., located at Bremen, Ohio; and (b) from points in Illinois, New York, and Tennessee to the plantsite of Westerman, Inc., located at Bremen, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119118 (Sub-No. 54), filed September 27, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) *empty used malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to Baltimore, Md.

NOTE.—Applicant holds contract carrier authority in No. MC 116564 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119118 (Sub-No. 55), filed October 1, 1976. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Cliffwood, N.J., to points in New York.

NOTE.—Applicant holds contract carrier authority in No. MC 116564 and subs thereunder, applicant states it has two conversion applications pending that would convert its contract carrier authority to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119384 (Sub-No. 29), filed September 1, 1976. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Perry, Iowa 50220. Applicant's representative: Robert R. Rydell, 900 Savings and Loan Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural twine*, (a) from Milwaukee, Wis., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (b) from Kenosha, Wis., to points in Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 119422 (Sub-No. 59), filed September 27, 1976. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th & Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, calcium carbonate of*, in bulk, from Ste. Genevieve, Mo., to Points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 119789 (Sub-No. 304), filed September 29, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, from Griffin, Ga., to points in Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Atlanta, Ga.

No. MC 119789 (Sub-No. 305), filed October 1, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities of Archer Daniels Midland Company, located in Decatur, Ill., to points in Arkansas, Louisiana, Texas, Oklahoma, and New Mexico, restricted to shipments originating at and destined to points named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Decatur, Ill. or Dallas, Tex.

No. MC 119789 (Sub-No. 306), filed September 29, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, between Opelousas, La., on the one hand, and, on the other, points in Arizona, California, New Mexico, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 119935 (Sub-No. 207), filed September 24, 1976. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Ink and ink materials*, in bulk, in tank vehicles, from the plantsite of Flint Ink Corporation, located at or near New Albany, Ind., to the plantsite of Alco Gravure, located at or near Glen Burnie, Md.

NOTE.—Applicant holds contract carrier authority in MC 128161 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Detroit, Mich.

No. MC 120761 (Sub-No. 17), filed September 20, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, A Corporation, 6559 Midway Road, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, and roofing supplies*, from points in Pulaski County, Ark., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 123255 (Sub-No. 87), filed September 27, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Glass containers*, from Terre Haute, Ind., to Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 88), filed October 1, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, material, equipment, and supplies* used in the manufacture and shipping of paper and paper products, between the plantsite and warehouse facilities of Inland Container Corporation located at or near Hazleton, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 89), filed October 1, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured, processed or dealt in by manufactures of glass and glass products (except commodities in bulk), from the plantsite and shipping facilities of Anchor-Hocking Corporation located at or near Lancaster, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, the lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, points in that part of Iowa within 10 miles of the Iowa-Illinois State Boundary line, and points in that part of Missouri within 10 miles of the Missouri-Illinois State Boundary line, and those points in that part of Kentucky within 10 miles of the Kentucky-Illinois State Boundary line, the Kentucky-Indiana State Boundary line and the Kentucky-Ohio State Boundary line, and the District of Columbia, restricted to shipments originating at the plantsite and shipping facilities of Anchor-Hocking Corporation located at or near Lancaster, Ohio and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 12355 (Sub-No. 90), filed September 22, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Volney, N.Y., to points in Illinois, Indiana, Kentucky, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123407 (Sub-No. 328), filed October 6, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panelling*, between the facilities of the Pan American Gyro-Tex Company located at or near Jacksonville, Fla., on the one hand, and, on the other, points in and east of Kansas, Nebraska, North Dakota, Ohio, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla., or Washington, D.C.

No. MC 124170 (Sub-No. 59), filed September 10, 1976. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory supplies, chemicals and laboratory chemical apparatus*, from Cockeysville, Md., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin; and (2) *commodities* exempt under Section 203(b)(6) of the Interstate Commerce Act from economic regulation when transported on the same vehicle with commodities subject to economic regulation under the Act, from Paxinois and Bird In Hand, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124701 (Sub-No. 11), filed October 8, 1976. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vermont, 05045. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell St., Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* (except in bulk, in tank vehicles), from Richmond, Vermont, to points in Florida and Georgia, under contract with Richmond Co-Operative Creamery.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vermont.

No. MC 124711 (Sub-No. 41), filed September 21, 1976. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. 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., located at or near Farnsworth, Tex. to points in Colorado, Kansas, New Mexico, and Oklahoma.

No. MC 124947 (Sub-No. 48), filed October 7, 1976. Applicant: MACHINERY TRANSPORTERS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators* and *engines combined, road rollers, pipe layers, dump trucks* with or without bodies designed for off-highway use; and (2) *parts, attachments, and accessories* for commodities in (1) above, from the plantsites and facilities of Caterpillar Tractor Co., located in Scott County, Iowa, to points in Arizona, Arkansas, Colorado, Illinois, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125368 (Sub-No. 14), filed September 24, 1976. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, N.C. 28445. Applicant's representative:

Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Deerfield, Ill., to points in Alabama, California, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 125433 (Sub-No. 85), filed October 1, 1976. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Alan R. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except canned or frozen foods or meats products), in individual packages, in cartons, from the plantsite of Serv-A-Portion, Inc., located at Chatsworth, Calif., to points in the United States west of U.S. Highway 85, restricted to traffic originating at the above named plantsite.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Washington, D.C.

No. MC 125650 (Sub–No. 18), filed September 30, 1976. Applicant: MOUNTAIN PACIFIC TRUCKING, CORPORATION, Route No. 2, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the facilities of Gourmet Food Products, Inc., located at Boardman, Hermiston, and Metolius, Oreg., and Walla Walla, Wash., to points in Montana and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Missoula, Mont.

No. MC 125650 (Sub–No. 19), filed September 30, 1976. Applicant: MOUNTAIN PACIFIC TRUCKING, CORPORATION, Route No. 2, Missoula, Mont. 59801. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic wood filler*, in drums, in vehicles equipped with mechanical refrigeration, from Los Angeles, Calif., to points in Idaho, Montana, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Missoula, Mont.

No. MC 125777 (Sub-No. 175), filed September 9, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloy and ores*, in bulk, in dump vehicles, from port of New Orleans, La. and Burnside Port, Burnside, La., to points in Alabama, Arkansas, Arizona, California, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, New Mexico, Mississippi, Minnesota, Missouri, Oklahoma, Oregon, Tennessee, Texas, Washington and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 177), filed October 4, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46406. Applicant's representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sea shells*, in dump vehicles, from points in Louisiana, to points in Arizona, California, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New Mexico, Ohio, Oklahoma, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

NO. MC 125777 (Sub-No. 178), filed October 4, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46406. Applicant's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, grante, marble and gravel*, in dump vehicles, (a) between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming; and (b) from points in Costilla and Conejos Counties, Colo., Taos, Rio Arriba, and Santa Fe Counties, N. Mex., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126102 (Sub-No. 19), filed September 13, 1976. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington St., Plainville, Mass. 02762. Applicant's representative: Robert G. Parks, 189 Nehoiden 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 the warehouse facilities of Taylor Rental Corporation located at Springfield, Mass., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Taylor Rental Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston or Springfield, Mass.

No. MC 126539 (Sub-No. 25), filed September 27, 1976. Applicant: KATUIN BROS, INC., 102 Terminal St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, from the facilities of Martin Marietta Aggregates located at or near Clayton, Iowa, to Decatur, Ill.; Cincinnati and Columbus, Ohio; and points in Minnesota.

NOTE.—Applicant holds contract carrier authority in No. MC 129135 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Madison, Wis.

No. MC 126717 (Sub–No. 10), filed September 24, 1976. Applicant: WALTS DRIVE-A-WAY SERVICE, INC., 1103 E. Franklin, Evansville, Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber mounted cranes*, self-propelled, in drive-away movements, from Bowling Green, Ky., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 126899 (Sub-No. 107), filed September 30, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Malt beverages*, in containers, Between Detroit, Mich. and Newport, Ky., serving no intermediate points: From Detroit, Mich., over Interstate Highway 75 to junction Kentucky Highway 8, thence over Kentucky Highway 8 to Newport, Ky., and return over the same route and (2) *empty malt beverages containers*, Between Newport, Ky., and Detroit, Mich. serving no intermediate points: From Newport over Kentucky Highway 8 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Louisville, Ky.

No. MC 127042 (Sub-No. 177), filed September 21, 1976. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box

98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the storage and warehouse facilities of Wiscold, Inc. located at or near Beaver Dam and Milwaukee, Wis., to points in Arizona, California, Nevada, New Mexico, Oklahoma, Texas and Utah.

NOTE.—If a hearing is deemed necessary, the applicant reuests it be held at Milwaukee, Wis.

No. MC 127042 (Sub-No. 178), filed October 4, 1976. Applicant: AGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs; cleaning, washing and scouring compounds;* and *toilet preparations* (except commodities in bulk), from the plantsite and warehouse facilities utilized by Lever Bros. Co., located at Hammond, Ind., and Chicago, Ill., to points in the United States in and west of Arkansas, Illinois, Louisiana, Missouri and Wisconsin; and (2) *cleaning, scouring and washing compounds; toilet preparations; premiums and advertising matter* (except commodities in bulk), from the plantsite and warehouse facilities utilized by Lever Bros. Co., located at St. Louis, Mo., to the destination points named in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 127187 (Sub-No. 19), filed October 8, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk) from Des Moines, Iowa and the plantsite and warehouse facilities of Monsanto Company located at or near Muscatine, Iowa to ports of entry on the International Boundary between the United States and Canada located in Minnesota, North Dakota and Montana, restricted to the transportation of shipments destined to points in Alberta, Saskatchewan and Manitoba.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. and Minneapolis, Minn.

No. MC 127834 (Sub-No. 115), filed September 16, 1976. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Carl U. Hurst, P.O. Drawer "L," Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and lift truck attachments* (except commodities which because of size or weight require the use of special equipment), between the facilities of Nissan Industrial Equipment Company, at or near Memphis, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Nashville or Memphis, Tenn., or Birmingham, Ala.

No. MC 128122 (Sub-No. 7), filed September 20, 1976. Applicant: STATE TRANSPORT COMPANY, 15th and Pioneer Street, Philomath, Oreg. 97330. Applicant's representative: Nick I. Goyak, One Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Benton County, Oreg., on the one hand, and, on the other, points in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Corvallis or Portland, Oreg.

No. MC 128449 (Sub-No. 7), filed September 27, 1976. Applicant: JAMES A. TUCKER, an Individual, doing business as JIMMIE TUCKER TRUCKING, P.O. Box 428, Broken Bow, Okla. 74728. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 Northwest 23rd St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, my motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, from Glenwood, Prescott, Mt. Pine and Dierks, Ark., to points in McCurtain County, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Little Rock, Ark.

No. MC 128527 (Sub-No. 68), filed September 27, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S. W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingot*, from The Dalles, Oreg., to Ontario, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg.; Boise, Idaho; or Los Angeles, Calif.

No. MC 128527 (Sub-No. 69), filed September 27, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S. W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass panels*, from Duarte, Calif., to points in Oregon and Washington on and west of U.S. Highway 97.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 128841 (Sub-No. 15), filed October 14, 1976. Applicant: MUR-GAIL, INC., 301 North Fifth Street, 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: (1) *Such merchandise* as is dealt in by retail hardware stores, in shipper owned or leased trailers, from Brookings, S. Dak., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin and Wyoming; and (2) *returned shipments*, from the destination points named in (1) above, to Brookings, S. Dak., under a continuing contract, or contracts, with Coast to Coast Stores Central Organization, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 128878 (Sub-No. 38), filed September 30, 1976. Applicant: SERVICE TRUCK LINE, INC., 1850 Claiborne, P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in containers, from Opelousas, La., to points in Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Mongomery and Waller Counties, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge or New Orleans, La. or Houston, Tex.

No. MC 129325 (Sub-No. 9), filed October 5, 1976. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, P.O. Box 8266, New Orleans, La. 70122. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Georgetown Texas Steel Company, located at or near Beaumont, Tex., to New Orleans, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 129516 (Sub-No. 40), filed Septemer 20, 1976. Applicant: PATTON'S INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer in sacks or bags*, from East Pasco, Wash., to points in Idaho, Oregon and Washington including ports of entry on the International Boundary line between the United States and Canada, located at or near Blaine, Lynden, Sumas and Oroville, Wash. and Eastport, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or Portland, Oreg.

No. MC 129802 (Sub-No. 9), filed October 6, 1976. Applicant: GAIL R. KALDENBERG, doing business as, ABC CARTAGE, 129 S. E. 18th Street, Des Moines, Iowa 50317. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Des Moines and Bloomfield, Iowa, serving no intermediate points: From Des Moines over Iowa Highway 5 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 63, thence over U.S. Highway 63 to Bloomfield, and return over the same route; and (2) Between Centerville, and Bloomfield, Iowa: From Centerville over Iowa Highway 2 to Bloomfield, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 129908 (Sub-No. 4), filed October 5, 1976. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, P.O. Box 75410, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., 401 North Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods; dairy products; sugar and crude milk sugar; soy flour; processed peanut products and peanut byproducts; cartons, containers and other materials* used in packaging or canning food products; (2) *borate, potash, sulphate of potash and sulphate potash of magnesium*, all in bags; *pneumatic truck and passenger tires; and tread rubber* for recapping truck and passenger car tires; and (3) *commodities* defined in Section 203 (b) (6) of the Motor Carrier Act which are otherwise exempt while moving in mixed loads with regulated commodities, between points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wisconson.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 129974 (Sub-No. 13), filed September 27, 1976. Applicant: THOMPSON BROS., INC., P.O. Box 457, Toronto, S. Dak. 57268. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain health food stores, and equipment, materials and supplies* (except commodities in bulk in tank vehicles), used in the manufacture, processing, sale and distribution of such merchandise, between Fargo, N. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Nutrition Mills, Inc.

NOTE.—Applicant holds common carrier authority in MC 124408 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 133095 (Sub-No. 114), filed October 4, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail stores (except foodstuffs, meat and packinghouses products, and commodities in bulk); and (2) *foodstuffs*, in mixed shipments with the commodities named in (1) above, from points in the United States (except Alaska, Hawaii, and Minnesota), to the facilities of Target Stores, Inc., located at Minneapolis, Minn., restricted to the transportation of traffic destined to the named plantsite.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Minneapolis, Minn.

No. MC 133119 (Sub-No. 98), filed September 23, 1976. Applicant: HEYL TRUCK LINES INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 So. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid insulation resin and foaming agents*, in containers, from Tacoma, Wash., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Minneapolis, Minn.

No. MC 133566 (Sub-No. 61), filed September 28, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of The Pillsbury Company, located at or near Seelyville, Ind., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia; and (2) *materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination territories as named in (1) above to the plantsite of The Pillsbury Company, located at or near Seelyville, Ind., restricted in (1) and (2) above to the transportation of traffic originating at the above named origin points and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Indianapolis, Ind.

No. MC 133796 (Sub-No. 38), filed September 23, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Maine Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane resin liquid*, in drums, in vehicles equipped with mechanical refrigeration, (1) from Los Angeles, Calif., to points in Oregon; and (2) from Los Angeles, Calif. and Roseburg, Medford, Gold Beach, and Eugene, Oreg., to Bonner and Columbia Falls, Mont., points in Arkansas, Louisiana, Texas, and the port of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash.

NOTE.—Applicant holds contract carrier authority in No. MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held at Los Angeles, Calif.

No. MC 133796 (Sub-No. 39), filed October 4, 1976. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Exeter, Pa., and Arizona, California, Nevada, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington.

No. MC 134084 (Sub-No. 4), filed September 16, 1976. Applicant: CLIFFORD M. SHROCK, 940 Blaine Street, Woodburn, Oreg. 97071. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and cants*, between points in Clackamas County, Oreg., on the one hand, and, on the other, points in Multnomah County, Oreg., and points in Clark and Cowlitz Counties, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134477 (Sub-No. 124), filed October 1, 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: *Meat, 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 Eau Claire and Whitehall, Wis., to points in Kansas, Oklahoma and Texas, restricted to the transportation of traffic originating at the Whitehall Packing Company, Inc., located at Eau Claire and Whitehall, Wis., and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134772 (Sub-No. 3), filed September 16, 1976. Applicant: GEORGE LANGE TRUCKING, INC., 999 Newhall Street, P.O. Box 26070, San Jose, Calif. 95159. Applicant's representative: Robert K. Lancefield, 2470 El Camino Real, Suite 108, P.O. Box 11415, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and new furniture parts* (crated or uncrated); (2) *lamps, lamp shades and lamp parts;* (3) *radio* and *television receiving sets, talking machines* (phonographs); (4) *clocks;* (5) *bicycles;* (6) *wall coverings* and *facings;* (7) *children's vehicles;* (8) *toys and games;* (9) *pictures and picture frames;* (10) *plastic, cotton*, or *wool furniture covering and parts;* (11) *wheeled carts* (baskets); and (12) *floor coverings* (carpets, rugs; floor mats; cushioning, lining, pads for carpets and rugs), from points in Alameda, Contra Costa, Fresno, Marin, Monterey, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, and Santa Cruz Counties, Calif., to points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, Kings, Madera, Marin, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, and Yolo and Yuba Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Jose or San Francisco, Calif.

No. MC 134983 (Sub-No. 4), filed August 19, 1976. Applicant: MID CONTINENT TRUCKING COMPANY, 204 Morningside Drive, Denison, Iowa 51442. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products*, and *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, commodities in bulk, and commodities the transportation of which requires the use of special equipment) from the facilities of Farmland Foods, Inc. located at Denison, Carroll, and Iowa Falls, Iowa to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; and (2) *returned shipments*, and *materials, equipment* and *supplies* utilized in the manufacture, sale and distribution of the commodities specified in (1) above (except hides, commodities in bulk, and commodities the transportation of which requires the use of special equipment), from points in the destination territory described in (1) above, to the facilities of Farmland Foods, Inc., located at Denison, Carroll, and Iowa Falls, Iowa, under a continuing contract or contracts with Farmland Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 135779 (Sub-No. 3), filed October 1, 1976. Applicant: BALDWIN TRUCKING, INC., 1740 Timothy Drive, San Leandro, Calif. 94577. Applicant's representative: E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Calif. 94102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palletized empty tin cans*, from the facilities of Del Monte Corporation located at Sacramento and Oakland, Calif., to the facilities of Del Monte Corporation located at Medford and Salem, Oreg., and Vancouver, Toppenish, and Yakima, Wash.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oakland or San Francisco, Calif.

No. MC 135895 (Sub-No. 12), filed October 4, 1976. Applicant: DON RAY BODY AND JACKIE ROGERS, doing business as, B & R DRAYAGE COMPANY, P.O. Box 8534, Battlefield Station, Jackson, Miss. 39205. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns and jars, and closures*, and *damaged or rejected shipments* of said commodities, between the plantsite and warehouses of Chattanooga Glass Company, located at or near Gulfport and Mineral Wells, Miss., Chattanooga, Tenn., and Corsicana Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., Memphis, Tenn., or New Orleans, La.

No. MC 134645 (Sub-No. 12), filed September 24, 1976. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Ave. South, St. Cloud, Minn. 56301. 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: *Floor covering and materials and supplies* used in the distribution and installation of floor covering, from Whitehall and Allentown, Pa., Norwood, Mass., and Clifton, N.J., to St. Paul and Detroit Lakes, Minn. and Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134645 (Sub-No. 13), filed September 27, 1976. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Ave. South, St. Cloud, Minn. 56301. 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: *Plastic containers* used in bottling and packaging of dairy products, from Itasca, Ill., to St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136669 (Sub-No. 10), filed September 29, 1976. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Eugene D. Anderson, 910 Seventeenth St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, restaurant supplies and equipment*, (a) from Brockton, and Wollaston, Mass.; and Hollis and Queens Village, N.Y., to Chicago, Ill.; Arlington and Dallas, Tex.; and Cleveland, Ohio; (b) from Miami, Fla., to Chicago, Ill.; Atlanta, Ga.; and Arlington and Dallas, Tex.; and (c) from Chicago, Ill.; to Council Bluffs and Sioux City, Iowa; Sioux Falls and Rapid City, S. Dak.; North Platte, Nebr.; and Arlington and Dallas, Tex., under a continuing contract, or contracts, with Howard Johnson's, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136828 (Sub-No. 11), filed October 4, 1976. Applicant: COOK TRANSPORTS, INC., P.O. Box O, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel valves, and parts thereof*, from the plant site and warehouse facilities of Clow Corporation, located at or near Westmont, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Nashville, Tenn.

No. MC 138157 (Sub-No. 28), filed September 20, 1976. Applicant: SOUTHWEST RENTAL, INC., doing business as, SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lin-

coln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and yarn*, from Fresno, Calif., to Dallas, Tex., Chattanooga, Tenn., and points in Bartow, Catoosa, Cherokee, Chattooga, Dade, Fannin, Floyd, Gilmer, Gordon, Murray, Pickens, Walker, and Whitfield Counties, Ga., restricted to traffic originating at the facilities of Berven Carpets Corp., Berven Rug Mills and Varidye Corp., located at or near Fresno, Calif.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fresno, or Los Angeles, Calif.

No. MC 138177 (Sub-No. 8), filed September 17, 1976. Applicant: BROWN TRUCKING, INC., 7622 Apple Valley Road, Germantown, Tenn. 38138. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling; (2) *commodities*, the transportation of which because of size or weight, do not require the use of special equipment or special handling when moving in the same vehicle and on the same bill of lading as commodities which by reason of size or weight do require the use of special equipment or special handling; (3) *heavy machinery and related tools, parts, and supplies* moving in connection therewith; (4) *self-propelled articles* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act) *and related machinery, tools, parts*, and *supplies* moving in connection therewith; (5) *contractors' machinery, equipment, materials, and supplies* (1) between Memphis, Tenn., on the one hand, and, on the other Florence, Muscle Shoals, Sheffield, and Tuscumbia, Ala., points in Ashley, Baxter, Bradley, Calhoun, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Fulton, Garland, Grant, Greene, Hot Spring, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Nevada, Ouachita, Perry, Phillips, Poinsett, Prairie, Pulaski, Randolph, Saint Francis, Saline, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff Counties, Ark., Cairo, Ill., points in Ballard, Carlisle, Fulton, Calloway, Graves, Hickman, Marshall, and McCracken Counties, Ky., Alcorn, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, and Yalobusha Counties, Miss., and Bolinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard Counties, Mo.

(2) From Aurora, Chicago, Matoon, and Moline, Ill., Fort Wayne, and Indianapolis, Ind., Waverly, Iowa; New Orleans, La., Benton Harbor, Detroit, and Mount Pleasant, Mich., Minneapolis and St. Paul Minn., St. Louis, Mo., Akron, Lima, and Marion, Ohio; Philadelphia, Pa., Lubbock, Pampa, and San Antonio, Texas; and Green Bay, Milwaukee, Waukesha, and Wausaw, Wis., to Memphis, Tenn., (B) *Steel shelled tanks* used for storage of carbon dioxide the transportation of which, because of their size or weight, require the use of special equipment or special handling and *related machinery, tools, parts, and supplies* moving in connection therewith, from Monee, Ill., to Memphis, Tenn., and between points in Alabama, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 138336 (Sub-No. 11), filed September 29, 1976. Applicant: CROSSLIN-GRADER CORPORATION, P.O. Box 5807, 1022 Sixth Avenue, North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank, II, 700 North Garden St., P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Non-electric reflective traffic control products, glass abrasive products*, and *equipment, machinery, materials, and supplies* used in the manufacture thereof, from Jackson, Miss., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Texas, Utah, and Washington; (2) *graphite crucibles, fire brick and fire brick shapes, high-temp bonding mortar, grinding wheels* (except pulp), *abrasive grain, silicon carbide*, crude, *stopper heads*, clay and graphite combined, from Blasdell, N.Y., to East Liverpool, Ohio, Tyler, Tex., and points in California, Kentucky, Louisiana, Mississippi Nevada, Oregon, Tennessee, and Washington; and (3) *fiberglass re-inforcing mats, fiberglass fabric and cloth, fiberglass rovings*, crushed and powdered glass, *synthetic fiber wastes and liquid plastics*, from Nashville, Tenn., to points in Oregon and Washington, restricted against the transportation of commodities in bulk in tank vehicles, under a continuing contract, or contracts, with Ferro Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 138469 (Sub-No. 29), filed September 13, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household furniture, mattresses, bed springs, bed frames, pillows, sheets, pillow cases and bed spreads*, from the facilities utilized by Oklahoma Furniture Manufacturing Company, located at or near Guthrie, Okla., to points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, Oklahoma, Oregon, Utah, and Washington); (2) *materials and supplies* used or useful in the production, sale and distribution of the commodities named in (1) above, and *household furniture* (except commodities in bulk), from points in the United States, except Alaska, Hawaii, and Oklahoma), to the plantsite named in (1) above; and (3) *agricultural commodities* exempt from economic regulation when moving at the same time and in the same vehicle with the commodities specified in (2) above (except commodities in bulk), from points in Arizona, California, Florida, Idaho, New Mexico, Oregon, Texas, and Washington, to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC-136375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas or Ft. Worth, Tex.

No. MC 138627 (Sub-No. 15), filed October 6, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Inland Steel Company located at or near East Chicago, Ind., to points in Iowa, Minnesota and Nebraska.

NOTE.—Applicant holds contract carrier authority in No. MC 66955, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138635 (Sub-No. 27), filed September 23, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and new furniture parts*, from Portland, Oreg., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138750 (Sub-No. 9), filed September 24, 1976. Applicant: W. F. BARTHELME, doing business as W. F. BARTHELME DIST. CO., 1620 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Laurel D. McClellan, P.O. Box 478, 430 North 7th, Fredonia, Kans. 66736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Extruded plastic products*, utilizing 45 feet frame high cubic capacity trailers, from Pittsburg, Kans., to points in Arkansas, Colorado, Florida, Iowa, Missouri, Nebraska, Oklahoma and Texas, under a continuing

contract, or contracts, with Jayhawk Specialty Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.; Wichita, Kans.; or Tulsa, Okla.

No. MC 139193 (Sub-No. 42), filed October 5, 1976. Applicant: ROBERT & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts 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 bulk commodities, in tank vehicles), from the plantsite and facilities utilized by John Morrell & Co., located at Shreveport, La., to points in Illinois (except Chicago, Elmhurst and Geneseo), Iowa (except Estherville) and South Dakota and (2) *such commodities* as are used by meat packers in the conduct of their business (except bulk commodities, in tank vehicles), from points in the States of Illinois (except Chicago, Elmhurst and Geneseo), Iowa (except Estherville) and South Dakota, to Shreveport, La., restricted to traffic transported under a continuing contract with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 139495 (Sub-No. 170), filed September 24, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Co., Inc. located at or near Henryetta, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 171), filed September 30, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rotary mower parts and supplies, and chain saw parts and supplies*, from Glennville, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of rotary mowers and chain saws, from points in the United States (except Alaska and Hawaii), to Glennville, Ga.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139658 (Sub-No. 16), filed October 8, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Coal and coke*, in bulk, in dump trucks, from points in Jefferson, Walker, Blount, Cullman, Winston, Tuscalossa, Fayette, Lamar and Marion Counties, Ala., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139923 (Sub-No. 24), filed September 28, 1976. Applicant: MILLER TRUCKING COMPANY, INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Gilroy Foods, Inc., located at or near Gilroy, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico, restricted to traffic originating at the facilities of Gilroy Foods, Inc.

[NOTE.—Applicant holds contract carrier authority in MC 139926 Sub-No. 2 therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 139923 (Sub-No. 26), filed September 29, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Malvern, Ark.; Ardmore and Stroud, Okla. and Daingerfield, Tex., to points in Arizona, California, Nevada and Oregon.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 139999 (Sub-No. 12), filed August 6, 1976. Applicant: REDFEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles produced and distributed by meat packinghouses*, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140097 (Sub-No. 1), filed August 30, 1976. Applicant: C. V. TRANSPORTATION, INC., 40 Court Street, Newport, N.H. 03773. Applicant's representative: Michael M. Patten, R.F.D. No. 2, Box 126, Newport, N.H. 03773. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips*, in bulk, from points in Massachusetts and Vermont, to points in New Hampshire, Maine, New York and Rhode Island, and (2) *square edge lumber*, from points in New Hampshire and Massachusetts, to points in Vermont, New Hampshire, Maine, Massachusetts, Kentucky, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Concord or Newport, N.H.

No. MC 140262 (Sub-No. 2), filed September 29, 1976. Applicant: VIKING TRANSPORT, INC., 1384 East F Street, Oakdale, Calif. 95361. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded detinned scrap tinplate and cans*, in bulk, in high-cube capacity, side-dumping dump vehicles, from Antelope, Calif. to Weed Heights, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Stockton, Calif.

No. MC 140364 (Sub-No. 1), filed October 7, 1976. Applicant: ARMOUR FOOD EXPRESS COMPANY, a corporation, 222 S. 72nd St., Omaha, Nebr. 68114. Applicant's representative: Lat J. Celmins, 17th Floor Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, equipment and materials* (except in bulk) used in the manufacture and assembly of automotive buses, from points in Henderson County, Ky., to the plant site of Transportation Manufacturing Corporation located at Roswell, New Mex., under a continuing contract or contracts with Transportation Manufacturing Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Roswell, New Mex. or Phoenix, Ariz.

No. MC 140435 (Sub-No. 4), filed October 1, 1976. Applicant: DENNIS CHUTZ AND WAYNE CHUTZ, a partnership, doing business as D & W TRUCKING COMPANY, R.D. 3, P.O. Box 3629, Grove City, Pa. 16127. Applicant's representative: Brian L. Troiano,

918 16th St., NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Butler and Mercer Counties, Pa., to the plantsites of Cleveland Electric Illuminating Company located in Ashtabula and Cuyahoga Counties, Ohio, under a continuing contract, or contracts, with Pengrove Coal Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 140829 (Sub-No. 25), filed September 29, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Section A 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 plantsites and warehouse facilities of Spencer Foods, Inc., located at or near Fort Dodge, Hartley, and Spencer, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141024 (Sub-No. 1), filed September 27, 1976. Applicant: RUSSELL CLARK TRUCKING CO., INC., 17221 Glen Ellyn Dr., Route 1, Marysville, Ohio 43040. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Union County, Ohio, on the one hand, and, on the other, Columbus, Ohio, restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus Ohio, or Washington, D.C.

No. MC 141076 (Sub-No. 8), filed September 20, 1976. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, P.O. Box 388D2, Hackettstown, N.J. 07848. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products*, requiring mechanical refrigeration (except in bulk), (1) from the warehouses of Beatrice Foods Company, located in Scranton, Pa., and at or near Allentown, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods, located at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination States; and (2) from the destination points, to the origin points named in (1) above, restricted to the transportation of traffic originating in the named origin States and destined to the warehouses of Beatrice Foods Company located at Scranton, Pa. and at or near Allentown, Pa.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 141133 (Sub-No. 2), filed September 28, 1976. Applicant: STANLEY A KNAPPENBERGER, 217 New Street, Walnutport, Pa. 18088. Applicant's representative: Marshall Kragen, 666 Eleventh Street, N.W., 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, scrap iron, scrap steel, and crushed automobiles*, between Berks, Bradford, Bucks, Carbon, Columbia, Dauphin, Lackawanna, Lehigh, Luzerne, Mifflin, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties, Pa., on the one hand, and, on the other, Auburn and Long Island City, N.Y., and Burlington, Florence, Jersey City, Phillipsburg, Newark and Sayreville, N.J., under a continuing contract with Wallace I. Putkowski Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Allentown, Philadelphia or Scranton, Pa.

No. MC 141532 (Sub-No. 10), filed September 28, 1976. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Henry C. Winters, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron bodied valves, and fire hydrants, and parts and accessories* for iron bodied valves and fire hydrants, from the plant site of Mueller Company, located at or near Sparks, Nev., to points in Arizona, California, Idaho, Montana, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev.; Seattle, Wash. or Portland, Oreg.

No. MC 141783 (Sub-No. 2), filed September 30, 1976. Applicant: HARRIGILL TRUCKING COMPANY, a Corporation, 203 Highway 51 North, Brookhaven, Miss. 39601. Applicant's representative: Jerry H. Blount, Suite L162, Capital Towers, 125 South Congress Street, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies, dump bodies, hydraulic hoists, lift tailgates, refuse bodies, refuse containers, and compactors;* and (2) *related parts and components* used in the manufacture, repair and/or maintenance of the commodities described in (1) above, (a) from the facilities of Perfection-Cobey Co., located at Brookhaven, Miss., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, New Mexico, North Carolina, Missouri, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; and (b) from the plantsite of Perfection-Cobey Co., located at or near Galion, Ohio, to the facilities of Perfection-Cobey Co., located at or near Brookhaven, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 141804 (Sub-No. 26), filed October 1, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors and electric motor parts*, from the plantsite and storage facilities of Century Electric Division of Gould Inc., located at or near McMinnville, Memphis, Nashville and Lexington, Tenn., to points in Arizona, California, Oregon and Washington, restricted to traffic originating at the above-named origins.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Nashville, Tenn.

No. MC 141804 (Sub-No. 27), filed October 6, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milled Talc*, in paper bags (except commodities in bulk), from Three Forks, Mont. and Grand Island, Nebr., to points in Alabama, Connecticut, Delaware, Georgia, Massachusetts, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia, restricted to the transportation of traffic originating at the plantsites of Cyprus Industrial Minerals.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141914 (Sub-No. 1), filed September 29, 1976. Applicant: FRANKS & SON, INC., Route No. 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from ports of entry on the International Boundary line between the United States and Canada located at Trout River, N.Y., to points in Arizona, California, Colorado, Montana, Oregon, Utah and Washington, restricted to traffic originating at the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., Boston, Mass. or Washington, D.C.

No. MC 141916 (Sub-No. 2), filed September 27, 1976. Applicant: HIGGINS TRUCKING, INC., Main Street, P.O. Box 710, Waverly, Va. 23890. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings; bark and wood residuals*, from points in North Carolina to Waverly, Va. (Sussex County), under a continuing contract with Masonite Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va.

No. MC 142048 (Sub-No. 2), filed September 1, 1976. Applicant: PACIFIC TRANSPORTATION LINES, INC., 433 Delaware Avenue, Buffalo, N.Y. 14202. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from the warehouse facilities of Empire Freezers of Syracuse, Inc., located at Syracuse, N.Y., to points in New York and returned shipments in the reverse direction.

NOTE.—Common control may be involved. If a hearing iis deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142075 (Sub-No. 4), filed September 23, 1976. Applicant: D. C. LARSON TRUCKING, INC., P.O. Box 926, 701 Highway 75 North, Moorhead, Minn. 56560. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel farm buildings*, from the plantsite and facilities of Modular Technology, located approximately 7 miles west of Elgin, Ill., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 142097 (Sub-No. 2), filed October 4, 1976. Applicant: GRAVEL PRODUCTS, INC., 115 N. E. 1st Street, Ontario, Oreg. 97914. Applicant's representative: H. C. Fields, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand gravel, fill material and asphalt concrete*, between points in Malheur, Harney, Baker, Grant, and Union Counties, Oreg., on the one hand, and, on the other, points in Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada and Owyhee Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 142124 (Sub-No. 1), filed September 16, 1976. Applicant: PACKAGE DELIVERY, INC., 421 West Tremont Avenue, Charlotte, N.C. 28203. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Franklin and Richmond Counties, Ga.; Alamance, Alexander, Anson, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cleveland, Caswell, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Gaston, Granville, Greene, Guilford, Hamett, Henderson, Hoke, Iredell, Johnson, Lee, Lenoir, Lincoln, McDowell, Mecklenburg, Montgomery, Moore, Nash, Orange, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanley, Union, Vance, Wake, Wayne and Wilson Counties, N.C.; Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Fairfield, Florence, Greenville, Kershaw, Lancaster, Laurens, Lee, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Sumter, Union, and York Counties, S.C., and Pittsylvania County, Va., restricted to individual articles not exceeding 100 pounds in weight, from one consignor to one consignee in a single day, moving in shipments not exceeding 500 pounds, and to operations conducted exclusively in two axle vehicles.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte or Raleigh, N.C. or Atlanta, Ga.

No. MC 142138 (Sub-No. 2), filed September 30, 1976. Applicant: ROBERT J. EDWARDS, Route No. 7, Box 716, Olympia, Wash. 98506. Applicant's representative: Michael D. Duppenthaler, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Recreational travel trailers* in towaway service, from Boise, and Caldwell, Idaho; McMinnville, Mt. Angel, Pendleton and Salem, Oreg., to Aberdeen, Blaine, Forks, Lynnwood, Olympia and Tacoma, Wash., under a continuing contract, or contracts, with Coumbs Trailer Sales, Inc.; Glenco Trailer Sales; Lucky O'Neils Trailer Sales; Arnold's Mobile Homes and R. V. Sales, Inc.; Holly Vista R. V. Center; and West End Motors.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Olympia or Seattle, Wash.

No. MC 142151 (Sub-No. 1), filed September 24, 1976. Applicant: H.E.R. EXPRESS, INC., Building 2142, Miami International Airport Depot, Miami, Fla. 33148. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles which, because of size or weight require special handling and special equipment; Classes A and B explosives; commodities requiring refrigeration; household goods; livestock; and commodities in bulk), between points in Dade County, Fla., having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No MC 142203 (Sub-No. 2), filed September 23, 1976. Applicant: UNITED TRUCKING, INC., P.O. Box 4435, Greenville, S.C. 29608. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive towing and garage equipment*, and *parts and accessories thereof*, from the facilities of Red Arrow Tow Bar Sales Co., located in Greenville County, S.C., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Red Arrow Tow Bar Sales Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 142205 (Sub-No. 4), filed September 23, 1976. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, Va. 22075. Applicant's representative: Thomas G. Jewell (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom molded expandable polystyrene packaging*, from the plantside of Preferred Plastics, Inc. located at Sterling, Va. to points in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Ohio, West Virginia and Rhode Island, under a continuing contract or contracts with Preferred Plastics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142207 (Sub-No. 3), filed September 17, 1976. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., 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.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 142231 (Sub-No. 1) (Amendment), filed July 29, 1976, published in the FEDERAL REGISTER issues of September 2, 1976, and September 30, 1976, and republished as corrected this issue. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Rd., N.E., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire impregnated iron or steel pipe, and iron or steel articles;* and (2) *such commodities* as are used by or are useful in the manufacture, distribution or sale of wire impregnated iron or steel pipe and iron or steel articles (except commodities which because of size or weight, require the use of special equipment), between the plantsite and facilities utilized by the Oxylance Corporation, in Fulton County, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Oxylance Corporation.

NOTE.—The of this republication is to reflect the new origin of the supporting shipper's facilities in Fulton County, Ga. in lieu of Cobb County, Ga. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 142304 (Sub-No. 1), filed September 28, 1976. Applicant: O'HARE TRUCK SERVICE, INC., 2200 N. Mannheim Road, Melrose Park, Ill. 60160. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged or disabled trucks and truck tractors, replacement trucks and truck tractors, and parts* dispatched to relieve wrecked, damaged or disabled trucks and truck tractors, between points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, on the one hand, and, on the other, Franklin Park, Lyons, Melrose Park, Elk Grove Village, and Chicago, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142305 (Sub-No. 1), filed October 4, 1976. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, Wis. 54301. Applicant's representative: Thomas O. Schultz, 307 Harrison Street, Kewaunee, Wis. 54216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meats*, from Kewaunee, Wis. to Brooklyn, N.Y., under a continuing contract with Kewaunee Cold Storage Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay; Milwaukee and Madison, Wis.

No. MC 142329 (Sub-No. 2), filed October 4, 1976. Applicant: J. D. JOHNSON, doing business as HOUSTON CARTAGE, 3100 Air Cargo Road, P.O. Box 60123, Houston, Tex. 77205. Applicant's representative: J. D. Johnson, 12911 Breezway, Houston, Tex. 77037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the maintenance, service, repair and operation of ships, moving in BOND under the control of U.S. Customs, restricted to an emergency expedited delivery service to be performed within 12 hours of ordering equipment, from Houston, Tex., to ships docked in the Gulf ports of Brownsville, Corpus Christi, Port Lavaca, Point Comfort, Freeport, Galveston, Texas City, Port Neches, Port Arthur, Beaumont and Orange, Tex.; New Orleans, Baton Rouge and Lake Charles, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 142402, filed August 13, 1976. Applicant: STE-MARIE EXPRESS LTEE, a Corporation, P.O. Box 208, Ste-Marie (Beauce), Quebec GOS 2YO. Applicant's representative: Denis Gosselin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and other wood products*, between ports of entry on the International Boundary Line between the United States and Canada, located in Maine, New Hampshire, New York and Vermont, on the one hand, and, on the other, points in Maine, Masachusetts, New Hampshire, New York and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Augusta, Maine.

No. MC 142425 filed August 23, 1976. Applicant: A. P. MOZINGO, Rt. 2, Bishopville, S.C. 29010. Applicant's representative: Hugh W. Cannon, P.O. Box 661, Hartsville, S.C. 29550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in Killebrew type trailers, between Wilmington, N.C., its port of debarkation and the manufacturing facilities of the W. R. Grace Company, located at or near Wilmington, N.C., and Darlington and Lee Counties, S.C., under a continuing contract, or contracts, with W. R. Grace & Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Florence or Columbia, S.C.

No. MC 142435 (Sub-No. 2) filed October 1, 1976. Applicant: BRUMMETT ENTERPRISES, INC., 186 Sheppard Road, P.O. Box 9713, Jackson, Miss. 39206. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings* for motels, in room modular concept, from Hinds County, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia, under a continuing contract with Holiday Inns, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or Memphis, Tenn.

No. MC 142456 (Sub-No. 2), filed September 13, 1976. Applicant: ED WALKER, doing business as, PRESSONS DELIVERY SERVICE, 399 North Maine Street, Mansfield, Ohio 44903. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from Chicago, Ill., and Mansfield, Ohio, to points in Ohio; and (2) *materials and supplies* as are dealt in by retail department stores (except in bulk), from points in Indiana and Ohio, to the facilities Aldens, Inc., and Spiegel, Inc., located at Chicago, Ill., and under a continuing contract or contracts, with Aldens, Inc. and Spiegel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, or Cleveland, Ohio.

No. MC 142457 (Sub-No. 2), filed September 29, 1976. Applicant: EUGENE STENNETT, doing business as GENE'S TRUCKING, 903 York Avenue, St. Paul, Minn. 55106. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, 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., Eau Claire and La Crosse, Wis., under a continuing contract with Jasons Dry Ice, Inc., St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 142486 (Sub-No. 1), filed September 30, 1976. Applicant: L & P PRODUCE, INC., 178 East Grand River, Ionia, Mich. 48846. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yogurt*, from Reed City, Mich., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 142493, filed September 28, 1976. Applicant: ADVANCE MOVING & STORAGE CO., INC., 1325 Wilkes Street, Alexandria, Va. 22304. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between Arlington, Loudoun, Fairfax, Prince William and Stafford, Counties, Va.; Alexandria and Falls Church, Va.; Charles, Prince George and Montgomery Counties, Md. and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Alexandria, Va.

No. MC 142494 filed September 16, 1976. Applicant: UNITED CARTAGE, INC., 737 South Stacey, Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Building, 3rd & Columbia, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between points in Pierce County, Wash., on the one hand, and on the other, points in King County, Wash., restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 142495 filed September 17, 1976. Applicant: TERBAX CORP., P.O. Box 495, Hawthorne, N.J. 07507. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic, packaging materials, winding boards, twine, paper articles and machinery;* and (2) *materials, equipment and supplies*, used or useful in the manufacture and sale of the commodities named in (1) above, between the warehousing, distribution and manufacturing facilities of The Baxter Corporation, located at Los Angeles and Hayward, Calif.; Chicago, Ill.; Denver, Colo.; Dallas, Tex.; Atlanta, Ga.; Minneapolis, and St. Paul, Minn., Boston, Mass., Detroit, Mich.; Cincinnati, Ohio; New Orleans, La.; Jacksonville, Fla.; New York, N.Y.; Hawthorne, N.J. and Shelby, N.C., 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 and those which because of size and weight require the use of special equipment, and under a continuing contract, or contracts, with The Baxter Corporation, located at Hawthorne, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 142496 filed September 27, 1976. Applicant: HUGH NICHOLS, an Individual doing business as HUGH NICHOLS TRUCKING CO., Box 161, Belmont, Miss. 38827. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in dump vehicles, from points in Bibb, Colbert, Franklin, Jefferson and Shelby Counties, Ala., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Jackson, Miss.

No. MC 142501 filed September 27, 1976. Applicant: HERBERT O. KINDRICK, doing business as KINDRICK TRUCKING CO., Route 1, Box 432, Harriman, Tenn. 37748. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, between the plantsite and shipping facilities of Roane Electric Furnace, Inc., located at or near Rockwood, Tenn., on the one hand and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virgina, under a continuing contract, or contracts, with Roane Electric Furnace, Inc.

NOTE.—Applicant holds common carrier authority in MC 127135 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Washington, D.C.

No. MC 142529 filed October 15, 1976. Applicant: FRANK J. DAL GALLO, 300 East Lake Street, Mt. Shasta, Calif. 96067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals and sawdust*, from Mt. Shasta, Calif., to Klamath Falls, Oreg., under contract with Kimberly-Clark Corporation and Weyerhaeuser Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Redding or San Francisco, Calif.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 220) filed September 27, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Fort Bragg, Calif. and the junction of U.S. Highway 101 (Cloverdale): From Fort Bragg, Calif., over California Highway 1 to the junction of California Highway 128, thence over California Highway 128 to junction of U.S. Highway 101 (Cloverdale) and return over the same route, serving all intermediate points; and (2) Between Auburn, Calif. and Nevada City, Calif.: From Auburn, Calif. over California Highway 49 to Nevada City, Calif. and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 48909 (Sub-No. 5) filed September 16, 1976. Applicant: SEYMOUR TRANSFER LINES, INC., 800 East Factory Street, Seymour, Wis. 54165. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Marathon, Fond du Lac, Shawano, Menominee, Oconto, Wood, Portage, Waupaca, Marquette, Outagamie, Brown, Kewaunee, Monroe, Juneau, Adams, Green Lake, Waushara, Winnebago, Calument, and Manitowoc Counties, Wis., and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Green Bay or Madison, Wis.

No. MC 118848 (Sub-No. 22) filed September 29, 1976. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, N.J. 07002. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, Between the Borough of Brooklyn, N.Y., and the site of the New Jersey Sports and Exposition Authority, located at or near East Rutherford, N.J., serving all intermediate points in the Borough of Brooklyn, N.Y.: From the Borough of Brooklyn over the Verrazano-Narrows Bridge to the Borough of Staten Island, thence over city streets in the Borough of Staten Island to the Goethals Bridge, thence over the Goethals Bridge and access roads to New Jersey Turnpike Interchange No. 13, thence over the New Jersey Turnpike to Interchange N. 16 W, thence over access roads to the site of the New Jersey Sports and Exposition Authority, located at or near East Rutherford, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bayonne, N.J.

No. MC 140797 (Sub-No. 1) filed October 6, 1976. Applicant: BLUE & GREY TRANSIT, INC., State Highway 35, South Amboy, N.Y. 08879. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Brooklyn, N.Y., and extending to the site of the New Jersey Sports and Exposition Authority, located at or near East Rutherford, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before November 29, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12956. (Correction) (ARKANSAS BEST FREIGHT SYSTEM, INC.—Purchase (portion)—ASSOCIATED TRANSPORT, INC., Thomas J. Cahill Trustee in bankruptcy), published in the September 16, 1976 FEDERAL REGISTER. The following portion was omitted from the publication: Between Boston, Mass., and Greenwich, Conn.: From Boston over U.S. Highway 1 to Greenwich, and return over the same route. service is authorized to and from the off-route points of Allington, Black Hall, Center Groton, Chesterfield, Devon, East Norwalk, Easton, East Port Chester, Glenbrook, Glenville, Greens Farms Grove Beach, Killingworth, Long Ridge, Lyme, New Canaan, Niantic, Noank, North Branford, North Guilford, North Stamford, Old Greenwich, Old Mystic, Orange, Pine Orchard, Riverside, Sachem Head, Savin Rock, Saybrook Point, Short Beach, South Lyme, Stony Creek, Waterford, West Haven, and Woodmont, Conn., and points in Connecticut within ten miles of New Haven, Conn.; Attleboro, Attleboro Falls, Beachmont, Brookline, Cambridgeport, Canton, Cliftonville, Cushing, Dedham, Dover, East Cambridge, East Everett, East Somerville, East Walpole, Edgeworth, Everett, Fairmont, Hebronville, Highlands, Medfield, Medfield Junction, Melrose, Newton Center, Newton Highlands, Newton Upper Falls, Newtonville, Norfolk Downs, North Cambridge, North Somerville, North Waltham, Norwood, Plainville, Reservoir, Riverside, Saugust, Sharon, South Walpole, Waban, Walpole, Watertown, Waverly, West Cambridge, West Everett, West Mansfield, West Medford, West Newton, West Somerville, West Watertown, Westwood, Winter Hill, Winthrop, Wollaston, and Woodland, Mass., and points in Massachusetts within 20 miles of Boston, Mass.; and Alton, Arkwright, Artic, Bellefonte, Bradford, Carolina, Coventry, Crompton, Darlington, Edgewood, Greene, Hope, Kenyon, Lincoln Park, Natick, Norwood, Oakland, Peace Dale, Phenix, Phillipsdale, Reverpoint, Sahnnock, Wakefield, Warwick, Watch Hill, Wickford, Wood Lake, and Woodville, R.I., and points in the Town of Burrellville, R.I., and those within 15 miles of Providence, R.I.; between Boston, Mass., and Albany, N.Y.: From Boston over U.S. Highway 20 to Albany, and return over the same route. Service is authorized to and from the off-route points of Armory, Auburndale, Bancroft, Belmont, Charlton, Charlton Depot, Chester Center, Holden, Holland, Hudson, Lenox Dale, Middlefield, Milbraham, Millbury, Monson, North Chester, Rochdale, South Lincoln, State Line, Thorndike, Three Rivers, Warren, and West Warren, Mass., and points within 20 miles of Springfield, Mass., those within ten miles of Worcester, Mass., those within ten miles of Pittsfield, Mass., and those within ten miles of Albany, N.Y.; Between Norwalk, Conn., and Williamstown, Mass.: From Norwalk over U.S. Highway 7 to Williamstown, and return over the same route. Service is authorized to and from the off-route points of Amenia Union, Bridgewater, Brookfield Center, Centerville, Goshen, Marble Dale, New Fairfield, New Preston, Northville, North Wilton, Reeding, Redding Ridge Ridgefield, Sherman, South Norfolk, Warren, West Goshen and Weston, Conn., and Alford, Hancock, Housatonic, Interlake, New Lenox, North Egremont, Richmond, South Egremont, and Washington, Mass.

No. MC-F-12998. Authority sought for purchase by TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 23193, Nashville, TN, of a portion of the operating rights of ALLIED DELIVERY & INSTALLATION, INC., 1042 Space Park South 37211, P.O. Box 7427, Nashville, TN, 37210, and for acquisition by HOWARD STEVEN GEORGE, Tennessee Cartage Co., Inc., P.O. Box 23193, Nashville, TN, 37202, of control of such rights through the purchase. Applicants' attorneys: A. Doyle Cloud, Jr., 5100 Popular Avenue, Memphis, TN 38117, and Buck and Baker, Suite 618 Hamilton Bank Bldg., Nashville, TN 37219. Operating rights sought to be transferred: *Such merchandise as is dealt in by home products distributors*, as a *common carrier* over irregular routes between Nashville, Tenn., on the one hand, and, on the other, points in Bedford, Bledsoe, Cannon, Cheatham, Clay, Coffee, Cumberland, Dickson, Davidson, DeKalb, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, Williamson, Wilson, and White Counties, Tenn., and Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, Ky. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12999. Authority sought for purchase by SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, UT 84003, of a portion of the operating rights and property of CLARK TANK LINES COMPANY, DBA CLARK TANK LINES, 1450 Beck Street, Salt Lake City, UT 84116, and for acquisition by NEAL SAVAGE, KENNETH SAVAGE, and T. LUKE SAVAGE, all of 585 South 500 East, American Fork, UT 84003, of control of such rights through the purchase. Applicants' attorneys: Noall T. Wootton, P.O. Box 65, American Fork, UT 84003, and Lon Rodney Kump, 3 East Fourth South, Salt Lake City, UT 84111. Operating rights sought to be transferred: *Soda ash*, as a *common carrier* over irregular routes from points in Sweetwater County, Wyo., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota Utah, and Washington, and points in El Paso County, Tex., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Washington, Oregon, Colorado, Nevada, Idaho, Utah, Arizona, Texas, New Mexico, California, Wyoming, Montana, North Dakota, South Dakota, and Nebraska. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC 13001. Authority sought for purchase by TEXAS BUS LINES, P.O. Box 418 Galveston, TX 77550, of a portion of the operating rights of CONTINENTAL SOUTHERN LINES, INC., DBA CONTINENTAL TRAILWAYS, 1786 Highway 80 West, Jackson, MS 39204, and for acquisition by TRANSIT PROPERTIES, INC., E. V. KITTERLIN, PRESIDENT, 818 21st Street, Galveston, TX 77550, of control of such rights through the purchase. Applicants' attorney: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Operating rights sought to be transferred: *Passengers and their baggage, and newspapers, and express in the same vehicle with passengers*, as a *common carrier* over regular routes between Baytown, Tex., and Dayton, Tex., serving all intermediate points, from Baytown over Texas Highway 146 to Dayton and return over the same route; between Dayton, Tex., and Liberty, Tex., serving all intermediate points, from Dayton over U.S. Highway 90 to Liberty and return over the same route; between Baytown, Tex., and Houston, Tex., serving no intermediate points, from Baytown over access roads to Texas Highway 73, thence over Texas Highway 73 to Houston, and return over the same route; between Houston, Tex., and Baytown, Tex., serving all intermediate points, from Houston over Market Street Road to Pelly, Tex., thence over Texas Highway 146 to Baytown, and return over the same route, from Houston over Market Street Road to junction Decker Drive, thence over Decker Drive to Baytown, and return over the same route. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 815 Skinner Building, Seattle, Washington 98101, represented by Mr. Dennis G. Opacki, 815 Skinner Building, Seattle, Washington 98101, hereby give notice that on the 8th day of October, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for a certificate of public convenience and necessity, authorizing applicant to extend its line of railroad on its Beverly Branch from a point at Railroad Station 1090+50 at Vernita, Washington, southerly and easterly to a point at the Energy Research and Development Administration 1100 Area Interchange in Benton County, Washington, for a distance of approximately 46 miles by operating over Energy Research and Development Administration tracks, which application is assigned Finance Docket No. 28312.

Applicant proposes to extend its existing line of railroad in the state of Washington by entering into a nonexclusive use agreement with Energy Research and Development Administration (ERDA) allowing applicant to operate over a line of railroad tracks approximately 46 miles long extending from a point near the western boundary of the Hanford Reservation near Vernita, Washington, where it connects with applicant's Beverly Branch line, southerly and easterly to a southern terminus which extends to and includes the 1100 Area Interchange track adjacent to the ERDA 1100 Area Scale House near Richland, Washington. The proposed extension would be located entirely within Benton County, Washington.

The development of the Port of Benton facilities will promote traffic in grain and other products and minimize rail car handling through congested coastal areas. The operating rights would discourage applicant from seeking abandonment of its Beverly Branch, thereby retaining a transportation capability for potential national defense requirements. No new financing will be necessary. Applicant will finance the cost of operation of the extended line from current funds.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), supra at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publicatoin in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before November 29, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's general rules of practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be not significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 109533 (Sub-No. 80), filed October 13, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: William C. Evans, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Virginia and West Virginia within 50 miles of Peterstown, W. Va., on the one hand, and, on the other, those points in that part of Virginia and West Virginia within 50 miles of Monroe County, W. Va. The purpose of this filing is to eliminate a gateway at Peterstown, W. Va.

NOTE.—This is a matter directly related to a finance proceeding in MC-F-12803, published in the FEDERAL REGISTER issue of April 8, 1976 (41 FR 14975). Inasmuch as the finance proceeding is unopposed, applicant has not specified a location for hearing.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers on or before November 29, 1976, unless the instructions set forth in the notices are followed.

[Docket No. AB-26 (Sub-No. 8)]

LIVE OAK, PERRY AND SOUTH GEORGIA RAILWAY COMPANY ABANDONMENT OF OPERATIONS BETWEEN FOLEY JUNCTION AND LIVE OAK, IN TAYLOR, LAFAYETTE, AND SUWANNEE COUNTIES, FLORIDA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 4, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment of operations by the Live Oak, Perry and South Georgia Railway Company over the line of railroad extending from Foley Junction to Live Oak, Florida, a distance of 39.54 miles, in Taylor, Lafayette, and Suwannee Counties, Florida. A certificate of abandonment will be issued to the Live Oak, Perry and South Georgia Railway Company based on the above-described finding of abandonment, on or before November 29, 1976, unless on or before November 29, 1976, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of

the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-120]

CHICAGO AND WESTERN RAILROAD COMPANY, ABANDONMENT IN CITY OF CHICAGO, COOK COUNTY, ILLINOIS

NOTICE OF FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on August 6, 1976, a finding, which is administratively final was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Chicago and Western Indiana Railroad Company of its line of railroad extending from milepost 0.00 to milepost 0.701 a distance of 0.701 miles in the City of Chicago, Cook County, Illinois. A certificate of the abandonment will be issued to the Chicago and Western Indiana Railroad Company based on the above-described finding of abandonment, on or before November 29, 1976, unless on or before November 29, 1976, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 29, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Deviation No. 17), ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, S. Dak. 57101, filed October 6, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 6 and Nebraska Highway 38 near Omaha, Nebr., over Nebraska Highway 38 to junction Nebraska Highway 92, thence over Nebraska Highway 92 to junction U.S. Highway 30 near Clarks, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Nebraska Highway 92 and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T9427, filed September 27, 1976. Applicant: H & H EXPEDITING SERVICE, INC., doing business as H & H FAST DELIVERY, 35 Mushroom Blvd., Rochester, N.Y. 14623. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities*, up to and including 100 lbs. max. per package for same day or next day delivery, from Rochester, N.Y., to all points in New York State and return. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12232 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002627A5A, filed October 4, 1976. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, Between Bremond, Texas and the plant site of Texas Utilities Service, Twin Oak Power Plant and Fuel Supply as follows: From Bremond, Texas over FM 2293 to the junction of FM 2293 and FM 979, thence over FM 979 to the Twin Oak Plant Site, Texas Utilities Service, and return over the same route serving the termini and all intermediate points.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336, and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC-30867 and all subs thereunder. Applicant seeks no duplicate authority. Intrastate, interstate, and foreign commerce sought.

Hearing: Date, time, and place will be scheduled approximately thirty days after publication in the FEDERAL REGISTER by the Railroad Commission of Texas, Transportation Division, Austin, Tex. Requests for procedural information should be addressed to the Railroad Commission of Texas, Transportation Division, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31524 Filed 10-28-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

GRAIN EXPORT CLAIMS PROJECT

Delegation of Claims Functions

Cross Reference: For a document concerning delegation of authority relating to the "Grain Export Claims Project", filed by the Office of General Sales Manager and the Commodity Credit Corporation, see FR Doc. 76-31820 below.

Commodity Credit Corporation

GRAIN EXPORT CLAIMS PROJECT

Delegation of Claims Functions

Notice is hereby given that pursuant to the authority contained in the By-Laws of Commodity Credit Corporation, Docket CZ 161a, as amended (Policies for Collection, Settlement, and Adjustment of Certain Claims By or Against Commodity Credit Corporation), and the Delegations of Authority by the Secretary of Agriculture and General Officers of the Department, 37 FR 28463, as amended, the Assistant Treasurer, Commodity Credit Corporation who is the Chief, Claims, and Collection Division, Prairie Village Commodity Office, Agricultural Stabilization and Conservation Service, is hereby delegated responsibility for claims functions, including the determination of claims, that may arise in connection with the activities of the "Grain Export Claims Project" involving Public Law 480, Barter, the Export Credit Sales Program, and the various Export Payment Programs, administered and financed by Commodity Credit Corporation: *Provided*, That the revision, compromise settlement, termination of collection, withdrawal or determination of uncollectability of any such claims shall be exercised in conjunction with claims officials of Commodity Credit Corporation within their existing authorization.

This delegation is deemed to be in the best interest of Commodity Credit Corporation in assuring efficient administration of its claims functions by keeping all activities of the "Grain Export Claims Project" centrally located.

Effective date: October 29, 1976.

Signed at Washington, D.C. on October 26, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, CCC and Administrator, ASCS.

JAMES L. HUTCHINSON,
Vice President, CCC and General Sales Manager.

FRED T. PLYBON,
Controller, CCC and Director, Fiscal Division, ASCS.

[FR Doc.76-31820 Filed 10-28-76;8:45 am]

Forest Service

KETTLE RANGE PLANNING UNIT LAND USE PLAN, COLVILLE NATIONAL FOREST

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 Kettle Range Planning Unit Land Use Plan, USDA-FS-R6-DES(Adm.)-77-4.

The environmental statement concerns a proposed land use plan for 232,550 acres of Forest Service administered land in Ferry County, Washington adjacent to the Colville Indian Reservation. The land use plan describes seven management areas and outlines management direction and guidance for each area. About 60 percent of the 84,300 acres inventoried as roadless or essentially roadless would be allocated to other uses where some form of development is likely to occur.

The draft environmental statement was transmitted to CEQ on October 22, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
Colville National Forest, 695 S. Main Street, Colville, Washington 99114.

A limited number of single copies are available upon request to Forest Supervisor, Robert B. Terrill, Colville National Forest, Federal Building, Colville, Washington 99114.

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 Forest Supervisor, Robert B. Terrill, Colville National Forest, Federal Building, Colville, Washington 99114. Comments must be received by December 21, 1976 in order to be considered in the preparation of the final environmental statement.

OCTOBER 22, 1976.

ELLIS W. GANO,
Acting Forest Supervisor.

[FR Doc.76-31667 Filed 10-28-76;8:45 am]

LAND USE PLAN, WARM SPRINGS-MEDICINE TREE

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 a Land Use Plan-Warm Springs-Medicine Tree Planning Unit, Forest Service Report USDA-FS-DES (Adm) R1-77-1.

The environmental statement concerns the proposed implementation of a Land Use Plan for the Warm Springs-Medicine Tree Unit, Sula Ranger District, Bitterroot National Forest, Ravalli County, Montana. About 48,985 acres of National Forest land are affected. The planning unit is divided into 6 subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was filed with C.E.Q. on October 22, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.
USDA, Forest Service, Sula Ranger Station, Sular, MT 59871.

A limited number of single copies are available upon request to:

Robert S. Morgan, Forest Supervisor, Bitterroot National Forest, 316 North Third Street, Hamilton, MT 59840.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the C.E.Q. 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 the Forest Supervisor, 316 N. Third St., Hamilton, MT 59840. Comments must be received by December 27, 1976 in order to be consulted in the preparation of the final environmental statement.

OCTOBER 22, 1976.

ROBERT S. MORGAN,
Forest Supervisor, Bitterroot National Forest.

[FR Doc.31665 Filed 10-28-76;8:45 am]

MARKAGUNT PLATEAU PLANNING UNIT

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 the Markagunt Plateau Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA–FS–DES (Adm) R4–77–1.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Markagunt Plateau Planning Unit on the Dixie National Forest in southwestern Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit.

This draft environmental statement was transmitted to CEQ on October 21, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4120, 324–25th Street, Ogden, Utah 84401.
Forest Supervisor, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.
District Forest Ranger, Cedar City Ranger District, Post Office Building, Cedar City, Utah 84720.

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.

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 Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720. Comments must be received by December 19, 1976, in order to be considered in the preparation of the final environmental statement.

OCTOBER 21, 1976.

P. M. REES,
Director, Regional Planning and Budget Office.

[FR Doc.76–31666 Filed 10–28–76;8:45 am]

CLEAR CREEK PLANNING UNIT LAND USE PLAN

Availability of Final 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 final environmental statement for the Clear Creek Planning Unit, Gifford Pinchot National Forest, Washington. USDA–FS–R6–FES (Adm)–75–08.

The environmental statement concerns a revised land use plan for the Clear Creek Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

The final environmental statement was transmitted to CEQ on October 21, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, WA 98660.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, OE 97204.

A limited number of single copies are available upon request to Forest Supervisor, Robert Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc.76–31579 Filed 10–28–76;8:45 am]

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $95 million to Chugach Electric Association, Inc., of Anchorage, Alaska. These loan funds will be used to finance a project consisting of 67.8 MW, two 32.2 MW, and 18 MW generating units fired by natural gas or waste heat, approximately 46 miles of new 230 kV transmission line, and conversion of existing transmission line from 138 kV to 230 kV.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. L. J. Schultz, Manager, Chugach Electric Association, Inc., Box 3518, Anchorage, Alaska 99501.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Schultz. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, and Chugach Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 21st day of October, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76–31725 Filed 10–28–76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SANDIA LABORATORIES ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 18, 1976.

Amended regulations issued under cited Act, (15 CFR Part 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00005. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, NM 87115. Article: Bucket Conveying System and accessories. Manufacturer: Gough Econ, Inc., United Kingdom. Intended use of article: The article is to be used as a principal component in a dried sewage sludge irradiator to be used for research purposes. Sewage sludge will be sterilized for fertilizer

and animal refeeding studies with the objective of demonstrating on a pilot scale, the economical sterilization of dried sewage sludge using gamma irradiation. The conveying system will carry the sewage sludge into the close proximity of a large gamma ray source for sterilization of the sludge. Application received by Commissioner of Customs: October 8, 1976.

Docket Number: 77–00006. Applicant: University of Chicago, 5801 S. Ellis Ave., Chicago, Ill. 60637. Article: 2 (Two) Electron Microscopes, Model Elmiskop 102. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is intended to be used for studies of the ultrastructure of two groups of viruses involved in human cancer. The experiments will involve analysis of thin sections and of negatively stained preparations. In addition, the article will be used in the training of scientists at the predoctoral and postdoctoral levels in cancer research, part of which involves research work. Application received by Commissioner of Customs: October 8, 1976.

Docket Number: 77–00007. Applicant: Louisiana State University Medical Center, Kresge Hearing Research Laboratory, L.S.U. School of Medicine, 1100 Florida Ave., Bldg. 164, New Orleans, LA 70119. Article: OVE IIId Speech Synthesizer, Type 21002. Manufacturer: A. B. Fonema, Sweden. Intended use of article: The article is intended to be used for the investigation of the nature of speech perception processes with work centered around the use of monotic and dichotic listening techniques, and the investigation of the effects that the variation of several task, listener, and stimulus parameters have on the identification of dichotic and monotic signals. Application received by Commissioner of Customs: October 8, 1976.

Docket Number: 77–00008. Applicant: U.S. Department of Agriculture, ARS-Western Regional Research Center, 800 Buchanan Street, Albany, CA 94710. Article: Mass Spectrometer, Model MM 70/70 F. Manufacturer: VG Micromass Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of natural products from plant and microbial sources, or chemically modified natural products from these sources. These will include constituents of plants or molds growing on plants that impart resistance to insect or microbial attack, affect the flavor or aroma of edible products derived from such plants, influence and the nutritional acceptability of plant products, serve as plant growth regulators, or comprise significant human or animal health threats. Experiments will be conducted to determine the chemical structures of these materials, or the relative or absolute amounts of the materials present in mixtures. Application received by Commissioner of Customs: October 12, 1976.

Docket Number: 77–00009. Applicant: Rockford School of Medicine of the University of Illinois, 1601 Parkview Avenue, Rockford, Illinois 61101. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objectives of these investigations are to further basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructural level, the enzyme localization and distribution in cells and tissues developing under normal and pathological conditions. The article will also be used in training courses entitled Ultrastructure involving a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: October 12, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-31648 Filed 10-28-76;8:45 am]

UNIVERSITY OF CHICAGO—ARGONNE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00441. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Article: Thermoanalyzer 2 and DTA amplifier. Manufacturer: Precision Instruments, Ltd., Switzerland. Intended use of article: The article is intended to be used to develop data of value to the breeder reactor program. More specifically investigation of a variety of reactions (synthesis decomposition, phase changes, melting etc.) by measuring weight change and heat effects in small-scale samples of actinide compounds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of simultaneous measurement of weight (TGA) and energy (DTA) change in a controlled high temperature (up to 1200° centigrade) environment. The National Bureau of Standards advises in its memorandum dated October 5, 1976 that (1) the capability described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-31650 Filed 10-28-76;8:45 am]

UNIVERSITY OF WISCONSIN—MADISON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76–00437. Applicant: University of Wisconsin-Madison, Dept. of Chemistry, 500 Lincoln Drive, Madison, Wisconsin 53706. Article: Fourier Transform Nuclear Magnetic Resonance Spectrometer, Model JNM/FX60 and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to provide broad support for a substantial number of research programs in which carbon 13 and proton nuclear magnetic resonance spectra are aids of major significance. The coverage of these programs extends over a wide range of areas of organic, inorganic, and bio-organic interest, including in particular the following:

Metal-carbine complexes.

Structure and bonding in inorganic compounds, particularly metal carbonyls.

Chemistry of metalloboranes, organigallium compounds, etc.

Carbonium ion rearrangements, chiral shift reagents.

Hydrazine-hydrazinium ion equilibra, molecular rearrangements.

Binding of Pyridoxal 5'-Phosphate to enzymes.

Stereochemical studies or organometalloid compounds.

Complexes of metals with isocyanides.

Identification and synthesis of theoretically significant molecules and natural products.

Organosphosphorus intermediates.

Organometallic compounds, especially of Group IV elements; structure, chemical

bonding, and reaction mechanisms of organosilicon compounds; new aromatic species; oxocarbons; perhalogenated cyclic compounds.

Bio-organic chemistry.

Mechanistic and exploratory organic photochemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a dual frequency (proton and carbon 13) variable temperature probe. The National Bureau of Standards (NBS) advises in its memorandum dated September 30, 1976 that the specification of the article described above is pertinent to the applicant's intended uses. NBS also advises (1) that no comparable domestic instrument provides the pertinent specification and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-31649 Filed 10-28-76;8:45 am]

National Fire Prevention and Control Administration

Termination

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL SITE SELECTION BOARD

Pursuant to section 14 of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), notice is hereby given that the National Academy for Fire Prevention and Control Site Selection Board (the Board) is terminated as of October 29, 1976. The Board was appointed by the Secretary of Commerce pursuant to section 7(g) of the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278 (f), (g), 42 U.S.C. 290(a)) and was authorized by that provision to "survey the most suitable sites for the location of the Academy [National Academy for Fire Prevention and Control] and to make recommendations to the Secretary."

The Board reviewed approximately 223 proposals for the Academy location and on July 2, 1976, submitted its recommendations to the Secretary of Commerce. On August 26, 1976, the Secretary, consistent with the Board's recommendations, formally selected the Marjorie Webster College site in Northwest Washington, D.C. Because its mission is accomplished and because its Charter provides for termination on October 29, 1976, it is announced that the National Academy for Fire Prevention and Control Site Selection Board is terminated as of October 29, 1976.

Dated: OCTOBER 26, 1976.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.76-31724 Filed 10-8-76;8:45 am]

National Oceanic and Atmospheric Administration

FISHERY CONSERVATION AND MANAGEMENT

Draft Environmental Impact Statements Concerning Potential Foreign Fisheries; Public Meeting

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190); and section 10(a)(2) of the Federal Advisory Committee Act; notice is hereby given of a public meeting to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, preliminary plans for the management of the Seamount Trawl Fishery Resources and the Precious Corals Fishery in the western Pacific area.

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly-established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1977.

The meeting will be held on: Thursday, November 18, 1976, at 9:00 a.m. in Room 314 of the State Capitol Building, Honolulu, Hawaii, to discuss the Seamount Trawl and Precious Corals Fisheries DEIS documents.

Copies of the DEIS are available for review at the following locations:

National Marine Fisheries Service, Southwest Regional Office, 300 South Ferry Street, Terminal Island, California 90731.

Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla, California 92038.

Southwest Fisheries Center, Honolulu Laboratory, 2570 Dole Street, Honolulu, Hawaii 96812.

Director of Sea Grant Programs, University of Hawaii, Manoa Campus, Room 255, Spaulding Hall, 2540 Maile Way, Honolulu, Hawaii 96822.

Hawaii State Division of Fish and Game, 1151 Punchbowl Street, Honolulu, Hawaii 96813.

Office of Marine Resources, Government of American Samoa, Pago Pago, American Samoa 96799.

Office of the Director, Department of Agriculture, Government of Guam, Agana, Guam 96910.

Individuals and organizations may express their views or opinions by appearing at this meeting or by submitting written comments for inclusion in the record to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731. Any inquiries with respect to the meeting should be made to the Regional Director. Written comments will be accepted for the official marked no later than midnight, Decemrecord if they are received or postmarked no later than midnight, December 14, 1976.

SIDNEY R. GALLER,
Deputy Assistant Secretary for Environmental Affairs.

OCTOBER 26, 1976.

[FR Doc.76-31620 Filed 10-28-76;8:45 am]

FISHERY CONSERVATION AND MANAGEMENT

Draft Environmental Impact Statements Concerning Potential Foreign Fisheries; Public Meetings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190); and section 10(a)(2) of the Federal Advisory Committee Act; notice is hereby given of public meetings to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, preliminary plans for the management of the following fishery management units:

(a) King and tanner crabs of the Eastern Bering Sea,

(b) Shrimp of the Eastern Bering Sea and Gulf of Alaska,

(c) Trawl Fishery of the Gulf of Alaska,

(d) Troll Salmon Fishery of the Pacific Coast,

(e) Trawl Fishery of the Bering Sea and the Aleutian Islands,

(f) Sablefish of the Bering Sea and Northeastern Pacific Ocean,

(g) High Seas Salmon Fisheries of Japan.

These are fisheries for which foreign nations may be expected to apply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

These meetings will be held at the following locations, dates and times.

(a) Anchorage, Alaska.	Tuesday, 9 a.m., Nov. 16, 1976.	Royal Room, Sheffield House, 720 West 5th Ave., Anchorage, Alaska.
(b) Kodiak, Alaska.	Thursday, 9 a.m., Nov. 18, 1976.	Fishermen's Hall, Marine Dr., Kodiak, Alaska.
(c) Petersburg, Alaska.	Tuesday, 9 a.m., Nov. 23, 1976.	City Council Chambers, City Hall, Petersburg, Alaska.

Copies of the DEIS are available for public review at the following locations:

ANCHORAGE

Department of Fish and Game, 333 Raspberry Road, Anchorage, Alaska 99502.
National Marine Fisheries Service, Room 408 Hill Building, 632 West 6th Avenue, Anchorage, Alaska 99501.
Z. J. Loussac Public Library, 427 First Street, Anchorage, Alaska 99501.

BETHEL

Department of Fish and Game, Bethel, Alaska 99559.
Bethel Public Library, Bethel, Alaska 99559.

CORDOVA

Department of Fish and Game, Cordova, Alaska 99574.
Cordova Public Library, Cordova, Alaska 99574.

DILLINGHAM

Department of Fish and Game, Dillingham, Alaska 99576.
Dillingham Public Library, Dillingham, Alaska 99576.

FAIRBANKS

Department of Fish and Game, 1300 College Road, Fairbanks, Alaska 99701.
Fairbanks North Star Borough Public Library 901 1st Avenue, Fairbanks, Alaska 99701.

HOMER

Department of Fish and Game, Homer, Alaska 99603.
Homer Public Library, Homer, Alaska 99603.

JUNEAU

Department of Fish and Game, S.E. Regional Office, 210 Ferry Way, Juneau, Alaska 99801.
Department of Fish and Game, Commissioner, Subport Building, Juneau, Alaska 99801.
National Marine Fisheries Service, Rm. 453, Federal Building, Juneau, Alaska 99801.
Juneau Memorial Library, 114 West 4th Street, Juneau, Alaska 99801.

KETCHIKAN

Department of Fish and Game, 208 State Court and Office Building, 415 Main Street, Suite 208, Ketchikan, Alaska 99901.
Ketchikan Public Library, 629 Dock Street, Ketchikan, Alaska 99901.

KODIAK

Department of Fish and Game, Kodiak, Alaska 99615.
A. Holmes Johnson Memorial Library, Kodiak, Alaska 99615.
National Marine Fisheries Service, Gibson Cove, Kodiak, Alaska 99615.

KOTZEBUE

Kotzebue Public Library, Kotzebue, Alaska 99752.

PETERSBURG

Department of Fish and Game, Swanson Bldg., Petersburg, Alaska 99833.
Petersburg Public Library, Petersburg, Alaska 99833.

SAND POINT

Department of Fish and Game, Sand Point, Alaska 99661.
Sand Point Community/School Library, Sand Point, Alaska 99661.

SEWARD

Department of Fish and Game, Seward Court Building, Seward, Alaska 99664.
Seward Community Library, Seward, Alaska 99664.

SITKA

Department of Fish and Game, State Office Building, Sitka, Alaska 99835.
Kedelson Memorial Library, Sitka, Alaska 99835.

SOLDOTNA

Department of Fish and Game, Soldotna, Alaska 99669.
Public Library, Soldotna, Alaska 99669.

UNALASKA

Department of Fish and Game, c/o Standard Oil Dock, Dutch Harbor, Alaska 99685.
Unalaska/School/Community Library, Unalaska, Alaska 99685.

VALDEZ

Department of Fish and Game, Valdez, Alaska 99686.
Valdez Public Library, Valdez, Alaska 99686.

WRANGELL

Department of Fish and Game, Wrangell, Alaska 99929.
Wrangell Public Library, Wrangell, Alaska 99929.

YAKUTAT

Department of Fish and Game, Yakutat, Alaska 99689.

Limited numbers of the DEIS are available from the Director, Alaska Regional Office, National Marine Fisheries Service, Box 1668, Juneau, Alaska 99801. Written comments on the DEIS from interested members of the public may be submitted, not later than December 14, 1976, to the above address.

SIDNEY R. GALLER,
Deputy Assistant Secretary for Environmental Affairs.

OCTOBER 26, 1976.

[FR Doc.76-31621 Filed 10-28-76;8:45 am]

FISHERY CONSERVATION AND MANAGEMENT

Draft Environmental Impact Statements Concerning Potential Foreign Fisheries; Public Meetings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub.L. 91-190); and section 10(a)(2) of the Federal Advisory Committee Act; notice is hereby given of public meetings to be held by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce, to receive public views and comments on Draft Environmental Impact Statements (DEIS) containing, as an integral part of each, preliminary plans for the management of the following fishery management units: (a) Troll salmon fishery of the Pacific Coast, (b) Trawl fishery of Washington, Oregon and California, and (c) Sablefish (black cod) of the Bering Sea and Northeastern Pacific Ocean.

These are fisheries for which foreign nations may be expected to reply for permits to fish, and for which the newly established Regional Fishery Management Councils may not be able to prepare and implement fishery management plans before March 1, 1977.

The meetings will be held at the following locations, dates and times:

(a) Eureka, Calif.	Tuesday, 3 p.m., Nov. 15, 1976.	Eureka Inn, 7th at F St., Eureka, Calif.
(b) Astoria, Oreg.	Wednesday, 7:30 to 10:30 p.m., Nov. 17, 1976.	Clatsop College Fisheries Building (old yacht club) on Young's Bay.
(c) Seattle, Wash.	Thursday, 7:30 to 10:30 p.m., Nov. 18, 1976.	Northwest Fisheries Center, NMFS, 2725 Montlake Blvd. East.

Copies of the DEIS are available for public review at the following locations:

CALIFORNIA

Marin County Free Library, Reference Department, Civic Center Administration Building, San Rafael.
Los Angeles County Library, 425 15th Street, Manhattan Beach.
San Diego County Library, Imperial Beach Branch, 810 Coronado Avenue, Imperial Beach.
County Library, 410 Morro Bay Boulevard, Morro Bay.
Eureka Inn, Seventh & F Streets, Eureka.

OREGON

Marine Fishery Extension Office, 2nd Floor, Post Office Bldg., 750 Commercial Street, Astoria.
Fishermen's Library, All-Coast Fishermen's Marketing Association, Charleston Boat Basin, Coos Bay.
Port of Newport Office, 334 S.W. Bay Road, Newport.

WASHINGTON

Northwest Regional Office, National Marine Fisheries Service, Room 210, Lake Union Building, 1700 Westlake Avenue North, Seattle.
Port of Seattle, Fishermen's Terminal, 1735 W. Thurman Street, Seattle.
Port of Ilwaco Office, Ilwaco.
Sea Grant Advisory Services, Grays Harbor College, Aberdeen.
North Sound Sea Grant Office, 19 Harbor Mall, Bellingham.
Resource Center, Clover Park Education Center, 4500 Steilecoom Blvd., Lakewood Center.

Limited numbers of the DEIS are available from the Director, Northwest Regional Office, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109. Written comments on the DEIS from interested members of the public may be submitted, not later than December 14, 1976, to the above address, or, for California residents, to: Director, Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

SIDNEY R. GALLER,
Deputy Assistant Secretary for Environmental Affairs.

OCTOBER 26, 1976.

[FR Doc.76-31622 Filed 10-28-76;8:45 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the Mid-Atlantic Regional Fishery Management Council established by Section 302 of the Fishery Conservation and

Management Act of 1976 (Pub. L. 94–265).

The Mid-Atlantic Regional Fishery Management Council will have authority effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings as it deems necessary.

This meeting of the Council will be held on November 18 and 19, 1976, 10 a.m.–5 p.m.; and 9 a.m.–3 p.m. respectively at the Hospitality House, Crystal City—200 Jefferson Davis Highway, Arlington, Virginia.

PROPOSED AGENDA

November 18—Review of interim regulations and operating procedures; analyses of fisheries in the Mid-Atlantic area; other management issues.

November 19—Unfinished business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve 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. Interested members of the public should contact Mr. Donald G. Birkholz; National Marine Fisheries Service; State Fish Pier; Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

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 provide written comments should do so by submitting them to Mr. Birkholz 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.

Dated: October 22, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-31875 Filed 10-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0002]

ELANCO PRODUCTS CO., ET AL.

Diethylstilbestrol; Notice of Availability of Environmental Impact Assessment

The Commissioner of Food and Drugs has reviewed the potential environmental impact of the proposal to withdraw approval of new animal drug applications for diethylstilbestrol, which was published as a notice of opportunity for hearing in the FEDERAL REGISTER of January 12, 1976 (41 FR 1804). The Commissioner has concluded that the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact analysis report with this assessment is on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: October 26, 1976.

JOSEPH P. HILE,
Acting Associate
Commissioner for Compliance.

[FR Doc.76-31821 Filed 10-28-76;8:45 am]

[Docket No. 75N-0008]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Effective Date of Withdrawal of Approval

The Food and Drug Administration (FDA) is announcing immediate termination of certification services for certain intramammary infusion products because the U.S. Court of Appeals for the District of Columbia Circuit has affirmed the February 24, 1975 order by the Commissioner of Food and Drugs (published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10221) under Docket No. FDC–D–708) withdrawing the approvals of numerous Masti-Kure Products Co., Inc., fixed combination mastitis products.

The Commissioner proposed to withdraw certain approvals for fixed combination mastitis products and to terminate certification services for them in a notice published in the FEDERAL REGISTER of August 30, 1974 (39 FR 31678). He agreed to certify all batches of these products irrevocably committed to manufacture, and in return, the sponsors agreed not to legally contest the eventual termination of certification services. The agrement nevertheless permitted the sponsors to challenge the withdrawal of the approvals. One sponsor, Masti-Kure Products Co., Inc., obtained a preliminary injunction (*Masti-Kure Products Co., Inc.* v. *Weinberger, etc.*, Civil Action No. 74–1444 (D.D.C. Oct. 21, 1974)) requiring certification of its products until agency action against these products was completed.

When the Commissioner issued the final order, published in the FEDERAL REGISTER of March 5, 1975, withdrawing the approvals for Masti-Kure's products, the court of appeals again stayed the FDA termination of certification services. At that time the other sponsors of combination mastitis products threatened to litigate the issue of certification services termination, and the Commissioner proposed resolution of the issue by out-of-court settlement. In April 1975, FDA agreed to certify all affected combination mastitis products until the circuit court ruled on Masti-Kure's appeal of the withdrawal order; Masti-Kure's attempt to enjoin this out-of-court settlement was denied (*Masti-Kure Products Co., Inc.* v. *Weinberger*, Civil Action No. 750876 (D.D.C., Sept. 3, 1975)). In accordance with this agreement, the Commissioner stayed the effective date of his order withdrawing approvals for mastitis products subject to the notices published in the FEDERAL REGISTER of June 3, and August 28, 1975 (40 FR 23918, 39540).

On August 12, 1976, the court of appeals affirmed the Commissioner's withdrawal of Masti-Kure's approvals (*Masti-Kure Products Co., Inc.* v. *Mathews*, Civil Action No. 75–1231 (D.C. Cir. 1976)) and stayed the effective date of the order for 30 days. Thereafter, Masti-Kure filed motions to clarify and extend the court's 30-day stay. The company also filed a petition for rehearing.

On September 9, 1976, the Commissioner signed an order, published in the FEDERAL REGISTER of September 13, 1976 (41 FR 38805), permitting continuation of certification services until the court's mandate issued. The intent of the order was to permit Masti-Kure to exhaust its practical appellate remedies prior to cessation of certification services. On September 13, 1976, the United States Court of Appeals for the District of Columbia denied Masti-Kure's request for an extension of the original 30-day stay and on September 28, the court denied Masti-Kure's petition for a rehearing en banc. On October 5, 1976, Masti-Kure filed a motion seeking to delay issuance of the court's mandate until such time as the Supreme Court rules upon a petition for a writ of certiorari that Masti-Kure intends to file.

The Commissioner has concluded that his decision to permit certification services until issuance of the court's mandate should be rescinded.

As the order withdrawing approvals of Masti-Kure's applications reflects, there is insufficient evidence that the drugs are effective. Appellate review resulted in a per curiam affirmance of that order. Masti-Kure's attempt to obtain a rehearing en bank was denied summarily. Additionally, the appellate court has refused to stay enforcement of the order. Thus, the only impediment to immediate removal from the marketplace of these unproven drugs is the order of September 9, 1976, in which the Commissioner stated his intention to await issuance of the court's mandate. The Commissioner believes that effective appellate review has been obtained; that there is little likelihood of the Supreme Court's granting certiorari; and that the filing of a petition for certiorari would be designed primarily, if not exclusively, to delay further the issuance of the court's man-

date and, thus, to allow more time within which Masti-Kure could sell its drugs.

For these reasons the Commissioner must conclude that there is no longer a basis in law or equity for continued certification of these products and hereby announces that certification services are terminated immediately, and the September 13, 1976 FEDERAL REGISTER notice is accordingly revoked.

(Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: October 21, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-31822 Filed 10-28-76;8:45 am]

NUCLEAR MEDICINE SUBCOMMITTEE OF THE MEDICAL RADIATION ADVISORY COMMITTEE

Meeting

This notice announces the forthcoming meeting of a public advisory committee of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meeting and the methods by which interested persons may participate in the open public hearing conducted by the committee. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Subcommittee on Nuclear Medicine of the Medical Radiation Advisory Committee.	Nov. 17, 7 a.m., Palmer House Hotel, 17 East Monroe St., Chicago, Ill.	Open public hearing 7 a.m. to 8 a.m.; open committee discussion 8 a.m. to 12 m.; Peter Paras, Ph. D., (HFX-300), 5600 Fishers Lane, Rockville, Md. 20852 (301) 443-2473.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Report on the Bureau of Radiological Health Task Force on Short-Lived Radionuclides; quality control procedures for nuclear medicine instrumentation; radionuclide dosimetry; and teletherapy monitoring.

Agenda items are subject to change as priorities dictate.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, D.C. area, on the basis of the criteria of § 2.307 of FDA proposed administrative procedure regulations relating to public advisory committees published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40682).

Dated: October 22, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-31823 Filed 10-28-76;8:45 am]

[Docket Nos. 76N-0356, 76N-0261, and 76N-0377; DESI Nos. 1543, 2238, and 7661]

ESTROGEN PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

The Food and Drug Administration (FDA) is amending three Drug Efficacy Study Implementation (DESI) followup notices to require that the physician labeling for the drug products named therein conform to revised labeling published elsewhere in this issue of the FEDERAL REGISTER. In three separate notices (DESI 1543 (Docket No. 76N-0356), DESI 2238 (Docket No. 76N-0261), and DESI 7661 (Docket No. 76N-0377)) published in the FEDERAL REGISTER of September 29, 1976 (41 FR 43114, 43110, and 43112) FDA announced its conclusions that the subject estrogen preparations are effective for the indications stated and lack substantial evidence of effectiveness for all other labeled indications, and offered an opportunity for a hearing on the reclassified indications. Published simultaneously with the above notices was a notice entitled "Physician Labeling and Patient Labeling for Estrogens for General Use" (Docket No. 76N-0381; 41 FR 43117) setting forth physician labeling text and proposed patient labeling for estrogens.

The three notices on estrogen preparations announced as a marketing condition, that a supplement to approved new drug applications must be submitted to provide for revised physician labeling in accord with the indications stated for each notice and that the physician labeling must be substantially the same in content as that set forth in the notice entitled "Physician Labeling and Patient Labeling for Estrogens for General Use" (41 FR 43117). They further announced that any estrogen products covered by these three notices and shipped in interstate commerce by a manufacturer, repacker, relabeler, or distributor after November 29, 1976 with labeling not conforming to that published will be regarded as misbranded and subject to regulatory action.

A notice revising the recently published physician and patient labeling appears elsewhere in this issue of the FEDERAL REGISTER. Accordingly, the three followup notices of September 29, 1976 (DESI's 1543, 2238, and 7661) are amended as they pertain to labeling to advise (1) That the physician labeling should be substantially the same in content as the physician labeling set forth in the notice entitled "Physician Labeling and Patient Labeling for Estrogens for General Use; Amendment" published elsewhere in this issue of the FEDERAL REGISTER and (2) that the date of November 29, 1976, previously stated as the date by which labeling suplements should be submitted and the date after which the revised labeling should be put into use, is now changed to December 28, 1976. Any estrogen product covered by these three followup notices and shipped in interstate commerce by a manufacturer, repacker, relabeler, or distributor after December 28, 1976, with labeling not conforming to this labeling will be regarded as misbranded and subject to regulatory action.

Firms that have already revised their labeling based upon the September 29, 1976 notices will be allowed to use that labeling until it is depleted or until April 29, 1977, whichever occurs first.

Drug products named in DESI 2238 other than estrogens are not subject to this amending notice.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.52) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 22, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-31618 Filed 10-28-76;8:45 am]

[Docket No. 76N-0381; DESI Nos. 740, 1543, 2238, and 7661]

PHYSICIAN LABELING AND PATIENT LABELING FOR ESTROGENS FOR GENERAL USE; AMENDMENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration (FDA) is amending the notice that was published in the FEDERAL REGISTER of September 29, 1976 (41 FR 43117) setting forth physician labeling and patient labeling for estrogenic drug substances for general use. That labeling was reviewed by the FDA Obstetrics and Gynecology Advisory Committee at its regularly scheduled meeting on September 30, 1976. Based upon recommendations made by the Committee the labeling has been revised and, due to the nature and importance of these changes, the revised labeling is now being published to replace that appearing in the September 29, 1976 notice. That notice is not otherwise changed by this amendment except that the time limit, stated to be November 29, 1976, for comment, for putting the revised physician labeling into use, and for submitting supplements to approved new drug applications, is changed to December 28, 1976.

Firms that have already revised their labeling based upon the September 29, 1976 notice will be allowed to use that labeling until it is depleted or until April 29, 1977, whichever occurs first.

Accordingly, items V and VI of the September 29, 1976 notice setting forth physician labeling and patient labeling are amended to read as follows:

V. PHYSICIAN LABELING

The physician labeling for estrogens for general use is set forth below.

ESTROGEN LABELING

Boxed Warning

1. ESTROGENS HAVE BEEN REPORTED TO INCREASE THE RISK OF ENDOMETRIAL CARCINOMA.

Three independent case control studies have shown an increased risk of endometrial cancer in postmenopausal women exposed to exogenous estrogens for prolonged periods.[1-3] This risk was independent of the other known risk factors for endometrial cancer. These studies are further supported by the finding that incidence rates of endometrial cancer have increased sharply since 1969 in eight different areas of the United States with population-based cancer reporting systems, an increase which may be related to the rapidly expanding use of estrogens during the last decade.[4]

The three case control studies reported that the risk of endometrial cancer in estrogen users was about 4.5 to 13.9 times greater than in nonusers. The risk appears to depend on both duration of treatment[1] and on estrogen dose.[2] In view of these findings, when estrogens are used for the treatment of menopausal symptoms, the lowest dose that will control symptoms should be utilized and medication should be discontinued as soon as possible. When prolonged treatment is medically indicated, the patient should be reassessed on at least a semiannual basis to determine the need for continued therapy. Although the evidence must be considered preliminary, one study suggests that cyclic administration of low doses of estrogen may carry less risk than continuous administration;[5] it therefore appears prudent to utilize such a regimen.

Close clinical surveillance of all women taking estrogens is important. In all cases of undiagnosed persistent or recurring abnormal vaginal bleeding, adequate diagnostic measures should be undertaken to rule out malignancy.

There is no evidence at present that "natural" estrogens are more or less hazardous than "synthetic" estrogens at equiestrogenic doses.

2. ESTROGENS SHOULD NOT BE USED DURING PREGNANCY

The use of female sex hormones, both estrogens and progestagens, during early pregnancy may seriously damage the offspring. It has been shown that females exposed in utero to diethylstilbestrol, a non-steroidal estrogen, have an increased risk of developing in later life a form of vaginal or cervical cancer that is ordinarily extremely rare.[5,6] This risk has been estimated as not greater than 4 per 1000 exposures.[7] Furthermore, a high percentage of such exposed women (from 30 to 90 percent) have been found to have vaginal adenosis,[8-12] epithelial changes of the vagina and cervix. Although these changes are histologically benign, it is not known whether they are precursors of malignancy. Although similar data are not available with the use of other estrogens, it cannot be presumed they would not induce similar changes.

Several reports suggest an association between intrauterine exposure to female sex hormones and congential anomalies, including congential heart defects and limb reduction defects.[13-16] One case control study[16] estimated a 4.7 fold increased risk of limb reduction defects in infants exposed in utero to sex hormones (oral contraceptives, hormone withdrawal tests for pregnancy, or attempted treatment for threatened abortion). Some of these exposures were very short and involved only a few days of treatment. The data suggest that the risk of limb reduction defects in exposed fetuses is somewhat less than 1 per 1000.

In the past, female sex hormones have been used during pregnancy in an attempt to treat threatened or habitual abortion. There is considerable evidence that estrogens are ineffective for these indications, and there is no evidence from well controlled studies that progestagens are effective for these uses.

If (*name of drug*) is used during pregnancy, or if the patient becomes pregnant while taking this drug, she should be apprised of the potential risks to the fetus, and the advisability of pregnancy continuation. (For products containing diethylstilbesterol but not labeled for postcoital contraception, labeling must include before the description section the following statement in block capital letters: THIS DRUG PRODUCT SHOULD NOT BE USED AS A POST-COITAL CONTRACEPTIVE.[17])

DESCRIPTION

(To be supplied by the manufacturer)

(*Description should include the following information.*)

1. The proprietary name and the established name, if any, of the drug product;

2. The type of dosage form and the route of administration to which the labeling applies;

3. The same qualitative and/or quantitative ingredient information as required for labels;

4. If the product is sterile, a statement of that fact;

5. The pharmacological or therapeutic class of the drug product;

6. The chemical name and structural formula. When appropriate, other important chemical or physical information, such as physical constants, pH, etc., should also be included.

CLINICAL PHARMACOLOGY

(To be supplied by the manufacturer)

INDICATIONS

(Depending on the specific drug and dosage form (see DESI notices Nos. 1543, 2238, and 7661 published elsewhere in this issue of the FEDERAL REGISTER for specific indications) the labeling may include appropriate indications from those stated below.)

(*Name of Drug*) is indicated in the treatment of:

1. Moderate to severe *vasomotor* symptoms associated with the menopause. (There is no evidence that estrogens are effective for nervous symptoms or depression which might occur during menopause, and they should not be used to treat these conditions.)

2. Atrophic vaginitis.

3. Kraurosis vulvae.

4. Female hypogonadism.

5. Female castration.

6. Primary ovarian failure.

7. Breast cancer (for palliation only) in appropriately selected women and men with metastatic disease.

8. Prostatic carcinoma—palliative therapy of advanced disease.

9. Postpartum breast engorgement—Although estrogens have been widely used for the prevention of postpartum breast engorgement, controlled studies have demonstrated that the incidence of significant painful engorgement in patients not receiving such hormonal therapy is low and usually responsive to appropriate analgesic or other supportive therapy. Consequently, the benefit to be derived from estrogen therapy for this indication must be carefully weighed against the potential increased risk of puerperal thromboembolism associated with the use of large doses of estrogens.[20-25]

(NAME OF DRUG) HAS NOT BEEN SHOWN TO BE EFFECTIVE FOR ANY PURPOSE DURING PREGNANCY AND ITS USE MAY CAUSE SEVERE HARM TO THE FETUS (SEE BOXED WARNING).

CONTRAINDICATIONS

Estrogens should not be used in women (or men) with any of the following conditions:

1. Known or suspected cancer of the breast except in appropriately selected patients being treated for metastatic disease.

2. Known or suspected estrogen-dependent neoplasia.

3. Known or suspected pregnancy (See Boxed Warning).

4. Undiagnosed abnormal genital bleeding.

5. Active thrombophlebitis or thromboembolic disorders.

6. A past history of thrombophlebitis, thrombosis, or thromboembolic disorders associated with previous estrogen use (except when used in treatment of breast or prostatic malignancy).

WARNINGS

1. *Induction of malignant neoplasms.* Long term continuous administration of natural and synethetic estrogens in certain animal species increases the frequency of carcinomas of the breast, cervix, vagina, and liver. There is now evidence that estrogens increase the risk of carcinoma of the endometrium in humans. (See Boxed Warning.)

See footnotes at end of article.

At the present time there is no satisfactory evidence that estrogens given to postmenopausal women increase the risk of cancer of the breast,[18] although a recent long-term followup of a single physician's practice has raised this possibility.[19-20] Because of the animal data, there is a need for caution in prescribing estrogens for women with a strong family history of breast cancer or who have breast nodules, fibrocystic disease, or abnormal mammograms.

2. *Gall bladder disease.* A recent study has reported a 2 to 3-fold increase in the risk of surgically confirmed gall bladder disease in women receiving postmenopausal estrogens,[18] similar to the 2-fold increase previously noted in users of oral contraceptives.[19-24] In the case of oral contraceptives the increased risk appeared after two years of use.[24]

3. *Effects similar to those caused by estrogen-progestagen oral contraceptives.* There are several serious adverse effects of oral contraceptives, most of which have not, up to now, been documented as consequences of postmenopausal estrogen therapy. This may reflect the comparatively low doses of estrogen used in postmenopausal women. It would be expected that the larger doses of estrogen used to treat prostatic or breast cancer or postpartum breast engorgement are more likely to result in these adverse effects, and, in fact, it has been shown that there is an increased risk of thrombosis in men receiving estrogens for prostatic cancer and women for postpartum breast engorgement.[20-22]

a. *Thromboembolic disease.* It is now well established that users of oral contraceptives have an increased risk of various thromboembolic and thrombotic vascular diseases, such as thrombophlebitis, pulmonary embolism, stroke, and myocardial infarction.[24-31] Cases of retinal thrombosis, mesenteric thrombosis, and optic neuritis have been reported in oral contraceptive users. There is evidence that the risk of several of these adverse reactions is related to the dose of the drug.[32-33] An increased risk of post-surgery thromboembolic complications has also been reported in users of oral contraceptives.[34-35] If feasible, estrogen should be discontinued at least 4 weeks before surery of the type associated with an increased risk of thromboembolism, or during periods of prolonged immobilization.

While an increased rate of thromboembolic and thrombotic disease in postmenopausal users of estrogens has not been found,[18-36] this does not rule out the possibility that such an increase may be present or that subgroups of women who have underlying risk factors or who are receiving relatively large doses of estrogens may have increased risk. Therefore estrogens should not be used in persons with active thrombophlebitis or thromboembolic disorders, and they should not be used (except in treatment of malignancy) in persons with a history of such disorders in association with estrogen use. They should be used with caution in patients with cerebral vascular or coronary artery disease and only for those in whom estrogens are clearly needed.

Large doses of estrogen (5 mg conjugated estrogens per day), comparable to those used to treat cancer of the prostate and breast, have been shown in a large prospective clinical trial in men[37] to increase the risk of nonfatal myocardial infarction, pulmonary embolism and thrombophlebitis. When estrogen doses of this size are used, any of the thromboembolic and thrombotic adverse effects associated with oral contraceptive use should be considered a clear risk.

b. *Hepatic adenoma.* Benign hepatic adenomas appear to be associated with the use of oral contraceptives.[38-40] Although benign, and rare, these may rupture and may cause death through intra-abdominal hemorrhage. Such lesions have not yet been reported in association with other estrogen or progestagen preparations but should be considered in estrogen users having abdominal pain and tenderness, abdominal mass, or hypovolemic shock. Hepatocellular carcinoma has also been reported in women taking estrogen-containing oral contraceptives.[39] The relationship of this malignancy to these drugs is not known at this time.

c. *Elevated blood pressure.* Increased blood pressure is not uncommon in women using oral contraceptives. There is now a report that this may occur with use of estrogens in the menopause[41] and blood pressure should be monitored with estrogen use, especially if high doses are used.

d. *Glucose tolerance.* A worsening of glucose tolerance has been observed in a significant percentage of patients on estrogen-containing oral contraceptives. For this reason, diabetic patients should be carefully observed while receiving estrogen.

4. *Hypercalcemia.* Administration of estrogens may lead to severe hypercalcemia in patients with breast cancer and bone metastases. If this occurs, the drug should be stopped and appropriate measures taken to reduce the serum calcium level.

PRECAUTIONS

A. General Precautions.

1. A complete medical and family history should be taken prior to the initiation of any estrogen therapy. The pretreatment and periodic physical examinations should include special reference to blood pressure, breasts, abdomen, and pelvic organs, and should include a Papanicolau smear. As a general rule, estrogen should not be prescribed for longer than one year without another physical examination being performed.

2. Fluid retention—Because estrogens may cause some degree of fluid retention, conditions which might be influenced by this factor such as epilepsy, migraine, and cardiac or renal dysfunction, require careful observation.

3. Certain patients may develop undesirable manifestations of excessive estrogenic stimulation, such as abnormal or excessive uterine bleeding, mastodynia, etc.

4. Oral contraceptives appear to be associated with an increased incidence of mental depression.[24] Although it is not clear whether this is due to the estrogenic or progestagenic component of the contraceptive, patients with a history of depression should be carefully observed.

5. Preexisting uterine leiomyomata may increase in size during estrogen use.

6. The pathologist should be advised of estrogen therapy when relevant specimens are submitted.

7. Patients with a past history of jaundice during pregnancy have an increased risk of recurrence of jaundice while receiving estrogen-containing oral contraceptive therapy. If jaundice develops in any patient receiving estrogen, the medication should be discontinued while the cause is investigated.

8. Estrogens may be poorly metabolized in patients with impaired liver function and they should be administered with caution in such patients.

9. Because estrogens influence the metabolism of calcium and phosphorus, they should be used with caution in patients with metabolic bone diseases that are associated with hypercalcemia or in patients with renal insufficiency.

10. Because of the effects of estrogens on epiphyseal closure, they should be used judiciously in young patients in whom bone growth is not complete.

11. Certain endocrine and liver function tests may be affected by estrogen-containing oral contraceptives. The following similar changes may be expected with larger doses of estrogen:

a. Increased sulfobromophthalein retention.

b. Increased prothrombin and factors VII, VIII, IX, and X; decreased antithrombin 3; increased norepinephrine-induced platelet aggregability.

c. Increased thyroid binding globulin (TBG) leading to increased circulating total thyroid hormone, as measured by PBI, T4 by column, or T4 by radioimmunoassay. Free T3 resin uptake is decreased, reflecting the elevated TBG; free T4 concentration is unaltered.

d. Impaired glucose tolerance.

e. Decreased pregnanediol excretion.

f. Reduced response to metyrapone test.

g. Reduced serum folate concentration.

h. Increased serum triglyceride and phospholipid concentration.

B. (Insert the following when patient labeling is required or used in advance of a requirement.) Information for the Patient. See text of Patient Package Insert which is attached below.

C. Pregnancy Category X (Pregnancy category designations and labeling statements are set forth in 40 FR 15392–15399). See Contraindications and Boxed Warning.

D. Nursing Mothers. As a general principle, the administration of any drug to nursing mothers should be done only when clearly necessary since many drugs are excreted in human milk.

See footnotes at end of article.

ADVERSE REACTIONS

(See Warnings regarding induction of neoplasia, adverse effects on the fetus, increased incidence of gall bladder disease, and adverse effects similar to those of oral contraceptives, including thromboembolism.) The following additional adverse reactions have been reported with estrogenic therapy, including oral contraceptives:

1. *Genitourinary system.*
Breakthrough bleeding, spotting, change in menstrual flow.
Dysmenorrhea.
Premenstrual-like syndrome.
Amenorrhea during and after treatment.
Increase in size of uterine fibromyomata.
Vaginal candidiasis.
Change in cervical eversion and in degree of cervical secretion.
Cystitis-like syndrome.

2. *Breasts.*
Tenderness, enlargement, secretion.

3. *Gastrointestinal.*
Nausea, vomiting.
Abdominal cramps, bloating.
Cholestatic jaundice.

4. *Skin.*
Chloasma or melasma which may persist when drug is discontinued.
Erythema multiforme.
Erythema nodosum.
Hemorrhagic eruption.
Loss of scalp hair.
Hirsutism.

5. *Eyes.*
Steepening of corneal curvature.
Intolerance to contact lenses.

6. *CNS.*
Headache, migraine, dizziness.
Mental depression.
Chorea.

7. *Miscellaneous.*
Increase or decrease in weight.
Reduced carbohydrate tolerance.
Aggravation of porphyria.
Edema.
Changes in libido.

ACUTE OVERDOSAGE

Numerous reports of ingestion of large doses of estrogen-containing oral contraceptives by young children indicate that serious ill effects do not occur. Overdosage of estrogen may cause nausea, and withdrawal bleeding may occur in females.

DOSAGE AND ADMINISTRATION

1. *Given cyclically for short term use only:*
For treatment of moderate to severe *vasomotor* symptoms, atrophic vaginitis, or kraurosis vulvae associated with the menopause.

The lowest dose that will control symptoms should be chosen and medication should be discontinued as promptly as possible.

Administration should be cyclic (e.g., 3 weeks on and 1 week off).

Attempts to discontinue or taper medication should be made at 3 to 6 month intervals.

The usual dosage range is (*to be supplied by manufacturer*).

2. *Given cyclically:*
Female hypogonadism.
Female castration.
Primary ovarian failure.
(Dosage to be inserted.)

3. *Given for a few days:*
Prevention of postpartum breast engorgement.
(Dosage to be inserted.)

4. *Given chronically:*
Inoperable progressing prostatic cancer. (Dostage to be inserted).
Inoperable progressing breast cancer in appropriately selected men and postmenopausal women. (See indications)
(Dosage to be inserted.)

Treated patients with an intact uterus should be monitored closely for signs of endometrial cancer and appropriate diagnostic measures should be taken to rule out malignancy in the event of persistent or recurring abnormal vaginal bleeding.

VI. PATIENT LABELING

The proposed patient package labeling for estrogens for general use is set forth below.

WHAT YOU SHOULD KNOW ABOUT ESTROGENS

Estrogens are female hormones produced by the ovaries. The ovaries make several different kinds of estrogens. In addition, scientists have been able to make a variety of synthetic estrogens. As far as we know, all these estrogens have similiar properties and therefore much the same usefulness, side effects, and risks. This leaflet is intended to help you understand what estrogens are used for, the risks involved in their use, and how to use them as safely as possible.

This leaflet includes the most important information about estrogens, but not all the information. If you want to know more, you can ask your doctor or pharmacist to let you read the package insert prepared for the doctor.

USES OF ESTROGEN

Estrogens are prescribed by doctors for a number of purposes, including:

1. To provide estrogen during a period of adjustment when a woman's ovaries no longer produce it, in order to prevent certain uncomfortable symptoms of estrogen deficiency. (All women normally stop producing estrogens, generally between the ages of 45 and 55; this is called the menopause.)

2. To prevent symptoms of estrogen deficiency when a woman's ovaries have been removed surgically before the natural menopause.

3. To prevent pregnancy. (Estrogens are given along with a progestagen, another female hormone; these combinations are called oral contraceptives or birth control pills. Patient labeling is available to women taking oral contraceptives and they will not be discussed in this leaflet.)

4. To treat certain cancers in women and men.

5. To prevent painful swelling of the breasts after pregnancy in women who choose not to nurse their babies.

THERE IS NO PROPER USE OF ESTROGENS IN A PREGNANT WOMAN.

ESTROGENS IN THE MENOPAUSE

In the natural course of their lives, all women eventually experience a decrease in estrogen production. This usually occurs between ages 45 and 55 but may occur earlier or later. Sometimes the ovaries may need to be removed before natural menopause by an operation, producing a "surgical menopause."

When the amount of estrogen in the blood begins to decrease, many women may develop typical symptoms: Feelings of warmth in the face, neck, and chest or sudden intense episodes of heat and sweating throughout the body (called "hot flashes" or "hot flushes"). These symptoms are sometimes very uncomfortable. A few women eventually develop changes in the vagina (called "atrophic vaginitis") which cause discomfort, especially during and after intercourse.

Estrogens can be prescribed to treat these symptoms of the menopause. It is estimated that considerably more than half of all women undergoing the menopause have only mild symptoms or no symptoms at all and therefore do not need estrogens. Other women may need estrogens for a few months, while their bodies adjust to lower estrogen levels. Sometimes the need will be for periods longer than six months. In an attempt to avoid over-stimulation of the uterus (womb), estrogens are usually given cyclically during each month of use, that is three weeks of pills followed by one week without pills.

Sometimes women experience nervous symptoms or depression during menopause. There is no evidence that estrogens are effective for such symptoms and they should not be used to treat them, although other treatment may be needed.

You may have heard that taking estrogens for long periods (years) after the menopause will keep your skin soft and supple and keep you feeling young. There is no evidence that this is so, however, and such long-term treatment carries important risks.

ESTROGENS TO PREVENT SWELLING OF THE BREASTS AFTER PREGNANCY

If you do not breast feed your baby after delivery, your breasts may fill up with milk and become painful and engorged. This usually begins about 3 to 4 days after delivery and may last for a few days to up to a week or more. Sometimes the discomfort is severe, but usually it is not and can be controlled by pain relieving drugs such as aspirin and by binding the breasts up tightly. Estrogens can be used to try to prevent the breasts from filling up. While this treatment is sometimes successful, in many cases the breasts fill up to some degree in spite of treatment. The dose of estrogens needed to prevent pain and swelling of the breasts is much larger than the dose needed to treat symptoms of the

menopause and this may increase your chances of developing blood clots in the legs or lungs (see below). Therefore, it is important that you discuss the benefits and the risks of estrogen use with your doctor if you have decided not to breast feed your baby.

THE DANGERS OF ESTROGENS

1. *Cancer of the uterus.* If estrogens are used in the postmenopausal period for more than a year, there is an increased risk of *endometrial cancer* (cancer of the uterus). Women taking estrogens have roughly 5 to 10 times as great a chance of getting this cancer as women who take no estrogens. To put this another way, while a postmenopausal woman not taking estrogens has 1 chance in 1,000 each year of getting cancer of the uterus, a woman taking estrogens has 5 to 10 chances in 1,000 each year. For this reason *it is important to take estrogens only when you really need them.*

The risk of this cancer is greater the longer estrogens are used and also seems to be greater when larger doses are taken. For this reason *it is important to take the lowest dose of estrogen that will control symptoms and to take it only as long as it is needed.* If estrogens are needed for longer periods of time, your doctor will want to reevaluate your need for estrogens at least every six months.

Women using estrogens should report any irregular vaginal bleeding to their doctors; such bleeding may be of no importance, but it can be an early warning of cancer of the uterus. If you have undiagnosed vaginal bleeding, you should not use estrogens until a diagnosis is made and you are certain there is no cancer of the uterus.

2. *Other possible cancers.* Estrogens can cause development of other tumors in animals, such as tumors of the breast, cervix, vagina, or liver, when given for a long time. At present there is no good evidence that women using estrogen in the menopause have an increased risk of such tumors, but there is no way yet to be sure they do not; and one study raises the possibility that use of estrogens in the menopause may increase the risk of breast cancer many years later. This is a further reason to use estrogens only when clearly needed. While you are taking estrogens, it is important that you go to your doctor at least once a year for a physical examination. Also, if members of your family have had breast cancer or if you have breast nodules or abnormal mammograms (breast x-rays), your doctor may wish to carry out more frequent examinations of your breasts.

3. *Gall bladder disease.* Women who use estrogens after menopause are more likely to develop gall bladder disease needing surgery as women who do not use estrogens. Birth control pills have a similar effect.

4. *Abnormal blood clotting.* Oral contraceptives increase the risk of blood clotting in various parts of the body. This can result in a stroke (if the clot is in the brain); a heart attack (clot in a blood vessel of the heart), or a pulmonary embolus (a clot which forms in the legs or pelvis, then breaks off and travels to the lungs). Any of these can be fatal.

At this time use of estrogens in the menopause is not known to cause such blood clotting, but this has not been fully studied and there could still prove to be such a risk. It is recommended that if you have had clotting in the legs or lungs or a heart attack or stroke while you were using estrogens or birth control pills, you should not use estrogens (unless they are being used to treat cancer of the breast or prostate). If you have had a stroke or heart attack or if you have angina pectoris, estrogens should be used with great caution and only if clearly needed (for example, if you have severe symptoms of the menopause).

The larger doses of estrogen used to prevent swelling of the breasts after pregnancy have been reported to cause clotting in the legs and lungs.

SPECIAL WARNING ABOUT PREGNANCY

You should not receive estrogen if you are pregnant. If this should occur, there is a greater than usual chance that the developing child will be born with a birth defect, although the possibility remains fairly small. A female child may have an increased risk of developing cancer of the vagina or cervix later in life (in the teens or twenties). Every possible effort should be made to avoid exposure to estrogens during pregnancy. If exposure occurs, see your doctor.

OTHER EFFECTS OF ESTROGENS

In addition to the serious known risks of estrogens described above, estrogens have the following side effects and potential risks:

1. *Nausea and vomiting.* The most common side effect of estrogen therapy is nausea. Vomiting is less common.

2. *Effects on breasts.* Estrogens may cause breast tenderness or enlargement and may cause the breasts to secrete a liquid. These effects are not dangerous.

3. *Effects on the uterus.* Estrogens may cause benign fibroid tumors of the uterus to get larger.

Some women will have menstrual bleeding when estrogens are stopped. But if the bleeding occurs on days you are still taking estrogens you should report this to your doctor.

4. *Effects on liver.* Women taking oral contraceptives develop on rare occasions a benign tumor of the liver which can rupture and bleed into the abdomen. So far, these tumors have not been reported in women using estrogens in the menopause, but you should report any swelling or unusual pain or tenderness in the abdomen to your doctor immediately.

Women with a past history of jaundice (yellowing of the skin and white parts of the eyes) may get jaundice again during estrogen use. If this occurs, stop taking estrogens and see your doctor.

5. *Other effects.* Estrogens may cause excess fluid to be retained in the body. This may make some conditions worse, such as epilepsy, migraine, heart disease, or kidney disease.

SUMMARY

Estrogens have important uses, but they have serious risks as well. You must decide, with your doctor, whether the risks are acceptable to you in view of the benefits of treatment. Except where your doctor has prescribed estrogens for use in special cases of cancer of the breast or prostate, you should not use estrogens if you have cancer of the breast or uterus, are pregnant, have undiagnosed abnormal vaginal bleeding, clotting in the legs or lungs, or have had a stroke, heart attack or angina, or clotting in the legs or lungs in the past while you were taking estrogens.

You can use estrogens as safely as possible by understanding that your doctor will require regular physical examinations while you are taking them and will try to discontinue the drug as soon as possible and use the smallest dose possible. Be alert for signs of trouble including:

1. Abnormal bleeding from the vagina.
2. Pains in the calves or chest or sudden shortness of breath, or coughing blood (indicating possible clots in the legs, heart, or lungs).
3. Severe headache, dizziness, faintness, or changes in vision (indicating possible developing clots in the brain or eye).
4. Breast lumps (you should ask your doctor how to examine your own breasts).
5. Jaundice (yellowing of the skin).
6. Mental depression.

HOW SUPPLIED

(A description of the particular product, to be supplied by manufacturer.)

Interested persons may, on or before December 28, 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 the physician labeling and the patient labeling. Received comments may be seen in the above office during working hours Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.52) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 CFR 24262)).

Dated: October 22, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-31619 Filed 10-28-76;8:45 am]

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[Docket No. 76N–0014; DESI 7819]

TOPICAL PREPARATIONS CONTAINING DIAMTHAZOLE DIHYDROCHLORIDE

Amended Evaluation and Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

The Food and Drug Administration published a notice (DESI 7819) in the FEDERAL REGISTER of April 10, 1971 (36 FR 6911), classifying the following topical antifungal drug products as effective for the prophylaxis and treatment of athlete's foot. The products are no longer marketed. Because of the history of toxic effects associated with the drugs, this notice proposes to withdraw their approval. Persons who wish to request a hearing may do so on or before November 29, 1976.

1. Asterol Powder (NDA 7–821).

2. Asterol Ointment (NDA 7–819), (incorrectly listed as 7–219 in the notice of April 10, 1971) and

3. Asterol Tincture (NDA 7–820), all containing diamthazole dihydrochloride; formerly marketed by Roche Laboratories, Division of Hoffman-La Roche, Inc., 340 Kingsland Ave., Nutley, NJ 07110.

The Director of the Bureau of Drugs has reevaluated these preparations on the basis of information regarding neurotoxic effects reported in the new drug application, medical literature, and a clinical study conducted in 1953 at the Washington University School of Medicine. He has concluded that the danger of severe neurotoxic reactions associated with the use of these antifungal drugs, together with the potential for their misuse, and the availability of effective alternative drugs, creates an unfavorable balance of risk to benefit, and that marketing of the drugs is not justified.

Therefore, notice is given to the holder of the new drug applications and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications providing for the drug products listed above and all amendments and supplements thereto on the ground that new evidence of clinical experience, not contained in the applications or not available to the Food and Drug Administration until after the applications were approved, evaluated together with the evidence available when the applications were approved, reveals that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

In addition to the holders of the new drug applications specifically named above, this notice of opportunity for

hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201 (p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing he shall file (1) On or before November 29, 1976, a written notice of appearance and request for hearing, and (2) on or before December 28, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during working hours, Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 19, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–31617 Filed 10–28–76;8:45 am]

[Docket No. 76N–0411]

NAPROSYN TABLETS

Extension of Time for Submission of Data

In a notice published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45605), the Director of the Bureau of Drugs offered an opportunity for hearing on the proposed withdrawal of approval of the new drug application (NDA 17–581) for Naprosyn (naproxen) Tablets held by Snytex Corporation, 3401 Hillview Ave., Palo Alto, CA. 94304, on the ground that it contains untrue statements of material facts. The notice provided 30 days for any person subject to the notice to file a written notice of appearance and request for hearing and to submit the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200.

On October 18, 1976, Syntex Corporation filed a written request with the Director of the Bureau of Drugs for an extension of time of an additional 30 days for the submission of data, information, and analyses on which Syntex intends to rely to justify a hearing, thus granting Syntex and all other persons who wish to avail themselves of the opportunity for a hearing a period of 60 days, as permitted by 21 CFR 314.200(c)(1)(ii), for submission of these data.

The Director has reviewed the request by Syntex and has decided to and hereby does grant the extension of time, thereby extending the date by which such data may be submitted until December 14, 1976. The date by which any written notice of appearance and request for a hearing must be filed remains November 15, 1976.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: October 22, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76–31615 Filed 10–28–76;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Filing of Annual Report

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Resources Administration committee has been filed with the Library of Congress:

National Advisory Council on Nurse Training

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, DC, 20201, Telephone (202) 245–6791

Dated: October 22, 1976

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76–31623 Filed 10–28–76;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, and Executive Order No. 11936

dated September 8, 1976, will hold a meeting November 14–16 from 9:00 am to 5:00 pm at the Alexandria Old Towne Holiday Inn Hotel, 480 King Street, Alexandria, Virginia.

A determination to close this meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education and Welfare on November 1976. The closed meeting will discuss opinions and interpretations concerning an intra-agency memorandum prepared by the staff of the Commission, the disclosure of which would inhibit the frank and candid exchange of ideas and constitute a clearly unwarranted invasion of personal privacy of the individuals concerned within the meaning of 5 U.S.C. 552(b).

Summary minutes, a roster of Committee members and further information on the Commission may be obtained 14 days after the meeting from Mr. Michael T. Harrigan, Executive Director.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc. 76-31632 Filed 10-28-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-76-642]

THERMAL INSULATION STANDARDS

Proposed Revision to HUD's Minimum Property Standards

The Department of Housing and Urban Development is publishing herewith proposed changes in thermal insulation requirements contained in the Minimum Property Standards for one- and two-living unit new construction. The cited numbers refer to the paragraph numbers in the basic Minimum Property Standards which are available in local HUD offices.

These proposed changes are planned to make the Minimum Property Standards more flexible and to permit the use of certain construction methods and materials. The changes recognize that the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90–75, prepared for use by the National Conference of States on Building Codes and Standards, has been adopted by several states. The changes permit the optional use of the ASHRAE standard where it appears that results will be equivalent to those obtained by using the MPS. However, we accept only the ASHRAE standard's A–1 curve as representing the thermal transmittance for the gross area of exterior walls. The changes also respond to criticism that the Minimum Property Standards place no limit on the use of glass by limiting glazing to an area of 15 percent of the exterior wall unless the ASHRAE formula is used.

Interested persons are invited to submit written comments, suggestions and amendments concerning the proposed changes. Comments should be addressed to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received by November 30, 1976, will be considered. Copies of any comments received will be available for examination during business hours at the above address.

A finding of inapplicability of section 102(2)(C) of the National Environmental Policy Act of 1969 and a similar finding in relation to economic impact pursuant to OMB Circular A–107 have been made with respect to this amendment. Both findings are available for public inspection at the foregoing address, during business hours.

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

Issued at Washington, D.C., October 20, 1976.

JOHN T. HOWLEY,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

507–3 BUILDING INSULATION

507–3.1 Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning heat losses, sound control or fire rating are attained. Insulation in contact with the ground shall not be adversely affected by soil, vermin or water.

507–3.2 *Labeling.* Labeling of insulation shall be as follows:

a. Batt or Blanket. Type, manufacturer or distributor, R value of the fiber at the labeled thickness.

b. Reflective. Type, manufacturer, R value for direction of heat flow, type of facing.

c. Blowing or Pouring Type for Use in Open Horizontal Areas (Attics). Name, manufacturer, recommended installation density, R value, marking on bag of conformance with FS HH–I–1030 or HH–I–515.

d. Labeling and marking of all other insulation materials shall comply with the appropriate standard listed in Appendix C.

507–3.3 *Certification.* A certification card giving the data of 507–3.2 a, b, c or d plus date of installation, and the name of the installer shall be affixed to the structure in a conspicuous location.

507–3.4 *Conditions of Use.* a. Foam plastic insulation surfaces shall have a flame spread rating of 0–75 tested in accordance with ASTM E84. In habitable and nonhabitable areas such as utility rooms, garages and basements, foam plastic insulation shall be covered and protected by an interior finish material having a finish rating of at least 15 minutes or be installed within the cavity of a masonry wall.

b. When blown or poured type of insulation is installed in attics, caution shall be exercised to assure complete and adequate application of insulation. When eave vents are installed, adequate baffling must be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be installed prior to insulation, shall be of durable material and shall be installed over the exterior wall at an angle to provide a 2 in. clearance under the roof deck for upward flow of ventilation air to the fixed louvers in the upper portion of the attic.

607–3 BUILDING INSULATION

607–3.1 *General.* Insulation of buildings shall be such as to assure conservation of energy, economy of operation and comfort to the occupants. A building which is both heated and cooled shall be insulated against the more severe climatic conditions for the location.

607–3.2 *Overall coefficient of heat transmission.* a. All buildings which are heated or cooled mechanically shall be constructed to comply with the maximum U values shown in Tables 6–7.1, 6–7.2 and 6–7.3. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607–3.3 *Roof decks, ceilings, walls and openings.* a. For roof decks, ceilings, walls and door and window openings, U values shall not exceed those shown in Table 6–7.1.

b. As an alternative dwellings which conform to paragraphs 4.1 through 4.3.2.2.1 of ASHRAE Standard 90–75, Energy Conservation in New Building Design, shall be considered to be in conformance with Table 6–7.1. Attached and semi-detached or row-type dwellings shall be considered A–1 type dwellings when using this alternative.

TABLE 6–7.1.—*Maximum U values of ceilings, walls, and openings*

Building component	Winter degree days (65 F base)			
	2,500 or less	2,501 to 4,500	4,501 to 8,000	8,000 or more
Roof deck [1]	[2] 0.14		0.08	
Ceiling		0.05		0.04
Masonry walls		.10		
Frame walls		.08		
Doors and windows [3]	1.13		.69	

[1] Roof/ceiling assemblies, in which the finished ceiling surface is the underside of the roof deck.
[2] When mechanical cooling is proposed, use 0.08.
[3] Maximum glass area shall not exceed 15 pct of the gross area of all exterior walls enclosing heated spaces.

607–3.4 *Floor Sections.* a. For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces the U value of floor section shall not exceed the value shown in Table 6–7.2.

TABLE 6–7.2

Maximum U Value of Floor Sections Over Unheated Basements, Unheated Garages or Crawl Spaces (1)

Winter degree days (65° F base):	*Maximum U value* (2)
500 or less	0.36
1,000	.32
2,000	.26
3,000	.19
4,000	.12
4,501 or more	.08

NOTES.—(1) A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occuring from energy-consuming systems or components associated with that space."

(2) For increments between degree days shown, U values may be interpolated, or the values shown in Figure 5 of ASHRAE 90–75 may be substituted.

607–3.5 *Basement or crawl space foundation walls.* Insulation may be omitted from floors over heated basement areas or heated

crawl spaces if foundation walls are insulated. Foundation walls of heated basements need not be insulated except where habitable rooms are provided or where 50 percent of the wall is exposed to outside air. The U value of foundation wall sections shall not exceed the value shown in Table 6–7.3 except where the alternative method, shown in 607–3.3b, is employed and foundation walls are included in the determination of the average thermal transmittance of the gross wall area.

TABLE 6–7.3

Maximum U Values of the Foundation Wall Sections of Heated Basement or Heated Crawl Space.

Winter degree days (65° F Base):	*Maximum U value*
2,500 or less	(1)
2,501 to 4,500	0.24
4,501 or more	0.17

[1] No requirement.

607–3.6 *Crawl space plenum walls.* When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss of 35 Btuh per lineal ft of perimeter wall assuming a crawl space air temperature of 70° F for return plenums and 110° F for supply plenums.

607–3.7 *Slab-on-grade floors.* For slab-on-grade floors of heated or mechanically cooled spaces, the thermal resistance of the insulation around the perimeter of the floor shall be not less than shown in Table 6–7.4. Insulation shall extend downward from the top of the slab for not less than 24 in. or downward to the bottom of the slab and horizontally beneath the slab for a minimum total distance of 24 in.

TABLE 6–7.4.—*Minimum R values of perimeter insulation for slabs on grade*

Winter degree days (65 F base)	Minimum R values[1]	
	Heated slab	Unheated slab
500 or less	2.8	----------
1,000	3.5	----------
2,000	4.0	2.5
3,000	4.8	2.8
4,000	5.5	3.5
5,000	6.3	4.2
6,000	7.0	4.8
7,000	7.8	5.5
8,000	8.5	6.2
9,000	9.2	6.8
10,000 or greater	10.0	7.5

[1] For increments between degree days shown, U values may be interpolated, or the values shown in fig. 5 of ASHRAE 90–75 may be substituted.

APPENDIX A

DEFINITIONS

Finish rating. The time at which the stud or joist reaches an average temperature rise of 325° F as measured on the plane of the of 250° or an individual temperature rise stud or joist nearest the fire in accordance with ASTM E119 test.

[FR Doc.76–31543 Filed 10–28–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29930; Order 76–10–108]

INDIVIDUAL NORTH ATLANTIC CARRIER MEMBERS OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order of Investigation and Suspension Regarding North Atlantic Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of October 1976.

As a result of the inability of the carrier members of the International Air Transport Association (IATA) to reach agreement on North Atlantic fares for the winter season beginning November 1, 1976, and since present tariffs will expire by their terms on October 31, 1976, all IATA carriers providing services over the North Atlantic have filed individual tariffs establishing fares for effect November 1, 1976. Generally, and with only minor exceptions, all propose to extend the present shoulder-season level and structure into the winter season. Since winter-season fares have historically been lower than those applicable in the shoulder season, the proposals reflect significant increases over fares which were in effect last winter.

The exceptions to this general pattern are as follows: The U.S. carriers would increase normal economy fares over last winter's level, although the resulting level would be less than that now applicable in the shoulder period; all carriers propose winter group inclusive-tour fares at less than the existing shoulder-season fares; Pan American World Airways, Inc. (Pan American) and British Airways Board (British Airways) would increase first-class fares (which do not have seasonal application); Alitalia-Linee Aeree Italiane-S.p.A. (Alitalia) would increase the maximum stay on the 22/45-day excursion fare to 60 days; Transportes Aereos Portugueses, S.A.R.L. (TAP), would introduce a 28/75-day advance-purchase excursion fare, and El Al Israel Airlines Limited (El Al), would reduce its individual and group youth fares below last winter's levels and retain its 4/9-day incentive group fare with no change.

The impact of these filings, if permitted to become effective, would be to increase winter-season fares (New York-London) in amounts ranging from 3.4 percent to 20.2 percent over last winter's levels. Normal economy fares would be increased by 3.4 percent under the proposal of Trans World Airlines, Inc. (TWA); 4.5 percent under Pan American's proposal, and 7.2 percent under British Airways' proposal. Last spring, the Board approved increases in shoulder- and peak-season transatlantic fares ranging up to 10 percent. (Order 76–4–175, April 30, 1976). No increase in normal economy fares was permitted.[1] A comparison of the New York-London fares is shown in Attachment A.

Fares between Miami and London would be increased from three percent to 18 percent, with normal economy fares increased (depending upon the carrier) from three to six percent. Order 76–4–175, referred to above, disapproved all peak- and shoulder-season fare increases in this market. Subsequent consultations with the United Kingdom, however, brought about a compromise solution which permitted increases in most fares ranging up to 7.5 percent. Normal economy fares, however, were not increased as a result of these consultations. A comparison of Miami-London fares is shown in Appendix B.

The U.S. carriers generally rely upon revenue need as justification for their proposals. Their forecasts, based upon a continuation of present fares, indicate returns on investment (ROI) of 10.47 percent for National Airlines, Inc. (National); 5.64 percent for Pan American; and 7.5 percent for TWA. With implementation of their respective proposed fare increases, National forecasts a 12.39 percent ROI; Pan American a 7.24 percent ROI; and TWA a 9.5 percent ROI. (All are for North Atlantic scheduled passenger service only.) For the year ended June 30, 1976, the ROI's experienced by Pan American and TWA were 3.55 percent and 12.6 percent, respectively.[2] All three carriers anticipate a significant improvement in revenue passenger-miles during the forecast period as well as improved load factors, either with or without the proposed fare increases. See Appendix C.

Complaints against Pan American's and TWA's proposals have been filed by the member carriers of the National Air Carrier Association (NACA); and TWA has filed complaints against certain fares proposed by El Al, Alitalia, Olympic Airways, S.A. (Olympic) and TAP.

NACA contends that the proposals do not achieve substantial progress toward the Board's basic objectives. While the carriers would narrow the spread between the normal economy and charter-competitive fares, they would allegedly do so only slightly. NACA contends that the proposed increases in normal economy fares should be suspended since they are essentially of the same order of magnitude as those previously suspended in Order 76–6–180. Under the proposals of both Pan American and TWA, NACA contends, the yield from the normal economy fare would substantially exceed their forecast operating cost. NACA also requests suspension of the proposed APEX fares, the 7/8-day group inclusive-tour fares, and affinity-group fares to the Iberian peninsula as unreasonable and below cost and, accordingly, would adversely affect the competitive relationship between scheduled and charter airlines.

TWA requests suspension of TAP's proposed 28/75-day APEX fare on the grounds that it would significantly undercut the youth and 22/45-day excursion fares and divert a significant amount of traffic from higher fare travel; and that the lack of a sufficient advance-purchase period and capacity controls would result in an unacceptable dilution in yield. TWA also expresses its concern that the fare will probably spread to other European countries. TWA requests suspension of Alitalia's proposal to extend the maximum stay on the present 22/45-day excursion fare to 60 days on the grounds that no generation would result to offset the revenue lost from downgrad-

[1] The Board also suspended individual carrier tariff filings which similarly proposed to increase the normal economy fare. Orders 76–6–180 (June 18) and 76–7–36 (July 29).

[2] National's stated historic ROI of 3.61 percent reflects its total international operations which include charter, freight, and mail services.

ing of higher-fare passengers, and that the structure would become even more complex with Italy to be treated differently from other European countries.

Finally, with respect to the continuation of Olympic's non-affinity fare, which has been in effect pursuant to government order, TWA requests suspension on the grounds that it is uneconomic; has never been agreed to by IATA; serves to frustrate the objectives of fare simplification sought by the U.S. Government and a large portion of the industry, in the interest of more effectively serving the traveling public. TWA's comments on Olympic's fare are similarly directed to the proposed continuation of non-affinity group fares by El Al. In addition, TWA requests suspension of El Al's proposed 4/9-day incentive-group fare, which does not reflect an increase of six percent allegedly agreed to by El Al, and youth and youth-group fares which TWA alleges are proposed at levels substantially below those in effect last winter.

Upon consideration of the carriers' tariff filings and their justifications in support thereof, the complaints, and all other relevant matters, the Board has decided to approve extension of the present shoulder-season fare structure through the winter season with certain exceptions. We will suspend pending investigation all increases proposed over last winter's level in the normal economy and first-class fares, increases in the 22/45-day excursion fares which exceed the percentage relationship previously approved for shoulder 1976 over 1975, and all increases in Miami-London fares which exceed the increases negotiated last spring between the United States and the United Kingdom, on the ground that they may be unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. We reach the same finding with respect to deviations from the present promotional-fare structure proposed by several carriers; *i.e.*, TAP's proposed new 28/75-day advance-purchase excursion fare, Alitalia's proposed extension of the maximum stay on the 22/45-day excursion fare to 60 days, and El Al's proposal to retain the 4/9-day incentive group fare to Israel at last year's level as well as its proposal to reduce its youth and youth-group fares to levels below those in effect last winter.

The carriers' contend on the basis of their respective justifications and forecasts that they are in need of additional revenue. On a composite basis, TWA and Pan American earned a return on investment (ROI) of 7.4 percent for the year ended June 1976. With continuation of present fares, they anticipate an ROI of 6.3 percent and, with the proposed increases, an ROI of 8.1 percent, which would, we estimate, increase to over 9 percent with elimination of the traffic elasticity factors utilized by both carriers. The Board has consistently considered elasticity factors to be inappropriate in the manner in which the carriers have employed them. As for National, last spring we disapproved all fare increases agreed to by IATA on the Miami-London route, based essentially upon its calendar year earnings in 1975 resulting in an ROI of approximately 22 percent.[3] Since that time, however, National has sustained a steady and precipitous decline in earnings. Its actual ROI in transatlantic service for the year ended June 1976 was 7.07 percent. We note, however, that National's poor results reflect a labor stoppage from September 1, 1975 through January 5, 1976.

Turning first to the level of normal fares, the Board has on several occasions expressed its conclusion that the level of normal economy fares significantly exceeds the cost of providing this service. We disapproved an IATA-proposed increase last spring, denied a petition for reconsideration of that decision, and finally suspended individual tariff filings seeking this same objective.[4] Both TWA and Pan American argue that their proposed increases over last winter's fares involve lesser dollar amounts than are involved in continuing shoulder-season promotional fares through the winter, and that the Board's objective of compressing the range of the fare structure is accordingly served. This is not contested. However, this contention does not address the reasonableness of the economy fare *per se*. Nor does it persuade us that the economy fare, whatever the season, is not excessive in relation to cost and that, so long as this situation prevails, it will serve to permit subsidization by economy fares of travel at fares which are below cost. Finally, once again, no carrier has come forth with economic evidence to substantiate the need for an increase in normal economy fares; no carrier has made a showing that economy fares should bear an increased share of the total cost burden; and none has demonstrated that non-cost related, value of service considerations are an over-riding factor.

Only Pan American and British Airways propose an increase in first-class fares, in which no seasonal variation is involved. The Board has historically left the pricing of this service to the judgment of the carriers as to "what the traffic will bear," recognizing that, as a practical matter, the fare level does not cover total economic cost. We continue to be of this general view. However, we are constrained to suspend any increase in first-class fares as long as the IATA carriers continue to use this fare as the base upon which to assess excess-baggage charges.[5]

Turning now to the promotional fares, our decision to permit a continuation of present shoulder-season promotional fares through the winter season with the exception of the 22/45-day excursion fares is not taken without considerable concern. It is clear that approval of the proposed promotional fares, when coupled with our decision to hold normal economy fares to last year's level, will result in a significant compression of the overall range of fares offered—an objective long sought by the Board. Concommitantly, the various tariffs would serve to bring fares at the lower end of the spectrum more closely into line with the cost of providing scheduled service.

Both Pan American and TWA, have indicated a need for revenue improvement. While TWA's justification raises significant questions, Pan American's data appear reasonable. TWA indicates that for the 12-month period ending June 30, 1976, it experienced a 12.6 percent ROI. With a continuation of present fares it anticipates a decline in ROI to 7.5 percent, notwithstanding that revenue passenger-miles are expected to increase by 13 percent and load factors to increase from 56.5 percent to 61.1 percent. TWA further fails to justify a 15 percent increase in unit costs and its yield projection, under continuation of present fares, fails to reflect the increases in fares permitted by the Board in Order 76-4-175. Pan American, on the other hand, indicates an historical ROI of 3.55 percent and projects a 5.64 percent return under present fares. Pan American's forecast includes a 5-percent increase in unit costs and its yield data reflect the increases resulting from the spring/summer fare increases.

Recognizing the difficulty of forecasting results in the present changing environment and identifying the impact on annual results of a fare change of limited duration, it is our judgment that the combined operations of Pan American and TWA are not likely to produce an excessive return at reasonably attainable load factors. Our decision is of course influenced to a degree by the very poor earnings of these two carriers in the North Atlantic market in recent years and the importance of maintaining the economic viability of the two U.S.-flag carriers. We further note that off-peak promotional fare increases are expected to generate needed revenues without an appreciable impact on traffic. This reflects the carriers' judgment which is entitled to some weight and which may relieve the pressure for additional fare increases in the future. In this connection we also note that the Board's statutory responsibilities do not require the maintenance of below cost promotional fares.

The Board remains convinced however that, over the longer term, the objective of improved revenues for the industry lies in basic structural reform, rather than in increased fare levels within the present unduly complex structure. The tariffs here before us for disposition provide no simplification in the structure, nor do they deal with the revenue dilu-

[3] Subsequent consultations with the United Kingdom resulted in compromise increases in most fares, although in lesser amounts than those contemplated by the IATA agreement.

[4] Orders 76-4-175, 76-5-61, and 76-6-180.

[5] As is universally known, the Board determined in the Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation case (Docket 24869) that a charge of 0.7 percent of the economy-class fare would be acceptable without justification and that any higher charge must be specifically justified. In any event, it is likely that these proposed increases will fall as a result of the fact that competitive carriers have not filed the increase.

tion which results from circuitous travel at the direct-route fare. Moreover, the various proposals could provide an impetus toward return to a two-tier seasonal fare structure. The Board has never taken the initiative in espousing the present three-tier structure. However, we have accepted the carriers' contentions that the three-tier structure has alleviated traditional traffic peaking on the North Atlantic route, and we would expect thorough justification for a departure from this pattern of fares in the future.[6]

In essence, the Board is prepared to accept the extension of present shoulder-season promotional fares except for the 22/45-day excursion fares through the upcoming five-month winter season in light of the U.S. carriers' demonstrated need for some increase in revenues and the stringent time constraint faced by all. Fares applicable from November 1 must be in place as promptly as possible, not only for the carriers' benefit but equally for the benefit of the traveling public.

The proposed increase in the 22/45-day excursion fare appears excessive (19 percent in the New York-London market) and we are not convinced that an increase of this magnitude is warranted or in the interest of the traveling public. Considering the usage of the promotional fares which are proposed to be increased, this fare alone accounts for over 40 percent of the traffic,[7] and, because of the historic low level of winter season fares, it is likely that many passengers have made their travel plans some time in advance, relying upon the usual seasonal decrease in price. In the absence of a seasonal price diversion, many of these passengers would likely have chosen a more popular season for their travel. In the circumstances, we do not believe that the carriers have justified such a large increase in this fare category and, therefore, conclude that the proposed increases should be suspended. The Board, however, would be prepared to consider increases in the 22/45-day excursion fares for effect November 1, 1976 in percentage amounts consistent with those proposed and approved in Order 76–4–175 for 1976 shoulder-season travel.

Turning now to the increases in promotional fares proposed in the Miami-London market, we are not convinced by the submissions of National that any increases are, in fact, warranted. Historically, the Miami-London operation has produced extremely good earnings for this carrier. Although National indicates a 3.61 precent return on investment for the period ending June 30, 1976, as noted previously, these are abnormal results affected by the carrier's severe labor difficulties during this period. National projects, at a continuation of present fares a 10.47 percent ROI based on operations producing a 57.5 percent load factor. Considering the circumstances peculiar to this market—an essentially capacity-controlled, two-carrier market—we believe that National's forecast load factor is significantly understated and, in our opinion, attainment of a more favorable load factor, at least the 61.1 percent anticipated by TWA under present fares, would produce a return in excess of 12 percent for National, under present fares.

In Order 76–4–175, the Board denied National any increases based on the carrier's lack of need for revenue improvement. Similarly we are not now convinced that any increases in Miami-London fares are warranted at this time. However, the United Kingdom took the position last spring that increased fares in this market were required by the revenue needs of its carrier. After consultations, a compromise was reached which resulted in a modest increase in certain of the promotional fares. We consider the situation before us to be essentially the same as that which then prevailed, and it would be inconsistent with the spirit of the understanding previously reached between the Governments of the United Kingdom and the United States to insist upon holding the fares to last year's levels. We therefore will suspend the proposed increase in the Miami-London promotional fares and, in the event the carriers continue to believe that some increases are warranted, increases no greater than those previously approved by the Board for peak- and shoulder-season travel in accordance with the bilateral agreement reached between the United States and the United Kingdom will be considered.

Finally, we turn to the alterations in the present structural pattern proposed individually by TAP, Alitalia, and El Al. In each case, the carrier proposes a general increase in winter-season fares while, at the same time, proposing a new or more generally available low fare which, in our opinion, can only serve to undercut the revenue improvement which each carrier seeks. TAP would introduce a 28/75-day APEX fare at a discount of 41 percent, which results in a level below that of the 22/45-day excursion fare. Alitalia would hold to the shoulder-season level of the 22/45-day excursion fare, but would extend the fare's maximum validity to 60 days. In neither case do we perceive a generative capability which would counter the diversion from higher-rated services which would surely occur. To the extent that such diversion does materialize, of course, the additional revenue argued for and sought by all carriers would be compromised. For similar reasons, we are unable to accept El Al's proposal that the 4/9-day incenive-group fares to Israel not be increased over last winter's level along with other fares, or that its youth and youth-group fares be actually reduced from that level. Because these fares appear to be uneconomic on their face and would work to counter the carriers' professed need for increased revenues, we find no recourse other than suspension.

TWA would have the Board suspend non-affinity group fares proposed by El Al and Olympic Airways; alleging that they are uneconomic, thwart the carriers' ability to reach agreement, and that they run counter to the Board's expressed preference for individual rather than group promotional fares. The Board has previously expressed a preference for individual rather than group promotional fares; and so we are not unsympathetic to TWA's arguments. On the other hand, we are not now prepared to foreclose the option of an agreement within IATA on a properly structured non-affinity group fare. Moreover, the fares against which TWA complains have been in effect for several years and have not spread to points beyond the two countries involved; indeed, those to Israel have been agreed to within IATA with TWA voting affirmatively. Finally, the Board has previously indicated that it intends to evaluate the reasonableness of non-affinity group fares in the overall context of a restructured pattern of North Atlantic fares.[8] Accordingly, TWA's complaint will be dismissed.

Finally, we will also dismiss the complaint filed by NACA against the APEX fares, the winter group inclusive-tour fares, and the affinity-group fares to the Iberian peninsula. While the level of these various fares has admittedly been troublesome to the Board, the levels proposed for the upcoming winter season involve significant increases in each case. As a result, there should be a significant decrease in their competitive impact upon charter services. Moreover, as NACA acknowledges, the discounts vis-a-vis the normal economy fare would be reduced—the more so in light of our suspension of all economy fares proposed at levels above those applicable this past winter.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 403, 404, 801, and 1002 thereof: *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions set forth in Appendix D[10] hereof, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in Appendix D hereof are suspended and their use deferred from November 1, 1976 to and including October 31, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[9] and shall become effective on November 1, 1976;

[6] Order 76–8–111.

[7] On the other hand, the only other fare which would be increased in this magnitude is the affinity group fare which accounts for only 3 percent of this traffic.

[8] Order 76–8–2.

[9] This order was submitted to the President on October 15, 1976.

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

5. Except to the extent granted herein the complaints of the National Air Carrier Association in Dockets 29822 and 29897 and the complaints of Trans World Airlines, Inc., in Dockets 29892, 29893, 29894, and 29895, are dismissed;

6. Carriers may file on one day's notice tariffs for effect November 1, 1976, establishing North Atlantic air fares as reflected in this order;

7. Tariffs implementing this order should be marked to expire March 31, 1977; and

8. Copies of this order be filed in the aforesaid tariffs and be served upon the carriers as specified in Appendix E hereto."[*]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[*]
Secretary.

[FR Doc.76-31713 Filed 10-28-76;8:45 am]

CIVIL SERVICE COMMISSION

COMMODITY FUTURES TRADING COMMISSION

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 Service Commission authorizes the Commodity Futures Trading Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman.

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

[FR Doc.76-31369 Filed 10-28-76;8:45 am]

DEPARTMENT OF DEFENSE

Grant 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 authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Near Eastern, African and South Asian Affairs), ODAS (Near Eastern, African and South Asian Affairs), OASD (International Security Affairs), Office of the Secretary of Defense.

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

[*] Appendices C and D and concurring and dissenting statements of Minetti and West, members filed as part of the original document.

[FR Doc.76-31370 Filed 10-28-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary (Executive Secretary to the Department), Office of the Secretary.

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

[FR Doc.76-31371 Filed 10-28-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Regulatory Functions/Interstate Land Sales Registration Administrator, Office of the Secretary.

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

[FR Doc.76-31372 Filed 10-28-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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 Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Consumer Affairs, Office of the Secretary.

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

[FR Doc.76-31373 Filed 10-28-76;8:45 am]

DEPARTMENT OF THE INTERIOR

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 the Interior to fill by noncareer executive assignment in the excepted service the position of High Commissioner, Trust Territory of the Pacific Islands, Office of Territories.

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

[FR Doc.76-31374 Filed 10-28-76;8:45 am]

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the President's Commission on Personnel Interchange to fill by noncareer executive assignment in the excepted service the position of Executive Director.

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

[FR Doc.76-31375 Filed 10-28-76;8:45 am]

NATIONAL IPA PROGRAM GRANTS

Request for Proposals

The U.S. Civil Service Commission is now accepting proposals from eligible applicants for national IPA program grants to be made for Fiscal Year 1977 (commencing October 1, 1976) pursuant to Section 506(a) of the Intergovernmental Personnel Act (IPA). Under the IPA, the Commission can award grants for up to 50 percent of the costs of approved projects.

The Commission is interested in programs which address on a nationwide basis significant training needs of State and local governments and particularly of their elected and key appointed officials. The development and implementation of such projects should involve a substantially national audience. Projects which would be carried out on a local or regional basis, even though wide applicability is intended or projected, should be submitted to the appropriate regional office of the Commission for consideration.

To be considered for funding, a proposal must contain evidence that the proposed project has been requested by State or local governments. Proposals will be evaluated according to the following basic criteria:

1. The probable impact of the proposed program or project on improved central policy making and management capability.

2. The extent to which the proposed program or project would result in newly established or strengthened programs, systems, or activities which would be continued after a period of IPA support.

3. The evidence of need by and support of the proposed project or program as expressed by appropriate State and local governments and officials.

4. The quality of the proposed means by which the program or project would be executed.

5. The potential for broader use by multiple jurisdictions and organizations of the results or products of the project or program.

Grant funds available for competitive award to initiate new efforts in Fiscal Year 1977 are expected to be extremely limited. The deadline for receipt of official applications is December 23, 1976. All interested parties should contact: U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Programs, Grants Administration Division, 1900 E Street, N.W., Washington, D.C. 20415, (202) 632–6274.

This notice pertains only to the award of Fiscal Year 1977 IPA grant funds for national programs. For information about IPA grant funds for specific State and local governments and combinations thereof, contact the appropriate regional office of the U.S. Civil Service Commission.

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

[FR Doc.76-31368 Filed 10-28-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, November 16 and Wednesday, November 17, 1976, at 1111 18th Street, N.W., Washington, D.C., 3rd Floor Hearing Room. The meeting will begin at 9:00 a.m. both days and adjourn at 4:00 p.m. on November 17.

The Advisory Council has been established pursuant to Section 28 of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for the Tuesday session will include discussion of CPSC financing of public participation in Commission activities, and a review of policies and procedures for the "offeror process" under Section 7, CPSA. The principal agenda item on Wednesday will be discussion of proposed CPSC—state and local government programs. Also scheduled for Wednesday are status reports on CPSC's safety advertising campaigns and activities relating to toy safety for this Christmas season.

Persons wishing to make oral or written presentations to the Council should notify the Secretary of the Consumer Product Safety Commission at least five (5) days in advance of the meeting. The meeting is open to the public; however, space is limited. Further information concerning this meeting and final agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: October 26, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-31710 Filed 10-28-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED FROM OCTOBER 18 THROUGH 22, 1976

Environmental impact statements received by the Council on Environmental Quality from October 18 through October 22, 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. (December 13, 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

Buzzard Swamp Unit Plan, Allegheny National Forest, Forest and Elk Counties, Pa., October 22: The proposed action is a 10-year management plan for the 9,700 acres of National Forest land in the Buzzard Swamp Unit, Allegheny National Forest. The management actions are directed to meet the local and regional needs of the public while remaining within the production capabilities of the forest resources. Adverse effects will be temporary soil movement and compaction caused by logging and construction and maintenance activities, and the controlled fluctuation of water levels in impoundments (124 pages). (ELR Order No. 61531.)

Chequamegon National Forest Timber Plan, several counties in Wisconsin, October 18: This statement outlines a Timber Management Plan for the Chequamegon National Forest for the period 10–01–76 to 09–30–86. The plan develops a potential yield of 20,540 cunits of large round wood and 90,820 cunits of products annually. The initial programmed allowable sell will be 80 percent of the annual potential yield. Proposed also are silvicultural prescriptions, reforestation, timber stand improvement, and transportation development. Harvest activities will cause erosion, changes in wildlife habitat, and temporary degradation of air (140 pages). (ELR Order No. 61518.)

Final

East Deer Creek Unit, Colville National Forest, Ferry County, Wash., October 22: The proposed action consists of a more intensive land use plan for management of a heavily timbered 12,410 acre planning unit that supplies domestic water for the town of Orient. The natural condition of the 7200 acre roadless area and the opportunity for solitude in the Unit will decrease significantly as the proposed road network and timber management program is implemented. Water quality will be maintained in lower East Deer Creek at the present condition, but additional environmental constraints, more costly, sophisticated yarding methods and reduced road access will increase the cost of timber management and will reduce the annual harvest for the short term (194 pages). Comments made by: EPA, USDA, DOI, and State and local agencies and concerned citizens. (ELR Order No. 61532.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

NATIONAL OCEANIC AND ATMOPHERIC ADMINISTRATION

Draft

Seamount Trawl Fishery Resources, October 22: The proposed action sets forth a preliminary management plan for the seamount trawl fishery resources in the western Pacific Region (Hawaii, Guam, and American Samoa). There is presently no U.S. harvesting of armorheads or alfonsins. Armorheads make up over 90% of the foreign trawl catches on the seamounts; alfonsins are only a minor constituent. The proposed action temporarily restricts the foreign harvest to a 2,000 metric tons catch quota, which may be taken with a trawling effort not to exceed 60 vessel-days, beginning March 1, 1977 (30 pages). (ELR Order No. 61535.)

Precious Corals, Management, October 22: This statement sets forth a Preliminary Management Plan for the precious coral resources of the Western Pacific Region (Hawaii, Guam, and American Samoa). The proposed action prohibits the direct foreign harvest of precious corals from any bed in the zone until such bed has been surveyed and scientifically assessed, and until the level of surplus yield for foreign vessels has been determined. The action also prohibits the incidental killing or harvesting of precious corals, except when the same is judged by the Secretary of Commerce to not seriously damage U.S. interests (35 pages). (ELR Order No. 61536.)

Troll Salmon Fishery of the Pacific Coast, October 22: Proposed is the adoption and implementation of a preliminary fishery management plan for the troll salmon fishery of the Pacific Coast. The purpose of the plan is to manage the troll salmon fishery off the coast of the U.S. for the optimum sustainable yield, and to allocate harvest between domestic and foreign fishermen. The plan recommends that there be no decision on the total allowable level of foreign (Canadian) fishing until a new salmon treaty is consummated (75 pages). (ELR Order No. 61537.)

Sablefish of the Bering Sea—NE Pacific Ocean, October 22: The proposed action is to adopt and implement a preliminary fishery management plan for the sablefish (Anoplopoma fimbria). The purpose of the plan is to manage the foreign sablefish fisheries off the coast of the United States for the optimum sustainable yield and to allocate harvest between domestic and foreign fishermen. The plan recommends a total catch in U.S. waters of from 34,000 to 36,000 metric tons; allocations are suggested for specific

areas and times (103 pages). (ELR Order No. 61539.)

Shrimp of the E. Bering Sea & Gulf of Alaska, October 22: Proposed is the adoption and implementation of a preliminary fishery management plan for northern pandalid shrimp in the eastern Bering Sea and Gulf of Alaska. No foreign fishery is to be permitted since the domestic fishery has the capacity and desire to harvest the total allowable catch of 50,000 metric tons. Foreign application to continue the fishery is anticipated (41 pages). (ELR Order No. 61540.)

King & Tanner Crabs of the E. Bering Sea, October 22: The proposed action is to adopt and implement a preliminary fishery management plan for King and Tanner crabs in the eastern Bering Sea. The foreign fishery will be permited to take 10,200 metric tons of Tanner crabs. The balance of 91,000 metric tons between the amount allotted to foreign fisheries and the TAC of 101,000 metric tons provides the opportunity for a substantial increase in domestic production which in 1975 was 3,200 metric tons and in 1976 is not likely to exceed 12,000 metric tons (60 pages). (ELR Order No. 61541.)

Trawl Fishery, Bering Sea & Aleutian Isles, October 22: The proposed action is to adopt and implement a preliminary fishery management plan for the trawl fishery of the Bering Sea and Aleutian Islands. Total allowable catch of walleye pollock and yellowfin sole will be 850,000 and 106,000 metric tons respectively. Other species will have TACs that are set 10% below the last catch of record or 93,600 metric tons. Specific region-wide restrictions and area-time closure have been recommended. A reduction in foreign fishing has been provided by the plan (154 pages). (ELR Order No. 61543.)

High Seas Salmon Fisheries of Japan, October 22: Proposed is the adoption and implementation of a preliminary fishery management plan for the salmon of U.S. origin taken in the high seas salmon fishery of Japan. Although the Fishery Conservation and Management Act of 1975 (P.L. 94–265) would require no allowable catch of salmon by Japan within the U.S. fishery zone and beyond, the North Pacific Fisheries Treaty remains in force until one year after any signatory nation gives notice of its intention of terminating the Convention. Consequently, the foreign fishery for salmon on the high-seas can be expected to continue at least through the 1977 season (147 pages). (ELR Order No. 61544.)

Trawl Fishery of the Gulf of Alaska, Alaska: October 22: Proposed is the adoption and implementation of a preliminary fishery management plan for the trawl fishery of the Bering Sea and Alleutian Islands. Total allowable catch for walleye pollock and yellowfin sole will be 850,000 and 106,000 metric tons respectively. Other species will have TACs that are set 10% below the last catch of record or 93,600 metric tons. Specific regionwide restriction and area-time closures have been recommended. A reduction in foreign fishing has been provided by the plan (110 pages). (ELR Order No. 61542.)

Trawl Fishery of the Wash., Ore., Cal. Region, Washington, Oregon, California, October 22: The proposed action is to adopt and implement a preliminary fishery management plan for the trawl fishery of Washington, Oregon, and California. Specific TACs are given for Pacific hake (150,000 metric tons), rockfishes (1,000 metric tons), flounders (17,000 metric tons), sablefish (no allocation in this plan), Jack mackerel (55,000 metric tons), and other species. Conservation and management measures recommended are designed to regulate the foreign fisheries and preserve options for U.S. entry when economic conditions permit (97 pages). (ELR Order No. 61538.)

Department of Defense

Army

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4–4269.

Final

Mississippi Army Ammunition Plant, Hancock County, Miss., October 22: Proposed is the construction of the Mississippi Army Ammunition Plant (MSAAP) to manufacture an improved type of 155 mm artillery ammunition. The plant will be located on a 7100-acre undeveloped portion of the NASA National Space and Technology Laboratory in Hancock County. The MSAAP will feature the following: 1) Projectile Metal Parts Area, 2) Cargo Metal Parts Area, 3) Load Assembly and Pack Area, and 4) Fuze Facility. Negative impacts will be soil disturbance and discharge of treated wastes into the Pearl River, possibly using some natural stream assimilative capacity (499 pages). Comments made by: EPA, DOI, USDA, NASA, and State and local agencies and concerned citizens. (ELR Order No. 61528).

Army Corps

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314. (202) 693–6795.

Final

Atlantic Intracoastal Waterway, S.C., South Carolina and Florida counties, October 22: The proposed action consists of dredging a 161-mile segment of the Atlantic Intracoastal Waterway (AIWW) between Port Royal Sound in South Carolina and Cumberland Sound at the Georgia-Florida border. One million cubic yards of shoal material from 21 shoaling areas will be removed annually by hydraulic dredge and placed at disposal areas including 17 marshland sites, 2 diked areas, and 4 open water disposal areas. Adverse effects will include an increase in suspended solids and turbidity, reduction in benthic populations, and some displacement of wildlife at disposal sites (Savannah District) (265 pages).

Comments made by: USDA, DOC, EPA, HEW, HUD, DOT, and State and local agencies, and concerned citizens. (ELR Order No. 61527).

Environmental Protection Agency

For EPA Contact, please refer to the Environmental Protection Agency notice in this issue of the *Federal Register*.

Draft

Pittston Oil Refinery & Marine Terminal, Maine, October 22: Proposed is the granting of a National Pollutant Discharge Elimination System permit to the Pittston Co. of New York to discharge wastewater from their 250,000 barrel/day oil refinery and marine terminal at Eastport, Maine. The Pittston Company proposes to process crude oil, which will be delivered to the refinery on tankers up to 250,000 DWT. The proposed refinery's principal products will be low sulfur heating and industrial fuel oils. Gasoline production at the facility will be limited. (Region 1) (360 pages). (ELR ORDER No. 61546).

Cranston Wastewater Treatment Facilities, Providence County, R.I., October 21: The proposed action is the consolidation, improvement, and expansion of wastewater treatment facilities in Cranston, Rhode Island. Project plans call for the expansion of treatment plant capacity to 23.0 mgd, with secondary and ammonia removal capabilities. Incineration with on-site ash disposal will be the method of sludge disposal. Negative impacts include a small increase of total suspended particulates, sulfur dioxide and lead in the air, increased use of fuel for solid waste incineration, and loss of 7 sq. miles of forest and farm land. (Region 1) (ELR Order No. 61524).

Madison Organic Solids Reuse Plan, Dane County, Wis., October 22: Proposed is a plan to satisfy the sludge management needs of the Madison Metropolitan Sewerage District service area. The plan calls for abandoning the present system of lagoon disposal of liquid anaerobically disgested sludge and adopting a system of land disposal of liquid anaerobically digested sludge on privately owned agricultural land. The program would involve marketing the sludge to farmers at their request. Adverse effects, including odor problems, are expected to be minimal. (Region V) (200 pages). (ELR Order No. 61545).

Energy Research and Development Administration

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E–201, ERDA, Washington, D.C. 20545. (301) 973–4241.

Draft

Savannah R. Plant, Waste Management, Aiken and Barnwell Counties, S.C., October 22: This statement assesses the environmental impact of continuing the ERDA's waste management operations at the Savannah River Plant (SRP), an approximately 300 sq. mile site, in South Carolina. Current operations consist of the treatment and storage or disposal of both radioactive and nonradioactive solid, liquid, gaseous and thermal effluents from nuclear reactors operated for the production of materials used in the U.S. defense effort, fuel reprocessing plants, and support facilities. Radiation exposure from potential accident situations is evaluated. (600 pages). (ELR Order No. 61526).

General Services Administration

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 12th and F Streets, NW., Washington, D.C. 20405, (202) 343–4161.

Final

U.S. Courthouse, Madison, Dane County, Wis., October 20: Proposed is the construction of a U.S. Courthouse in Madison, the County seat of Dane County and state capital of Wisconsin. This proposed building will house the U.S. Courts including the U.S. Attorney and U.S. Marshal, the Justice Department, and the General Services Administration. The building will contain approximate totals of 50,475 gross square feet and 35,000 occupiable square feet of space and have about 91 employees when fully staffed. Adverse effects are limited to those associated with ordinary activities. (130 pages). Comments made by: AHP, USA, HEW, HUD, DOI, EPA, and State and local agencies, and concerned citizens. (ELR Order No. 61521).

Department of Housing and Urban Development

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410. (202) 755–6308.

Draft

Habitat Planned Development, Boulder, Boulder County, Colo., October 18: The developers of Habitat, a Planned Unit Development in Boulder, Colorado, propose the development of 900 housing

units on a 63 acre site. The developer has already constructed and rented 200 units of multifamily housing on 13 adjacent acres. The developers have applied to HUD/ FHA for a feasibility analysis for Habitat under Title X of the National Housing Act. Effects of the project include an increased demand on the Boulder and Denver metropolitan region infrastructure, particularly the demand for water, sewer, solid waste, transportation, and energy use. (170 pages). (ELR Order No. 61512).

Loring 100 Apts., Loring Park Dev. District, Hennepin County, Minn., October 18: This statement concerns a mortgage insurance application for the Loring 100 Apartment in Minneapolis, Minnesota. The 102-unit project will provide housing and a community/recreation facility for elderly persons. The Loring 100 project is part of the Loring Park Development, a 2000-unit planned urban redevelopment project. Major adverse impacts include the demolition of existing business and residential structures with attendant displacement of the indigenous population. The erection of tall and massive structures may result in shadow and wind effects. (336 pages). (ELR Order No. 61515).

Final

Housing Assistance Payments Program, October 18: The Section 8 Housing Assistance Payments Program provides for rent payment assistance to owners of residential properties on behalf of lower income families occupying newly constructed, substantially renovated, and existing housing. This statement addresses only the existing housing portion of the program. The program should increase freedom of choice for lower income families and provide improved housing conditions. It will not provide optimum housing quality, nor will the program have equal impact on all housing markets. (25 pages). Comments made by: DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 61509).

Harriman Park and Lakehurst West III, Jefferson County, Colo., October 21: The developers of Harriman Park and Lakehurst West are proposing to build 1089 single family and 334 multi-family housing units in southeastern Jefferson County, Colorado. Both developers have requested a Federal Housing Administration feasibility analysis for mortgage insurance on single family units in the Subdivisions. Adverse effects include groundwater and erratic subsoils upon structural foundations, increased traffic upon existing roads, and increased demand upon health and social services. (151 pages). Comments made by: DOI, COE, HEW, FEA, DOT, AHP, USDA, and EPA. (ELR Order No. 61523).

Supplement

Granada New Community, New York (S-1), Wayne County, N.Y., October 18: As an approved Title VII new community, Granada New Community, N.Y., has become economically and programatically infeasible. This statement discusses the following proposed HUD actions: termination of its relationship with the Title VII project; acquisition and either immedate or subsequent resale of certain acreage, some of which has undergone site and infrastructure development; disposition of most of the remaining project land to its mortgagees and/or others; and consultation with the local governments to assist them in obtaining federal support that may be available. (31 pages). (ELR Order No. 61519).

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)

Final

Baton Rouge, La.—Alsen/St. Irma Lee Sewage System, East Baton Rouge, La., October 18: The purpose of the proposed project is to provide the Alsen-St. Irma Lee Area with a suitable method of collection and disposal of domestic waste. The proposed treatment facility will be of the Extended Aeration form of treatment. Initial construction is intended to provide treatment through the design year 1986, accommodating a projected population of 3500. No adverse long-term effects are anticipated. (35 pages.) Comments made by: DOT, COE, EPA, state and local agencies, concerned citizens. (ELR Order No 61510.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7200, Department of the Interior, Washington, D.C. 20240, 202-343-3091.

BUREAU OF OUTDOOR RECREATION

Final

Obed National Wild and Scenic River, Cumberland, Fentress, and Morgan Counties, Tenn., October 22: The statement refers to the designation of 100 miles of the Obed River, Clear Creek, Daddys Creek, and the Emory River in Cumberland, Fentress, and Morgan Counties as components of the National Wild and Scenic River System. A corridor averaging 1,300 feet in width totaling 15,044 acres is proposed for control by fee acquisition, assessment, and intergovernmental agreement. Adverse impacts would be felt from the removal from the market of 4,304 acres of timber, 400 acres of cropland and pastureland, and 950,000 tons of coal. (387 pages.) Comments made by: AHP AEC, DOC, DOI, DOT, EPA, FPC, TVA, state and local agencies, concerned citizens. (ELR Order No. 81520.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Bersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Atlantic Generating Station, Units 1 and 2 (2), Atlantic and Ocean Counties, N.J., October 21: This revised EIS differs from the original draft published in April, 1976, only to the extent that applicable results of the Draft Liquid Pathway Generic Study have been incorporated into Section 7 and the Summary and Conclusions of this revised statement. The proposed action is the issuance of a construction permit to Public Service Electric & Gas Co. for the construction of the Atlantic Generating Station, Units 1 and 2. This is the first nuclear power station in the U.S. proposed for construction in the offshore waters on the continental shelf; it would be located 2.8 miles offshore of Atlantic and Ocean Counties, N.J. (250 pages.) (ELR Order No. 61525.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Marting Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20500, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Ontario International Airport, Calif., San Bernardino County, Calif., October 18: Proposed is the development and expansion of Ontario International Airport, Ontario, California. The project calls for construction of a new 10200' x 150' parallel runway, extension of the existing runway 2,200 feet, construction of new taxiways, installation of landing lights and navigational devices, and development of other support facilities. Negative effects include increased energy consumption as well as noise, air quality, and ground traffic impacts. (626 pages.) (ELR Order No. 61517.)

Ocean City Airport Expansion, Md., Worcester County, Md., October 18 Proposed is the expansion of the existing aviation airport in Ocean City, Maryland. The project consists of acquisition of 154 acres of land; construction of a new 3200' x 75' runway, a 1000' x 75' extension to the existing runway, taxiways, and an apron expansion; relocation of a portion of S.R. 611; closing of the existing roadway; and improvement of alternate access to a trailer park. Implementation of the plan will result in the relocation of 4 homes and 50 trailers and the clearing of 124 acres of oak-pine forest. (85 pages.) (ELR Order No. 61514.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Route 41, Willard to Estancia, New Mex., Torrance County, N. Mex., October 18: The proposed action consists of relocating 11.5 miles of New Mexico State Route 41 from its present alignment to the former AT & SF railroad right-of-way between Willard and Estancia, New Mexico. The project calls for construction of a two lane rural with a four lane urban section through Estancia. Provisions are also included for improved drainage for Fifth Street in Estancia. Some noise and air pollution will result from construction activity. (Region 6) (24 pages.) (ELR Order No. 61520.)

U.S. 25, I-40 to Blue Ridge Parkway, Buncombe County, N.C., October 18: The proposed action is the improvement of the capacity and level of service provided by U.S. 25 between I-40 and Blue Ridge Parkway in Asheville, North Carolina. The project consists of widening a 2.9-mile segment from 2 and 4 lanes to a 5-lane cross section. Depending on the alternative selected, between 32 and 83 land uses will be exposed to noise levels of 70 decibels or more. Other negative impacts include loss of trees and the displacement of up to 23 residences and 24 businesses. (Region 4.) (140 pages.) (ELR Order No. 61513.)

Ohio Route 315, Ackerman Rd.-I-270, Franklin County, Ohio, October 18: The proposed action is the construction of 4.87 miles of freeway in two sections, one of 2.34 miles and another of 2.53 miles. These sections will be the final links in a freeway facility connecting the Columbus Innerbelt (I.B. 670) at the Goodale Interchange with the Outerbelt (O.B. 270); the other sections are already completed and open to traffic. The total length of the finished Olentangy Freeway from the Innerbelt to its northern terminus will be 10.54 miles. Adverse effects include the taking of 63 residences, one business, and one church, and the loss of 230 acres of wildlife habitat. (Region 5.) (190 pages.) (ELR Order No. 61511.)

S.C. 703, Center St. to Jasper Boulevard, Charleston County, S.C.; October 18: The proposed action entails widening a section of S.C. 703 in Charleston County, from near Center St. in the town of Mt. Pleasant to Jasper Boulevard on Sullivan's Island. Plans

also include construction of a two-lane high level fixed span bridge over the Intracoastal Waterway parallel to the existing bridge. The major negative impact will be the loss of an area of marshland on both sides of the Intracoastal Waterway. (51 pages.) (ELR Order No. 61516.)

Texas I–40, U.S. 83 to Alanreed, Wheeler and Gray Counties, Tex., October 22: Proposed is the completion of I–40 in Wheeler and Gray Counties between U.S. 83 in Shamrock west to 0.25 mile west of the west city limits of Alanreed. That portion of I–40 in Wheeler County has been completed; therefore, this project would construct the 12-mile section of controlled-access four-lane divided highway in Gray County requiring over 450 acres of right-of-way. Adverse effects include the displacement of three to twenty families and two to three businesses. (Region 6.) (240 pages.) (ELR Order No. 61530.)

Final

Maryland Route 210, Old Fort Rd. to Route 227, Prince Georges and Charles Counties, Md., October 22: The proposed project is the improvement and dualization of Maryland Route 210. The project will begin at Old Fort Road and terminate 1.1 mile north of Maryland Rte. 227, a total distance of 6.8 miles. The facility will require a bridge structure to cross Piscataway Creek. Negative impacts include displacement of 2 families and 2 businesses, increases in noise levels, and disturbance of wildlife habitat along the route. (Region 3.) (150 pages.) Comments made by: DOI, HEW, EPA, USDA, COE, state and local agencies, concerned citizens. (ELR Order No. 61533.)

U.S. 6 and 34, and Junction with Nebraska 23, Phelps County, Nebr., October 20: The proposed roadway improvement consists of the upgrading and reconstruction of a 2.5-mile segment of U.S. 6 and 34 and the revision of the junction of this highway and Nebraska Highway N–23. The project includes pavement removal, grading, construction of shoulders, constructing drainage structures, surfacing, and construction of curbs, medians, sidewalls, driveways, a storm sewer, and lighting systems. Adverse impacts include the acquisition of approximately 8 acres of land, the relocation of 8 businesses, increased noise and air pollution, and construction disruption. (Region 7.) (60 pages.) COMMENTS MADE BY: DOT EPA DOI (ELR Order No. 61522.)

U.S. COAST GUARD

Contact: Captain Sidney A. Wallace, Commandant (G–WEP/3), U.S. Coast Guard, Washington, D.C. 20590, 202–426–2010.

Draft

Greater New Orleans Mississippi River Bridge No. 2, Orleans and Jefferson Parishes, La., October 22: The proposed action is to construct a new bridge and approaches across the Mississippi River in New Orleans. The new bridge will be located parallel to and 400 feet downstream of the existing Greater New Orleans Bridge. The new structure will be a three-span, cantilevered through truss bridge very similar in appearance and construction to the existing Great New Orleans Bridge. Spans of approximately 853 feet, 1,575 feet, and 581 feet are proposed for the main structure. Two properties on the National Register of Historic Places will be adversely affected. (700 pages.) (ELR Order No. 61534.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 76–31787 Filed 10–28–76; 8:45 am]

Public Hearing

ENVIRONMENTAL PROTECTION AND ENERGY CONSERVATION ASPECTS OF FEDERAL NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT AND ENVIRONMENTAL IMPACTS OF EMERGING ENERGY TECHNOLOGIES

The Council on Environmental Quality announces a public hearing on the environmental protection and energy conservation aspects of Federal nonnuclear energy research and development and environmental impacts of emerging energy technologies, pursuant to the provisions of Section 11 of the Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577.

Participation and testimony from all interested parties is invited. The hearing will be held December 14–16, 1976, in the auditorium of the Thompson Conference Center, located on the campus of the University of Texas at Austin.

The hearing will focus on the Council's report, *Environment and Conservation in Energy Research and Development*, which addresses the adequacy of attention to these matters in the programs and plans of the Energy Research and Development Administration and the Environmental Protection Agency.

Copies of the report and additional information may be obtained by writing to: Public Hearing, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

JOHN A. BUSTERUD,
Acting Chairman.

[FR Doc.76–31584 Filed 10–28–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 635–6 PP6G1677/T86]

RENEWAL AND ESTABLISHMENT OF A TEMPORARY TOLERANCE

Oxytetracycline Hydrochloride

On October 29, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 50305) that in response to a pesticide petition (PP 6G1677) submitted to the Agency by the Plant Pathology Department, New York State Agricultural Experiment Station, PO Box 727, Highland NY 12528, a temporary tolerance was established for residues of the fungicide oxytetracycline hydrochloride in or on the raw agricultural commodity peaches at 0.1 part per million (ppm) resulting from infusion of peach trees with an aqueous solution of the fungicide after harvest and prior to formation of new blooms. This temporary tolerance expired October 17, 1976.

The New York State Agricultural Experiment Station has requested a one-year renewal of this temporary tolerance and has additionally requested that a 0.1 ppm tolerance be established for residues of the fungicide in or on raw agricultural commodity nectarines. In the case of both nectarines and peaches these residues will result from infusion of peach and nectarines trees with an aqueous solution of the fungicide after harvest and prior to leaf drop. The establishment and renewal of the 0.1 ppm temporary tolerance will permit the marketing of peaches and nectarines when treated in accordance with an experimental use permit that is being renewed concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported and all other relevant material having been evaluated, it has been determened that the renewal and establishment of the temporary tolerance will protect the public health, and it is concluded, therefore, that the 0.1 ppm temporary tolerance be renewed and established on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. The New York State Agricultural Experiment Station must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The Experiment Station must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires October 17, 1977. Residues in or on peaches and nectarines not in excess of 0.1 ppm remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: October 22, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

(Sec. 408(j) of The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

[FR Doc.76–31783 Filed 10–28–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–941; RM–2552]

CABLE TELEVISION SYSTEM PROGRAM ORIGINATIONS

Applicability of Fair Doctrine and Equal Time Rules; Denying Petition for Rule Making

Adopted: October 13, 1976.

Released: October 21, 1976.

Order—Proceeding Terminated. In re amendment of Part 76, Subpart G of the Commission's rules and regulations pertaining to the applicability of the Fair-

ness Doctrine and Equal Time Rules to Cable Television System Program Originations, RM–2552.

1. On May 1, 1975 Christina McKee and Gale E. Peterson, students of the Indiana University School of Law, Bloomington, Indiana, filed a petition for rule making urging that, the Commission examine the appropriateness of its fairness and equal time requirements as they apply to operators of cable television systems [1] in view of the fact that cable systems do not occupy spectrum space and have a potentially high channel capacity. Specifically they propose a formal rule making proceeding leading to a change in the rules to allow a cable operator to satisfy all of his obligations under the fairness and equal time rules through the provision of appropriate access channels and facilities. Although no comments or objections were filed, the Commission notes several studies of cable television, law review articles, and government reports addressing the issue.

2. The Commission has determined that the petition for rule making should be denied. Fairness and equal time through access is premised upon an abundance of available unused channel capacity readily available on demand for leased or public access use with audiences comparable to those of origination programming. This situation might be present in a mature cable television industry but does not exist today. While we are thus unable to agree with the suggestion that it is appropriate at this time to delete the fairness and equal time requirements, we of course, may reexamine them at a future time upon a showing of changes within the cable industry consistent with this opinion.

Accordingly, it is ordered, That the "Memorandum Recommending Abolition of the Fairness Doctrine as Applied to Cable Television" filed by Christina McKee and Gale E. Peterson on May 1, 1975, is denied.

FEDERAL COMMUNICATIONS COMMISSION,[2]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–31635 Filed 10–28–76;8:45 am]

[FCC 76–970]

CARS FACILITIES AND CARS BAND FREQUENCIES

Unauthorized Construction and Operation of CARS Facilities and Unauthorized Use

OCTOBER 22, 1976.

During the recent processing of approximately 400 applications for renewal of license in the Cable Television Relay Service (CARS), the Commission staff has noted numerous violations of the Communications Act and the Commission's rules in the construction and operation of CARS facilities. For examples, see Delaware Cable TV Co., FCC 76–435, ____ FCC 2d ____ (1976), Continental Cablevision of Ohio, Inc., FCC 76–600, ____ FCC 2d ____ (1976), Coastal Cable TV Company, FCC 76–906, ____ FCC 2d ____ (1976), and Mid-Hudson Cablevision, Inc., FCC 76–907, ____ FCC 2d ____ (1976).

Construction and/or operation of CARS facilities without appropriate authorization or contrary to an existing authorization are violations of sections 301 and 510 of the Communications Act of 1934, as amended, and §§ 78.15, 78.25 and 78.109 of the Commission's rules. Such infractions are considered serious matters warranting administrative sanctions such as imposition of forfeitures or revocation of licenses. It also has come to our attention that some CARS permittees have allowed their construction permits to expire and have begun operation of the CARS facilities without filing a license application pursuant to § 78.25 of the rules. Operation of a CARS facility without filing an appropriate license application is a violation of Section 301 of the Act.

Finally, all CARS licensees are reminded that, pursuant to § 78.67, they are required to have a current copy of the CARS rules, Part 78 of the Commission's rules and regulations.

Action by the Commission October 21, 1976.

Commissioners Wiley (Chairman), Hooks, Quello, Washburn and Fogarty with Commissioner White not participating.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–31644 Filed 10–28–76;8:45 am]

[Report No. I–282]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted For Filing

OCTOBER 26, 1976.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

16–DSE–ML–77 Owensboro Cablevision (WB50), Owensboro, Kentucky. Modification of license to permit the reception of television station WTCG, Channel 17, Atlanta, Georgia.

17–DSE–ML–77 Sjoberg's, Incorporated (KD36), Thief River Falls, Minnesota. Modification of license to delete the conditions in the license which prohibits the use of the earth stations facilities for common carrier operations.

18–DSE–P/L–77 Callais Cablevision, Inc. Golden Medow, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 29° 23' 58'' Long. 90° 16' 42''. Rec. freq: 3700–4200 GHz. Emission (none listed). With a 10 meter antenna.

19–DSE–P–77 Telecable of Columbus, Inc., near Smiths, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 32° 35' 10'' Long. 85° 06' 19''. Rec. freq: 3700–4200 GHz. Emission 36000F9. With a 10 meter antenna.

21–DSE–P/L–77 Wheeling Antenna Co., Inc., Wheeling, West Virginia. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 40° 02' 04'' Long. 80° 40' 22''. Rec. freq: 3700–4200 MHz. Emission 3600° F9. With a 10 meter antenna.

22–DSE–P/L–77 Colony Satellite Services, Inc., Woburn, Massachusetts. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 42° 27' 18'' Long. 71° 10' 44''. Rec. freq: 3700–4200 MHz. Emission 3600°F9. With a 10 meter antenna.

23–DSE–P/L–77 Optical Systems Corporation, El Cajon, California. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 32° 48' 34'' Long. 116° 58' 46''. Rec. freq: 3700–4200 MHz. Emission 3600° F9. With a 10 meter antenna.

[FR Doc.76–31646 Filed 10–28–76;8:45 am]

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: October 18, 1976.
Released: October 21, 1976.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that on December 2, 1976 the TV broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application in order to be considered with the applications appearing on the attached list or with any other applications on file by the close of business on December 1, 1976 which involves a conflict necessitating a hearing with the applications on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on December 1, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

[1] Sections 76.205 and 76.209 of the Commission's rules.

[2] Commissioner Wiley dissenting; Commissioner White not participating.

BPCT-4935 Minneapolis, Minnesota, Buford Television, Inc. of Minneapolis, Channel 29, ERP. Vis.: 1000 kW, HAAT: 1193 ft.
BPCT-4938 El Paso, Texas, Missionary Radio Evangelism, Inc., Channel 14, ERP. Vis.: 387 kW, HAAT: 1982 ft.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-31645 Filed 10-28-76;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2762]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Issuing Preliminary Permit

OCTOBER 20, 1976.

On September 24, 1975, Central Vermont Public Service Corporation (Central Vermont) filed an application for a preliminary permit to investigate the feasibility of the proposed East Georgia Project No. 2762, on the Lamoille River in Franklin County, Vermont, near the cities of St. Albans, Milton, Fairfax and Georgia, Vermont. The project would be located 15.5 miles upstream from the mouth of the Lamoille River. In 1955 the Commission found the Lamoille River to be navigable from its mouth to at least mile 46.[1] The project would, therefore, affect navigable waters of the United States.

As described in the application the project would consist of (1) a concrete gravity dam with earth abutments and a maximum height of 80 feet, consisting primarily of a 300-foot long spillway controlled by a 100-foot long, six-foot high bascule gate, and 200 feet of five-foot flashboards, which would create a reservoir of approximately 500 surface acres; (2) a semi-outdoor type powerhouse and a water intake structure, both integral with the dam; (3) a powerhouse consisting of a 10,000 kilowatt generator and a 13,400-horsepower Kaplan design vertical shaft turbine to be operated at net head of 48 feet; and (4) a transmission line two miles long to connect with Central Vermont's existing 34.5-kv transmission line system.

Public notice of the filing of the application was given with April 12, 1976, as the last day for filing protests, notices of intervention, or petitions to intervene. No protests or notices of intervention were received.

A petition to intervene was filed April 9, 1976, by the Attorney General of the State of Vermont. By order issued October 7, 1976, we permitted intervention.

RECREATION

The U.S. Army Corps of Engineers, by letter filed March 29, 1976, stated that the proposed project would not create a hazard to commercial navigation but recommended that Central Vermont be required to indicate the effect of the proposed project on recreational boating. Article 9 requires Central Vermont to conduct studies to determine the impact of the project on recreation and public use.

The U.S. Department of the Interior (Interior), by letter filed March 26, 1976, stated that both "with project" and "without project" recreational evaluations to include the effects of drawdowns, modified stream flows, and the relationship to Project No. 2205 recreational development[2], should be completed. An evaluation of recreational impacts of both the proposed project and alternatives thereto is required by Article 9 and by any Exhibit S, R and W that would accompany an application for license.

FISH AND WILDLIFE, WATER QUALITY

Interior recommended that Central Vermont, in consultation with Federal, State and local agencies having an interest in fish and wildlife, conduct studies and share information related to fish and wildlife resources with these agencies. Articles 8 and 9 of the permit provide for this consultation and study in connection with fish and wildlife resources. Article 10 requires Central Vermont to designate a liaison officer who would inform appropriate Federal, State, and local agencies of the progress of investigations during the term of the permit.

Interior further recommended that Central Vermont investigate and document the possible presence of any endangered, threatened, or rare species in the project area. If such species are found to be present, Interior recommended that the Commission and the Fish and Wildlife Service be notified and that consultation with the Fish and Wildlife Service's Boston Regional Director be initiated under certain conditions. Article 7, which requires the submission of periodic statements to the Commission, and Articles 8, 9, and 10, which we have discussed, adequately provide for Interior's recommendations concerning endangered, threatened, or rare species.

In its letter filed March 29, 1976, the U.S. Environmental Protection Agency (EPA) stated that permits issued for wastewater treatment plants are predicated upon maintaining minimum instantaneous streamflows exceeding the seven-day, ten-year low flow and that the proposed project reservoir would increase the potential for eutrophication on the Lamoille River. EPA concluded that minimum flows and eutrophication potential were important considerations with respect to the proposed project which would require more specific evaluation. Article 9 requires Central Vermont to study the impact of the proposed project on water quality, to include water supply and waste treatment and disposal.

CULTURAL RESOURCES, MISCELLANEOUS

Interior recommended that Central Vermont consult with the State Historic Preservation Office and a qualified archeologist concerning cultural resources which may be affected by the proposed project. Central Vermont is required by Article 9 to consult with appropriate agencies in connection with studies pertaining to archaeology and historical and cultural sites.

The State of Vermont Planning Office (Planning Office), by letter filed February 26, 1976, stated that a clear indication of the need for power, based on projected power demands and population projections, should be demonstrated. Article 1 requires Central Vermont to secure such data and perform such investigations as may be necessary to determine the feasibility of the proposed project. The Planning Office also stated that the social and economic impacts of the proposed project should be studied. An evaluation of social and economic impacts of the proposed project is subsumed in the provisions of Article 9 which requires Central Vermont to conduct studies to determine the impact of the proposed project on natural resources and other environmental values. Finally, the Planning Office's recommendation that the impact of the project, and its alternatives, on the rate base and electrical rates should be discussed is provided for by Articles 1 and 9 of the permit.

The U.S. Department of Agriculture, Forest Service, stated that the proposed project would have no adverse environmental impact on matters within the purview of the department and recommended issuance of the preliminary permit.

Since the preliminary permit only maintains the right of priority of application for license during the period necessary for feasibility studies, and does not authorize construction, the issuance of a preliminary permit is not a major Federal action significantly affecting the quality of the human environment.

The Commission finds: (1) The applicant, Central Vermont Public Service Corporation, is a corporation organized under the laws of the State of Vermont.

(2) Public notice of the application has been given. A petition to intervene filed on April 9, 1976, by the Attorney General of the State of Vermont was granted by order issued October 7, 1976. No other protests, notices of intervention, or petitions to intervene were filed.

(3) No conflicting application is before the Commission.

(4) Issuance of the preliminary permit is not a major Federal action significantly affecting the quality of the human environment and thus does not require the filing of an environmental impact statement under the National Environmental Policy Act of 1969 and Commission Order No. 415-C.

[1] Central Vermont Public Service Corp., Docket No. E-6619, 14 F.P.C. 1129 (1955).

[2] Central Vermont Public Service Corporation, Project No. 2205, 53 F.P.C. ____ (March 26, 1975). The proposed East Georgia Project would be located midway between the existing Clark Falls (about six miles downstream) and Fairfax Falls (about six miles upstream) hydroelectric developments, both under license to Central Vermont as Lamoille River Project No. 2205.

(5) The project to be studied hereunder would affect navigable waters of the United States.

The Commission orders: (A.) This preliminary permit is issued to Central Vermont Public Service Corporation (hereinafter Permittee), for its proposed East Georgia Project No. 2762 to be located on the Lamoille River (a navigable waterway of the United States) in Franklin County, Vermont, for a period of 36 months, effective as of the first day of the month in which the permit is issued subject to terms and conditions of the Act, which is incorporated by reference as part of this permit, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B.) This permit is also subject to the terms and conditions set forth in Form P–1, (Revised October, 1975) entitled "Terms and Conditions of Preliminary Permit" which terms and conditions (designated as Articles 1 through 6) are attached below and made a part hereof and subject to the following conditions set forth herein as additional articles:

Article 7. The Permitee shall submit in triplicate at the close of each three-month period, from the effective date of this permit, to the Secretary, Federal Power Commission, and the Regional Engineer, Federal Power Commission, New York, New York, or to such other officer as the Commission may designate, accurate statements of the progress of all investigations ,consultations, and studies accomplished during the period and of work contemplated under this permit for the ensuing period.

Article 8. Permittee, by the end of the first year of this permit, shall (1) have consulted with the U.S. Fish and Wildlife Service of the Department of the Interior, and the Vermont Agency of Environmental Conservation and arranged for the preparation of a study of any effects which the proposed project would have on fish and wildlife resources and of facilities or measures needed to conserve or develop these resources and (2) file with the Commission an outline of the proposed study, including an estimate of cost thereof, and letters from each of the above Agencies indicating the extent of consultation. During the remaining term of the permit, Permittee shall fund or otherwise provide for such study. A copy of the report on the study shall be filed as part of the Exhibit S of any subsequent application for license.

Article 9. Permittee, in the interest of preserving and developing the natural resources and other environmental values of the project area, shall consult with the appropriate Federal, State, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner which preserves the environmental integrity of the area, and shall fully explore all feasible alternatives to the project and alternative project designs which would avoid damage or destruction of natural resources and other environmental values. These resources and values include, but are not limited to, forests; land management and treatment; fish; wildlife; recreation and public use; water and air quality (including water supply, waste treatment and disposal); public health and safety; archaeology; historical and cultural sites; rare, threatened or endangered flora and fauna; and scenic and aesthetic values. The Permittee shall initiate and conduct at its expense such studies as may be necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and any measures needed to preserve and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures; and shall utilize the results of such studies in the preparation of Exhibits H, R, S, V, and W to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological and historic and cultural sites, the Permittee shall consult with the appropriate agencies, including the Vermont State Archeologist, the Vermont State Historic Preservation Officer, and the Office of Archeology and Historic Preservation of the U.S. Park Service.

Article 10. The Permittee shall, for the purpose of assuring the cooperation required by the terms of the permit, designate a liaison officer to act for the Permittee in keeping appropriate Federal, State, and local agencies specified in this permit currently informed as to the progress of investigations throughout the term of the permit, and such liaison officer shall communicate with such agencies within 60 days from the date of issuance of this permit.

(C.) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this preliminary permit. The acknowledgment of the acceptance of this preliminary permit shall be signed by the Permittee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of this preliminary permit, Central Vermont Public Service Corporation, this ____ day of _____, 1976, has caused its corporate name to be signed hereto by _____, its _____ President, and its corporate seal to be affixed hereto and attested by _____, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the ____ day of _____, 1976, a certified copy of which is attached hereto.

By _____
President

Attest:

_____
Secretary

(Executed in quadruplicate.)

[Form P–1; Rev. October, 1975]

TERMS AND CONDITIONS OF PRELIMINARY PERMIT

Article 1. The Permittee shall make such engineering and other investigations, secure such data, and perform such acts as are necessary to determine the feasibility of the proposed project and, if said project is found to be feasible, to prepare an application for license for the project that will be in conformance with current rules and regulations of the Commission. In carrying out the requirements of this permit the Permittee shall:

A. Install as soon as practicable, and thereafter maintain, such stream gages and stream-gaging stations as the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region shall designate as necessary and best adapted for the purpose of determining the stage and flow of the stream or streams affected by the proposed project, and shall provide for the required reading of such gages and for the adequate rating of such stations. The number, design, location, and time of installation of gages and stations, the rating of such stations, and the determination of the flow of the affected stream or streams, shall be made under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging in the region of said project; and the Permittee shall advance to said Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Permittee shall, to the satisfaction of the Commission, keep accurate and sufficient records of the stage and flow of the affected stream or streams, and shall make such records available to the Commission at such times as the Commission may prescribe.

B. Sink such test pits or make such borings or other foundation explorations, and make such detailed geologic studies and tests on foundations and fill materials, as are necessary to support preliminary engineering designs and cost estimates.

C. Begin the required investigations within 60 days after acceptance of the permit, and thereafter prosecute said investigations in such manner and at such rate as in the judgment of the Commission will ensure their completion within the period of the permit.

D. Furnish with any application for license subsequently filed with the Commission copies of engineering and geologic reports, results of tests and analyses, and any other information secured in connection with the investigations, examinations and surveys conducted under this permit.

E. Exercise appropriate measures at all times during field studies to prevent irreparable damage to the environment of the proposed project. All test sites shall be restored as closely as possible to their original condition, and to the satisfaction of the Commission's authorized representative, or, where Federal lands are affected, to the satisfaction of the agency administering such lands.

Article 2. A license will be issued for the proposed project only if in the judgment of the Commission said project will be best adapted to a comprehensive plan for the improvement or development of a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes. In reaching a decision on the desirability of issuing a license, the Commission will consider, among other things:

A. Whether the maps, plans, and specifications are such:

(1) That full, practicable utilization will be made of the water, storage possibilities, and head at the site to be developed;

(2) That the structures will be safe and constructed in accordance with good engineering practice; and

(3) That all unnecessary energy losses, whether in hydraulic works in or mechanical or electrical equipment, will be avoided.

B. Whether in relation to existing or probable future projects upon the same or adjacent streams, the potential for the fullest practicable utilization of the available water,

storage possibilities, and head will be maintained.

C. Whether said project will be in general accord with the most beneficial utilization of the water for navigation, water power, irrigation, or other public uses, and for aiding flood control, reclamation, and similar developments.

D. Whether proper provision is made for present or future electrical interconnection with other projects or systems in order to take advantage of diversity of streamflow and of power demands.

E. Whether the use to which the power will be devoted is, in general, in accord with the public interest.

F. Whether the applicant is financially able to carry out the development.

G. Whether the construction, maintenance, and operation of the proposed project works will interfere or be inconsistent with the purpose for which any reservation, as defined in the Federal Power Act, was created or acquired.

Article 3. The priority granted under the permit shall be lost if the Permittee fails to fulfill the requirements of the permit, if the permit is canceled by order of the Commission, or if the Permittee fails, on or before the expiration date of the permit, to file with the Commission or its designated agent an application for license for the proposed project in conformity with the Commission's rules and regulations then in effect.

Article 4. The Permittee shall keep accurate records of all expenditures made for the purposes authorized by the permit, together with all vouchers and other supporting data relating to such expenditures, which records and related materials shall be retained by the Permittee.

Article 5. The permit confers no authority upon the Permittee to undertake construction of the proposed project, or any part thereof, or to occupy or use lands or other property of the United States for the purposes of construction, unless specific permission is given by the Commission for such occupancy or use; and neither the granting of such authority nor the performance of construction work, whether with or without such authority, shall be deemed to have created any equity or to have established any rights with respect to issuance of a license for the proposed project, beyond what would have been created or established had such authority not been given or such work not been performed.

Article 6. The permit is not transferable and may be canceled by order of the Commission upon failure of the Permittee to begin in good faith, or to prosecute diligently, the investigations, examinations, and surveys contemplated under the permit, or to comply with any other conditions therein, or for any other good cause shown after notice and opportunity for hearing.

[FR Doc.76-31560 Filed 10-28-76;8:45 am]

[Docket No. E-8913]

DETROIT EDISON CO.

Application

OCTOBER 15, 1976.

Take notice that on October 6, 1976, the Detroit Edison Company (Applicant) filed a supplemental application with the Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue short-term unsecured promissory notes in the aggregate principal amount not exceeding $300 million outstanding at any one time to commercial banks, insurance companies or similar institutions. All notes are to be issued on or before December 31, 1977, with final maturities of on or before December 31, 1978. The Commission by order issued December 4, 1975, authorized the Applicant to issue on or before December 31, 1976, a maximum of $300 million of its short-term notes, with final maturities of not later than December 31, 1977.

Applicant is incorporated under the laws of the States of Michigan and New York, with its principal business office at Detroit, Michigan. The Applicant is a public utility engaged primarily in the generation, purchase, transmission, distribution and sale of electricity in a service area of approximately 7,600 square miles in southeastern Michigan. The Applicant also provides steam service in Detroit and provides industrial steam. During 1975, approximately 98 percent of the Applicant's revenues were derived from its electric service.

The proceeds from the issuance of the notes will be used for the construction, completion, extension and improvement of facilities, pending permanent financing.

The notes are expected to be issued with an interest rate or at a discount rate which will be determined from time to time as the notes are issued.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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 the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31565 Filed 10-28-76;8:45 am]

[Docket No. RP75-61]

INVESTIGATION INTO ACTIVITIES OF SOUTH TEXAS NATURAL GAS GATHERING COMPANY AND ALL COMPANIES AFFILIATED WITH IT

Order Granting in Part and Denying in Part Rehearing and Reconsideration, and Severing Issue

OCTOBER 15, 1976.

On August 19, 1976, the Commission issued its "Order Concluding Investigation And Terminating Proceeding" with respect to the Staff investigation into the activities of South Texas Natural Gas Gathering Company (South Texas) and companies affiliated with it. The order required certain of the affiliates to undertake specific actions and mandated the parent company, Coastal States Gas Corporation (CSGS), to file a verified report one year from the date of issuance of the order detailing the affiliates' compliance with the Natural Gas Act and the Commission's rules and regulations enacted thereunder. Because of the historical record of past South Texas and Coastal States Gas Producing Corporation's (Coastal States) violations, the Commission order directed the Commission's Solicitor to seek a writ of mandamus under section 20 of the Act[1] requiring CSGS to comply with the provisions of the Natural Gas Act and with the August 19, 1976 order.

In its petition for rehearing South Texas has informed the Commission that it and Coastal States will transmit to the parent, CSGS, the portions of the required report applicable to their respective companies and that the combined report will be filed with the Commission. South Texas claims, however, first, that the Commission was mistaken in requiring the report from the parent corporation, CSGS, which South Texas asserts is not a jurisdictional company and therefore not subject to Commission jurisdiction, and second, that there is no need to order the Solicitor to seek an enforcement order under section 20.

South Texas is incorrect when it asserts that the Commission erred in addressing the reporting requirement to the parent. The Staff investigation[2] demonstrated that the subject companies are operated on a consolidated basis and intra-company activities, involving both jurisdictional and nonjurisdictional companies, are sometimes transacted without benefit of written contracts.[3] Furthermore, the investigation was directed against South Texas and all companies affiliated with it, including the parent and certain other nonjurisdictional entities such as Lo-Vaca Gathering Company, which, through interaction with the jurisdictional subsidiaries, have substantial impact on jurisdictional activities. Because of this interdependence, the Commission concluded that the entity that should be held responsible for the actions of the entire producer and pipeline system was the parent corporation. And in the course of a valid investigation, an administrative agency can require an unregulated company to submit information that is relevant to the agency's expressed purpose.[4]

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[1] 15 U.S.C. § 717s.

[2] Staff Report, Investigation Into The Activities Of South Texas Natural Gas Gathering Company And All Companies Affiliated With It, April 8, 1976 With Supplementary Comments As Of July 30, 1976.

[3] Id. at No. 20.

[4] *U.S.* v. *Morton Salt Co.*, 338 U.S. 632 (1950); *Endicott Johnson Corp.* v. *Perkins*, 317 U.S. 501 (1943); *I.C.C.* v. *Goodrich Transport Co.*, 224 U.S. 194 (1912); *Adams* v. *F.T.C.*, 296 F.2d 861 (8th Cir. 1961), *cert. denied*, 369 U.S. 864 (1962); *F.T.C.* v. *Tuttle*, 244 F.2d 605 (2nd Cir.), *cert. denied*, 354 U.S. 925 (1957); *Local 57, International Union of Operating Engineers* v. *Wirtz*, 326 F.2d 467 (1st Cir. 1964); *F.C.C.* v. *Cohn*, 154 F. Supp. 800 (S.D.N.Y 1957)

South Texas also protests the section 20 enforcement action against the parent. We have already expressed our reasons for fixing responsibility on CSGS rather than others of its affiliates. The section 20 suit by our Solicitor was intended to insure that South Texas and its affiliates' past record of violations came to an end and to the extent it did not, the companies would be in violation of a court order.

Petitioner asserts that it has already or will fully comply with all sections of the Natural Gas Act, rules and regulations of the Commission, and directions in the August 19, 1976 order. South Texas asserts that the Commission's direction to its Solicitor is premature since the use of section 20 is intended to prevent ongoing or intended violations, which does not apply to South Texas since it has expressed no opposition to the Commission requirements.

We are aware of South Texas' representations that, in the future, the affiliated companies will bring themselves into compliance with all the applicable rules and regulations. We also note that management has undertaken a thorough review of the companies' relations with this Commission and its rules and regulations, and that experienced personnel who are familiar with such activities have been retained to oversee this effort. The Commission is also cognizant of the correctness of South Texas' assertion that the violations detected by the Staff investigation, while not unimportant, were more of a technical than substantive nature. It was precisely for this reason that we refrained in our August 19, 1976 order from referring these violations to the Department of Justice pursuant to section 20(a) of the Natural Gas Act.

Upon review of the South Texas application for rehearing and the representations of compliance made therein, we will rely on South Texas and its affiliates's assertions that their future jurisdictional activities will comport with Federal regulation. Accordingly, we will grant South Texas' application for rehearing, and shall delete Ordering Paragraph (B) of the August 19, 1976 order. However, if we learn that the subject companies are failing, or are about to fail, to act in accordance with the rules and regulations of the Commission or provisions of our August 19, 1976 order we will not hestitate to direct our Solicitor and General Counsel to seek judicial enforcement. Furthermore, since we are relying on the promises of a company that has not conducted itself properly in the past, we wish to advise South Texas at this point that should there be future violations, whether technical or substantive, breaking the promise upon which we rely today will weigh heavily in our judgment whether to refer such an infraction to the Department of Justice for civil or criminal action.

In its petition for rehearing South Texas notes that one of the exchange agreements the Commission order stated would shortly be concluded, with Trunkline Gas Company (Trunkline), still remains to be settled. Because of this problem, Trunkline has filed a petition to intervene and application for rehearing.[*] Trunkline argues that since it now has a vital interest in this docket because of the Commission's determination as to the unbalanced exchanged agreement, intervention should be granted to insure adequate representation of its views.

Trunkline correctly points out that the Commission erred in its assumption that the exchange agreement with South Texas had not been certificated. In fact, a certificate was issued on September 22, 1967, in Docket No. CP67–337. The original agreement was dated April 4, 1967, and the extended term expired on August 18, 1976, without the imbalance having been repaid by South Texas. At present, according to Trunkline, it is owed 1,284,572 Mcf by South Texas.

Trunkline urges the Commission to modify its order to require South Texas to repay the entire imbalance in not more than one year with the Chief Executive Officer of South Texas providing a verified statement of repayment. On October 4, 1976, South Texas filed an opposition to the Trunkline petition to intervene and an application for rehearing. South Texas asserts that the exchange agreement is not properly part of the Staff investigation and any resolution of the disagreement should be settled in a separate proceeding, preferably the application for abandonment of the exchange agreement filed on October 5, 1976, in Docket No. CP67–337. Following this line of reasoning, upon severance, South Texas asserts that Trunkline will have no interest remaining in the investigation docket and, therefore, opposes the petition to intervene.

We agree with South Texas that this issue should be settled in a separate proceeding from the investigation and we hereby sever that question from the docket. All matters relating to the exchange agreement, including the ordering of a payback, where necessary, will be disposed of in Docket No. CP67–337, regardless of whether any action deemed necessary by the Commission therein is of the type normally contemplated by an abandonment application. Accordingly, the Commission grants rehearing to amend its August 19, 1976 order to sever therefrom the resolution of the exchange agreement between Trunkline and South Texas dated April 4, 1967. Consistent with this determination, the Trunkline petition to intervene is denied without prejudice to Trunkline filing to intervene in the abandonment application proceeding, Docket No. CP67–337.

The Commission finds: (1) It is in the public interest that the petition for rehearing of South Texas and the petition for reconsideration of Trunkline should be granted in part and denied in part.

(2) Good cause does not exist to permit the intervention of Trunkline.

(3) The resolution of the disagreement concerning the exchange agreement entered into by Trunkline and South Texas on April 4, 1967, should be detached from this investigatory proceeding and resolved in the abandonment application filed by South Texas in Docket No. CP67–337.

The Commission orders: (A) For the reasons expressed in the body of this order, rehearing and reconsideration of the August 19, 1976 order is granted in part and denied in part.

(B) The petition for intervention of Trunkline is denied without prejudiced to Trunkline filing a petition to intervene in Docket No. CP67–337, the abandonment application filed by South Texas on October 5, 1976.

(C) The issue raised in the application for rehearing of South Texas and the application for reconsideration of Trunkline concerning the resolution of the controversy concerning the exchange agreement entered into by the two companies on April 4, 1967, is hereby severed from this proceeding. This matter will be fully dealt with in the proceeding commenced by the South Texas abandonment application in Docket No. CP67–337. That proceeding will encompass all aspects of the Commission's authority and enforcement capabilities and will not be limited solely to the question of whether abandonment is permitted or not. The proceedings in Docket No. CP67–337 will be a final resolution of the exchange controversy.

(D) Ordering Paragraph (B) of the order of August 19, 1976, is hereby deleted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31561 Filed 10-28-76;8:45 am]

[Docket No. E-9564]

IOWA POWER & LIGHT CO. AND IOWA SOUTHERN UTILITIES CO.

Order Authorizing Transfer and Sale of Electrical Facilities

OCTOBER 20, 1976.

On August 9, 1976, the Iowa Power & Light Company (Iowa Power) filed an application, pursuant to section 203 of the Federal Power Act, for authorization to sell approximately 20 miles of 161KV transmission line to the Iowa Southern Utilities Company (Iowa Southern). On August 20, 1976, Iowa Southern filed a Certificate of Concurrence in the filing. Consideration in the amount of $144,165.39 will be paid to Iowa Power, based on the original cost of such facilities, less depreciation.

Iowa Power is incorporated under the laws of the State of Iowa, with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility business within the State of Iowa.

Iowa Southern is incorporated under the laws of the State af Delaware, with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The facilities to be sold by Iowa Power to Iowa Southern consist of approximately 20 miles of 161KV electric transmission line and right of way located in

[*] Since Trunkline's application for rehearing was filed untimely, it is being treated here as an application for reconsideration.

the Iowa counties of Jasper and Poweshiek. The present and proposed use of said line is to serve as a segment of a 161KV line supplying loads in the vicinities of Searsboro and Parnell, Iowa, and, in the future, Newton, Iowa. The line also serves the function of an emergency connection between major supply points at Des Moines and Hills, Iowa.

Iowa Power and Iowa Southern are parties to an Interconnection, Interchange and Joint Construction Agreement dated August 21, 1968. The Agreement provides for a planning committee which will make periodic reviews of the costs and benefits of all interconnections between the two systems and recommend additions or changes in the facilities. The proposed transfer and sale is the result of such a review. The proposed sale will have no effect on any transaction for the purchase, sale or interchange of electric energy. The agreed upon sale price is $144,165.39 representing an original cost of $294,731.34 (for land, land rights, poles, fixtures, and overhead fixtures and devices) less $150,565.95 accumulated depreciation.

Accordingly, it is our view that the proposed transfer and sale of electrical facilities will be consistent with the public interest and should be approved. In addition, the parties are hereby ordered upon completion of the proposed transaction to file the memorandum of understanding, dated November 17, 1975 [1] as a part of their respective Rate Schedules FPC No. 29, and submit appropriate changes in any other rate schedules affected by the transaction.

Written notice of the application has been given to the Iowa State Commerce Commission and to the Governor of that State. Notice has also been given by publication in the FEDERAL REGISTER, stating that any person desiring to be heard or to make any protest with reference to the application should, on or before September 11, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No petition, protest, or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Iowa Power & Light Company and Iowa Southern Utilities Company, corporations, are public utilities within the meaning of section 203 of the Federal Power Act, subject to the jurisdiction of the Commission.

(2) The proposed transfer and sale of electrical facilities, as described above, will constitute a transaction within the meaning of section 203 of the Federal Power Act.

(3) The proposed transaction, as described above, upon the terms and conditions as set forth in the application will be consistent with the public interest as expressed in section 203 of the Federal Power Act.

(4) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed transaction, as described above, is authorized and approved upon the terms and conditions and for the purposes set forth in the application subject to the provisions of this order.

(B) This authorization shall expire unless the transaction herein authorized is consummated within 90 days from the date of issuance of this order.

(C) Iowa Power and Iowa Southern shall record the proposed transaction herein authorized and the facilities and properties described above as provided in the Commission's Uniform System of Accounts.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any matter whatsoever now pending or which may come before this Commission.

(E) Iowa Power and Iowa Southern are hereby required to file the Memorandum of Understanding, dated November 17, 1975, as a part of their respective Rate Schedules FPC No. 29, and to submit appropriate changes in any other rate schedules affected by the transaction.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31562 Filed 10-28-76;8:45 am]

[1] See Exhibit L to application of Iowa Power & Light Company, Docket No. E-9564.

MAINE ELECTRIC POWER CO.

[Docket No. ER76-678]

Order Granting Intervention and Incorporating Prior Order by Reference

OCTOBER 14, 1976.

On September 14, 1976, the New Brunswick Electric Power Commission (New Brunswick), a statutory body of the Province of New Brunswick, Canada, filed a Petition to Intervene in the above-captioned docket. On September 14, 1976, New England Power Company (NEPCO), filed a Further Protest and Renewal of Petition to Intervene in the same docket.

By order issued on September 15, 1976, the Commission inter alia, instituted an investigation and hearing and granted intervention to NEPCO, regarding MEPCO's filing of May 4, 1976, as completed on August 16, 1976. The foregoing order was issued in consideration of the July 1, 1976, public notice of MEPCO's May 4 filing which required responses to be filed on or before July 19, 1976. The aforementioned Petition to Intervene of New Brunswick and Further Protest and Renewal of Petition to Intervene of NEPCO were filed pursuant to the August 31, 1976, public notice of MEPCO's August 16 filing which required responses to be filed on or before September 14, 1976. For the reasons hereinafter discussed, we shall grant New Brunswick's Petition to Intervene and incorporate by reference the Commission's order dated September 15, 1976, in this docket as a complete response to NEPCO's Further Protest and Renewal of Petition to Intervene.

New Brunswick states that as seller of power to MEPCO under Supplement No. 5 to Rate Schedule FPC No. 1, it has a direct and substantial interest in the proceeding that cannot be adequately represented by any other party. Accordingly, New Brunswick states it should be allowed to intervene in the proceeding.

With one exception, the Commission's September 15 order grants NEPCO all the requests contained in its instant petition. NEPCO's instant petition simply renews the requests of its prior petition. The exception, NEPCO's request that the Commission condition any waiver of notice requirements as permitted by § 35.11 of its regulations on the retroactive applicability of a final order to May 24, 1976,[1] was handled in the September 15 order by treating MEPCO's filing as a rate schedule change, rather than an initial filing, suspending its operation for one day, subject to refund, and granting an unconditional waiver of the § 35.11 notice requirements. The Commission will adopt the response of its September 15 order as a response to MEPCO's renewed request for conditional waiver of § 35.11 notice requirements herein.

With regard to the Import Refund objection stated in its prior Protest and Petition to Intervene, and noted in the Commission's September 15 order, in its instant petition, NEPCO notes and confirms that "New Brunswick has acceded to the interpretation of the Unit Participation Contract that the refund charge is not a proper item of cost", and that "appropriate adjustments have been made in the bills from MEPCO to remove the effect of any previous charges on account of the refund". However, NEPCO further states it is not "informed with regard to the dialogue between MEPCO and New Brunswick nor is it aware of the basis" of the foregoing interpretation. Accordingly, NEPCO renews the requests of its prior Protest and Petition to Intervene regarding an investigation to develop the basis for conditions to be attached to a final order to insure that charges under the Agreement filed by MEPCO comply with Federal Power Act and to insure that said Agreements are consistent with the public interest within the meaning of Executive Order 10485 and the Permit issued to MEPCO on July 29, 1969, in Docket E-7486. Since the September 15 order granted these requests, there is no need for further action on them in this order.

The Commission finds: (1) The participation in this proceeding by New Brunswick may be in the public interest.

(2) The Commission's order dated September 15, 1976, in this docket is adequate to respond to NEPCO's Further Protest and Renewal of Petition to Intervene and will be incorporated by refer-

[1] The date New Brunswick began delivering power to MEPCO under the Rate Schedule Supplement filed by MEPCO.

ence as a response to NEPCO herein.

The Commission orders: (A) New Brunswick is hereby permitted to intervene in this proceeding and to participate as a party hereto.

(B) The Commission's order dated September 15, 1976, in this docket is hereby incorporated by reference in this order as a complete response to NEPCO's Further Protest and Renewal of Petition to Intervene.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31566 Filed 10-28-76;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Extension of Time

OCTOBER 21, 1976.

On October 18, 1976, Alexandria Board of Public Works, et al., filed a motion for an extension of time within which all parties may file briefs on exceptions to the Initial Decision issued September 29, 1976, in the above-designated proceeding. The motion states that parties to the proceeding have no objection.

Upon consideration, notice is hereby given that an extension of time is granted to and including November 29, 1976, within which all parties may file briefs on exceptions to the Initial Decision. The date for filing briefs opposing exceptions is extended to and including December 20, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-31564 Filed 10-28-76; 8:45 am]

[Docket No. RM75-14]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS DEDICATED TO INTERSTATE COMMERCE ON OR AFTER JANUARY 1, 1973, FOR THE PERIOD JANUARY 1, 1975, TO DECEMBER 31, 1976

Order Requiring New Producer Filings

OCTOBER 21, 1976.

Ordering Paragraph A of Opinion No. 770, issued July 27, 1976, provided in part that sales of natural gas made in interstate commerce from wells commenced on or after January 1, 1975, could be made at a rate of $1.42 per Mcf,[1] with a one cent per quarter escalator. Ordering Paragraph A also provided that sales of natural gas from wells commenced on or after January 1, 1973 and prior to January 1, 1975 could also be made at a rate of $1.01 per Mcf.[2]

Since the issuance of Opinion No. 770, certain questions have been raised by the Commission staff, concerning the processing of producer rate filings, which must be answered in order to assure the proper administration of the rate structure prescribed therein. This order is being issued for Staff guidance and to apprise all affected parties of the Commission's intent. More specifically, the staff questions concern whether completions, perforations or recompletions into a previously non-producing reservoir, different from a reservoir from which gas had been, or is being produced, in an existing well, where such completion operation[3] into the different reservoir commenced on or after January 1, 1973, should be eligible for the $1.42 rate or the $1.01 rate established in Opinion No. 770. To avoid any ambiguity or uncertainty in this regard, we shall herein restate the applicability of the new rates to sales from such completion operations.

Sales of natural gas from the completion operation into a different reservoir on or after January 1, 1973, in a well commenced prior to January 1, 1973, does not qualify for either the $1.42 rate or the $1.01 rate established in Opinion No. 770. With respect to when a well is commenced, the date of commencement of the initial drilling or "spudding" of a well is the controlling factor in determining whether sales from any producible reservoir qualify for the new rates. This was made clear in Ordering Paragraph A of Opinion No. 770, where the Commission stated in § 2.56a(a)(1)(i) that sales of natural gas in interstate commerce could be made at the $1.42 per Mcf rate if:

(i) The sale is made from a well or wells commenced on or after January 1, 1975.

Similarly, § 2.56a(a)(3)(i) of the regulation, as set forth in Ordering Paragraph A, provides that sales could be made at the $1.01 per Mcf rate if:

(i) The sale is made from a well or wells commenced on or after January 1, 1973 and prior to January 1, 1975.

Sales of natural gas from such a completion operation into a different reservoir (a reservoir not previously produced by the well) prior to January 1, 1973, in an existing well that was commenced prior to January 1, 1973, will continue to be subject to the applicable area rate or national "flowing" gas rate established in Opinion No. 749.[4]

Sales of natural gas from a completion operation into a different formerly non-productive reservoir during the period from January 1, 1973 to January 1, 1975, in an existing well commenced prior to January 1, 1973, are not eligible for the $1.01 per Mcf rate established in Opinion No. 770, but are eligible for the 52 cents per Mcf rate prescribed in § 2.56a(a)(4) of the Commission's regulations.

Sales of natural gas from any completion operation into a different formerly non-productive reservoir on or after January 1, 1973 and prior to January 1, 1975, in an existing well commenced on or after January 1, 1973 and prior to January 1, 1975, are eligible for the $1.01 per Mcf rate established in Opinion No. 770.

Sales of natural gas from a completion operation into a different formerly non-productive reservoir after January 1, 1975, in an existing well commenced prior to January 1, 1973, are not eligible for the $1.42 per Mcf rate established in Opinion No. 770, but are eligible for the 52 cents per Mcf rate prescribed in § 2.56a(a)(4) of the Commission's regulations.

Sales of natural gas from a completion operation into a different formerly non-productive reservoir after January 1, 1975, in an existing well commenced on or after January 1, 1973, and prior to January 1, 1975, are not eligible for the $1.42 per Mcf rate, but are eligible for the $1.01 per Mcf rate established in Opinion No. 770.

Sales of natural gas from a completion operation into a different reservoir after January 1, 1975, in an existing well commenced on or after January 1, 1975, are eligible for the $1.42 per Mcf rate established in Opinion No. 770.

In order to assure the proper administration of the rate structure established in Opinion No. 770, as restated herein, and to correct any misunderstanding on the part of producers who have already filed rate schedules thereunder, we will require any producer that has made an increased rate filing under Opinion No. 770 to make a new rate filing by November 1, 1976, in accordance with the intended policy of Opinion No. 770, if such previous filing was not in accordance with this policy. Any producer that has properly filed rate change filings in accordance with the intended policy of Opinion No. 770, as restated herein need not make new filings, but must file by November 1, 1976, a sworn affidavit of an authorized official attesting that such previous filings are in accordance with that policy.

The Commission orders: (A) Any producer that has made a contractually authorized increased rate filing under the provisions of § 2.56a(j) of the Commission's Regulations, as set forth in Ordering Paragraph (A) of Opinion No. 770, is required to make a new rate filing by November 1, 1976, in accordance with the intended policy of Opinion No. 770, as restated in this order, if such previous filing was not in accordance with this policy. Any producer that had properly filed rate change filings in accordance with this intended policy is not required to make new filings, but must file by November 1, 1976, a sworn affidavit of an authorized official attesting that such previous filings are in accordance with that policy. The failure of a producer to

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[1] 18 CFR 2.56 a(a)(1)(i).
[2] 18 CFR 2.56 a(a)(3)(i).

[3] "Completion operation" as used herein does not include redrilling operations where existing casing is milled out and a new hole is drilled therefrom. In such cases the date of commencement of the new drilling operations, if otherwise meeting the requirements of Opinion No. 770, as it may be amended, shall determine the appropriate vintaging date for completions in the new hole.

[4] Just and Reasonable National Rates For Sales of Natural Gas From Wells Commenced Prior To January 1, 1973, Opinion No. 749, et al., appeal pending, Tenneco Oil Co. v. F.P.C., 5th Cir. No. 76-2960.

make such new filings or sworn statements shall preclude the producer from charging the rates as set forth in § 2.56a (j) of the Commission's Regulations and Ordering Paragraph (A) of Opinion No. 770.

(B) The foregoing action of the Commission relative to producer filings under Opinion No. 770 does not constitute a grant or denial of any or all of the petitions for rehearing filed by any party concerning that opinion, and is without prejudice to any contention made by any party in its petition or application for rehearing or reconsideration.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31558 Filed 10-28-76;8:45 am]

[Projects Nos. 67 and 120]

SOUTHERN CALIFORNIA EDISON CO.

Availability of Environmental Impact Statement for Inspection

Notice is hereby given that on or about October 28, 1976, as required by the Commission rules and regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of applications for new licenses for Project No. 67 (Big Creek No. 2A and 8) and Project No. 120 (Big Creek No. 3), and amendment to the license for Project No. 120, all filed pursuant to the Federal Power Act. These projects are located on the San Joaquin River in the counties of Fresno, Madera, Tulare, Kern, and Los Angeles, California.

The Big Creek No. 2A and No. 8 Project consists of (1) the Tombstone Creek Diversion Dam; (2) Crater Creek Diversion Dam; (3) a 7,260-foot conduit diverting water from Crater Creek into (4) Florence Lake Reservoir; (5) the North Slide Creek Diversion Dam; (6) the South Slide Diversion Dam; (7) the Bear Creek Diversion Dam; (8) the Hooper Creek Diversion Dam; (9) the Cinquapin Creek Diversion Dam; (10) Mono Creek Diversion Dam; (11) the Bear Creek Diversion Dam; (12) the Camp Creek Dam; (13) the Bolsillo Creek Diversion Dam; (14) the Pitman Creek Diversion Dam; (15) the Shaver Lake Dam; (16) Big Creek Powerhouse No. 2A containing two 40,000 kw generators; (17) Big Creek Powerhouse No. 8 containing two generating units rated 27,000 kw and 21,500 kw respectively; (18) appurtenant facilities.

The existing Big Creek No. 3 Project No. 120 consists of: (1) Dam No. 6; (2) Dam No. 6 Reservoir; (3) an unlined diversion tunnel; (4) four steel penstocks; (5) Big Creek No. 3 powerhouse with 6 generating units with a total installed capacity of 107,700 kW; (6) the 225-mile long Vincent transmission line; and (7) appurtenant facilities. The proposed amendment to Big Creek No. 3 Project would include an additional generating unit of 35,000 kW capacity.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 and its San Francisco Regional Office located at 555 Battery St., San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31567 Filed 10-28-76;8:45 am]

[Docket No. E-9565]

TOWN OF MASSENA, NEW YORK AND CITY OF SHERRILL, NEW YORK

Order Granting Motion for Leave to Withdraw

OCTOBER 20, 1976.

On September 21, 1976, the City of Sherrill, New York filed with this Commission a motion for leave to withdraw its complaint filed on August 4, 1976, in Docket No. E-9565.

The City of Sherrill has been in the process of completing the steps necessary to establish a municipal electric distribution system through the acquisition of the combined utility facilities of Oneida, Ltd. and Sherrill-Kenwood Power and Light Company (SKP&L). Sherrill states that on September 20, 1976, the Public Service Commission of New York issued an order approving the sale and transfer of the SKP&L facilities to Sherrill and denying a hearing to Niagara Mohawk, which opposed the transaction.

Upon issuance of the Public Service Commission order, Sherrill states that the Trustees of the Power Authority of the State of New York will now proceed to process the City of Sherrill's application for Niagara Project power and to approve a firm power contract between PASNY and Sherrill. Sherrill also states that it has received assurances from PASNY that adequate provisions will be made for the transmission of Niagara power to Sherrill either (1) by arranging to wheel the power over transmission facilities owned by Niagara Mohawk Corporation or (2) by constructing new transmission facilities for that purpose.

Since Sherrill's purpose in this proceeding has been to secure for itself Niagara Project power, the City of Sherrill concludes, and we agree, that no purpose would be served by their continued participation in this proceeding. Our conclusion with regard to Sherrill in no way alters the status of the other complainant herein, the Town of Massena.

The Commission finds: The City of Sherrill has shown good cause for its motion for leave to withdraw from the proceedings in this docket.

The Commission orders: The motion of the City of Sherrill for leave to withdraw its complaint in Docket No. E-9565 is hereby granted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-31563 Filed 10-28-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 41]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending October 9, 1976

ACTIONS OF THE BOARD

Report on bill H.R. 10951, which would prohibit banks and certain other financial institutions from maintaining any account (including a numbered account) that conceals the identity of the owner of the account; letter sent to Chairman Reuss, House Committee on Banking, Currency and Housing, in response to request for Board's views.

Transfer of five southern Arizona counties from the 11th to the 12th Federal Reserve District.

SYB Corporation, Oklahoma City, Oklahoma, extension of time to November 8, 1976, within which to consumate the acquisition of The Stock Yards Bank, Oklahoma City, Oklahoma.[1]

Bank of Christiansburg, Christiansburg, Virginia, to make an investment in bank premises.[1]

Davenport Bank and Trust Company, Davenport, Iowa, to make an investment in bank premises.[1]

Northern Virginia Bank, Springfield, Virginia, to make an investment in bank premises.[1]

Twin Valley Bank, West Alexandria, Ohio, to make an investment in bank premises.[1]

Baybank Newton-Waltham Trust Company, Waltham, Massachusetts, extension of time to March 31, 1977, within which to establish a branch at the intersection of Route 9 and Main Street, Framingham, Massachusetts.[1]

Ewing Bank and Trust Company, West Trenton, New Jersey, extension of time within which to establish a branch office at 790 River Road, West Trenton, New Jersey.[1]

Ewing Bank and Trust Company, West Trenton, New Jersey, extension of time of six months from October 6, 1976, within which to establish a branch office at Mercer County Airport, Ewing Township, New Jersey.[1]

Manufacturers Bank of Livonia, Livonia, Michigan, extension of time to December 17, 1976, within which to establish a branch between 38001 and 38119 Ann Arbor Road, Livonia, Michigan.[1]

Bamerical International Financial Corp., San Francisco, California, extension of time to October 7, 1977, within which to acquire 50 per cent of the shares of a de novo agricultural/industrial finance company in Columbia.[1]

First Citizens Bank of Butte, Butte, Montana, extension of time to January 21, 1977, within which to complete membership in Federal Reserve System.[1]

P. S. B. State Bank, Caro, Michigan, proposed merger with The Peoples State Bank of Caro, Michigan, Caro, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

[1] Application processed on behalf of the Board of Governors under delegated Authority.

NOTE: The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Northern Virginia Bank, Springfield, Virginia. Branch to be established in the Saratoga shopping center in the 8000 block of Rolling Road, Springfield.[2]

Bank of Christiansburg, Christiansburg, Virginia. Branch to be established at the corner of South Main and Davis Streets, on Highway 460, Blacksburg.[2]

Davenport Bank and Trust Company, Davenport, Iowa. Branch to be established at the southeast corner of Kimberly Road and W. S. Highway 6, Davenport.[2]

On H.2, 1976 No. 39 the following was typed in error:

First Trust & Deposit Company, Syracuse, New York. Branch to be established at 1 Main Street, Kings Park, Suffolk County.[2]

CORRECTION

First Trust & Deposit Company, Syracuse, New York. Branch to be established at Dill Street, Auburn, Cayuga County.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1966, as amended.

APPROVED

Maryland National Overseas Investment Corporation: Investment—additional investment in London Interstate Bank Limited.

First Atlanta International Corporation: Investment—additional in London Interstate Bank Limited.

Indiana National Overseas Corporation: Investment—additional in London Interstate Bank Limited.

Mercantile International Corporation: Investment—additional investmentt in London Interstate Bank Limited.

* * * * *

Thirty-Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

APPROVED

Citibank, N.A.: Branch—additional in Oman, United Kingdom to be located in Jersey.

Citibank, N.A.: Branch—additional in Oman, to be located in Ruwi.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Mount Morris Banshares, Inc., Mount Morris, Illinois, for approval to acquire 80 percent or more of the voting shares of Citizens State Bank of Mt. Morris, Mount Morris, Illinois.[2]

Milco Bancorporation, Inc., Iberia, Missouri, for approval to acquire 64.3 per cent of the voting shares of Bank of Iberia, Iberia, Missouri.[2]

* * * * *

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Exchange Bancorporation, Inc., Tampa, Florida, for approval to acquire 80 per cent or more of the voting shares of Security National Bank, Lee County (P.O. Fort Myers), Florida.

First National Financial Corporation, Kalamazoo, Michigan, for approval to acquire 100 per cent of the voting shres (less directors' qualifying shares) of the successor by consolidation to The National Bank of Ludington, Ludington, Michigan.

First Midwest Bancorp., Inc., St. Joseph, Missouri, for approval to acquire 80 per cent or more of the voting shares of Platte Valley Bank, Ravenwood, Missouri, Ravenwood, Missouri.[2]

Bren-Mar Properties, Inc., Columbia, Missouri, for approval to retain an additional 1.5 per cent and to acquire an additionl 48.5 per cent of the voting shares of First State Bank, Tishomingo, Oklahoma.

Texas Commerce Bancshares, Inc., Houston, Texas, for approval to acquire 987 shares of the voting stock through a rights offering of First National Bank of Stafford, (P.O. Houston), Texas.[2]

* * * * *

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956.

APPROVED

First United Bancorporation, Inc., and The First National Bank of Fort Worth, both in in Fort Worth, Texas, for approval to retain 113 shares of University Bank, Fort Worth, Texas.

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To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

First Tulsa Bancorporation, Inc., Tulsa, Oklahoma, notification of intent to engage in de novo activities (operating as an industrial loan company including offering passbook savings accounts and thrift certificates and making and servicing commercial, industrial, and consumer loans and other extensions of credit; leasing of personal property; factoring accounts receivable and discounting loans, receivables, acceptances, and other commercial paper and credit instruments) in Tulsa, Oklahoma, through a subsidiary, Financial Loan and Investment Company (10/7/76).[2]

REACTIVATED

Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (the origination and sale of mortgage loans on residential, commercial, and industrial real estate; and the servicing of mortgage loans owned by The Galbreath Mortgage Company and owned by others) at 1700 Sunset Boulevard, West Columbia, South Carolina, through its subsidiary, The Galbreath Mortgage Company (10/1/76).[2]

PERMITTED

CB&T Bancshares, Inc., Columbus, Georgia, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a first mortgage company; and writing and issuing mortgage cancellation insurance and credit accident and health insurance in connection with the extension of credit such as would be made by a first mortgage company), at 1501 Thirteenth Street, Columbus, Georgia, through a subsidiary, The Georgia Company of America (10/9/76).[2]

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to engage in de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers at 2301 West Seventh Street, Eugene, Oregon, through its wholly-owned subsidiary, Franklin Finance Company (10/7/76).[2]

U.S. Bancorp, Portland, Oregon, notification of intent to engage in de novo activities (making, acquiring, and servicing of loans and other extensions of credit either secured or unsecured for its own account or for the account of others, including the making, originating, acquiring, purchasing, arranging for holding, warehousing and selling, for its own account and for the account of others, loans of all types and other extensions of credit secured by mortgages or deeds of trust on real property such as would be made by a mortgage company servicing such loans and other extensions of credit for any person; and acting as insurance agent with regard to credit life and disability insurance, property and casualty insurance solely in connection with extensions of credit by U.S. Bancorp Mortgage Company) at 10th and Main Streets, Boise, Idaho, through a subsidiary, U.S. Bancorp Mortgage Company (10/7/76).[2]

APPROVED

Century Financial Corporation of Michigan, Saginaw, Michigan, for approval to acquire shares of Century Life Insurance Company of Michigan, Phoenix, Arizona.

Milco Bancorporation, Inc., Iberia, Missouri, for permission to acquire the assets of Tritten Insurance Company, Iberia, Missouri.

FrostBank Corporation, San Antonio, Texas, for approval to retain the lending activities engaged in by its wholly-owned subsidiary, Main Plaza Corporation, San Antonio, Texas.

* * * * *

To expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

WITHDRAWN

Sterling Precision Corporation, West Palm Beach, Florida, notification of intent to acquire through its subsidiary, McKerlie-Millen, Inc., the assets of Lariviere & Freres Limited of Rouyn Quebec, an automotive replacement parts distributor (10/4/76).[2]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Citizens Bank of New Haven, New Haven, Missouri. Branch to be established at Highway 100 and Circle Drive in New Haven, Franklin County.

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Thirty-Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Bank of America NT and SA: branch—additional in Montevideo, Uruguay.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Boyden Bancorp, Boyden, Iowa, for approval to acquire 81.65 per cent of the voting shares of Farmers Savings Bank, Boyden, Iowa.

Lake View Bancorp, Inc., Northbrook, Illinois, for approval to acquire 99.9 per cent of the voting shares of Lake View Trust and Savings Bank, Chicago, Illinois.

The Marion National Corporation, Marion, Indiana, for approval to acquire 28.29 per cent of the voting shares of Marion National Bank of Marion, Marion, Indiana.

Citizens National Corporation, Wisner, Nebraska, for approval to acquire 80 per cent or more of the voting shares of The Citizens National Bank of Wisner, Wisner, Nebraska.

To expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

First National Holding Corp., Atlanta, Georgia, for approval to acquire The Bank of Dalton, Dalton, Georgia indirectly through acquisition of The First National Bank of Dalton, Dalton, Georgia and National Loan Company, Dalton, Georgia.

First National Holding Corp., Atlanta, Georgia, for approval to acquire 39.28 per cent of the voting shares of The First National Bank of Dalton, Dalton, Georgia.

United Michigan Corporation, Flint, Michigan, for approval to acquire 100 per cent of the voting shares of The Peoples State Bank of Caro, Michigan, Caro, Michigan.

Michigan Financial Corporation, Marquette, Michigan, for approval to acquire 100 per cent (less directors' qualifying shares) of The Iron River National Bank, Iron River, Michigan.

Northwest Bancorporation, Minneapolis, Minnesota, for approval to acquire 90 per cent or more of the voting shares of First National Bank of Ottumwa, Ottumwa, Iowa.

First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Texas State Bank, Abilene, Texas, a proposed new bank.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(5) of the Bank Holding Company Act of 1956.

Trust Company of Georgia, Atlanta, Georgia, for approval to merge with Central Bankshares Corporation, Jonesboro, Georgia.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

Manufacturers Hanover Corporation, New York, New York, notification of intent to relocate de novo activities (all facets of a mortgage banking business including, without limitations, arranging, making or acquiring, for its own account of for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit; acting as investment adviser and manager to a real estate investment trust; providing bookkeeping or data processing services for Manufacturers Hanover Corporation, its subsidiaries and affiliates and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or billing services) from 9730 South Western Avenue, Evergreen Park, Illinois to 4550 West 103rd Street, Oak Lawn, Illinois, through its subsidiary, Citizens Mortgage Corporation, Southfield, Michigan (10/7/76).[3]

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to engage in de novo activities (making or acquiring, for its own account secured and unsecured loans and other extensions of credit such as would be made by a finance company which activities include making direct consumer installment loans and purchasing consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities, such insurance will be provided only in connection with extensions of credit by Local Loan Co., and its wholly-owned subsidiaries and will be available solely at the option of the borrower and the borrower is advised of this option in advance) at 16200 S.E. McLoughlin Boulevard, Milwaukie, Oregon, through its wholly-owned subsidiary, Local Loan Co., Chicago, Illinois (10/6/76).[3]

Trust Company of Georgia, Atlanta, Georgia, for approval to acquire direct acquisition of ownership and control of the leasing activity of Central Bankshares Corporation, Jonesboro, Georgia.

Trust Company of Georgia, Atlanta, Georgia, for approval to acquire indirect acquisition of 100 per cent of the voting shares of Central Bankshares Equity Corporation, Jonesboro, Georgia.

FBT Bancorp, Inc., South Bend, Indiana, notification of intent to engage in de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, household, or commercial purposes; the sale of credit life/accident and health insurance in connection with the aforementioned extensions of credit) at 78th and Broadway, Merrillville, Indiana, through its subsidiary, FBT Capital Corporation (10/8/76).[3]

Mid America Bancorporation, Inc., Minneapolis, Minnesota, notification of intent to engage in de novo activities (the placement and servicing of real estate mortgages of all kinds including but not limited to mortgages on industrial, commercial, apartments, and homes) at 815 Foshay Tower, Minneapolis, Minnesota, through a division of the corporation known as Mid America Mortgage Company (10/6/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (storing and processing banking, financial, and related economic data including deposit accounting, general ledger accounting, account reconciliation, loan accounting, credit union accounting and providing payroll, accounts receivable and payable, billing and similar data processing services) at 360 South Randolphville Road, Piscataway Township, New Jersey, through its subsidiary, Decimus Corporation (9/29/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extensions credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company, including but not limited to, making consumer installment loans and purchasing installment sales finance contracts, and making loans to small businesses and extension of credit secured by real or personal property; acting as agent or broker for the sale of credit related life/accident and disability insurance, and credit related property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation and FinanceAmerica Industrial Plan) from 1028 Second Avenue to 2303 South Ridgewood Avenue, South Daytona Beach, Florida, through its indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc. (9/29/76).[3]

Patagonia Corporation, Tucson, Arizona, notification of intent to relocate de novo activities (leasing personal property or acting as agent, broker, or adviser in leasing such property provided the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property; the property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction; the lease is on a non-operating basis and at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor) for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease from 10920 Ambassador Drive, Air World Center to 900 West 47th Street, Plaza Center Building, Kansas City, Missouri, through its subsidiary, Patagonia Leasing Company (10/4/76).[3]

California, notification of intent to engage in de novo activities (acting as broker or agent for the sale of credit related property and casualty insurance with respect to loans or extensions of credit of The Bankers Investment Company) at 1421 Main St., Aramosa, Colorado; 117 E. Fourth, Loveland, Colorado; 739–1st Ave., Monte Vista, Colorado; 710–A West 4th, Pueblo, Colorado; 1214 Main St., Boise, Idaho; 378 Shoup Ave., Idaho Falls, Idaho; 840 North Main, Pocatello, Idaho; 157 Main Ave. West, Twin Falls, Idaho; 5 South Kansas Ave., Liberal, Kansas; 215 North Main, McPherson, Kansas; 618 N. Main, Newton, Kansas; 1104 West South St., Salina, Kansas; 803 E. 5th, Scott City, Kansas; 116 W. 6th, Topeka, Kansas; 5218 W. 17th, Topeka, Kansas; 837 South Oliver, Wichita, Kansas; 125 S. Hydraulic, Wichita, Kansas; 1923 E. Central, Wichita, Kansas; 2025 South Seneca, Wichita, Kansas; 1307 Main St., Winfield, Kansas; 210 West 4th, Joplin, Missouri; 110 N. Wewoka, Wewoka, Missouri; 1030 E. Yandell Drive, El Paso, Texas; 507 East 1st, Dumas, Texas; 215 East 8th, Odessa, Texas; 1114 S. Main, Perryton, Texas; 107 East 3rd, Sweetwater, Texas; 1921–9th St., Wichita Falls, Texas; 720 Second St., Dodge City, Kansas; 270 N. Franklin, Colby, Kansas; 1005 N. Main,

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Security Pacific Corporation, Los Angeles,

Garden City, Kansas; 107 West 11th, Goodland, Kansas; 2018 Forest, Great Bend, Kansas; 216 Centennial Center, Hays, Kansas; 800 Oregon, Unit C, Hiawatha, Kansas; 100 S. Main, Hutchinson, Kansas; 909 Minnesota, Kansas City, Kansas; 2040–4th Street, N.W., Albuquerque, New Mexico; 3713 Isleta Blvd. S.W., Albuquerque, New Mexico; 207 Gold Ave., S.W., Albuqeurque, New Mexico; 555B Wyoming N.E., Albuquerque, New Mexico; 102 N. Washington, Enid, Oklahoma; 401 N. Main, Guymon, Oklahoma; 214 Eastside Blvd., Muskogee, Oklahoma; 3724 N.W. 50th, Oklahoma City, Oklahoma; Highway 271 North, Poteau, Oklahoma; Highway 64 West, Roland, Oklahoma; 232 N. Broadway, Shawnee, Oklahoma; 814 West 6th, Stillwater, Oklahoma; 1108 Texas Ave., Woodward, Texas; 470 N. University Ave., Provo, Utah; 373 South Main, Salt Lake City, Utah; 125 West 2nd, Casper, Wyoming; 121 East 18th, Cheyenne, Wyoming; 317 W. Buffalo, Rawlins, Wyoming; through its subsidiary, The Bankers Investment Company (9/27/76).[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Helmerich & Payne, Inc., Tulsa, Oklahoma, notification of intent to acquire from time to time shares of the common voting stock of American Garden Products, Inc., Boston, Massachusetts (10/7/76).[2]

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REPORTS RECEIVED

Current Report filed Pursuant to Section 13 of the Securities Exchange Act.

The State Bank of North Jersey, Pine Brook, New Jersey.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, October 22, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.31694 Filed 10-28-76;8:45 am]

[H.2, 1976 No. 40]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending October 2, 1976

ACTIONS OF THE BOARD

Regulation AA, consumer complaint procedure regarding alleged unfair or deceptive acts or practices of State member banks, the new regulation is effective immediately (Docket No. R–0056).

Regulation T, amendment, effective January 1, 1977, designed to prevent the excessive use of credit in connection with the issuance, endorsement or guarantee of puts and calls, which are options to sell or buy stock (Docket No. R–0004).

FEDERAL REGISTER notice regarding California and Illinois exemption applications under Regulation C–the Home Mortgage Disclosure Act; comment to be received no later than November 1, 1976 (Docket No. R–0058).

Clear Bancorp, Inc., Chicago, Illinois, extension of time to November 12, 1976, within which to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Clearing Bank, Chicago, Illinois.[1]

Texas Commerce Bancshares, Inc., Houston, Texas, extension of time to October 7, 1976, within which to consummate the acquisition by merger of First Texas Bancshares Corporation, Houston, Texas, the parent holding company of Longview National Bank, Longview, Texas.[1]

Georgia Railroad Bank & Trust Company, Augusta, Georgia, to make an investment in bank premises.[1]

Girard Trust Bank, Bala Cynwyd, Pennsylvania, to increase its investment in bank premises.[1]

Marion County Banking Company, Hamilton, Alabama, to make an additional investment in bank premises.[1]

Columbus Trust Company, Newburgh, New York, extension of time within which to establish a branch office in Middlehope, Town of Newburgh, New York.[1]

Connecticut Bank and Trust Company, Hartford, Connecticut, extension of time to October 1, 1977, within which to establish a branch on Route 7, Brookfield, Connecticut.[1]

Issuance of subordinated capital note by Northwestern State Bank of Northfield, Northfield, Minnesota.

Detroit Bank—Livonia, Michigan, extension of time to May 26, 1977, within which to establish a branch in the vicinity of northeast corner of Middle Belt and Plymouth Roads, City of Livonia, Michigan.[1]

Gravois Bank, St. Louis, Missouri, request for a one-year extension of time within which to establish a facility (branch) at 11659–85 Gravois Road, St. Louis County, Missouri.[1]

Heritage Bank and Trust, Norfolk, Virginia, extension of time to June 10, 1977, within which to accomplish membership in FRSystem.[1]

Chase Manhattan Bank, N.A., New York, New York, extension of time to complete its investment in Saudi Investment Banking Corporation, Jeddah, Saudi Arabia.[1]

NOTE.—The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Girard Trust Bank, Bala Cynwyd, Montgomery County, Pensylvania. Branch to be established in the John Wanamaker Store, Roosebelt Mall, Cootman Avenue and Roosevelt Boulevard, Philadelphia, Philadelphia County.[2]

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To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

First Progressive Bank, Brewton, Alabama.
First Bank of Snook, Snook, Texas.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as Amended.

APPROVED

Bankers International Corporation: Request—Bankers Trust International (Delaware) to issue debt obligations.

Chase Manhattan Bank N.A.: Request—removal of consolidation conditions re: Brazilian Companies.

Wells Fargo Bank Interntional: Investment—additional in Wells Fargo & Company Canada Limited, Toronto, Canada.

First Pennsylvania Corporation: Investment—to acquire indirectly 51 per cent of Bank Poalei Agudath Israel, Ltd., Israel.

Bamerical International Financial Corporation: Investment—additional in Bankamerica-Williamsglyn Factors Limited, Croydon, England.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

REACTIVATED

Utica Agency, Inc., Utica, Kansas, for approval to acquire 80 per cent or more of the voting shares of The Citizens State Bank of Utica, Utica, Kansas.

APPROVED

Agri-Bank Corporation, Webster City, Iowa, for approval to acquire 80 per cent or more of the voting shares of The Farmers National Bank of Webster City, Webster City, Iowa.

Cardinal Bancorporation, Inc., Greenville, Illinois, for approval to acquire 80 per cent of the voting shares of First National Bank in Greenville, Greenville, Illinois.[3]

Bosshard Banco, Ltd., Bangor, Wisconsin, for approval to acquire 86.7 per cent of the voting shares of The First National Bank of Bangor, Bangor, Wisconsin.[2]

Lisco State Company, Lisco, Nebraska, for approval to acquire 89 per cent or more of the voting shares of Lisco State Bank, Lisco, Nebraska.

Deseret Bancorporation, Pleasant Grove, Utah, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successors by merger to Bank of Pleasant Grove, Pleasant Grove, Utah; State Bank of Lehi, Lehi, Utah; Mountain View Bank, American Fork, Utah; and Geneva State Bank of Orem, Orem, Utah, a proposed new bank.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

National Detroit Corporation, Detroit, Michigan, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of National Bank of Port Huron, Port Huron, Michigan, a proposed new bank.

The First National Bancorporation, Inc., Denver, Colorado, for approval to acquire 80 per cent or more of the voting shares of The First National Bank of Montrose, Montrose, Colorado.

King Ranch, Inc., Kingsville, Texas, for approval to acquire an additional 6.67 per cent of the voting shares of Kleberg First National Bank of Kingsville, Kingsville, Texas.

* * * * *

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

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[1] Application processed on behalf of the Board of Governors under delegated authority.

DELAYED

Correction

Old National Bancorporation, Spokane, Washington, notification of intent to engage in de novo activities (serving as an escrow or closing agent in connection with the closing of real estate loans financed by credit extending subsidiaries of Old National Corporation; at present the credit extending subsidiaries are Old National Bank of Washington; The First National Bank in Spokane; and Bancshares Mortgage Company, all of which have their principal places of business in Spokane, Washington) to be located in the Sherwood Building, 510 Riverside and East 10812 Sprague, Spokane, Washington and 3400 West Clearwater, Kennewick, Washington, through its indirect subsidiary, Cascade Escrow Company. This notification was reported on H.2 No. 38 as Withdrawn by mistake. (9/14/76.)[2]

PERMITTED

Provident National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (leasing of personal property and equipment on a full pay out basis and acting as agent, broker, or adviser in leasing such property) at 1290 Avenue of the Americas, New York, New York, through its indirect subsidiary, John P. Maguire and Co., Inc. (10/2/76).[2]

First Railroad & Banking Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (the making or acquiring, for its own account or for the account of others, loans and other extensions of credit principally consisting of insurance premium financing) at 1320 East Morehead Street, Charlotte, North Carolina, through a subsidiary, CMC Group, Inc. and its subsidiary, Capitol Premium Plan, Inc. (9/26/76).[2]

The Terrebonne Corporation, Houma, Louisiana, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to any insurance including life insurance that is directly related to an extension of credit by Terrebonne Bank and Trust Company, a wholly-owned subsidiary corporation of The Terrebonne Corporation or is directly related to the provision of other financial services by Terrebonne Bank and Trust Company) at 720 East Main Street, Houma, Louisiana, through a subsidiary, Terre Agency, Inc. (9/26/76).[2]

APPROVED

Clayton Bancshares Corporation, St. Louis, Missouri, for approval to retain indirectly 32.8 per cent of the voting shares of Clayton Trust Company, Clayton, Missouri.

Crestwood Bank Shares Corporation, St. Louis, Missouri, for approval to retain indirectly 32.8 per cent of the voting shares of Clayton Trust Company, Clayton, Missouri.

Hampton Bankshares Corporation, St. Louis, Missouri, for approval to retain indirectly 32.8 per cent of the voting shares of Clayton Trust Company, Clayton, Missouri.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Barclays Bank of New York, New York, New York. Branch to be established at 19 Nassau Street, New York County.

Peoples Bank of Bloomington, Bloomington, Illinois. Branch to be established at 2201 East Washington Street, Bloomington.

American Security Bank, Mount Pleasant, Michigan. Branch to be established at 1900 North Winn Road, Beal City, Nottawa Township, Isabella County.

* * * * *

To Withdraw from Membership in the Federal Reserve System Without a Six-Month Notice as Prescribed by Section 9 of the Federal Reserve Act.

Baybank Norfolk County Trust Company, Dedham, Massachusetts.

Baybank Harvard Trust Company, Cambridge, Massachusetts.

Valley Bank and Trust Company, Springfield, Massachusetts.

Baybank Newton-Waltham Trust Company, Waltham, Massachusetts.

Baybank Winchester Trust Company, Winchester, Massachusetts.

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Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

Citibank N.A.: Branch—four additional in the United Arab Emirates.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

The First Arabian Corporation, Paris, France, for approval to acquire the voting shares of Bank of the Commonwealth, Detroit, Michigan.

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire 27.70 per cent of the voting shares of Security State Bank, Sheldon, Iowa.

First Frederick Building Corporation, Frederick, Oklahoma, for approval to acquire more than 80 per cent of the voting shares of First National Bank in Frederick, Frederick, Oklahoma.

First Okmulgee Corporation, Okmulgee, Oklahoma, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The First National Bank and Trust Company of Okmulgee, Okmulgee, Oklahoma.

Oklahoma State Bancorporation, Inc., Ada, Oklahoma, for approval to acquire 80 per cent or more of the voting shares of Oklahoma State Bank, Ada, Oklahoma.

Banc-Southwest Corp., Amarillo, Texas, for approval to acquire 80 per cent or more of the voting shares of Bank of the Southwest, Amarillo, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

First National Holding Corp., Atlanta, Georgia, for approval to acquire 100 per cent of the voting shares of First Bank of Savannah, Savannah, Georgia.

Manufacturers National Corporation, Detroit, Michigan, for approval to acquire 80 per cent or more of the voting shares of National Bank of Southfield, Southfield, Michigan.

First International Bancshares, Inc., Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Alamo Heights National Bank, Alamo Heights, Texas.

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (making of direct loans and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a finance company; and acting as agent for the sale of credit life insurance, credit accident and health insurance, and credit related property and casualty insurance, and credit related property and casualty insurance issued in connection with extensions of credit; if this proposal is effected, Sun Finance Company–85 will offer to sell insurance as follows: group credit life/accident and health insurance to cover the outstanding balances of extensions of credit to borrowers in the event of their death, or, to make the contractual monthly payments on the extensions of credit in the event of the borrowers' disability; and individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property) from 1171 East Lexington Avenue, High Point, North Carolina to 175 North Point Avenue, High Point, North Carolina, through its subsidiary, Sunamerica Corporation and its subsidiary, Sun Finance Company–85 (9/24/76).[2]

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in Massachusetts where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, mortgage life and disability insurance, accidental death insurance, and casualty insurance on the collateral and through Master Life Insurance Company, an indirect subsidiary of Fidelcor reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 933 County Street, Somerset, Massachusetts to 67 Grand Army Highway (Route 6), Somerset, Massachusetts, through its subsidiary, Fidelcor Financial Centers, Inc. (9/23/26).[2]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing loans and other extensions of credit for any person) at 200 South Orange Avenue, Orlando, Florida, through a subsidiary, Sunbank Mortgage Company (10/1/76).[2]

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, for approval to acquire the shares of Richard A. Schneider Agency and Security Agency, both in Sheldon, Iowa.

First National Charter Corporation, Kansas City, Missouri, for permission to engage de novo through a subsidiary, Charter Bankers Life Insurance Company, Kansas City, Missouri (engaged in the business of underwriting, as a Missouri domiciled life insurance company, credit life and credit accident and health insurance related to extensions of credit by the holding company system).

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To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Warner Communications Inc., New York, New York, notification of intent to acquire the shares of Coca-Cola Bottling

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Company of New York, Inc. and Bausch & Lomb, Inc. (9/28/76).[3]

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REPORTS RECEIVED

None.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, October 18, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31699 Filed 10-28-76;8:45 am]

AMERIBANC, INC.

Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, has applied for the Board's approval under Section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Consolidated Bancshares of Missouri, Inc., St. Joseph, 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 the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 22, 1976.

Board of Governors of the Federal Reserve System, October 22, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31695 Filed 10-28-76;8:45 am]

McLEAN AMERICAN BANCSHARES, INC.

Formation of Bank Holding Company

McLean American Bancshares, Inc., McLean, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of American National Bank in McLean, McLean, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 22, 1976.

Board of Governors of the Federal Reserve System, October 22, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31696 Filed 10-28-76;8:45 am]

PHILADELPHIA NATIONAL CORP.

Order Approving Acquisition of Additional Shares of Congress Factors Corporation

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 and section 225.4(b)(2) of the Board's Regulation Y, to increase its ownership interest in Congress Factors Corporation ("Congress"), Philadelphia, Pennsylvania, to 100 per cent. Congress, already a subsidiary of Applicant, currently engages in the activities of purchasing accounts receivable and making loans secured by accounts receivable, inventory, machinery and equipment and generally in the factoring and commercial finance business. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 34702 (1976)). The time for filing comments and views has expired, and the Board has considered the application 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 one bank with total domestic deposits of approximately $2.4 billion,[1] representing about 5.5 per cent of the total deposits in commercial banks in the State.

On September 11, 1973, the Board approved the application by Applicant to retain 80 per cent of the voting shares of Congress to be transferred from Applicant's subsidiary bank, the Philadelphia National Bank ("PNB"), Philadelphia, Pennsylvania.[2] Applicant now proposes to acquire indirectly the remaining shares of Congress through the repurchase by Congress of the ownership interest currently held by Congress' minority shareholders. Such repurchase would be pursuant to an agreement between Congress and its minority shareholders which was entered into in 1968 in connection with PNB's original acquisition of shares of Congress.

When Applicant received approval to retain its majority ownership interest in Congress, competitive factors were assessed by the Board and were not found to be adverse. Since Applicant currently seeks only to increase its already majority ownership interest in Congress, it does not appear that consummation of the instant proposal would have an adverse effect on either existing or potential competition; nor is there any evidence in the record indicating that such consummation would lead to any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effect upon the public interest. On the other hand, approval of the application is likely to assure the continuation of the public benefits the Board found to be provided by Applicant's original acquisition of Congress.

Based upon 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 Applicant's increased ownership interest in Congress can reasonably be expected to continue to produce benefits to the public that outweigh any possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The 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,[3] effective October 21, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31700 Filed 10-28-76;8:45 am]

SHAW INVESTMENT CO.

Order Approving Acquisition of Additional Bank Shares

Shaw Investment Company, New Hampton, Iowa, 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 one-third of the voting shares of First National Bank in New Hampton, New Hampton, Iowa ("Bank"), increasing thereby its ownership of Bank's voting shares from 48 percent to 81⅓ percent.

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

[1] All banking data are as of December 31, 1975.

[2] 38 FR 26156 (1973).

[3] Voting for this action: Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Present and abstaining: Vice Chairman Gardner. Absent and not voting: Chairman Burns.

Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant now owns 48 percent of the voting shares of Bank. Bank, with total deposits of approximately $20.7 million,[1] controls approximately 0.17 percent of the total deposits in commercial banks in the State and is the largest of the six commercial banks in the relevant market[2] with approximately 28.3 percent of the total deposits in the market. Applicant proposes to acquire an additional 250 voting shares of Bank.

The proposed acquisition of additional shares of Bank would have no adverse effect on competition inasmuch as Applicant already controls Bank. Applicant's principal officer is also a director and principal officer of two other banks in the relevant market[3] and nothing in the record indicates that approval of this application would adversely affect existing or potential competition, or increase the concentration of banking resources in the relevant market, or that denial of the application would sever or reduce Bank's existing affiliations or otherwise promote increased competition. Therefore, competitive considerations are consistent with approval of the application.

Banking factors are also consistent with approval of this application. The financial and managerial resources and future prospects of Applicant, Bank, and the affiliated banks within the market are viewed as generally satisfactory, considered in light of commitments made in connection with this application that Bank will issue and Applicant's principal officer will purchase capital notes aggregating $200 thousand. Applicant will incure acquisition debt in connection with this transaction, and it appears likely that the debt so incurred, together with existing debt, may be serviced from Bank's earnings without impairment of Bank's capital.

There will be no change in the services or facilities of Bank as a result of this acquisition of additional voting shares, and considerations relating to the probable effect of the transaction on the convenience and needs of the community to be served are consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction is consistent with 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 the effective date of this Order, unless such period is extended for good cause by the Board or the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[4] effective October 20, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31701 Filed 10-28-76;8:45 am]

[1] All banking and market data are as of December 31, 1975.

[2] The relevant banking market is approximated by Chickasaw County.

[3] State Bank of Lawler, Lawler, Iowa, and First State Bank, Fredericksburg, Iowa.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

T.N.B. FINANCIAL CORP.

Acquisition of Bank

T.N.B. Financial Corp., Springfield, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Williamstown National Bank, Williamstown, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 17, 1976.

Board of Governors of the Federal Reserve System, October 22, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31697 Filed 10-28-76;8:45 am]

UTICA AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Credit-Related Insurance Activities

Utica Agency, Inc., Utica, Kansas ("Applicant") 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 the acquisition of 80 percent or more of the voting shares of The Citizens State Bank of Utica, Utica, Kansas ("Bank"). The factors that are considered in acting on this application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8) and section 225.4(b)(2) of Regulation Y, for permission to retain its credit-related insurance agency activities which are presently conducted through Horn Insurance Agency upon the premises of Bank. Such activities have been determined by the Board to be closely related to banking (21 CFR 225.4(a)(9)(ii)(a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 FR 24429). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a corporation recently formed for the purposes of becoming a bank holding company through the acquisition of Bank and of conducting credit-related insurance activities. Upon acquisition of Bank (deposits of $2.8 million), Applicant would control the 559th largest bank in Kansas, holding approximately .03 of one percent of total deposits in commercial banks in the State.[1] Bank is the smallest of four banks operating in the relevant banking market, which is approximated by Ness County, and controls approximately 10.0 percent of total market deposits. Inasmuch as the purpose of the transaction is to facilitate the transfer of the ownership interests of Bank from individuals to a corporate owned by the same individuals, and Applicant has no banking subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Two principals of Applicant also have ownership interests in Consolidated Insurance, Inc., a one-bank holding company in Hill City, Kansas. The subsidiary bank of this holding company does not compete with Bank because it is located in a separate banking market, sixty-five miles from Bank. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are largely dependent upon those of Bank, are considered generally satisfactory and consistent with approval. The debt to be incurred by Applicant appears to be serviceable from the income to be derived from its insurance operations and from Bank without having an adverse effect on the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are regarded as being consistent with approval.

Although consummation of the transaction would effect no changes in the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the proposal to form a bank holding company would be consistent with the public interest and the application should be approved.

In connection with the application to become a bank holding company, Applicant also proposes to retain the credit-related insurance agency business that operates on Bank's premises. Prior to Ap-

[1] All banking data are as of December 31, 1975.

plicant's purchase of the agency, it was operated as a sole proprietorship by one of Bank's officers. Applicant's retention of the business would result in the continued provision of a convenient source of insurance services to residents of the Utica area, which factor is in the public interest. There is no evidence in the record indicating that retention of the insurance agency business would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors set forth in section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4 of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank 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 Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective October 21, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR 76-31702 Filed 10-28-76;8:45 am]

WINDSOR BANCSHARES, INC.

Formation of Bank Holding Company

Windsor BancShares, Inc., Windsor, 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 100 percent (less directors' qualifying shares) of the voting shares of The Citizens Bank of Windsor, Windsor, 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 November 22, 1976.

Board of Governors of the Federal Reserve System, OCTOBER 22, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-31698 Filed 10-28-76;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING

Tar and Nicotine Content Results

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, April 26, 1976, 41 FR 17429. The results of retesting of three brands of reformulated cigarettes were published in the FEDERAL REGISTER on Monday, June 21, 1976, 41 FR 24937; and the results of resampled and retested four brands of cigarettes pursuant to a request from The Tobacco Institute, Inc. were published in the FEDERAL REGISTER on Monday, August 2, 1976, 41 FR 32294, corrected at 41 FR 33337.

Because the below listed cigarettes have been reformulated they have been retested in accordance with the December 17, 1970 Commission's agreement with the Tobacco Industry. The results of the test are as follows:

[In milligrams per cigarette]

	TPM dry	Nicotine
True, king size, filter, soft pack	5	0.4
True, king size, filter, menthol, soft pack	6	.4

By direction of the Commission dated October 5, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31585 Filed 10-28-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 11-76]

CITY OF NEW BEDFORD, MASSACHUSETTS

Application for a Foreign-Trade Zone; Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of New Bedford, Massachusetts, requesting a grant of authority to establish a foreign-trade zone within the New Bedford Air Industrial Park being developed by the City's Industrial Development Commission. The site is within the New Bedford Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on October 22, 1976. The application was submitted under Chapter 264, Acts of 1976, Commonwealth of Massachusetts, which authorizes any public corporation of the Commonwealth, subject to local approval, to apply for the establishment of foreign-trade zones in the Commonwealth. Local approval was given by resolution of the New Bedford City Council on September 9, 1976.

The proposal calls for a foreign-trade zone of 22.4 acres located within a 52-acre industrial park complex in the northwestern section of the city, adjacent to the New Bedford Municipal Airport and 2.5 miles from New Bedford port facilities. The industrial park parcel is being assembled by the City of New Bedford which will be the grantee of the proposed zone and will contract for its operation. A 20,000 square foot warehouse facility with truck loading capabilities will be the zone's initial structure. Firms will have an opportunity to lease space in this structure or land on which to erect their own facilities. The zone will provide special Customs procedures which permit the deferral of a formal Customs entry on foreign goods until they leave the zone area for the domestic market.

The application includes economic data and information concerning the need for zone services in the area. Some of the potential zone tenants include firms producing radio components, electronic capacitors, women's handbags, looseleaf binders, fastening devices, and metal products. These firms would use the zone primarily for warehousing, testing, assembly and light manufacturing.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh Dolan, Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230; Donald F. Kelley, Assistant Regional Commissioner, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel John P. Chandler, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on November 24, 1976, starting at 9:00 a.m. in the New Bedford Free Public Library (Lecture Hall, 3rd Floor), 613 Pleasant Street, New Bedford, Massachusetts.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by November 15, 1976, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation written statements may be submitted to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through December 24, 1976. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

City of New Bedford Industrial Development Commission, 1213 Purchase Street, New Bedford, Massachusetts 02740.

Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th

and E Streets, NW., Room 6886B, Washington, D.C. 20230.

Dated: October 22, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-31659 Filed 10-28-76;8:45 am]

[Docket No. 10-76]

MASSACHUSETTS PORT AUTHORITY, BOSTON, MASSACHUSETTS

Application for A Foreign-Trade Zone; Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority (the MPA), a Massachusetts public corporation, 99 High Street, Boston, Massachusetts, requesting a grant of authority for establishment of a foreign-trade zone within the Boston Marine Industrial Park (formerly, the South Boston Naval Annex), Boston, Massachusetts, within the Boston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (16 CFR Part 400). It was formally filed on October 22, 1976. Under Chapter 771, Acts of 1971, Commonwealth of Massachusetts, the MPA is authorized to apply for and establish foreign-trade zones in the Commonwealth.

The proposal calls for a foreign-trade zone of 5.1 acres within the 163-acre Boston Marine Industrial Park, situated on the Main Ship Channel in the Boston Inner Harbor in South Boston. This facility, formerly the South Boston Naval Annex, is in the process of being transferred to the City of Boston Economic Development and Industrial Corporation (BEDIC), which is developing the site as part of its economic development program. MPA would be grantee and operator of the proposed zone and would have a long-term lease from BEDIC. Within the proposed zone area is an existing 9-floor warehouse structure of over 350,000 square feet with rail and truck loading docks. The zone is intended to serve firms engaged in international trade related activity by providing procedures which permit the deferral of a formal Customs entry until foreign goods leave the zone area for the domestic market.

The application includes economic data and information concerning the need for zone services. Among the initial zone tenants and users are firms producing the following products: photographic, computer systems and peripherals, synthetic rubber, footwear, leather, marine propulsion systems, textile machinery, precision electronic equipment, parachutes, and chemicals. These firms would use the zone primarily for warehousing, assembly, processing, exhibition, inspection and testing, and salvage and repair activities.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh Dolan, Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230; Donald F. Kelley, Assistant Regional Commissioner, U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel John P. Chandler, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on November 23, 1976 in Room E-226 of the John F. Kennedy Federal Building, Government Center, Boston, Massachusetts, beginning at 9:00 a.m. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should, by November 15, 1976, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation written statements may be submitted to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through December 23, 1976. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Massachusetts Port Authority, 99 High Street, 14th Floor, Boston, Massachusetts 02110.

U.S. Department of Commerce District Office, 441 Stuart Street, 10th Floor, Boston, Massachusetts 02116.

Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, NW., Room 6886B, Washington, D.C. 20230.

Dated: October 22, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-31658 Filed 10-28-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-16]

SUGAR

Changes in Date of Hearing; Places and Times

Notice is hereby given that the public hearing in this matter scheduled for New Orleans, La., will be held beginning at 10 a.m., c.s.t., Thursday, November 18, 1976 (instead of November 11), in Suite 2900 of the Executive Offices of the International Trade Mart, New Orleans. The public hearing scheduled for San Francisco, Calif., will be held beginning at 10 a.m., p.s.t., Tuesday, November 30, 1976, in the Tax Court, Room 2021 of the Federal Building, 450 Golden Gate Avenue, San Francisco. The public hearing set to begin at 10 a.m., e.s.t., Thursday, November 4, 1976, in the Hearing Room of the United States International Trade Commission Building, 701 E Street NW., Washington, D.C., will be held as previously announced.

Notice of the investigation and the public hearings was published in the FEDERAL REGISTER of October 1, 1976 (41 FR 43474).

By order of the Commission:

Issued: OCTOBER 26, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-31707 Filed 10-28-76;8:45 am]

[AA1921-159]

TANTALUM ELECTROLYTIC FIXED CAPACITORS FROM JAPAN

Determination of No Injury or Likelihood Thereof

On July 22, 1976, the United States International Trade Commission received advice from the Department of the Treasury that tantalum electrolytic fixed capacitors from Japan, other than those produced and sold by Matsushita Electric Industrial Co., Ltd., are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). On August 3, 1976, the Commission instituted investigation No. AA1921-159 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Notice of the institution of the investigation and of the public hearing was published in the FEDERAL REGISTER on August 9, 1976 (41 FR 33337).

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has determined by a vote of 5 to 1 (Commissioner Parker dissenting) that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of tantalum electrolytic fixed capacitors from Japan, other than those produced and sold by Matsushita Electric Industrial Co., Ltd., that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN WILL E. LEONARD, VICE CHAIRMAN DANIEL MINCHEW, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, AND ITALO H. ABLONDI

On August 3, 1976, the U.S. International Trade Commission instituted investigation No. AA1921-159 under section 201(a) of the Antidumping Act, 1921, as amended. The in-

vestigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation into the United States of tantalum electrolytic fixed capacitors from Japan that the Department of the Treasury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of such act. In order to find affirmatively, the Commission must find two conditions satisfied in this investigation. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be being prevented from being established.[1] Second, such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which the Treasury has determined is being, or is likely to be, sold at LTFV.

On the basis of the information developed in the investigation, we have determined that any injury which the domestic industry may be experiencing or may be likely to experience is not by reason of LTFV imports. Therefore the second condition, that of causation, has not been satisfied, and we have made a negative determination.

THE PRODUCT

Capacitors are devices for storing electrical energy in an electrical circuit. Tantalum electrolytic fixed capacitors hereinafter referred to as (tantalum capacitors) are particularly well suited for applications requiring high capacity to volume ratios, high reliability, long service, and long shelf life. Since the price of tantalum capacitors is much higher than the prices of capacitors made from other materials and since the selection of capacitors is dependent upon their physical and electrical characteristics, other capacitors are seldom substituted for tantalum units.

THE U.S. INDUSTRY

In making this determination we consider the industry to be those facilities in the United States where tantalum capacitors are produced, as this is the industry most likely to be injured by the subject LTFV sales. Fourteen firms which operate seventeen establishments produced tantalum capacitors in the United States in 1975. No evidence was developed during the investigation which indicated that any other industry in the United States was being or was likely to be adversely affected by LTFV imports of tantalum capacitors.

LTFV SALES

The Department of the Treasury, investigating U.S. imports of tantalum capacitors from Japan during the 6-month period May 1 to October 31, 1975, determined that Japanese exports of such capacitors, with the exception of those exported by Matsushita Electric Industrial Co., Ltd., are being, or are likely to be, sold in the United States at LTFV. Fair-value comparisons were made on virtually all tantalum capacitors imported by Matsuo Electric Co., Ltd., and Nippon Electric Co., Ltd. Imports by these two firms accounted for approximately 75 percent of the value of imports from Japan during the period of Treasury's investigation. Margins were found by Treasury on 35 percent of the sales compared. Nippon Electric was found to have no sales at less than fair value on one series of capacitors, epoxy dipped, series D.

NO INJURY BY REASON OF LTFV IMPORTS

Market penetration of LTFV sales.—On the basis of the above, in determining the impact of LTFV sales of tantalum capacitors from Japan on the relevant U.S. industry, we have excluded from consideration imports of tantalum capacitors of Matsushita Electric Industrial Co., Ltd., as Treasury has done from its LTFV determination, and have considered the impact of 35 percent of the remaining tantalum capacitor imports from Japan, since this is the percentage which Treasury actually found to be sold at LTFV after looking at about 75 percent of such imports during the period of investigation. References to import statistics and import penetration in this statement reflect this finding.

U.S. imports of tantalum capacitors from Japan which were sold at LTFV accounted for about 1.5 percent of the quantity of apparent U.S. consumption of these capacitors during May–October 1975, the period of Treasury's investigations. The market penetration of the LTFV imports declined from about 2 percent for all of 1974 to less than 1.5 percent for all of 1975.

U.S. shipments.—U.S. producers' shipments of domestically produced tantalum capacitors declined from 441 million units in 1974 to 300 million units in 1975. This 32-percent decline in U.S. producers' shipments in that year was attributable to the recession and not to LTFV imports, which not only declined by 50 percent in absolute quantity but also experienced a market decline in their already minimal market share in 1975, as noted above.

Lost sales.—A thorough examination of transactions in the original equipment manufacturers' (OEM) market in the United States in 1975, covering 67 percent of the value of Japanese imports in that year, reveals that a Japanese-made tantalum capacitor was priced below an American-made capacitor in 25 percent of the instances in which they met in the OEM market. In two-thirds of those instances, however, the Japanese-made capacitor was not purchased.

Although one Japanese supplier of LTFV imports consistently undersold U.S. producers with respect to one type of capacitor sold to one particular OEM account, the quantity of its U.S. sales of this capacitor was so small that it could not be an identifiable cause of adverse impact on the domestic industry.

Profits.—The ratio of net operating profits to net sales of the U.S. producers of tantalum capacitors on their tantalum capacitor operations, as reported to the Commission, declined from 10 percent in 1973–74 to 5 percent in 1975, a year in which imports of these articles from Japan declined sharply and where market penetration was very low. Thus, LTFV imports are not an identifiable cause of any decline in profits.

Further, it should be noted that despite this significant decline in profits in recession year 1975, U.S. tantalum capacitor operations were twice as profitable as the operations of all manufacturers of electrical and electronic equipment in that year. U.S. producers' profits are expected to return to the higher levels that prevailed in 1973 and 1974 as the demand for capacitors continues to improve in 1976.

Prices.—The quantities of sales per order of the Japanese-made tantalum capacitirs have been small compared with the quantities of sales of U.S. producers of tantalum capacitors. In general, Japanese sales did not exceed 100,000 to 200,000 units per month, whereas orders placed with U.S. producers were frequently for a million or more units per month. While price plays a significant role in what company receives the order, the effect of the small-sized orders for the Japanese tantalum capacitors is insignificant on prices of the total U.S. industry. The small decline in U.S. producers' prices for some types of tantalum capacitors in late 1975 and early 1976 from a peak in 1974 stemmed from the decreased demand occurring after a substantial buildup in inventories by OEM purchasers in 1974 and 1975 and not from LTFV imports.

NO LIKELIHOOD OF INJURY BY REASON OF LTFV IMPORTS

The phrase "is likely to be injured" as used in the Antidumping Act was intended to describe a situation in which the facts clearly demonstrate likelihood of injury unless corrective action is taken. This interpretation by the Commission was acknowledged by the Senate Committee on Finance in its report on the Trade Reform Act of 1974, which stated:

The Commission's affirmative determinations that an industry "is likely to be injured" by less-than-fair-value imports are based upon evidence showing that the likelihood is real and imminent and not on mere supposition, speculation, or conjecture.[2]

Although information has been obtained regarding a planned expansion of Japanese capacity to produce tantalum capacitors in 1976 and 1977 and one Japanese producer has indicated that it will increase its export to the United States in 1977, these developments alone do not establish a basis for a determination of likelihood of injury by reason of LTFV sales of Japanese capacitors.[3] To the contrary, the outlook for the U.S. industry improved significantly during the first half of 1976, when domestic producers' shipments increased from 157 million units in January–June 1975 to 217 million units in January–June 1976, or by 38 percent. A continued growth in U.S. demand is anticipated as the domestic electronic industry continues to recover from the recession of 1975 and new applications are developed for tantalum capacitors.

The projected sharp growth in demand for tantalum capacitors is not confined to the United States but is expected to occur also in Japan and other major markets. Thus, only a limited share of the increased production in Japan will be available for export to the United States. Under these conditions, even though the Japanese increase their exports to the United States, it is doubtful that they will increase their share of the expanding U.S. market for tantalum capacitors to the extent that such imports from Japan would be an identifiable cause of any injury which the relevant domestic industry may suffer in the future.

[1] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[2] Trade Reform Act of 1974: Report of the Committee on Finance * * *, S. Rept. No. 93–1298 (93d Cong., 2d sess.), 1974, p. 180.

[3] During the investigation the Commission learned that Nippon Electric Co. (NEC) intended to increase its exports of tantalum capacitors to the United States significantly during 1977. However, the increase in such exports to the United States (estimated to be several millions of units) will consist almost entirely of epoxy dipped fixed capacitors. Information furnished to the Commission by the Department of the Treasury, contained in a letter dated July 7, 1976, from the U.S. Customs Service to Assistant Secretary David R. Macdonald, states that "NEC sold hermetically sealed and epoxy dipped capacitors and margins were found only on the hermetically sealed capacitors." Therefore, since no LTFV margins were found in NEC sales of epoxy dipped capacitors, Commissioners Moore and Bedell believe that NEC's anticipated increase in exports of such capacitors to the United States should not be used as a basis for a finding of likelihood of injury.

CONCLUSION

We therefore conclude that an industry in the United States is not being and is not likely to be injured by reason of the importation of tantalum electrolytic fixed capacitors from Japan that are being or are likely to be sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONER JOSEPH O. PARKER.

On July 22, 1976, the United States International Trade Commission (the Commission) received advice from the Department of the Treasury (Treasury) that tantalum electrolytic fixed capacitors from Japan, other than those produced and sold by Matsushita Electric Industrial Co., Ltd. are being, or are likely to be, sold in the United States at less than fair value (LTFV). The Antidumping Act, 1921, as amended, requires that in order to make an affirmative determination, the Commission must determine that an industry in the United States is being or is likely to be injured by reason of LTFV imports which the Secretary of the Treasury has determined are being, or are likely to be, sold at LTFV. In my judgment, these requirements of the Antidumping Act are satisfied and I have made an affirmative determination.

THE PRODUCT

Capacitors are devices for storing electrical energy in the form of electrons in an electric circuit. Tantalum capacitors are recognized as being especially suitable for continuous duty applications requiring a high degree of reliability, small size and large capacitance values. There are three types of tantalum electrolytic fixed capacitors, which overlap in application, but one type, solid, accounts for more than 90 percent of the market. There are five kinds of solid tantalum capacitors: hermetically sealed, epoxy dipped, molded, chip, and resin sealed, identified by their individual packaging characteristics.

THE DOMESTIC INDUSTRY

As mentioned above, the application of the various types of tantalum electrolytic fixed capacitors overlap. Since many manufacturers produce several of these competing types of tantalum electrolytic fixed capacitors, I have considered all those U.S. producers that manufacture such capacitors to be the industry for the purpose of this investigation. There are 14 firms in the United States which produce tantalum capacitors.

THE LTFV DETERMINATION BY TREASURY

Section 201(a) of the Antidumping Act, 1921, as amended, (19 U.S.C. 160(a)) provides that—

Whenever the Secretary of the Treasury * * * determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States * * * at less than its fair value, he shall so advise the United States International Trade Commission * * *, and the Commission shall determine * * * whether an industry in the United States is being or is likely to be injured * * * by reason of the importation of such merchandise into the United States.

In the course of the proceeding before Treasury, Nippon Electric Co., one of the major Japanese suppliers of tantalum electrolytic fixed capacitors to the United States, sought to have the Treasury determination severed between different types of tantalum capacitors and, in effect, to eliminate from Treasury's determination tantalum electrolytic fixed capacitors identified or described as "dipped." Treasury in its determination stated " * * * it has been concluded that there is no basis for the segmentation of this determination in accordance with the claim of Nippon Electric." [*] It further stated: "Each type of tantalum electrolytic fixed capacitor is a clear part of the same class or kind of merchandise and therefore should be treated as such for purposes of this determination." It is my view that this determination is binding on the International Trade Commission as a matter of law and that this Commission has no authority to refine or modify the class or kind of merchandise found to be, or likely to be, sold at LTFV. The International Trade Commission has the sole responsibility of determining whether there is injury or likelihood of injury by reason of importation of that class or kind of merchandise, which in this proceeding is tantalum electrolytic fixed capacitors in any form.

In investigations conducted by Treasury to determine whether sales are being made at LTFV, it obviously does not examine the universe. In the present case, Treasury examined sales during the period between May 1, 1975 and October 31, 1975, of a number of Japanese producers or suppliers responsible for about 85 percent of the imports during that period. It was found after excluding sales by Matsushita that about 35 percent of the imports investigated were being sold at LTFV. Treasury apparently did not find any sale of "dipped" capacitors sold by Nippon Electric to have been sold at LTFV. However, Treasury pointed out in its notice of determination that it sought, but Nippon Electric failed to supply, information with respect to its sales of "dipped" capacitors and pointed out specifically that its less than fair value determination was applicable to all tantalum electrolytic fixed capacitors regardless of their form, except for shipments by Matsushita, which were eliminated completely from the determination. Therefore, as heretofore indicated, in making my determination I necessarily have considered "dipped" capacitors as being within the class or kind of merchandise found to have been sold or likely to be sold at LTFV and, therefore, capable of visiting injury upon the U.S. industry.

LIKELIHOOD OF INJURY

Domestic production of tantalum electrolytic fixed capacitors increased sharply between 1972 and 1973 and reached an alltime high in 1974. Japanese producers were also increasing their exports of these capacitors to the United States, accounting for an increasing share of both total imports and apparent domestic consumption during 1972–74. With the downturn in business activity which generally affected domestic industries, the U.S. producers of tantalum capacitors sharply reduced their production in 1975. In that year inventories increased and employment and profits declined. Japanese exports of tantalum capacitors to the United States also declined in 1975, the year in which Treasury determined that such capacitors were being sold in the United States at LTFV margins ranging from 0.2 percent to 139.7 percent, with a weighted average margin of 37.3 percent. Thus, these sales at LTFV occurred at a time when the domestic industry was in a depressed and weakened position.

As a part of the Commission's investigation, price comparisons were made between domestically produced and Japanese produced tantalum capacitors. The price comparisons were made on three different basis. Almost uniformly, these comparisons indicated irrespective of the basis shown for making the comparisons, domestically produced capacitors were being undersold by imported capacitors from Japan. This price competition is intensifying. Price data submitted by 12 firms accounting for over 60 percent of the purchases of capacitors from Japan during 1974 and 1975 indicate that U.S. firms were undersold on a substantial number of occasions in years when demand was strong as well as in years when demand was weak.

As the U.S. electronics industry began to recover from the recession of 1975, U.S. producers' shipments of domestically produced tantalum capacitors increased sharply in the first half of 1976 as compared with their shipments during the corresponding period in 1975. However, during the first half of 1976, U.S. imports of tantalum capacitors from Japan (less those produced by Matsushita) increased at a more rapid rate than U.S. producers' domestic shipments with the result that the LTFV imports increased their share of apparent U.S. consumption by approximately 10 percent in January–June 1976.

During January–June 1976, U.S. producers' prices for various types of tantalum capacitors declined significantly. This decline in U.S. producers' prices is believed to be in large part responsible for the fact that the combined profits of the three major U.S. producers of tantalum capacitors declined sharply in January–June 1976 as compared with profits in the corresponding period in 1975 despite the fact that the net sales of these firms increased in the latter period.

The Commission obtained information during its investigation indicating that the Japanese capacity to produce tantalum capacitors would be increased in 1976–77 and that one of the major LTFV suppliers planned to increase its exports to the United States substantially. The projected increase in Japanese capacity to produce tantalum capacitors is believed to be far in excess of home-market demand.

Consequently the threat of sharply increased supplies from enlarged capacity poses an imminent threat of injury to the U.S. industry if such increased supplies are made available to the U.S. market at LTFV prices.

There are other factors which support the conclusion that increases in imports of capacitors from Japan will continue and threaten the U.S. industry if appropriate action is not taken to assure fair pricing by eliminating sales at LTFV. Since 1972 the Japanese have exported an increasing share of their production of tantalum electrolytic fixed capacitors to the United States. These suppliers have now established commercial relationships with some of the largest U.S. users of capacitors, users which purchase large quantities of capacitors in single transactions. Formerly, domestic producers supplied most large volume purchases, one of the areas in which the domestic industry had been better able to compete with Japanese imports. Competition in this market area is expected to intensify, and it is important that this competition not be on the basis of LTFV imports.

On the basis of the factors set forth above, I have determined that an indus-

[*] 41 F.R. 31241.

try in the United States is likely to be injured by reason of the importation from Japan of tantalum electrolytic fixed capacitors which Treasury has determined are likely to be sold at LTFV.

By order of the Commission.

Issued: October 26, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-31708 Filed 10-28-76;8:45 am]

NATIONAL CAPITOL PLANNING COMMISSION

[OMB Circular A-95 (Rev.)]

PROJECT REVIEW AND NOTIFICATION SYSTEM

Proposed Procedures

The National Capital Planning Commission will consider the adoption, at its meeting on November 11, 1976, of the following proposed procedures for implementing the requirement in Section 2.a. of Part I of Attachment A to Office of Management and Budget Circular No. A-95 (Revised) on Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, dated January 2, 1976, respecting notification to the National Capital Planning Commission.

Interested organizations, agencies, and citizens are requested to submit their views in writing to the Commission prior to November 9, 1976, addressed to:

Daniel H. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576.

A. *Introduction.*—These procedures describe the Commission's Project Review and Notification System promulgated pursuant to Part I of Attachment A to Office of Management and Budget (OMB) Circular A-95 (Revised).

B. *Notification of intent.*—Any agency of State or local government or any other organization or any individual undertaking to apply for assistance to a project or major substantive modifications thereto under a Federal program covered by Part I of OMB Circular A-95 (Revised), involving land or water use and development or construction in the National Capital Region, shall notify the Commission of its intent to apply for assistance at such time as it determines it will develop an application and, in any event, at least thirty (30) days prior to the submission of such application. The National Capital Region, as defined in section 1(b) of the National Capital Planning Act of 1952, as amended, consists of the District of Columbia; Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties. These notification requirements pertain to all types of applications, as defined in the instructions to Standard Form 424 prescribed by GSA, Federal Management Circular 74-7, except augmentation applications.

C. *Summary description of Project.*—Notification shall be submitted to the Commission on Standard Form 424 and shall include a summary description of the project for which assistance will be sought. The summary description shall contain the following information:

(1) Identity of the applicant.

(2) A map depicting the project's geographic boundaries.

(3) A brief description of the proposed project, including estimated cost and beneficiaries. Where appropriate, drawings or other graphics shall be submitted.

(4) A list of Federal installations affected, if any, and other project characteristics which will enable the Commission to identify agencies of the Federal government in the National Capital Region having plans, programs, or projects which may be affected by the proposed project.

(5) A statement as to whether the applicant has been advised by the funding agency from which assistance is being sought that it will be required to submit environmental impact information in connection with the proposed project.

(6) The Federal program title and number and agency under which assistance will be sought as indicated in the latest "Catalog of Federal Domestic Assistance." In the case of programs not listed therein, programs shall be identified by Public Law number or U.S. Code citation.

(7) The estimated date the applicant expects to formally file an application.

D. *Processing of notification of intent.*—1. The Secretary of the Commission shall promptly acknowledge receipt of the notification.

2. Within thirty (30) days of receipt of the notification, the Executive Director shall comment, on behalf of the Commission, on any project or activity which he determines to be consistent with the Comprehensive Plan for the National Capital; municipal, county, subregional or regional plans previously reviewed by the Commission; Federal facility master plans and site and building plans approved by the Commission; or other relevant statements of Commission policies.

3. All other projects or activities shall be presented to the Commission for review and comment at its meeting next following the receipt of notifications therefor.

DANIEL H. SHEAR,
Secretary, National Capital Planning Commission.

[FR Doc.76-31631 Filed 10-28-76;8:45 am]

[Docket No. MC76-1]

POSTAL RATE COMMISSION

MAIL CLASSIFICATION SCHEDULE, 1976

Prehearing Conference

OCTOBER 22, 1976.

Notice is hereby given that the Administrative Law Judge has scheduled a prehearing conference to be held in the above-designated proceeding on Thursday, November 4, 1976, at 9:30 a.m., in the Commission's Hearing Room, Suite 500, 2000 L Street, N. W., Washington, D.C.

The hearing on affirmative cases will commence at the Commission at 9:30 a.m., on Monday, November 8, 1976, for a period ending Friday, November 19, subject to such changes as may be announced at the prehearing conference noticed hereby or as may develop during the course of the hearings as now scheduled.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.76-31606 Filed 10-28-76;8:45 am]

[Docket No. RM77-2]

RULES OF PRACTICE AND PROCEDURE

Office of Commission To Represent Interests of General Public; Designation

OCTOBER 20, 1976.

Notice is hereby given that, pursuant to section 3603 of the Postal Reorganization Act, the Commission designates Norman D. Schwartz, Assistant General Counsel, Litigation Division, as the officer of the Commission who shall represent the interests of the general public in the above-entitled proceeding. The title of this officer during the course of the proceeding will be "Officer of the Commission" (OOC).

In accordance with the principles enunciated in section 8 of the Commission's rules of practice (39 CFR 3001.8), the Officer of the Commission will be prohibited from participating or advising the Commission in its deliberations concerning the proposed rulemaking.

By the Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.76-31381 Filed 10-28-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. SR-BSPS-76-1]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Order Approving Rule Change Providing for Establishment of Additional Branch Facilities

On August 26, 1976 Bradford Securities Processing Services, Inc. ("BSPS"), 80 Pine Street, New York, New York 10005, filed a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") relating to the establishment of branch facilities in Miami, Florida, Baltimore, Maryland, New Orleans, Louisiana, Nashville, Tennessee, Washington, D.C. and Cleveland, Ohio. As part of its filing, BSPS made representations relating to procedures and safeguards for the handling of securities and funds.

In accordance with section 19(b) of the Act and Rule 19b-4 thereunder, the

rule change was published in the FEDERAL REGISTER (41 FR 39107, September 14, 1976) and the public was invited to submit comments until October 5, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34–12770, September 3, 1976. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change contained in File No. SR–BSPS–76–1 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76–31569 Filed 10–28–76;8:45 am]

[70–5916]

CONSOLIDATED NATURAL GAS CO. ET AL.

Proposed Transfer of Coal Properties to New Subsidiary Coal Company and Issuance and Sale of Common Stock to Parent Holding Company by Coal Company

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and CNG Coal Company ("Coalco") and Consolidated Gas Supply Corporation ("Supply Corporation"), 445 West Main Street, Clarksburg, West Virginia 26301, nonutility subsidiaries of Consolidated, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the following proposed transactions. All interested parties are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

On October 4, 1976, Consolidated caused CNG Coal Company ("Coalco") to be incorporated in the State of Delaware. Pursuant to its Certification of Incorporation, Coalco's capitalization consists of 400,000 shares of common stock, $100 par value, aggregating $40,000,000. At present, Coalco has no shares outstanding and no paid-in capital; however, upon consummation of the transactions herein proposed. Coalco will become a wholly-owned subsidiary of Consolidated and will engage in the business of owning and leasing coal properties as hereinafter described.

The application-declaration states that, in recent years, Consolidated's subsidiary, Supply Corporation, has been acquiring titles to coal reserves located principally in Greene County, Pennsylvania. Supply Corporation's probable recoverable coal reserves are estimated at more than 500 million tons. It is further stated that the Consolidated System has for some time been participating in various research projects, as well as one of its own, aimed at developing a coal gasification process which would be both economically and environmentally feasible. It was for the purpose of eventual coal gasification that Supply Corporation started in 1971 the acquisition of the foregoing reserves. Included in the reserves is certain Pittsburgh seam coal which is presently being purchased in stages, extending into 1977, from Manor Real Estate Company, a Penn Central Transportation Company subsidiary, at an estimated cost of $19 million. Under the purchase agreement, Supply Corporation has expended $9,941,000 up to June 30, 1976.

Consolidated asserts that, under rulings of the Federal Power Commission, Supply Corporation will probably not be permitted to include in its rate base investment in coal reserves held for future gasification and, consequently, would not be able for an indeterminable time to earn a return thereon. In recognition, it appears appropriate to Consolidated for financial and organizational reasons that Supply Corporation transfer to Coalco, a non-utility affiliate, its principal coal reserves which are located in Greene County, Pennsylvania. Coalco's schedule for the development of these reserves is uncertain at this time.

Consolidated, Supply Corporation, and Coalco propose, in accordance with an agreement, that:

1. Supply Corporation transfer and convey to Coalco, for shares of common stock of Coalco (139,650 shares, aggregating $13,965,000 par value, at June 30, 1976) at cost as of the end of the month preceding the date of closing, all coal titles owned by it in Green County, Pennsylvania, with reimbursement of expenses incurred by Supply Corporation incident to its acquisition to the date of closing. At June 30, 1976, the investment of Supply Corporation in said Pennsylvania coal titles (estimated to represent over 500 million tons of recoverable coal) and related acquisition costs aggregated $13,965,000.

2. Supply Corporation transfer and convey to Coalco, at the date of closing, all of its right, title, and interest in and to its contract with Manor Real Estate Company in order that Coalco thereafter may acquire directly from Manor, at an estimated cost of $9,000,000, those titles not yet vested in Supply Corporation;

3. Supply Corporation transfer to Consolidated the shares of common stock of Coalco received by it from Coalco. Consolidated, in exchange for the Coalco common stock, will cancel a portion of Supply Corporation's long-term indebtedness equal to the book value of the transferred properties multiplied by the ratio of Supply Corporation's long-term indebtedness to Consolidated to the total net book value of Supply Corporation properties ($7,500,000 at June 30, 1976), and Supply Corporation will declare and pay to Consolidated a dividend in kind of the common stock of Coalco, amounting to the difference between the basis of Coalco common stock to Supply Corporation and Consolidated's cancellation of long-term indebtedness ($6,465,000 at June 30, 1976).

In addition to the foregoing proposals, Consolidated proposes to purchase for cash from Coalco, 80,000 shares of its common stock, $100 par value, aggregating $8,000,000, from time to time to May 31, 1977. Coalco would use the proceeds from the sale of such shares principally for the installment purchase of coal titles from Manor Real Estate Company in accordance with the agreements to be assigned by Supply Corporation to Coalco, the purchase of coal titles from other parties, and the conduct of the coal reserve program.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The expenses to be incurred in connection with the proposed transactions are estimated $7,250.

Notice is further given that any interested person may, not later than November 16, 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 application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declartion, 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.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 76–31570 Filed 10–28–76; 8:45 a.m.]

[70-5915]

NATIONAL FUEL GAS CO. ET AL.

Application for Exception From Competitive Bidding Relating to Sale of Debentures by Holding Company

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and its wholly owned subsidiary companies, National Fuel Gas Distribution Corporation, National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203, Seneca Resources Corporation and National Gas Storage Corporation ("Storage") 308 Seneca Street, Oil City, Pennsylvania 16301, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9(a), 10, 12(b), 12(f) and 17(c) of the Act and Rules 42, 43, 45, 50 and 70 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

National proposes to issue and sell, through a negotiated private placement with institutional investors, up to $40,000,000 of debentures. The terms and conditions of the debentures will be determined through negotiations with the purchasers of the debentures. Such terms and conditions will be filed by amendment to the application-declaration if the request for an exception from the competitive bidding requirements of Rule 50 is granted. It is anticipated that the debentures will mature in 20 years, will be noncallable for refunding purposes at a lower effective interest rate for five years from the issuance thereof, and will have the benefit of a sinking fund. National anticipates that while the terms and conditions of the debentures will be negotiated as soon as possible after the Commission's approval of an exception from the competitive bidding requirements of Rule 50, the actual sale of the debentures and receipt of the proceeds therefrom by National will be deferred until on or about March 31, 1977. National has retained the investment banking firm of Loeb, Rhoades & Co. to identify potential purchasers and to act as its financial advisor in this transaction.

National states that its subsidiaries have an estimated combined construction budget for 1977 of $50,000,000, including $22,000,000 towards the construction of gas storage facilities by Storage. Such facilities will also provide storage facilities for several non-affiliated utilities. The project is expected to cost $80,000,000 over a four year period. In addition to its 1977 construction requirements, National will have maturing in 1977 approximately $7,000,000 of notes payable to The Chase Manhattan Bank, N.A. (HCAR No. 19522, May 11, 1976); $5,400,000 of 3¼ percent sinking fund debentures due 1977; and normal sinking fund requirements aggregating $5,100,000. National proposes to meet its capital requirements with $27,500,000 of internally generated funds, and by selling $40,000,000 of debentures.

In support of its request for an exception National states that a sale of $40,000,000 of debentures would be the largest long-term debt financing in its history, approximately double recent issues which have ranged between $18,000,000 and $24,000,000. In 1961 National sold its largest issue of $27,000,000. National states that its use of a private offering is necessitated by the unusual size of its construction program which is largely a function of the development of the storage project. To sell a $40,000,000 issue means that past buyers would have to make commitments larger than before, or that new purchasers of National's debentures would have to be found.

National further states that in view of the apparent surplus of funds available for investment, it is in the best interest of the company to enter into a commitment at this time to insure that these funds will be available at a reasonable interest rate. In its two prior debenture issues National has been able to obtain a maximum maturity of only nine years. These maturities have resulted in higher debt service requirements and have created an excessive burden on National's cash flow. National is of the opinion that it is presently possible to sell a 20 year security conforming to the average life of the facilities financed and assuring debt service requirements in closer conformity to the cash flow generated by these projects.

The application of the proceeds from the proposed sale of the debentures will be detailed in the post-effective amendment filed in connection with the actual issuance and sale of the debentures.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The Public Service Commission of New York and the Pennsylvania Public Utility Commission have jurisdiction over the issuance and sale of certain notes by National Fuel Gas Distribution Corporation. No Federal commission and no other State commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 15, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-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 filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-31571 Filed 10-28-76;8:45 am]

[(SR-1) (SR-NASD-75-8)]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change Relating to Reporting of Transactions in Eligible Securities and Certain Anti-Manipulative Rules

The National Association of Securities Dealers, Inc. (the "NASD"), 1735 K Street, N.W., Washington, D.C. 20006 submitted on March 21, 1975, proposed Article XVIII of the By-Laws of the NASD, and Schedule G thereunder (the "NASD Rule Changes"), governing: (i) The reporting of transactions in eligible securities in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "Act"); (ii) charges to cover the costs of compliance with such reporting requirements; and (iii) anti-manipulative rules relating to over-the-counter trading in such securities.

The provisions of Schedule G were amended by the NASD and refiled with the Commission on June 4, 1975. The NASD Rule Changes were deemed by the Commission to have been filed under new section 19(b) of the Act. In view of the need to implement the NASD Rule Changes immediately to permit the scheduled commencement of the consolidated system on June 16, 1975, the Commission ordered the NASD Rule Changes into effect summarily pursuant to section 19(b)(3)(B) of the Act on June 11, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11461 (June 11, 1975), published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25730). That release also solicited public comment on the NASD Rule Changes.[1]

[1] The deadline for submission of written comments pursuant to Securities Exchange Act Release No. 11461 (June 30, 1975) was June 30, 1975; the time for such comment was extended until July 18, 1975, in Securities Exchange Act Release No. 11508 (June 30, 1975). See also Securities Exchange Act Release Nos. 11546 (July 23, 1975), 11653 (September 15, 1975), 11816 (November 10, 1975), and 11951 (December 24, 1975).

On December 15, 1975, the NASD submitted, pursuant to Rule 19b–4 under the Act, a proposed modification to the NASD Rule Changes to provide that principal transactions effected by NASD members be reported in the consolidated system at the price recorded on the trade ticket without taking into account any commission, commission equivalent, or differential imposed in connection with the transaction. The proposed modification would eliminate the present disparity between the reporting of principal transactions effected by NASD members and the reporting of identical transactions effected by exchange members.[2] Notice of the proposed modification was provided in Securities Exchange Act Release No. 11951 (December 24, 1975) published in the FEDERAL REGISTER on January 5, 1976 (41 FR 836).

With respect to Article XVIII of the NASD By-Laws and Sections 1, 2 and 3 of Schedule G thereunder, which provide for reporting procedures for transactions in eligible securities effected by NASD members and establish certain anti-manipulative rules relating to over-the-counter trading in such securities, the Commission finds that the proposed additions, as proposed to be modified on December 15, 1975, are consistent with the requirements of the Act, and the rules and regulations thereunder applicable to national securities associations, and in particular the requirements of Section 15A of the Act and the rules and regulations thereunder.[3]

[2] Under the NASD Rule Changes as originally filed and ordered effective summarily, principal transactions effected by NASD members were required to be reported in the consolidated system inclusive of any commission, commission equivalent, or differential charge (i.e., after addition or subtraction of such charges). Principal transactions effected by exchange members, on the other hand, are reported in the consolidated system exclusive of such charges.

[3] With respect to section 4 of Schedule G, which establishes the fees and charges applicable to those members required to report their transactions in eligible securities to the NASD, the Commission has determined to take no formal action at this time. On May 6, 1976, the Commission received the consent of the NASD to a further extension of the time within which the Commission is required to act on section 4 of Schedule G, to July 14, 1976. The Commission acknowledges the consent of the NASD to extension of the deadline until July 14, 1976. In so doing, the Commission notes that it understands that the reason the NASD has consented to this further extension is in order to permit an opportunity for internal resolution of certain issues relating to the proposed fees contained in Section 4 of Schedule G. Although the Commission finds that the NASD reporting rules, as modified on December 15, 1975, are consistent with the requirements of the Act, the Commission intends to continue studying questions related to the reporting of transactions in eligible securities, particularly the method of reporting principal transactions confirmed by a dealer plus or minus a commission, commission equivalent or differential.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed additions to the NASD Rules contained in Article XVIII of the NASD By-Laws and Sections 1, 2 and 3 of Schedule G thereunder, as modified on December 15, 1975, be, and hereby are, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–31726 Filed 10–28–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

NEW ORLEANS DISTRICT ADVISORY COUNCIL

Meeting

The New Orleans District Advisory Council will hold a public meeting from 10:00 a.m., To 2:30 p.m., Thursday, November 11, 1976, at the Chateau Motor Hotel, 201 Lake Street, Shreveport, Louisiana, 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 William Murfin, Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, (504) 682–2744.

Dated: October 19, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–31610 Filed 10–28–76;8:45 am]

LAS VEGAS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Las Vegas District Advisory Council will hold a public meeting at 10:00 a.m., Thursday, November 18, 1976, in the Union Plaza Room, 2d Floor, Union Plaza Hotel, One Main Street, Las Vegas, Nevada, 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 Robert S. Garrett, P. O. Box 7527, Las Vegas, Nevada 89101, (702) 385–6611.

Dated: OCTOBER 19, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–31609 Filed 10–28–76;8:45 am]

SPOKANE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Spokane District Advisory Council will hold a public meeting at 9 a.m., Tuesday, November 9, 1976, in Room 485, U.S. Court House Building, West 920 Riverside Avenue, Spokane, Washington, to discuss such matters as may be presented by members, the staff of the Small Business Administration or others present. For further information, call or write William S. Schumacher, U.S. Small Business Administration, U.S. Court House, Room 651, Post Office Box 2167, Spokane, Washington 99210, (509) 456–3781, FTS 439–3781.

Dated: October 18, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76–31686 Filed 10–28–76;8:45 am]

[Delegation of Authority No. 30, Rev. 15; Amdt. 11]

REGIONAL DIRECTOR, ET AL.

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049 and 36702), is hereby further amended to delegate certain Certificate of Competency authority to certain officials in the New York and Newark District Offices.

Actions taken prior to the effective date of this document are hereby ratified to the extent they would have been authorized had this delegation been in effect.

Accordingly, Delegation of Authority No. 30, Revision 15, Part VI, Section A. is amended as set forth below:

Effective date: October 29, 1976.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

SECTION A—CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance
c. District Directors New York and Newark District Offices (DO's) only (not exceeding $100,000)
d. Assistant District Directors for Procurement Assistance New York and Newark DO's only (not exceeding $100,000)

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Director
b. Assistant Regional Director for Procurement Assistance
c. District Directors New York and Newark DO's only (not exceeding $100,000)
d. Assistant District Director for Procurement Assistance New York and Newark DO's only (not exceeding $100,000)

[FR Doc.76–31684 Filed 10–28–76;8:45 am]

[Declaration of Disaster Loan Area No. 1278]

MARYLAND

Declaration of Disaster Area

As a result of the President's declaration, I find that Frederick County, and adjacent counties within the State of Maryland, constitute a disaster area because of damage resulting from severe storms and flooding beginning about October 8, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 13, 1976, and for economic injury until the close of business on July 14, 1977, at:

Small Business Administration, District Office, 7800 York Road, Towson, Maryland 21204.

or other locally announced locations.

Date: October 19, 1976.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.76-31687 Filed 10-18-76;8:45 am]

[Declaration of Disaster Loan Area #1279]

MONTANA

Disaster Area Declaration

The downtown area of the City of Kalispell, Flathead County, within the State of Montana, constitutes a disaster area because of damage resulting from fires which occurred on September 22-28, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 20, 1976, and for economic injury until the close of business on July 20, 1977, at:

Small Business Administration, District Office, 618 Helena Avenue, Helena, Montana 59601

or other locally announced locations.

Date: October 20, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-31608 Filed 10-28-76;8:45 am]

DOUG BUI

[License No. 03/03-5125]

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that East West United Investment Company, (East West) Room 306, 1340 Old Chain Bridge Road, McLean, Virginia 22101, a Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1976) for approval of a conflict of interest transaction.

It is proposed that East West loan up to $150,000 to Mr. Doug Bui, 903 Lawton Street, McLean, Virginia 22101. The funds will be used to equip and furnish a new restaurant. East West will make a 10-year loan, principal and interest payable monthly. The interest rate would be 3 percent above the prime rate at the date of closing. The collateral for the loan would be the furniture, fixtures, and equipment of the restaurant and Mr. Doug Bui's personal guarantee.

Mr. Doug Bui is the son of Mr. Bui Trac an officer, Director and Stockholder of East West. Pursuant to Section 107.03 (e) of the Regulations, Mr. Doug Bui is considered to be an associate of East West.

Accordingly, the transaction falls within the preview of 13 CFR 107.1004 (1976) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than on or before November 15, 1976, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by East West in a newspaper of general circulation in McLean, Virginia.

(Catalog of Federal Domestic Assistance Programs Number 59.011, Small Business Investment Companies)

Dated: October 19, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 76-31607 Filed 10-28-76; 8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Alowances that on Tuesday, November 16, 1976, at 9:00 a.m., the Denver Regional Office Station Committee on Educational Allowances shall, in the Hearings Room of the Denver Veterans Administration Regional Office, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Elba Systems Corporation, 5909 East 38th Avenue, Denver, Colorado should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 30, 1976.

F. W. NEWTON,
Director, VA Regional Office, Denver Federal Center, Denver, Colorado.

[FR Doc.76-31711 Filed 10-28-76;8:45 am]

WATER RESOURCES COUNCIL

STANDING STATE ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Standing State Advisory Committee (SSAC).

Date: November 10, 1976.

Place: Lower Level Conference Room, Lower Level Gelman Building, 2120 L Street, NW., Washington, D.C. 20037.

Time: 9:00 a.m.

Proposed Agenda: (1) Review of plans for carrying out third and final phase of the National Assessment; (2) Guidelines for State inputs to the Water Assessment and Appraisal Program (WAAP); (3) Review of Pub. L. 92-500, including section 209; (4) 1977 National Conference on Water; (5) Progress report on the Interstate Conference on Water Problems (ICWP) work on energy contract; and (6) Overview of the Water Resources Council's water for energy activities.

Purpose of Meeting: Discussion and solicitation of the Committee's views on the above items.

The meeting of the Standing State Advisory Committee (SSAC) is open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the SSAC Committee Management Officer in writing, at least 5 days prior to the meeting, of their intention to attend the November 10 meeting.

Any member of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee chairman may allow public presentation of oral statements at the meeting.

All communications regarding the SSAC should be addressed to Handley C. Oswalt, Administrative Officer, Water Resources Council, Acting SSAC Committee Management Officer, Room 810, 2120 L Street, NW., Washington, D.C. 20037, phone (202) 254-6453.

Dated: October 27, 1976.

GARY D. COBB,
Acting Director.

[FR Doc.76-31945 Filed 10-28-76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1:30 p.m., November 15, 1976, at the General Accounting Office Building in Room 4454, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Work in progress
2. OWIR program planning
3. Report on the Employment Cost Index
4. Report on the effect of public sector labor-management legislation on strikes.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C. this 21st day of October 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76–31774 Filed 10–28–76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 26th day of October, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Oct. 23, 1976

Name of applicant	Location of enterprise	Principal product or activity
Humboldt Products Corp.	Columbus, Miss.	Manufacture of surgical dressings and related textile products.
Carolina Land & Auction Co.	Orangeburg, S.C.	Auction and sales for livestock, farm equipment, and real estate.
Balzer Manufacturing Corp.	Mountain Lake, Minn.	Manufacturing, cattle-feeding, manure-handling, and forage-handling equipment.
J.B.J., Inc. (tenant of city of Osseo)	Osseo, Wis.	Manufacturing miscellaneous metalwork.
Heavy Haul Trailer Corp. (tenant of city of Canton).	Canton, S. Dak.	Manufacturing heavy lowbed trailers.
Bent's Fort Inn, Inc.	Las Animas, Colo.	Motel.
Mount Hope Mines, Inc.	Eureka, Nev.	Ore processing plant.
Robert M. Baker, E. Elaine Baker	Newport, Oreg.	Motel.
Bruce Packing Co., Inc.	Aumsville, Oreg.	Processing beef carcasses.

[FR Doc.76–31782 Filed 10–28–76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Alabama

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Alabama effective October 9, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Suppplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of Alabama on January 12, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Alabama has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on September 18, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Alabama for the week ending on September 18, 1976, and that the Federal Supple-

mental Benefit Period in that State terminated on October 9, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Alabama Department of Industrial Relations of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Alabama should contact the nearest Unemployment Compensation Claims Office or Employment Service Division Office of the Alabama Department of Industrial Relations in their locality.

Signed at Washington, D.C., on October 21, 1976.

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

[FR Doc.76-31775 Filed 10-28-76;8:45 am]

Occupational Safety and Health Administration

ALASKA 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 the 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 August 10, 1973, 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.

The Alaska plan provides for the adoption of Federal standards as State standards by reference. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of Federal standards. By letters dated August 2, 1976, and August 4, 1976, from Edmund Orbeck, Commissioner, Alaska Department of Labor, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR 1910.262, 1910.263 and 1910.264 as published in the FEDERAL REGISTER (39 FR 23502, June 27, 1974). These standards, which are contained in Subchapter 13: Textiles, Subchapter 12: Bakery Equipment, and Subchapter 11: Laundry Machinery and Operations of the Alaska Occupational Safety and Health Standards, were promulgated on August 11, 1976, by the Alaska Department of Labor after public comments were requested in four major Alaskan daily newspapers on December 1, 3, 5, 8, 9, 10, 11, 15, 16, 17, and 23, 1975, in accordance with AS 18.60.020, and after proceedings in accordance with the Alaska Administrative Act (AS 44.62).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards as described above and accordingly are hereby approved.

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, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, 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 Alaska State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 29, 1976.

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

Signed at Seattle, Washington this 30th day of September, 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, OSHA.

[FR Doc. 76-31779 Filed 10-28-76; 8:45 am]

TENNESSEE 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 the 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 July 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 17838) of the approval of the Tennessee plan and the adoption of Subpart P to Part 1952 containing the decision.

The Tennessee plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standard changes, the State has submitted by letters dated July 28, 1976 from James G. Neely, Commissioner of Labor, Tennessee Department of Labor; and July 26, 1976 from Robert H. Wolle, Director, Division of Occupational and Radiological Health, Tennessee Department of Public Health to Donald E. MacKenzie, Regional Administrator, and incorporated as a part of the plan, State standards comparable to amendments to § 1910.106, Flammable and Combustible Liquids, § 1910.217, Mechanical Power Presses, dated January 27, 1975; § 1910.106, Flammable and Combustible Liquids, dated June 2, 1975; § 1928.57, Guarding Farm Field Equipment, dated March 9, 1976; §§ 1910.40, 1910.100, 1910.116, 1910.165, 1910.171, 1910.184, 1910.254, Mailing Address, dated April 28, 1975; 1910.1001 Asbestos, dated March 19, 1976.

These standards were promulgated by filing with the Tennessee Secretary of

State on May 5, 1976 and July 8, 1976 pursuant to the Tennessee Occupational Safety and Health Act of 1972 (Title 50, Chapter 5, Tennessee Code Annotated).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards it has been determined that the State standards are identical to the Federal standards or at least as effective as the Federal standards and are hereby approved.

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 Commissioner of Labor, 501 Union Building, Nashville, Tennessee 37219; Office of Commissioner of Public Health, 501 Union Building, Nashville, Tennessee 37219; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 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 good cause exists for not publishing the supplement to the Tennessee State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further public participation would be unnecessary.

This decision is effective October 29, 1976.

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

Signed at Atlanta, Georgia, this 27th day of August, 1976.

DONALD A. MACKENZIE,
Regional Administrator.

[FR Doc.76-31778 Filed 10-28-76;8:45 am]

UTAH 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 the 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 January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30 day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating as effective date.

4. Providing certified copies of Rules and Regulations or Standards to the office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal Standards. By letter dated October 5, 1976, from Don J. Christiansen, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR 1910.157(d)—Hydrostatic Test Intervals for Fire Extinguishers With Aluminum Shells, 39 FR 1437, January 9, 1974, 29 CFR 1910.158(b) (3) and (4) Increase in Maximum Length of Certain Small Fire Hose and Acceptance of Hose Reels, 39 FR 6109, February 19, 1974, 29 CFR 1910.94(b)(2)—Grinding, Polishing, and Buffing Operations, 39 FR 9985, March 15, 1974, 29 CFR Part 1910 (Hazardous Materials) §§ 1910.103 (b)(5)(i) and (c)(5)(i), and 1910.104(b)(10)(i), 1910.106(a)(27), 1910.106(c)(2)(i), 1910.106(d)(7)(ii), 1910.106(g)(1)(i)(*d*), 1910.106(g)(1)(i)(*e*)(3), 1910.106(g)(3)(iv)(*b*), 1910.106(g)(3)(vii), 1910.107(b)(1), 1910.107(d)(2), 1910.110(f)(5)(iii), 39 FR 9957, March 15, 1974, 29 CFR Part 1910 (Miscellaneous Amendments; Correction), §§ 1910.21(f)(31), 1910.21(g)(16), 1910.25(c)(1)(iii)(*c*), 1910.25(c)(2)(iv)(*c*)(1), 1910.28(b)(12), 1910.31(c), 1910.37(q)(6), 1910.66, 1910.94(b)(5)(i)(*a*), 1910.94(d)(9)(vi), 1910.95, 1910.96(b)(2)(iii), 1910.103(c)(3)(ii)(*d*), 1910.107(a)(5), 1910.109(i)(2)(iii)(*c*), 1910.109(i)(6)(i)(*a*), 1910.110(b)(14)(xvi), 1910.115, 1910.147, 1910.157(c)(4)(iii), 1910.157(d)(4)(iii), 1910.168(a)(15), 1910.178(c)(2), 1910.179(g)(3)(vii), 1910.180(f)(1), 1910.213(p)(4), 1910.215, 1910.217(b)(7)(vii), 1910.221, 1910.246, 1910.252(a)(6)(vi)(*a*)(6), 1910.252(b)(2)(iii)(*b*)(2), 1910.254, 1910.261(e)(11), 1910.261(b)(22), 1910.262(m), 1910.263(l)(9)(iv), 1910.265(a)(2), 1910.266(a)(2), 1910.266(c)(2)(vii), 1910.268, and 1910.309(a), 39 FR 19468, June 3, 1974, 1910.93q—Exposure to Vinyl Chloride, 39 FR 35890, October 4, 1974, 1910.217—Mechanical Power Presses; Corrections of Effective Date, 39 FR 44661, December 26, 1974, 1910.217—Mechanical Power Presses; Corrections, 40 FR 3982, January 27, 1975, 1910.106(d)(2)(iii) Table H-12, Standard Correction, 40 FR 3982, January 27, 1975, 1910.93q—Standard for Exposure to Vinyl Chloride; Effective Date, 40 FR 13211, March 25, 1975, 1910.67—Vehicle-Mounted Elevating and Rotating Work Platforms, 1910.183 Helicopters, and 1910.268 Telecommunications, 40 FR 13436, March 26, 1975, 1910.141(d)(2)(i)—Deletion of Standard Concerning Number of Lavatories for Industrial Employment, 40 FR 18445, April 28, 1975, 1910.__—National Fire Protection Association, Mailing Address Change, 40 FR 18426, April 28, 1975, 1910.1001(i)(1)—Standard for Exposure to Asbestos, 41 FR 11504, March 19, 1976, and 1910.184(f)(6)—Industrial Slings; Deletion of Requirement Prohibiting Knots and Wire Rope Clips, 41 FR 13352, March 30, 1976. These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held. The Portable Fire Extinguisher Part, Standpipe and Hose Systems Part, Ventilation of Grinding, Polishing, and Buffing Operations Parts, Hazardous Materials Part, Miscellaneous Amendments; Correction Part, Deletion of Standard Concerning Exposure to Pesticides Part, Table H-12 Standard Correction Part, National Fire Protection Association; Mailing Address Change Part, were adopted by the Industrial Commission of Utah, Archives File No. 7500327 on January 6, 1976, the Flammable and Combustible Liquids Part, and the Standard for Exposure to Asbestos Part, were adopted by the Industrial Commission of Utah, Archives File No. 1694 on June 1, 1976, the Exposure to Vinyl Chloride Part, Standard for Exposure to Vinyl Chloride; Corrections Part and the Standard for Exposure to Vinyl Chloride; Effective Date Part, were adopted by the Industrial Commission of Utah, Archives File No. 993 on August 1, 1975, the Vehicle-Mounted Elevating Part and Rotating Work Platforms Part, Helicopters and Telecommunications Part, were adopted by the Industrial Commission of Utah, Archives File No. 939 on August 1, 1975, the Deletion of Standard Concerning Number of Lavatories for Industrial Employment Part, was adopted by the Industrial Commission of Utah, Archives File No. 1696 on October 1, 1976, and the Industrial Slings; Deletion of Requirement Prohibiting Knots and Wire Rope Clips Part was adopted by the Industrial Commission of Utah, Archives File No. 1053 on June 1, 1976, pursuant to Title 35-9-6 Utah Code Annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the ap-

proved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado, 80202; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and the Technical Data Center, Room N-3620, 200 Constitution Avenue, 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 Utah State 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 permitted public comments, and further public participation would be repetitious.

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

This decision is effective October 29, 1976.

Signed at Denver, Colorado, this 6th day of October 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-31777 Filed 10-28-76;8:45 am]

Wage and Hour Division

A. DUDA & SONS, INC., HAROLD BEAVER, SAMUEL NORWOOD, ROSA LEE HALL AND LIONEL BEAVER

Hearing To Determine Reasonable Cost or Fair Value of Facilities Furnished to Employees

Pursuant to authority in section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), Order No. 16-75 of the Secretary of Labor (40 FR 55913), Employment Standards Order No. 2-76 (41 FR 9016) and 29 CFR 531.3 through 531.5, the Administrator of the Wage and Hour Division on his own motion proposes to determine the "reasonable cost" or "fair value" of meals, cigarettes, soft drinks, wine, coffee and other facilities customarily furnished to their employees by A. Duda & Sons, Inc., Harold Beaver, Rosa Lee Hall and Lionel Beaver of Naples, Florida and Samuel Norwood of Ruskin, Florida.

Opportunity will be provided for interested persons to make oral presentation of data, views or arguments before an administrative law judge appointed under 5 U.S.C. 3105, in the Collier County Court House, Route 41, East Naples, Florida at 10 a.m. December 7, 1976.

Interested persons may, in lieu of personal appearance, submit written data, views or arguments by mail. Notice of intention to appear, or written submissions, should be filed with Mr. Hugh B. Campbell, Assistant Regional Administrator, Wage and Hour Division, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 305, Atlanta, Georgia 30309, not later than December 2, 1976.

All those making oral presentations shall be subject to cross examination by counsel for A. Duda & Sons, Inc., Harold Beaver, Samuel Norwood, Rosa Lee Hall and Lionel Beaver, counsel for the government, and by employees or their counsel. The administrative law judge shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, and require that the proceedings be stenographically reported and that transcripts be made available to persons participating on payment of fees therefor. The administrative law judge shall certify the record together with his recommended findings to the Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice, A. Duda & Sons, Inc., Harold Beaver, Samuel Norwood, Rosa Lee Hall and Lionel Beaver shall notify their employees of the place, data and purpose of the hearing hereby announced by posting and keeping posted copies of this notice in conspicuous places on their premises where they may be seen by their employees.

Signed at Washington, D.C., this 26th day of October 1976.

RONALD J. JAMES,
Administrator.

[FR Doc.76-31781 Filed 10-28-76;8:45 am]

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9), as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Big River Mfg. Co., Kittanning, PA; 8-31-76 to 8-30-77. (Boys' shirts.)

Caraway Apparel Co., Inc., Caraway, PA; 8-7-76 to 8-6-77; 10 learners. (Ladies' dresses.)

Chatham Knitting Mills, Inc., Chatham, VA; 7-22-76 to 7-21-77; 8 learners. (Men's jackets.)

Cordele Uniform Co., Cordele, GA; 9-8-76 to 9-7-77. (Men's and women's service apparel.)

Crane Mfg. Co., Crane, MO; 8-1-76 to 7-31-77. (Men's, women's, boys' and girls' jeans.)

Elder Mfg. Co., Dexter, MO; 8-21-76 to 8-20-77. (Men's and boys' slacks.)

Franklin Sportswear, Inc., Canon, GA; 9-15-76 to 9-14-77; 10 learners. (Men's and women's jeans.)

Giles Mfg. Corp., Narrows, VA; 7-24-76 to 7-23-77. (Children's shirts and creepers.)

Greenway Mfg. Co., Nemacolin, PA; 6-23-76 to 6-22-77; 10 learners. (Infants' and boys' pants.)

Juniata Garment Co., Inc., Mifflin, PA; 7-26-76 to 7-25-77. (Women's dresses.)

Lee-Mar Shirt Co., Inc., Pulaski, TN; 8-1-76 to 7-31-77. (Boys' shirts.)

Middleburg Sportswear, Inc., Middleburg, PA; 8-16-76 to 8-15-77; 10 learners. (Misses', juniors' and women's dresses.)

Middleburg Sportswear, Inc., New Berlin, PA; 8-16-76 to 8-15-77; 10 learners. (Misses', juniors', and women's dresses.)

Middleburg Sportswear, Inc., Richfield, PA; 8-16-76 to 8-15-77; 10 learners. (Misses', juniors', and women's dresses.)

Saf-T-Bak, Inc., Altoona, PA; 6-23-76 to 6-22-77. (Children's and adults' hunting clothes.)

Slidell Industries, Inc., Slidell, LA; 8-23-76 to 8-22-77. (Misses' jeans.)

Somerset Shirt & Pajama Co., Somerset, PA; 9-3-76 to 9-2-77. (Boys' nightwear.)

Soperton Mfg. Co., Soperton, GA; 9-10-76 to 9-9-77. (Men's shirts.)

Stitchcraft, Inc., Athens, GA; 6-21-76 to 6-20-77; 10 learners. (Ladies' dresses.)

Volunteer Mfg. Co., Orlinda, TN; 6-23-76 to 6-22-77. (Ladies' blouses.)

The following certificates were issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

J. D. Operating Co., Inc., Cairnbrook, PA; 8-2-76 to 2-1-77; 20 learners for plant expansion purposes. (Women's and children's sleepwear.)

Junior Form Lingerie Corp., Boswell, PA; 6-23-76 to 6-22-77; 5 percent of the total number of factory production workers for normal labor turnover purposes.

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

Borinquen Gloves, Inc., Ponce, PR; 7-22-76 to 7-21-77; 10 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of $1.63 an hour for the first 240 hours and $1.76 an hour for the remaining 240 hours. (Ladies' and children's gloves and mittens.)

Glamourettee Fashion Mills, Inc., Quebradillas, PR; 7-17-76 to 7-16-77; 11 learners for normal labor turnover purposes in the occupations of (1) Knitting, for a learning period of 480 hours at the rates of $1.80 an hour for the first 240 hours and $1.97 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.80 an hour for the first 160 hours and $1.97 an hour for the remaining 160 hours. (Sweaters and related products.)

Mesana Dyeing & Finishing, Inc., Quebradillas, PR; 7-17-76 to 7-16-77; 11 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching, for a learning period of 320 hours at the rates of $1.80 an hour for the first 160 hours and $1.97 an hour for the remaining 160 hours; and (2) Kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.80 an hour. (Sweaters and related products.)

Puritan Caribbean, Inc., Cidra, PR; 7-21-76 to 7-20-77; 18 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.80 an hour for the first 240 hours and $1.97 an hour for the remaining 240 hours. (Sweaters and shirts.)

Randy Knitting Mills, Inc., Quebradillas, PR; 6-30-76 to 6-29-77; 30 learners for normal labor turnover purposes in the occupations of (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.80 an hour for the first 240 hours and $1.97 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.80 an hour for tht first 160 hours and $1.97 an hour the remaining 240 hours. (Sweaters and related products.)

Wendy Textile Mills, Inc., Quebradillas, PR; 7-17-76 to 7-16-77; 5 learners for normal labor turnover purposes in the occupation of machine knitting for a learning period of 480 hours at the rates of $1.80 an hour for the first 240 hours and $1.97 an hour for the remaining 240 hours. (Sweaters and related products.)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 15, 1976.

Signed at Washington, D.C. this 21st day of October 1976.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.76-31776 Filed 10-28-76;8:45 am]

Office of the Secretary

[TA-W-1,151]

ALUMINUM COMPANY OF AMERICA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated September 26, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Point Comfort, Texas plan of Aluminum Company of America, Pittsburgh, Pennsylvania (TA-W-1,151). 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 alumina produced by Aluminum Company of America 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 related, 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 show below, not later than November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31729 Filed 10-28-76;8:45 am]

[TA-W-555]

AMERICAN CYANAMID CO. BOUND BROOK, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-11465 appearing at page 17023 in the FEDERAL REGISTER of April 23, 1976, the aggregate import data on benzenoid dyes compiled for the original determination were inaccurate due to an editorial error. As a result the aggregate import statistics showed an increase, rather than a decrease, for benzenoid dyes in the January through August period of 1975 compared to the like period for 1974. Therefore, the following changes should be made:

1. On page 17023, column 2, the penultimate sentence is corrected to read "The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met."

2. On page 17023 the amendatory language to column 3, paragraph 2, line 5, is corrected to read "imports decreased 35 percent. The ratios";

3. On page 17023, column 3, the word "increased" is corrected in the second paragraph, line 9, to read "decreased"; and

4. On page 17023 the amendatory language to column 3, paragraph 3, line 4, is corrected to read "through 1974 and decreased."

Signed at Washington, D.C., this 22nd day of October 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-31730 Filed 10-28-76;8:45 am]

[TA-W-1,144]

AMERICAN INTERNATIONAL SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 14, 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 Newport, New Hampshire plant of American International Shoe Corp., Portsmouth, New Hampshire (TA-W-1,144). 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 cutting and stitching of women's leather boots by American International Shoe Corp. 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 related, 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31731 Filed 10-28-76;8:45 am]

[TA-W-1,145]

AMERICAN INTERNATIONAL SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 14, 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 American International Shoe Corp., Portsmouth, New Hampshire (TA-W-1,145). 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 cutting and stiching of women's leather boots by American International Shoe Corp. 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31732 Filed 10-28-76;8:45 am]

[TA-W-1,149]

B AND C WEST, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated September 28, 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 B&C West, Incorporated, San Francisco, California (TA-W-1,149). 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 macrame plant hangers produced by B&C West, 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 related, 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 elibibility 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 November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31734 Filed 10-28-76;8:45 am]

[TA-W-1,134]

BAGATELLE HANDBAG CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 29, 1976, the Department of Labor received a petition dated September 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Pocketbook and Novelty Workers' Union on behalf of the workers and former workers of Bagatelle Handbag Company, New York, New York (TA-W-1,134). 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 ladies' leather handbags produced by Bagatelle Handbag 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 related 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 November 8, 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 November 8, 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 29th day of September 1976.

MARVIN M. FOOKS,
Director,
Office of Trade Adjustment Assistance.

[FR Doc.76-31733 Filed 10-28-76; 8:45 am]

[TD-W-1040]

BROOKFIELD ATHLETIC SHOE CO., INC., EAST BROOKFIELD, 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-1040: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 20, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing athletic footwear at Brookfield Athletic Shoe Company, Incorporated, East Brookfield, Massachusetts.

The notice of investigation was published in the Federal Register on September 10, 1976 (41 FR 38567). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brookfield Athletic Shoe Co., 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 firms 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 other criteria have been met, the first criterion has not been met

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Brookfield declined one percent in 1974 compared to 1973 and increased 28 percent in 1975 compared to 1974. In the first six months of 1976 the average number of production workers increased 48 percent compared to the same period in 1975. The average number of production workers increased compared to the same quarter of the previous year in each quarter of 1975 and in the first two quarters of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at Brookfield Athletic Shoe Company, Inc., have not become totally or partially separated as required by Section 222 of the Act. Workers and former workers at Brookfield Athletic Company, Inc., are therefore denied certification of eligibility to apply for adjustment assistance.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31735 Filed 10-28-76;8:45 am]

[TA-W-978]

CANTERBURY BELTS OF PUERTO RICO, INC. MAYAGUEZ, 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-978: 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 that date which was filed on behalf of workers and former workers producing belts and wallets at Canterbury Belts of Puerto Rico, Incorporated, Mayaguez, Puerto Rico.

The notice of investigation was published in the Federal Register on July 16, 1976 (41 FR 29507). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Canterbury Belts of Puerto Rico, 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 has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at Canterbury Belts declined 40 percent from 1973 to 1974 and then increased 142 percent from 1974 to 1975. The increase in employment in 1975 was due to the transfer of employees from an associate company, Mayaguez Leather Products, in April 1975 after its plant closed in March 1975. In the first five months of 1976 (which includes the transferred employees), average employment at Canterbury Belts increased 53 percent from the same period in 1975. In 1976, employment at Canterbury Belts declined in each month from March until the plant's closing in June. All employees of Canterbury Belts were separated by June 19, 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of leather belts, which constituted more than 80 percent of total production in 1975, declined 63 percent from 1973 to 1974 and then increased 142 percent from 1974 to 1975. The increase in production of belts in 1975 was due to a consolidation of production which took place in April 1975 after Mayaguez Leather Products closed its plant in March 1975. In the first four months of 1976 (which includes the consolidated production), production of leather belts increased 82 percent from the same period in 1975.

All sales and production at Canterbury Belts ceased in June 1975 when the plant closed.

INCREASED IMPORTS

Imports of leather belts, by value, declined absolutely in each year from 1973 through 1975 while increasing relative to domestic production in each of those years. Imports increased 94 percent by value from the first six months of 1975 to the first six months of 1976. The ratios of imports to domestic production and consumption increased from 9.5 percent and 8.9 percent, respectively, in the January-June 1975 period to 17.1 percent and 15.2 percent, respectively, in the same period of 1976.

CONTRIBUTED IMPORTANTLY

Early in 1976 a decision was made to close Canterbury Belts of Puerto Rico. At approximately the same time, Canterbury Belts' sole customer began planning to contract a new associate, located offshore, to produce goods similar to those made at Canterbury Belts. In July 1976 and August 1976, subsequent to the closure of the Mayaguez plant, Canterbury's former customer met all of its sales requirements from orders placed with the offshore manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather belts produced at Canterbury Belts of Puerto Rico, Incorporated, Mayaguez, Puerto Rico contributed importantly to the total or partial separation of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Canterbury Belts of Puerto Rico, Incorporated, Mayaguez, Puerto Rico 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 19th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc. 76-31736 Filed 10-28-76; 8:45 am]

[TA-W-968]

CARLING NATIONAL BREWERIES, INC. NATICK, MASS.

Negative Determinaiton 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-968: investigation regarding certification of eligibility to apply for 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 that date which was filed by the Brewery Workers and Soft Drink Bottlers of America on behalf of workers and former workers producing malt beverages at the Natick, Massachusetts plant of Carling National Breweries, Inc., a division of Carling O'Keefe Ltd., Ontario, Canada.

The notice of investigation was published in the Federal Register on July 16, 1976 (41 FR 29508). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Carling National, its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not meen met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers at the Natick, Massachusetts plant increased 2 percent from 1973 to 1974, declined 1 percent from 1974 to 1975, and then declined 23 percent in the first quarter of 1976 compared to the first quarter of 1975. The average number of hours worked declined 3 percent from 1973 to 1974, and then increased 6 percent from 1974 to 1975 and increased 11 percent in the first quarter of 1976 compared to the first quarter of 1975. All brewery workers and bottlers were laid off as of May 7, 1976 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales by Carling National declined 6 percent in quantity from 1973 to 1974, and declined 7 percent from 1974 to 1975. In the first six months of 1976, total sales increased 50 percent in quantity compared to the first six months of 1975. Total sales increased 7 percent in value from 1973 to 1974, and then declined 8 percent from 1974 to 1975. In the first six months of 1976, the value of total company sales increased 78 percent compared to the first six months of 1975. Company sales data in 1976 include additional sales by the two newly acquired National plants.

Sales from the Natick, Massachusetts plant increased 8 percent in quantity from 1973 to 1974, and remained the same from 1974 to 1975. In the first quarter of 1976, sales from the Natick plant declined 23 percent in quantity when compared to the first quarter of 1975. The value of sales from the Natick plant increased 20 percent from 1973 to 1974, and increased 4 percent from 1974 to 1975. The value of sales from the Natick plant declined 18 percent in the first quarter of 1976 compared to the first quarter of 1975.

Total company production of beer declined 5 percent in quantity from 1973 to 1974 and declined 11 percent from 1974 to 1975. In the first six months of 1976, total company production increased 51 percent in quantity compared to the first six months of 1975.

Production at the Natick plant increased 11 percent in quantity from 1973 to 1974, and then declined 3 percent in quantity from 1974 to 1975. Production declined 30 percent in quantity in the first four months of 1976 compared to the same period in 1975. The decision to close the plant was made in February, 1976. All production ceased as of May 7, 1976, when the plant was closed.

INCREASED IMPORTS

Imports of malt beverages increased absolutely and relatively in each year from 1971 through 1975. The ratios of imports to domestic production and consumption increased from .886 percent and .886 percent, respectively, in 1974 to 1.045 percent and 1.045 percent, respectively, in 1975. The ratios of imports to domestic production and consumption increased from .974 percent and .964 percent, respectively, in the first half of 1975 to 1.313 percent and 1.297 percent, respectively, in the first half of 1976.

While imports have increased from 1971 through mid-1976, the ratio of imports to domestic production has remained below 1.4 percent throughout the period.

CONTRIBUTED IMPORTANTLY

The evidence developed by the Department's investigation revealed that most of Carling's beer distributors purchase imported beer as a small percentage of their total volume of business. None of the distributors shifted from Carling's beer to imported beer. Carling's beer selection consists of low-priced, regional brands. The higher priced imported brands are not substitutable in the market for Carling's products. Carling's market has been invaded by other domestic brands. All of the distributors who decreased purchases from Carling-National in the past three years have shifted to other domestic beers because of changes in consumer demand from Carling beer to other domestic labels in the same price range.

The Natick, Massachusetts plant was closed by the new management team acquired by Carling with the acquisition of National. The newly consolidated company launched a reorganization program to eliminate waste, cut costs and increase profits. The Natick plant and the two Baltimore plants were all underutilized. Of the three, the Natick plant utilized the older and more costly labor-intensive brewing techniques. Secondly, the Natick plant brewed the lower-priced brands of beer, while the company planned to shift marketing emphasis toward the more profitable premium brands produced at the Baltimore plants. These factors combined, contributed to the management's decision to close the Natick plant, pur-

suant to fulfilling the company's goals to minimize costs, maximize profits, and strengthen Carling-National's position 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 malt beverages produced at the Natick, Massachusetts plant of Carling National Breweries, Inc. did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31738 Filed 10-28-76;8:45 am]

[TA-W-1,136]

CENTRAL FOUNDRY

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 23, 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 Tonawanda, New York plant of Central Foundry, Holt, Alabama (TA-W-1, 136). 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 soil pipe and plumbing for homes and apartments produced by Central Foundry 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 show below, not later than November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31737 Filed 10-28-76;8:45 am]

[TA-W-1,137]

CONVERSE RUBBER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 22, 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 Converse Rubber Company, Malden, Massachusetts, a division of Eltra Corporation, New York, New York, (TA-W-1,137). 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 rubber canvas footwear produced by Converse Rubber 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 related, 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director,
Office of Trade Adjustment Assistance.

[FR Doc.76-31739 Filed 10-28-76;8:45 am]

[TA-W-1,154]

DANA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 12, 1976 the Department of Labor received a petition dated October 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Reading, Pennsylvania plant, Parish Division of Dana Corporation, Toledo, Ohio (TA-W-1,154). 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 automobile and small truck frames, heat treated truck side rails for large trucks produced by Dana 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 related, 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 November 8, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than November 8, 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 12th day of October 1976.

MARVIN M. FOOKS,
Director,
Office of Trade Adjustment Assistance.

[FR Doc.76-31740 Filed 10-28-76;8:45 am]

[TA-W-1,135]

DIEBOLD, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 22, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers on behalf of the workers and former workers of Diebold, Incorporated, Canton, Ohio (TA-W-1,135). 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 vault doors, and safety deposit boxes produced by Diebold, 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 related, 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-31741 Filed 10-28-76;8:45 am]

[TA-W-1,159]

E AND W OF DOVER, INCORPORATED

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976, the Department of Labor received a petition dated October 6, 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 Dover, Tenn. plant of E & W of Dover, Inc., Nashville, Tenn., a wholly-owned subsidiary of First National Co., Nashville, Tenn. (TA-W-1,159).

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' work pants produced by E & W Dover, 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 related, 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-31742 Filed 10-28-76;8:45 am]

[TA-W-1,161]

EXXON CO., U.S.A.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976 the Department of Labor received a petition dated October 4, 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 Paulsboro, N.J. plant of Exxon Co., U.S.A., Houston, Texas, a division of Exxon Corporation, New York, New York (TA-W-1,161). 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 distribution of refined petroleum products provided by Exxon Company, U.S.A. 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31743 Filed 10-28-76;8:45 am]

[TA-W-1,162]

EXXON COMPANY, U.S.A.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976, the Department of Labor received a petition dated October 4, 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 Linden, N.J., plant of Exxon Co., U.S.A., Houston, Texas, a division of Exxon Corporation, New York, New York (TA-W-1,162). 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 distribution of refined petroleum products provided by Exxon Company, U.S.A. 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31744 Filed 10-28-76;8:45 am]

[TA-W-1163]

EXXON COMPANY, U.S.A.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976, the Department of Labor received a petition dated October 4, 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 Hackensack, N.J. pant of Exxon Co., U.S.A., Houston, Texas, a division of Exxon Corporation, New York, New York (TA-W-1163). 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 distribution of refined petroleum products provided by Exxon Company, U.S.A. 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31745 Filed 10-28-76;8:45 am]

[TA-W-1,146]

FAMOUS MAID BRASSIERE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976, the Department of Labor received a petition dated September 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 Famous Maid Brassiere Corporation, Brooklyn, New York (TA-W-1,146). 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 brassieres produced by Famous Maid Brassiere 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 related, 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 November 8, 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 November 8, 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 October 7, 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31746 Filed 10-28-76;8:45 am]

[TA-W-895]

FLORSHEIM SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-895: 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 that date which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Chaffee, Missouri plant of the Florsheim Shoe Company.

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 Florsheim Shoe 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 such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Chaffee, Missouri plant of Florsheim Shoe Company increased 23.6 percent from 1974 to 1975. Layoffs at the Chaffee plant began in July 1976 when the plant was converted from women's shoe production to men's shoe production. Employment declined 39.3 percent from June 1976 to July 1976 and declined 43.6 percent from July 1976 to August 1976. In July and August 1976, employment declined 45.0 percent and 47.7 percent, respectively, compared to July and August 1975.

Employment of salaried workers at the Chaffee plant declined 5.6 percent from 1974 to 1975 and then increased 25.0 percent in the first eight months of 1976 when compared to the first eight months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of women's shoes produced at all Florsheim Shoe Company plants declined 34.4 percent from 1974 to 1975. Sales then declined 42.5 percent from the first quarter of 1976 to the second quarter of 1976.

Production of women's shoes at the Chaffee, Missouri plant declined 21.5 percent from 1974 to 1975. Production of women's shoes increased in the first seven months of 1976 when compared to the like period in 1975. This increase resulted from the closures of three Florsheim women's shoe plants in 1975 and temporary production consolidation at the Chaffee plant. Production at the Chaffee plant declined 29.2 percent from the first quarter of 1976 to the second quarter of 1976. In July 1976, women's shoe production was discontinued at Chaffee. The plant is being converted to men's shoe production. Retooling the plant is expected to continue until November 1976.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased absolutely and relatively in each year from 1971 to 1973, declined absolutely and relatively from 1973 to 1974 and then increased absolutely from 1974 to 1975. Imports increased 18.5 percent in first half of 1976 when compared the first half of 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the course of the Department's investigation revealed that Florsheim Shoe Company's sales of women's shoes were adversely affected by imports of women's shoes. Customers reduced purchases of women's shoes from Florsheim Shoe Company and increased purchases of lower-priced imported women's shoes. As a result, production at the Chaffee plant was changed from women's shoes to men's shoes in July 1976, and the resulting layoffs occurred.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Chaffee, Missouri plant of Florsheim Shoe Company contributed importantly to the total or partial separation of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of women's shoes at the Chaffee, Missouri plant of Florsheim Shoe Company, Chicago, Illinois who became totally or partially separated from employment on or after June 1, 1976 and before November 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after November 1, 1976 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31747 Filed 10-28-76;8:45 am]

[TA-W-961]

INTERSTATE MANUFACTURING CORP.

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-961: 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 29, 1976 in response to a worker petition received on June 29, 1976 which was filed on behalf of workers and former workers producing custom molded plastic parts for automobiles at the Morrilton, Arkansas plant of Interstate Manufacturing Corporation.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976, (41 FR 29514). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Interstate Manufacturing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Morrilton, Arkansas plant of the Interstate Manufacturing Corporation declined 4.8 percent in 1975 compared to 1974. Employment increased 23.6 percent during the first five months of 1976 compared to the corresponding time period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in dollar value at the Morrilton, Arkansas plant of the Interstate Manufacturing Corporation declined 6.8 percent in 1975 compared to 1974. Sales in dollar value increased 44.7 percent during the period January through June 1976 compared to the corresponding time period in 1975.

INCREASED IMPORTS

Imports of custom molded plastic parts for automobiles increased absolutely and relatively in 1972 compared to 1971, in 1973 compared to 1972, and in 1974 compared to 1973. Imports declined absolutely and relatively in 1975 compared to 1974. The ratios of imports to domestic production and consumption declined to 2.2 percent and 2.2 percent, respectively, in 1975 compared to 4.1 percent and 3.9 percent, respectively, in 1974. Imports declined absolutely and relatively in the first quarter of 1976 compared to the first quarter of 1975. The ratios of imports to domestic production and consumption declined to 1.4 percent and 1.4 percent, respectively, in the first quarter of 1976, compared to 3.3 percent and 3.2 percent respectively, in the first quarter of 1975.

CONTRIBUTED IMPORTANTLY

Customers indicated that they had not switched their purchases of custom molded plastic parts for automobiles from Interstate to foreign sources. Customers cited adverse domestic business conditions in the automobile industry as the major reason for their decreased purchases in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the custom molded plastic parts for automobiles produced by the Morrilton, Arkansas plant of the Interstate Manufacturing Corporation did not contribute importantly to the total or partial separations of the workers of such firm or subdivision.

Signed at Washington, D.C., this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31748 Filed 10-28-76;8:45 am]

[TA-W-960]

INTERSTATE MANUFACTURING CORP.

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 present the results of TA-W-960: 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 29, 1976 in response to a worker petition received on June 29, 1976 which was filed on behalf of workers and former workers producing custom molded plastic parts for automobiles at the Romeo, Michigan plant of the Interstate Manufacturing Corporation.

The notice of investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29514). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Interstate Manufacturing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Romeo, Michigan plant of the Interstate Manufacturing Corporation declined 21.5 percent in 1975 compared to 1974. Employment increased 37.4 percent in the first five months of 1976 compared to the corresponding time period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in dollar value at the Romeo, Michigan plant of the Interstate Manufacturing Corporation declined 6.8 percent in 1975 compared to 1974. Sales in dollar value increased 44.7 percent in the first six months of 1976 compared to the corresponding time period in 1975.

INCREASED IMPORTS

Imports of custom molded plastic parts for automobiles increased absolutely and relatively in 1972 compared to 1971, in 1973 compared to 1972, and in 1974 compared to 1973. Imports declined absolutely and relatively in 1975 compared to 1974. From 1974 to 1975 the ratio of imports to domestic production declined from 4.1 percent to 2.2 percent, and the ratio of imports to domestic consumption decreased from 3.9 percent to 2.2 percent. Imports declined absolutely and relatively in the first quarter of 1976 compared to the first quarter of 1975. From the first quarter of 1975 to the first quarter of 1976, the ratio of imports to domestic production declined from 3.3 percent to 1.4 percent, and the ratio of imports to domestic consumption decreased from 3.2 percent to 1.4 percent.

CONTRIBUTED IMPORTANTLY

Customers indicated that they had not switched their purchases of custom molded plastic parts from Interstate to foreign sources. Customers cited adverse domestic business conditions in the automobile industry as the major reason for their decreased purchases in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the custom molded plastic parts for automobiles produced at the Romeo, Michigan plant of the Interstate Manufacturing Corporation did not contribute importantly to the total or partial separations of workers of such firm or subdivision.

Signed at Washington, D.C., this 18th day of October 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-31749 Filed 10-28-76;8:45 am]

[TA-W-1003]

J. H. BONCK COMPANY, INC.

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-1003: 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 29, 1976 in response to a worker petition received on July 29, 1976 which was filed by three workers at the New Orleans, Louisiana plant of J. H. Bonck Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on August 13, 1976 (41 FR 34393). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J. H. Bonck Company, Incorporated, 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 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 by workers at the New Orleans, Louisiana plant of J. H. Bonck Company, Incorporated.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the New Orleans, Louisiana plant of J. H. Bonck Company, Incorporated decreased 9.2 percent in 1975 compared to 1974. The first nine periods of 1976 registered an increase of 13.0 percent in employment of production workers compared to the first nine periods of 1975.

Employment of salaried workers at the New Orleans, Louisiana plant decreased 25.0 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by J. H. Bonck Company, Incorporated of men's and boys' woven shirts, as well as girls' and boys' parochial school blouses and shirts decreased 9.5 percent in quantity and 0.4 percent in value in 1975 compared to 1974 and increased 1.1 percent in quantity and 15.6 percent in value for the first nine periods of 1976 compared to the first nine periods of 1975.

Production of men's and boys' woven shirts and girls' and boys' parochial school shirts and blouses decreased 38.2 percent in quantity in 1975 compared to 1974 and increased 126.7 percent in quantity in the first nine periods of 1976 compared to the first nine periods of 1975.

INCREASED IMPORTS

Imports of men's and boys' woven dress, business, sport and uniform shirts increased from 85.0 million units in 1974 to 91.8 million units in 1975. The import to production and import to consumption ratios of men's and boys' woven dress, business, sport and uniform shirts increased from 32.5 percent and 25.4 percent, respectively, in 1974 to 35.5 percent and 27.2 percent, in 1975.

Imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased from 54.9 million units in 1974 to 66.2 million units in 1975. Import to production and import to consumption ratios of men's and boys' knit sport and dress shirts, excluding T-shirts, increased from 17.8 percent and 15.1 percent, respectively, in 1974 to 20.9 percent and 17.3 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Most customers of J. H. Bonck Company had either directly increased their purchases of imported men's and boys' woven and knit shirts or had increased purchases from other domestic manufacturers who in turn had increased their purchases of imported men's and boys' woven and knit shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the men's and boys' woven dress, sport and uniform shirts manufactured at the New Orleans, Louisiana plant of J. H. Bonck Company, Incorporated, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the New Orleans, Louisiana plant of J. H. Bonck Company, Incorporated who became totally or partially separated from employment on or after July 22, 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 workers who became separated on or after January 1, 1976 are denied adjustment assistance.

Signed at Washington, D.C., this 15th day of October 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-31750 Filed 10-28-76;8:45 am]

[TA-W-1,065]

LAKE MANUFACTURING COMPANY, INC.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of former workers of Lake Manufacturing Company, Inc., Easton, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on September 24, 1976 (41 FR 41980). No public hearing was requested and none was held.

During the course of the investigation, it was established that all separations of workers related to production at Lake Manufacturing Company occurred prior to the end of January 1975. Section 223 (b)(1) of the Trade Act of 1974 states that a certification under that section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the date of filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is August 10, 1976 and, thus, workers terminated prior to August 10, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31751 Filed 10-28-76;8:45 am]

[TA-W-1,141]

MALLARD SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 24, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers on behalf of the workers and former workers of Mallard Sportswear, Inc., Glendale, New York (TA-W-1,141). 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 sports shirts produced by Mallard Sportswear, 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 November 8, 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 November 8, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, at the address shown below, not Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31752 Filed 10-28-76;8:45 am]

[TA-W-1,150]

NATIONAL TEA CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated October 2, 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 National Tea Company, Rosemont, Illinois (TA-W-1,150). 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 durable goods and foodstuffs provided by National Tea 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 November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31753 Filed 10-28-76;8:45 am]

[TA-W-963]

NOVELTY SLIPPER CO.

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-936: investigation regarding certification of eligibility to apply for 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 by the Boot and Shoe Workers Union on behalf of workers and former workers producing women's nonrubber footwear at the Novelty Slipper Company, Port Jervis, New York, a subsidiary of Frank H. Guider, Inc., New York.

The notice of investigation was 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 the Novelty Slipper Company, its customers, the Boot and Shoe Workers Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three (3) criteria have been met, criterion four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Company employment declined 12.7 percent in 1975 compared to 1974 and declined 29.2 percent in the first half of 1976 compared to the like 1975 period.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales increased 14.8 percent in value and declined 8.4 percent in quantity in 1975 compared to 1974 and increased 2.3 percent in value and declined 8.6 percent in quantity in the first half of 1976 compared to the like 1975 period.

Plant production declined 20.2 percent and 36.3 percent in value and quantity, respectively, in 1975 compared to 1974 and increased 12.0 percent in value and remained unchanged in quantity in the first half of 1976 compared to the like 1975 period.

INCREASED IMPORTS

Imports of women's nonrubber footwear, except athletic, increased from 179.8 million pairs in 1974 to 183.5 million pairs in 1975 and increased from 53.3 million pairs in the first quarter of 1975 to 62.2 million pairs for the like 1976 period.

CONTRIBUTED IMPORTANTLY

Customers who represented approximately 80 percent of the company's total sales in value in 1975 stated that they have increased purchases from the Novelty Slipper Company in 1975 as compared to 1974 and increased purchases in the first half of 1976 compared to the like 1975 period. Customers did not increase their purchases of imported women's nonrubber footwear in the above periods.

The company lost a major customer in 1975, which had accounted for approximately 25 percent of the company's total sales in value in 1974, due to the bankruptcy of that customer in 1975. Novelty had previously maintained a large inventory for this customer. The greater declines in production and employment as compared to sales are attributable to the liquidation of company inventory. Inventories declined 57.5 percent and 39.6 percent in quantity and value, respectively, in 1975 compared to 1974 and declined 60.5 percent and 54.9 percent in quantity and value, respectively, in the first half of 1976 compared to the like 1975 period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of women's nonrubber footwear have not contributed importantly to the total or partial separations of workers at the Port Jervis, New York production facility of the Novelty Slipper Company as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31754 Filed 10-28-76;8:45 am]

[TA-W-1017]

OAK INDUSTRIES, INC.

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-1017: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 11, 1976 in response to a worker petition received on that date which was filed on behalf of workers formerly producing CATV converters, and workers inspecting, repairing, and producing TV tuners and tuner components at the Elkhorn, Wisconsin plant of Oak Industries, Inc., Crystal Lake, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on August 24, 1976 (41 FR 35777). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Oak Industries, 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 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 (1) for workers producing CATV converters all of the above criteria have been met, and (2) for workers inspecting, repairing, and producing TV tuners, criteria (1) and (2) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of workers producing CATV units increased 13 percent from 1974 to 1975 and then decreased 12 percent in the first half of 1976 compared to the first half of 1975.

Employment of workers inspecting, repairing, and producing TV tuners increased 33 percent in 1975 compared to 1974 and 40 percent in the first half of 1976 compared to the first half of 1975.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Production and sales of CATV converters at the Elkhorn plant decreased 4 percent in quantity and 1 percent in value in 1975 compared to 1974, and 1 percent in quantity and 11 percent in value in the first half of 1976 compared to the first half of 1975. Production and sales of TV tuners and components increased 175 percent in the first half of 1976 compared to the first half of 1975.

INCREASED IMPORTS

Information on imports of CATV converters is not available prior to 1973. Imports of CATV converters increased absolutely in 1974 compared to 1973. Imports increased 75 percent in 1975 compared to 1974 and 25 percent in the first half of 1976 compared to the first half of 1975.

Imports of TV tuners increased absolutely in 1972 and 1973 and decreased in 1974 and 1975 compared with the previous year. Relative to domestic production, imports increased in 1972, decreased in 1973, increased in 1974, and decreased in 1975. In the first half of 1976, imports increased 76 percent absolutely compared to the first half of 1975, and they increased relatively to 715.9 percent of domestic production from 213.8 percent in the first half of 1975.

CONTRIBUTED IMPORTANTLY

Customers of Oak Industries indicated that they have decreased purchases of CATV converters from Oak and increased purchases of imported CATV converters.

The main function of the division working with tuners at Elkhorn is not the production of tuners, but is the inspection and repair of tuners produced at the company's plant in Taiwan, and the repair of tuners returned to Oak by customers. Tuners are produced only in the case of an emergency rush order by customers when there is not enough time to have the tuners produced and shipped from Taiwan.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with CATV converters produced at the Elkhorn, Wisconsin plant of Oak Industries, Inc., contributed importantly to the total or partial separations of the workers of that subdivision of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of CATV converters at the Elkhorn, Wisconsin plant of Oak Industries, Inc., who became totally or partially separated from employment on or after January 1, 1976 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 TV tuners produced at the Elkhorn, Wisconsin plant of Oak Industries, Inc., did not contribute importantly to the total or partial separations of the workers of that subdivision of the plant. Therefore, workers engaged in employment related to the inspection, repair, and production of TV tuners at the Elkhorn, Wisconsin plant of Oak Industries, Inc., are not eligible to apply for trade adjustment assistance.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31755 Filed 10-28-76;8:45 am]

[TA-W-1,143]

PROGRESSIVE SEA PRODUCTS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976, the Department of Labor received a petition dated September 16, 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 Progressive Sea Products, Inc., Brownsville, Texas, a wholly-owned subsidiary of Progressive Company, Brownsville, Texas (TA-W-1,143). 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 sea food caught by Progressive Sea Products, 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 related, 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31756 Filed 10-28-76;8:45 am]

[TA-W-1,155]

RAWLINGS SPORTING GOODS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976, the Department of Labor received a petition dated September 30, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America on behalf of the workers and former workers of Rawlings Sporting Goods Company, St. Louis, Missouri, a division of ATO, Incorporated, Willoughby, Ohio (TA-W-1,155). 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 storage of sporting goods provided by Rawlings Sporting Goods 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 related, as appropriate, to the determination of the date on which total or partial separtions 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 November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31757 Filed 10-28-76;8:45 am]

[TA-W-1138]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976, the Department of Labor received a petition dated September 21, 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 Woodbridge, New Jersey plant of RCA Corporation, New York, New York (TA-W-1138). 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 electronic receiving tubes produced by RCA 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 approrpiate, 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 Asisstance, at the address shown below, not later than November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31758 Filed 10-28-76;8:45 am]

[TA-W-1,153]

REYNOLDS METALS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated September 26, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Gregory, Texas plant of Reynolds Metals Company, Richmond, Virginia (TA-W-1,153). 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 produced by Reynolds Metals 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 related, 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 November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31759 Filed 10-28-76;8:45 am]

[TA-W-1,152]

ROBIN FOOTWEAR CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated September 29, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers' Union on behalf of the workers and former workers of Robin Footwear Corp., Mt. Union, Pennsylvania (TA-W-1,152). 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 ladies' dress and casual shoes produced by Robin Footwear Corp. 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 related, 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 show below, not later than November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31760 Filed 10-28-76;8:45 am]

[TA-W-1,164]

ROCKWELL INTERNATIONAL

Investigation Regarding Certification of Eligibility To Apply for Worke Adjustment Assistance

On October 13, 1976 the Department of Labor received a petition dated September 29, 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 Reading, Pennsylvania plant of Rockwell International, Pittsburgh, Pennsylvania (TA-W-1,164). 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 machinery produced by Rockwell International 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31761 Filed 10-28-76;8:45 am]

[TA-W-1,147]

SEBASTIANA C., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated October 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 Sebastiana C., Incorporated, Gloucester, Massachusetts (TA-W-1,147). 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 shrimp caught by Sebastiana C., 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 related, 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 November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31762 Filed 10-28-76;8:45 am]

[TA-W-1,165]

SPORTSWEAR MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976 the Department of Labor received a petition dated September 29, 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 Sportswear Manufacturing Co., Inc., Brooklyn, New York, a division of Robert Hall Clothes, N.Y., N.Y. (TA-W-1,165). 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' tailored clothing produced by Sportswear Manufacturing 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 related, 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31763 Filed 10-28-76;8:45 am]

[TA-W-1,160]

STONEART, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976 the Department Of Labor received a petition dated October 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 StoneArt, Incorporated, Racine, Wisconsin (TA-W-1,160). 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 pots, statues, candleholders and lamp bases produced by StoneArt, 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 related, 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31764 Filed 10-28-76;8:45 am]

[TA-W-1,158]

SWEETREE MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 12, 1976, the Department of Labor received a petition dated September 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 Cherryville, N.C., plant, Central Industries of Sweetree Mills, Inc., Cherryville, N.C. (TA-W-1,158). 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 ladies' knitted synthetic sweaters & sportswear produced by Sweetree Mills, 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 related, 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 November 8, 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 November 8, 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 12th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31765 Filed 10-28-76;8:45 am]

[TA-W-1,157]

SWEETREE MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 12, 1976, the Department of Labor received a petition dated September 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 Sweetree Mills, Inc., Cherryville, North Carolina (TA-W-1,157). 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 ladies' knitted synthetic sweaters and sportswear produced by 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 related, 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 November 8, 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 November 8, 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 12th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31766 Filed 10-28-76;8:45 am]

SWEETREE MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 12, 1976, the Department of Labor received a petition dated September 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 Kings Mountain, North Carolina plant, Mr. Sweet Div. of Sweetree Mills, Inc., Cherryville, N.C. (TA-W-1,156). 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 ladies' knitted synthetic sweaters and sportswear produced by Sweetree Mills, 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 related, 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 show below, not later than November 8, 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 November 8, 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 12th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31767 Filed 10-28-76;8:45 am]

[TA-W-1, 166]

TELEDYNE-MCKAY

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 13, 1976 the Department of Labor received a petition dated September 13, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Teledyne-McKay, York, Pa., a division of Teledyne Industries, Inc., Los Angeles, California (TA-W-1, 166). 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 stainless steel wire electrodes & mild steel electrodes produced by Teledyne-McKay 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 related, 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.

Pursunt 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 November 8, 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 November 8, 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 13th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31768 Filed 10-28-76;8:45 am]

[TA-W-1,148]

TRUE TEMPER CORP.

Investigation Regarding Certification of Eligibilty To Apply for Worker Adjustment Assistance

On October 7, 1976 the Department of Labor received a petition dated September 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 True Temper Corporation, Tackle Division, Anderson, South Carolina, a subsidiary of Allegheny Ludlum Industries, Pittsburgh, Pennsylvania (TA-W-1,148). 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 absoute or relative increases of imports of articles like or directly competitive with fishing rods and reels produced by True Temper Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such 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 show below, not later than November 8, 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 November 8, 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 7th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31769 Filed 10-28-76;8:45 am]

[TA-W-918]

U-BRAND CORP.

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-918: 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 on behalf of workers and former workers producing malleable iron pipe fittings at the Ashland, Ohio plant of U-Brand Corporation. The investigation was expanded to include the Shelby, Ohio warehouse.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24798). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U-Brand Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 department's investigation revealed that all four criteria have been met for the Machine Division of the Ashland, Ohio plant and the Shelby, Ohio warehouse but that criterion number (1) has not been met for the Foundry Division of the Ashland, Ohio plant.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Foundry Division of the Ashland plant decreased by 8.4 percent from 1974 to 1975. The average number of production workers increased 4.7 percent in the first five months of 1976 compared to the first five months of 1975. There have been no involuntary separations from June 1975 to the beginning of the strike at the Foundry on June 5, 1976.

The average number of production workers at the Machine Division which includes the Shelby, Ohio warehouse declined by 15.7 percent from 1974 to 1975. In the first five months of 1976, the average number of production workers remained stable compared to the first five months of 1975. Approximately 20 percent of the workers in the Machine Division and warehouse were separated in May 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of malleable iron pipe fittings declined 16.7 percent in 1975 compared to 1947. Sales declined by 15.7 percent and 7.2 percent in the first quarter of 1975 and 1976, respectively, compared to the first quarter of 1974.

Production at the Machine Division declined 15.3 percent from 1974 to 1975 and declined by 24.9 percent and 5.2 percent in the first quarter of 1975 and 1976, respectively, compared to the first quarter of 1974.

INCREASED IMPORTS

Imports of malleable iron pipe fittings increased absolutely and relatively from 1971 to 1972 and then declined absolutely and relatively in each year from 1972 to 1974.

Imports then increased absolutely and relatively from 1974 to 1975 and in the first quarter of 1976 compared to the first quarter of 1975. The ratios of imports to domestic production and consumption increased from 12.1 percent and 11.6 percent, respectively in 1974 to 18.1 percent and 16.1 percent, respectively in 1975 and further increased to 19.1 percent and 16.9 percent, respectively in the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers of the U-Brand Corporation have decreased purchases of domestically produced malleable iron pipe fittings and have increased purchases of imports. Most customers cited lower prices as the major reason for increased purchases of imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with malleable iron pipe fit-

tings produced by the Machine Division of the Ashland, Ohio plant and Shelby, Ohio warehouse of the U-Brand Corporation contributed importantly to the total or partial separation of such workers. In accordance with the provisions of the Act, I make the following certification:

All workers at the Machine Division of the Ashland, Ohio plant and the Shelby, Ohio warehouse of the U-Brand Corporation who became totally or partially separated from employment on or after May 24, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that there were no involuntary separations, total or partial, of workers at the Foundry Division of the Ashland, Ohio plant in the period beginning one year prior to the date of the petition (May 24, 1976) through June 5, 1976, when a strike began at the Division. Therefore, employees of the Foundry Division of the Ashland, Ohio plant are not eligible to apply for adjustment assistance.

Signed at Washington, D.C., this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31770 Filed 10-28-76;8:45 am]

[TA-W-1018]

UNIVERSAL COMMUNICATION SYSTEMS, INC.

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-1018: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 11, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers of Universal Communication Systems, Inc., Roanoke, Virginia, a subsidiary of American Motor Inns, Inc.

The notice of investigation was published in the FEDERAL REGISTER on August 24, 1976 (41 FR 35778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal Communication Systems, 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 the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATION:

Total employment at Universal Communication Systems declined 13 percent in 1975 compared to 1974 and one percent in the first six months of 1976 compared to the first six months of 1975. All installers were separated by the firm in early 1976. Employment of assembly workers declined 59 percent in July 1976 compared to July 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Prior to July 1976, production at Universal Communication Systems consisted of assembling equipment purchased from outside sources. No manufacturing operations have ever been performed by Universal Communication.

Assembly operations by Universal Communication increased seven percent in value in 1975 compared to 1974 and declined 59 percent in the first nine months of 1976 compared to the same period in 1975. All assembly operations by Universal Communication are expected to be terminated by the end of 1976.

INCREASED IMPORTS

Imports of telephone equipment, after increasing from 35.5 million dollars in 1971 to 71.1 million dollars in 1974, declined to 36.2 million dollars in 1975. Imports continued to decline absolutely in the first half of 1976 compared to the first half of 1975. The ratio of imports to domestic production declined from 11.0 percent in 1974 to 5.9 percent in 1975 and from 6.3 percent in the first half of 1975 to 5.6 percent in the first half of 1976.

CONTRIBUTED IMPORTANTLY

The separation of workers from Universal Communication Systems in 1976 resulted from decisions by the firm to contract for the installation of its equipment rather than employ installers, and to purchase telephone equipment fully assembled rather than perform assembly operations. All assembly operations previously performed by Universal Communication are now being performed by another firm within the United States.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with telephone equipment assembled by Universal Communication Systems, Inc., did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C., this 18th day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31771 Filed 10-28-76;8:45 am]

[TA-W-1139]

VESVVIUS CRUCIBLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 5, 1976 the Department of Labor received a petition dated September 23, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Swissvale, Pennsylvania plant of Vesvvius Crucible Company, Pittsburgh, Pa. (TA-W-1139). 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 stopper heads produced by Vesvvius Crucible 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 related, 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 November 8, 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 November 8, 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 5th day of October 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-31772 Filed 10-28-76;8:45 am]

[TA-W-1,012]

WILLIAMS MANUFACTURING CO. AND LYCOMING SHOE CO.

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-1012: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 6, 1976 in response to a worker petition received on August 6, 1976 which was filed by the Boot and Shoe Workers (AFL-CIO) on behalf of workers and former workers producing women's shoes at the Portsmouth, Ohio plant of The Williams Manufacturing Company and women's and children's shoes at the West Liberty, Kentucky plant of Lycoming Shoe Company, a wholly owned subsidiary of The Williams Manufacturing Company. The investigation was expanded to include workers and former workers manufacturing women's shoes at the Stanton, Kentucky plant of Lycoming Shoe Company. Workers and former workers at the above plants except those employed in Williams' import division who become totally or partially separated on or before November 1, 1976 are covered under an existing certification issued November 1, 1974 (TEA-W-241).

The notice of investigation was published in the FEDERAL REGISTER (41 FR 34845) on August 17, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Williams Manufacturing 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 has revealed that with respect to the West Liberty and Stanton, Kentucky plants of Lycoming Shoe Company all four criteria have been met. All four criteria have been met for workers at the Portsmouth, Ohio plant of The Williams Manufacturing Company except those employed in the import division.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly employees at the Portsmouth, Ohio plant decreased 23 percent in 1975 compared to 1974 and declined one percent in the first 28 weeks of 1976 compared to the same period in 1975. Average weekly hours declined five percent in 1975 compared to 1974 and one percent in the first 28 weeks of 1976 compared to the like period in 1975.

The average number of hourly workers at the West Liberty plant declined 11 percent in 1975 compared to 1974 and decreased five percent in the first 28 weeks of 1976 compared to the same period in 1975. Average weekly hours per worker increased six percent in 1975 compared to 1974 and declined four percent in the first 28 weeks of 1976 compared to the same period in 1975.

The average number of hourly workers at the Stanton, Kentucky plant declined 48 percent in 1975 compared to 1974 and increased 66 percent in the first 28 weeks of 1976 compared to the same period in 1975. Average weekly hours per worker was unchanged in 1975 compared to 1974 and increased 17 percent in the first 28 weeks of 1976 compared to the same period in 1975.

On October 6, 1976 company officials reported to the Department that employees would be separated at all three plants after November 1, 1976. All employees at the Portsmouth, Ohio plant of The Williams Manufacturing Company except those in the company's import division are engaged in employment related to the production of women's nonrubber footwear. The Department's investigation revealed that workers in the company's import division are engaged in processing the documents essential to importation of footwear and are not engaged in the production of an article within the meaning of Section 222 of the Act.

All employees of the West Liberty, Kentucky plant of Lycoming Shoe Company are engaged in employment related to the production of women's and children's non-rubber footwear. All employees at the Stanton, Kentucky plant of Lycoming Shoe Company are engaged in employment related to the production of women's non-rubber footwear.

SALES OR PRODUCTION OR BOTH HAVE DECREASED ABSOLUTELY

Production at the Portsmouth, Ohio plant declined 20 percent in 1975 compared to 1974 and declined two percent in the first 28 weeks of 1976 compared to the same period in 1975.

Production at the West Liberty, Kentucky plant declined 12 percent in 1975 compared to 1974 and declined eight percent in the first 28 weeks of 1976 compared to the same period in 1975.

Production at the Stanton, Kentucky plant declined 46 percent in 1975 compared to 1974 and increased 34 percent during the first 28 weeks of 1976 compared to the same period in 1975.

On October 6, 1976 company officials reported to the Department that production at all three plants would terminate in 1976 or 1977.

INCREASED IMPORTS

Shoes of the type manufactured by Williams and Lycoming are included in the import catagories "Women's Nonrubber Footwear, except Athletic" and "Children's Nonrubber Footwear, except Athletic". U.S. imports of Women's Nonrubber Footwear, except Athletic, increased from 174.6 million pairs in 1971 to 192.9 million pairs in 1972 and 206.2 million pairs in 1973. In 1974 imports declined to 179.8 million pairs before increasing to 183.5 million pairs in 1975. In the first six months of 1976, imports increased to 102.3 million pairs compared to the 86.3 million pairs imported during the same period in 1975.

U.S. imports of Children's Nonrubber Footwear except Athletic, increased from 12.5 million pairs in 1971 to 17.0 million pairs in 1972 before declining to 14.0 million pairs in 1973, to 12.2 million pairs in 1974 and further declining to 11.1 million pairs in 1975. In the first half of 1976, imports increased to 8.8 million pairs compared to 6.1 million pairs in the first six months of 1975. The ratio of imports to domestic production increased from 49.2 percent in 1971 to 61.6 percent in 1972. In 1973 the ratio of imports to domestic production decreased to 58.8 percent before increasing to 59.2 percent in 1974 and 64.5 percent in 1975. In the first six months of 1976 the ratio of imports to domestic production was 75.2 percent compared to 73.5 percent in the first six months of 1975.

CONTRIBUTED IMPORTANTLY

Sales of imported shoes increased from 48 percent of Williams' total shoe sales in 1973 to 51 percent in 1974 and 60 percent in 1975. In the first 28 weeks of 1976, imported shoes accounted for 55 percent of Williams' shoe sales compared to 57 percent in the same period one year earlier.

Customers of Williams reported that they reduced their purchases of domes-

tically made women's and children's shoes from Williams and increased the proportion of imported shoes among their total purchases of women's and children's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's shoes produced at the Portsmouth, Ohio plant of The Williams Manufacturing Company and the West Liberty, Kentucky and Stanton, Kentucky plants of Lycoming Shoe Company contributed importantly to the total or partial separations of the workers at those plants. In accordance with the provisions of the Act, I make the following certifications:

All workers at the Portsmouth, Ohio plant of the Williams Manufacturing Company, engaged in employment related to the production of women's and children's non-rubber footwear who became totally or partially separated from employment on or after November 2, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the West Liberty, Kentucky plant of Lycoming Shoe Company who became totally or partially separated from employment on or after November 2, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the Stanton, Kentucky plant of Lycoming Shoe Company who become totally or partially separated from employment on or after November 2, 1976 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 women's and children's non-rubber footwear produced by The Williams Manufacturing Company and its subsidiary, Lycoming Shoe Company did not contribute importantly to the total or partial separations of the employees in the import division of The Williams Manufacturing Company.

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

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-31773 Filed 10-28-76;8:45 am]

federal register

FRIDAY, OCTOBER 29, 1976

PART II:

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

■

CIVIL WORKS PROGRAM

Environmental Policies, Objectives, and Guidelines; Revision

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[EP 1165-2-501]

CIVIL WORKS PROGRAM

Environmental Policies, Objectives, and Guidelines; Revision

On October 29, 1976, the Office of the Chief of Engineers published a summary of the Chief of Engineers' environmental policies, objectives, and guidelines for the Civil Works program. The revision updates an earlier version of November, 1970, issued shortly after the enactment of Pub. L. 91-190, the National Environmental Policy Act of 1969. The revision includes a section on the Corps of Engineers expanded regulatory role and reflects other legislative and executive authorities enacted since 1970, including the consideration of "nonstructural" alternatives in preventing flood damage, increased public involvement in the planning process, and the new directions in environmental planning adopted by the President in the form of the "Principles and Standards for Planning Water and Related Land Resources", published by the U.S. Water Resources Council.

The Chief of Engineers is publishing the revised pamphlet in its entirety in the FEDERAL REGISTER in order to make the public aware of the environmental policies, objectives and guidelines under which the Corps of Engineers will conduct its Civil Works program. The Chief of Engineers welcomes public comment on the pamphlet. Comments may be sent to the following address:

Office of the Chief of Engineers, Department of the Army, ATTN: DAEN-CWZ-P, Washington, D.C. 20314.

Copies of the Corps of Engineers pamphlet entitled "Environmental Policies, Objectives, and Guidelines for the Civil Works Program of the Corps of Engineers", may be obtained from the same address.

Dated: October 6, 1976.

J. W. MORRIS,
Lieutenant General,
Chief of Engineers.

DEPARTMENT OF THE ARMY

OFFICE OF THE CHIEF OF ENGINEERS

Washington, D.C. 20314

WATER RESOURCES POLICIES AND AUTHORITIES

ENVIRONMENTAL POLICIES, OBJECTIVES, AND GUIDELINES FOR THE CIVIL WORKS PROGRAM OF THE CORPS OF ENGINEERS

1. *Purpose.* This pamphlet provides a summary of the environmental policies, objectives, and guidelines for the Civil Works Program. By way of this pamphlet[1] the Chief of Engineers intends to communicate to all Corps personnel and to the public the fundamental principles governing the Corps of Engineers implementation of statutes and executive guidelines concerning the environment.

2. *Applicability.* This pamphlet is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

3. *References.* Appendix B lists appropriate environmental statutes, executive guidelines, and Federal regulations.

4. *The Corps of Engineers and the Environment.* The U.S. Army Corps of Engineers will continue to implement vigorously the National Environmental Policy Act of 1969, other environmental statutes, and environmental guidelines of the Executive Branch of government, in accomplishing its Civil Works missions. The policies, objectives, and guidelines contained in this pamphlet have been or will be incorporated into appropriate Engineer Regulations to assure full consideration of the environment in planning, development, and management of water and related land resources.

5. *Revision of Pamphlet.* This pamphlet is a revision of an earlier edition published in 1970 and reflects changes and additions since that date. As statutes and executive guidelines are amended in the future, or as experience suggests changes in the Corps of Engineers implementing regulations, the Chief of Engineers will again revise this pamphlet. The Chief of Engineers invites Corps personnel and the public to comment on the policies, objectives and guidelines contained in the pamphlet for consideration in subsequent revisions. Comments may be submitted to HQDA (DAEN-CWZ-:) WASH DC 20314.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A—ENVIRONMENTAL POLICIES, OBJECTIVES AND GUIDELINES FOR THE CIVIL WORKS PROGRAM OF THE U.S. ARMY CORPS OF ENGINEERS

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MISSION

The Chief of Engineers manages and executes the Civil Works Program of the Corps of Engineers under the direction and supervision of the Secretary of the Army. The Corps of Engineers has responsibility for: investigating, developing, and maintaining the Nation's water and related land resources; constructing and operating projects for navigation, flood control, major drainage, shore and beach restoration and protection, hurricane flood protection, hydroelectric power production, water supply, water quality control, fish and wildlife conservation and enhancement, and outdoor recreation; supporting emergency relief activities directed by other Federal agencies; administering laws for the protection and preservation of navigable waters and for emergency flood control and shore protection; and conducting research and development related to Civil Works planning, design, construction, operation and maintenance, and regulatory activities.

The environmental mission of the Corps of Engineers is to carry out the mandate of the "National Environmental Policy Act of 1969" to "* * * encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation;" and as further defined in Section 101(a) "* * * to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

POLICY

The Corps of Engineers will conduct the Civil Works Program in accordance with the following overall environmental policies:

a. We will consider carefully and seek to balance the environmental and developmental needs of our Nation in full compliance with the National Environmental Policy Act of 1969 and other environmental authorities promulgated by Congress and the Executive Branch.

b. The Corps will follow a systematic, interdisciplinary approach to problem solving.

c. We will examine and evaluate environmental values carefully when studying alternative means of meeting the competing demands generated by human needs.

d. Our planners will find the best solutions meeting the needs and aspirations of the people we serve, not merely determine whether a specific engineering solution is economically justified.

e. We will bring the best available environmental knowledge and insight to bear on the planning, development, and management of the Nation's water and related land resources.

f. We will give environmental values equal consideration with economic, social, and engineering factors to insure decisions in the public interest.

g. Our planners and decision makers will consider all practicable means and measures, including "no development" and "non-structural" plans with a view to selecting the solution that can best satisfy identified needs while at the same time protecting, preserving, and enhancing the quality of the environment, restoring environmental quality previously lost, and minimizing and mitigating unavoidable adverse effects.

h. We will make every effort to ensure that resource options are kept open for future generations.

i. Corps officials will undertake early and continuing interchange of views with local, State, and other Federal agencies, and the affected and other interested publics.

j. We will encourage broad public participation in defining environmental quality objectives and elicit public expression of needs and expectations.

k. Our field executives will provide to governmental agencies and the public timely information on the social, economic, and

[1] This pamphlet supersedes ER 1165-2-500, dated November 30, 1970.

environmental considerations involved before making recommendations.

l. We will identify and make provisions for preserving unique cultural and biological resources, such as historic and archeological sites and threatened, endangered, and otherwise significant species and their habitats.

m. The Corps will use its regulatory authorities to protect the waters of the United States and their contiguous wetlands and will apply to its own activities the same environmental criteria that apply to regulated activities.

n. We will review periodically, with interested publics, the operation and maintenance of completed projects to assure that environmental quality exists consistent with project purposes, and will formulate actions to improve environmental quality where necessary.

OBJECTIVES

Implicit in this policy are four general environmental objectives:

a. *To preserve* unique and important ecological, aesthetic, and cultural values of our national heritage.

b. *To conserve* and use wisely the natural resources of our nation for the benefit of present and future generations.

c. *To restore, maintain,* and *enhance,* the natural and man-made environment in terms of its productivity, variety, spaciousness, beauty, and other measures of quality.

d. *To create* new opportunities for the American people to use and enjoy their environment.

GUIDELINES

These objectives translate into environmental guidelines governing the Corps of Engineers Civil Works Program in terms of public participation, planning, design, construction, operations, and regulatory functions.

THE CORPS AND THE PUBLIC

The Civil Works Program will be conducted in an atmosphere of public participation, trust, and mutual cooperation. As a public agency, the Corps responds to the public interest. That interest synthesizes many needs, desires, and aspirations. It finds expression in the views of individuals and groups and their representatives at local, State and Federal levels of government. The Corps of Engineers has an obligation to seek these views and to accommodate them insofar as possible. There is an equal obligation to provide information to those who express their views, so that they can participate effectively in the planning process.

Public involvement in Civil Works requires a flow of information between planners and the public. It assures that Corps actions respond to public needs and preferences. To secure effective public involvement in Civil Works projects the Corps of Engineers will:

a. Open and maintain channels of communication with the public;

b. Encourage public understanding of Federal, regional, State and local responsibilities, laws, authorities, and procedures in conducting water resources planning studies and implementing water resources programs;

c. Present information which will promote public understanding of water resources problems, needs, opportunities, and objectives;

d. Seek out the public's views and comments on problems, needs, alternative solutions and related impacts, and possible Federal action;

e. Give full consideration to public needs and preferences in all Corps activities.

PLANNING

Planning is a systematic analysis of problems and formulation of alternative solutions to determine the best overall solution in the public interest.

The object of planning is to produce implementable plans to solve problems whether or not there is a Corps role in the implementation. The initiation of a study does not preordain the undertaking of a project. Environmental values must receive consideration equal to that given social, economic, and engineering values in the planning process. In no case will adverse environmental effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, neither favorable nor unfavorable effects should be overstated.

The Corps will consider a wide range of alternative plans in addressing water resources problems and needs. These plans will include "no-development" plans, which seek to preclude any significant form of physical development or construction, and "nonstructural" plans, which emphasize management measures rather than physical ones. In particular, we will consider non-structural flood control measures to modify flood damage susceptibility by land use adjustments and emergency preparedness, as well as conventional structures such as levees and reservoirs to modify the flooding itself.

The multiobjective planning procedures established under Principles and Standards for Planning Water and Related Land Resources prescribed by the Water Resources Council (38 FR 24778) will be followed. National Economic Development (NED) and Environmental Quality (EQ) will be considered as equal national objectives. NED is achieved by increasing the value of the nation's output of goods and services and improving national economic efficiency; EQ is achieved by the management, conservation, preservation, creation, restoration, or improvement of the quality of certain natural and cultural resources and ecological systems.

During all phases of the planning process, careful consideration will be given to recognized authorities, responsible professional judgments, and other public expressions on environmental aspects, including, but not limited to, water and air quality, fish and wildlife resources, endangered species, aesthetic values, and cultural resources, such as archeological sites, historic places, and resources remnants with scientific and educational uses.

In meeting the essential elements of a sound iterative planning process planners will:

a. Plan with an interdisciplinary team composed of individuals who represent a broad scope of expertise;

b. Identify problems and needs through public participation;

c. Identify and list features or conditions which should be enhanced, protected, preserved, restored, or developed;

d. Formulate a wide range of alternatives to achieve the objections of economic development and environmental quality;

e. Early in the planning process, prepare environmental, social and economic assessments for evaluating alternative plans and for developing planning documents, including environmental statements required by NEPA;

f. Present alternative proposals to the public which will be feasible of implementation;

g. Seek to reduce or eliminate significant adverse effects on the environment by modifying the alternatives considered for implementation to the extent feasible, in order to provide partial or full solutions to identified problems and needs;

h. Select for implementation the plan best representing the public interest as a result of evaluating all pertinent factors.

ADVANCE ENGINEERING AND DESIGN

Detailed engineering and design will carry the selected plan toward construction. The first phase will determine any changes to be made and what effects they might have on the objectives of the selected plan. The following guidelines apply to this phase:

a. Reevaluate the findings, conclusions, and recommendations developed during preauthorization planning (including authorization recommendations) in the light of current environmental objectives and programs.

b. Consult with other governmental agencies and the public, keeping them fully and continuously informed of progress, and obtaining, considering and using their ideas, views, and recommendations.

c. Integrate specific environmental considerations into the planning and design of all project features to insure that qualitative values associated with the project are enhanced, preserved, or maintained.

d. Insure the evaluation of fish and wildlife habitats, particularly those that are critical to threatened and endangered or otherwise significant species, taking appropriate action to comply with pertinent laws and the fish and wildlife provisions of the authorized plan.

e. Attempt to mitigate unavoidable disruptions.

f. Make the project as aesthetically pleasing as possible, seeking to harmonize its features with the surrounding natural and man-made environment.

g. Review and keep current the environmental assessment and, if needed, update, supplement or revise the environmental impact statements.

h. Insure that all known cultural, historical and archeological features, sites, structures or artifacts are inventoried and evaluated.

i. Prepare a project Master Plan for developing and administering project resources.

CONSTRUCTION

During construction the following environmental guidelines will apply:

a. Maintain a dialog with the public to foster understanding and reduce the impact of construction operations.

b. Review the environmental assessments and impact statement and revise as required.

c. Ensure that plant layout, locations of construction roads, and equipment areas minimize damage to the natural environment and impact on the public.

d. Prevent unnecessary destruction of vegetation, construction scars, and other disruptions of the site.

e. Protect from damage known historical, archeological, or cultural objects, structures, or sites.

f. Minimize harmful effects of dredged material and solid waste disposal, turbidity, other kinds of water pollution, and noise and air pollution.

g. Restore construction sites to near their natural or other desirable condition.

OPERATION AND MAINTENANCE

After a project is built and put in use, the following environmental guidelines will apply:

a. Manage the project to optimize its environmental quality consistent with its purpose(s).

b. Maintain and, to the fullest extent practicable, enhance aesthetic, historical, archeological, and cultural values of the project.

c. Periodically review and update, as necessary, the project Master Plan, operating and management regulations, and the impact statement, considering changes in pub-

lic response, use, and conditions affecting environmental quality.

d. Prevent or minimize air, water and solid waste pollution and other adverse effects associated with the project's operation and its use by the public.

e. Conduct follow-up environmental studies on a selective basis to assess the degree of accuracy of the environmental statement and to identify any unforeseen adverse impacts.

f. Institute measures to ensure that the recommendations in the plan and environmental statement are being followed.

REGULATORY FUNCTIONS

The Corps of Engineers regulates activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, including their adjacent and contiguous wetlands, and the transportation of dredged material for the purpose of dumping it into ocean waters.

An environmental assessment shall be required for every permit application, and an environmental statement will be required for actions which could result in significant negative or permanent impacts to the environment.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed structure or work and its intended use on the public interest. That decision should reflect the national concern for both protection and utilization of important resources.

All factors relevant to the proposal must be considered, including conservation, economics, aesthetics, general environmental concerns, historic values, wetland values, fish and wildlife values, flood damage prevention, land use classifications, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people.

No permit shall be granted unless its issuance is found to be in the public interest.

The following general criteria will be considered in the evaluation of every application:

a. The public and private need for the proposed structure or work,

b. The desirability of using alternative locations and methods to accomplish the objective of the proposed structure or work,

c. The extent and permanence of the beneficial and detrimental effects which the proposed structure or work may have, and

d. The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated structures or work in the general area.

It is the policy of the Corps of Engineers to give special consideration to applications for activities in wetlands. The filling or reclaiming of wetlands constitutes a permanent and total destruction of these environmens and should be distinguished from impacts which may be only temporary or negligible. The Corps of Engineers recognizes that wetlands constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest. In making the public interest determination for activities involving the destruction of wetlands, Corps officials will give primary consideration to whether the activity is dependent on being in the water resource to fulfill its basic purpose and whether alternative sites are also available. To further assist in this determination with respect to wetlands, District Engineers should strictly adhere to the stringent criteria set forth in Corps of Engineers Regulation 33 CFR 209.-120(g)(3) and Environmental Protection Agency Regulation at 40 CFR 230.5(b)(8), (see Appendix B).

CONCLUSION

In essence, we seek to give full and equal consideration to environmental, as well as economic, engineering, and other considerations, when we address issues and potential Corps actions, and to find ways to conserve our valuable environmental resources in accomplishing the missions assigned to us. To achieve these ends, we require a full sense of environmental responsibility in every employee of the Corps of Engineers, and we invite the participation of all other concerned Americans.

APPENDIX B—STATUTES, EXECUTIVE GUIDELINES, AND APPLICABLE FEDERAL REGULATIONS ASSOCIATED WITH THE ENVIRONMENT

STATUTES

a. River and Harbor Act, March 3, 1899 (30 Stat. 1151, 33 U.S.C. 403) (30 Stat. 1152, 33 U.S.C. 407).

b. Section 4, Flood Control Act of 1944, December 22, 1944, (Pub. L. 534).

c. Fish and Wildlife Coordination Act of 1958 (Pub. L. 85-624), as amended (16 U.S.C. 661 et seq.), August 12, 1958.

d. Wild and Scenic Rivers Acts of 1968, October 2, 1968, (Pub. L. 90-542).

e. Federal Water Project Recreation Act of 1965 (Pub. L. 89-72), as amended (16 U.S.C. 668aa-668ee), July 9, 1965.

f. National Environmental Policy Act of 1969 (Pub. L. 91-190; 83 Stat. 852; 42 U.S.C. 4221 et seq.), January 1, 1970, hereinafter referred to as NEPA.

g. Sections 122 and 209, Pub. L. 91-611, (84 Stat. 1818), River and Harbor Act of 1970, December 31, 1970.

h. Sections 402 and 404, Pub. L. 92-500, (66 Stat. 816) "Federal Water Pollution Control Act Amendments of 1972," October 18, 1972.

i. Section 103, Pub. L. 92-532, (86 Stat. 1052) "Marine Protection, Research and Sanctuaries Act of 1972," October 23, 1972.

j. Pub. L. 92-583 (86 Stat. 1280), "Title III—Management of the Coastal Zone," October 27, 1972.

k. Pub. L. 93-205, (87 Stat. 884) "Endangered Species Act of 1973," December 28, 1973.

l. Sections 1 and 73, Pub. L. 93-251, (88 Stat. 12), Water Resources Development Act of 1974, March 7, 1974.

m. Pub. L. 93-291, Preservation of Historic and Archeological Data (88 Stat. 174) amending Pub. L. 86-523, the Reservoir Salvage Act of 1960 (74 Stat. 220), May 24, 1974.

EXECUTIVE GUIDELINES

a. Executive Order 11514, "Protection and Enhancement of Environmental Quality, March 5, 1970 (35 FR 4247, March 7, 1970).

b. "Guidelines for Statements on Proposed Federal Actions Affecting the Environment", Council on Environmental Quality (CEQ), August 1, 1973 (38 FR 20550).

c. "Principles and Standards for Planning Water and Related Land Resources," Water Resources Council (WRC), September 10, 1973 (38 FR 24778 to 24869).

CORPS OF ENGINEERS REGULATIONS

a. ER 1105-2-11, Preservation, Restoration, and Administration of Historic and Cultural Environment (Change 1), (Proposed revision, 40 FR 41636, September 8, 1975).

b. ER 1105-2-12, Archeological Investigations and Salvage Activities, (Proposed revision, 40 FR 41636, September 8, 1975).

c. ER 1105-2-13, Aquatic Plant Control Programs.

d. ER 1105-2-22, Urban Studies Program, (33 CFR Part 264).

e. ER 1105-2-50, Continuing Authorities Program, (33 CFR Part 263).

f. ER 1105-2-82, Project Deauthorization Review Program, (33 CFR Part 266).

g. ER 1105-2-129, Preservation and Enhancement of Fish and Wildlife Resources.

h. ER 1105-2-200, Planning Processes: Multiobjective Planning Framework, (33 CFR Part 290).

i. ER 1105-2-210, Planning Processes: Plan Development Stages, (33 CFR Part 291).

j. ER 1105-2-220, Planning Processes: Problem Identification (Task 1), (33 CFR Part 292).

k. ER 1105-2-230, Planning Processes: Formulation of Alternatives (Task 2), (33 CFR Part 293).

l. ER 1105-2-240, Planning Processes: Impact Assessment (Task 3), (33 CFR Part 294).

m. ER 1105-2-250, Planning Processes: Evaluation (Task 4), (33 CFR Part 295).

n. ER 1105-2-502, Public Meetings. (33 CFR 209.405).

o. ER 1105-2-507, Preparation and Coordination of Environmental Statements, (33 CFR 209.410).

p. ER 1105-2-508, Review of Environmental Impact Statements Prepared by other Agencies.

q. ER 1105-2-509, Statement of Findings on Impacts of Civil Works Actions.

r. ER 1105-2-800, Public Involvement: General Policies, (33 CFR Part 380).

s. ER 1105-2-811, A-95 Clearinghouse Coordination, (33 CFR Part 384).

t. ER 1105-2-921, Feasibility Reports: System of Accounts, (33 CFR Part 393).

u. ER 1130-2-400, Recreation Resource Management of Civil Works Water Resource Projects.

v. ER 1130-2-405, Use of Off Road Vehicles on Civil Works Projects.

w. ER 1130-2-406, Lakeshore Management at Civil Works Projects, (36 CFR Part 327).

x. ER 1130-2-407, Operation and Testing of Potable Water Systems.

y. ER 1130-2-413, Pest Control Program for Civil Works.

z. ER 1165-2-2, Consideration of Aesthetic Values in Water Resource Development.

aa. ER 1165-2-116, Pollution Control.

bb. ER 1165-2-400, Recreation Planning, Development and Management Policies.

cc. "Permits for Activities in Navigable Waters or Ocean Waters", FEDERAL REGISTER, Volume 40—Number 144, Part IV, July 25, 1975.

APPLICABLE FEDERAL REGULATIONS

a. "Navigable Waters, Discharge of Dredged or Fill Material", (40 CFR 230.1-230.8), Environmental Protection Agency.

b. "Ocean Dumping, Proposed Revision of Regulations and Criteria", (40 CFR Parts 220-229), Environmental Protection Agency.

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federal register

FRIDAY, OCTOBER 29, 1976

PART III:

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

INCOME TAX

Arbitrage Bond Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Arbitrage Bonds

On May 3, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 10944), corrected by notice published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405), in regard to regulations under section 103(d) of the Internal Revenue Code of 1954, relating to arbitrage bonds, to conform such regulations to amendments made by section 601(a) of the Tax Reform Act of 1969 (83 Stat. 656). Portions of the May 3, 1973, notice of proposed rulemaking were revised by notice of proposed rulemaking published in the FEDERAL REGISTER December 3, 1975 (40 FR 56448) corrected by notice published in the FEDERAL REGISTER December 18, 1975 (40 FR 58656). Notice is hereby given that portions of the May 3, 1973, and December 3, 1975, notices of proposed rulemaking are revised.

Further notice is hereby given that the regulations set forth in tentative form in the attached appendix below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224 by November 29, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by November 29, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 103(d) and 7805 of the Internal Revenue Code of 1954 (83 Stat. 656, 68A Stat. 917; 26 U.S.C. 103, 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

This document revises portions of the notices of proposed rulemaking published in the FEDERAL REGISTER May 3, 1973 (38 FR 10944), corrected by notice published in the FEDERAL REGISTER for May 11, 1973 (38 FR 12405), and December 3, 1975 (40 FR 56448) corrected by notice published in the FEDERAL REGISTER December 18, 1975 (40 FR 58656).

The revised rules implement the announcement in a Department of Treasury news release (WS–1097) of September 24, 1976, to propose new regulations regarding arbitrage bonds. The revised rules include the rules described in the news release relating to computation of yield, with some modification, and also include additional rules. The revised rules relate primarily to refunding issues, but rules are also included relating to nonrefunding issues.

The revised rules are primarily addressed to the problems of arbitrage in refunding issues, including the diversion by issuers of arbitrage to other parties. This possible arbitrage has resulted in the promotion of refunding issues by other parties and in the artificial pricing of governmental obligations. The revised rules are designed to implement the authority contained in section 103(d)(5) of the Code to prescribe regulations necessary to carry out the purposes of section 103(d). The purpose of the revised rules is to remove arbitrage as an inducement to the issuance of governmental obligations, particularly refunding issues. In this connection, the revised rules apply differently to refunding and nonrefunding issues to take into account the different arbitrage purpose or effect of a refunding issue. A description of the revised rules follows.

Section 1.103–13(a)(2)(ii), relating to certification, is revised to require, in the case of a refunding issue sold on or after October 29, 1976 or issued (i.e., delivered) after November 28, 1976, that the certification must include a statement describing the purpose of the issue, including in the case of interest savings a statement of the present value of the interest to be saved, a description of the administrative costs of the issue, including the basis on which such costs are allocated between the refunding issue and the acquired obligations that fund the escrow, and a statement that the price paid for the issue is reasonable under customary standards applicable in the market.

Sections 1.103–13(b)(1)(ii) and 1.103–14(d), relating to the amount that may be invested at a materially higher yield as less than a major portion ("minor portion") or as a reasonably required reserve fund as applicable both to a refunding issue and to a nonrefunding issue, are revised. A practice has developed of discounting an acquired obligation at a materially higher yield to a present value equal to the permissible minor portion or reserve fund. The effect of this practice is to treat accrued interest as reinvested as principal. As a result, more than a minor portion is invested at a materially higher yield. Even where the present value of an acquired obligation is less than the minor portion, the sum of the amount invested plus the reinvestment of annually accrued interest or discount results in an investment of an amount more than the amount permitted as a minor portion or reserve fund if the sum of such amounts exceeds the amount permitted. The revised rule prohibits this practice. In addition, the revised rule requires that where bond proceeds and other funds are used to acquire an obligation and any receipt of principal or interest is allocated to an investment of less than a major portion, each receipt of principal and interest must be allocated pro rata to the two sources of funds.

Section 1.103–13(b)(4)(iii) is revised by adding new sentences that explicitly state that cash is not an acquired obligation. Although cash was not included in the definition of an acquired obligation under that section as previously proposed, some issuers have attempted to treat cash as an acquired obligation so as to deflect arbitrage to other parties.

Section 1.103–13(b)(5)(iii)(C) is added to provide, in the case of a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976, that proceeds of a refunding issue which is itself refunded before the discharge of the issue being refunded by the first refunding issue are not treated as transferred proceeds for the purpose of applying the ⅛ of one percentage point materially higher rule. Thus, such transferred proceeds are subject to the rule that they may not be invested at a yield exceeding the yield of the subsequent refunding issue prior to the date on which the last obligation of the issue which is not a refunding issue is discharged.

Section 1.103–13(b)(5)(iv), relating to overissuance, is clarified to state that any portion of an issue issued solely for the purpose of investing such portion at a materially higher yield is not issued for a governmental purpose. Thus, such an issue would be subject to the overissuance rules.

Section 1.103–13(b)(9)(i), relating to multipurpose issues, previously provided that the portions of such an issue that are treated as separate issues under that section are so treated for purposes of computing the yield of the issue. As revised, such an issue is treated as a single issue for purposes of computing yield in order to prevent artificial allocation of portions of the issue to one purpose so as to increase yield on acquired obliga-

tions allocable to such portion. Section 1.103–14(e)(1)(ii) is revised to clarify the rule that a single refunding issue that is treated as separate issues for certain specified purposes is treated as a single issue for purposes of computing yield.

Section 1.103–13(c)(1), relating to computation of yield, is revised. The revised provisions reflect the rules announced in the Treasury news release of September 24, 1976, with some modification. Although some changes in that section apply to nonrefunding issues, the changes generally apply to refunding issues issued after 5 p.m., e.d.t., September 24, 1976. In some cases, a later date is specified. The rules provide that in computing yield for acquired obligations of a refunding issue held for the period before the last obligation of the prior issue is retired, the price of an acquired obligation taken into account is the mean market price of the acquired obligation on an established market (or, if less, the price paid for the acquired obligation). A price higher than mean market price may be used in computing yield only where the price paid is the result of an arm's length transaction without the payment of any amount to reduce the yield of the obligation. If there is not an established market for the obligation, the obligation will be treated as producing a yield materially higher than the yield of the refunding issue and the refunding issue will be treated as an arbitrage issue. Rules are provided to establish a market price for an obligation acquired directly from an issuer, such as a financial institution or the United States Treasury. The news release stated that the market price rule applied only where the obligation was not acquired directly from the issuer. The proposed regulations differ in that the market price rule now also applies to obligations acquired directly from an issuer. However, for issues issued before October 29, 1976, the price paid for an obligation acquired directly from the issuer of such obligation may be used in computing yield if the obligation was not secured by any underlying securities or obligations. The news release also stated that obligations acquired directly from an issuer and secured by underlying securities that produced a higher yield than the yield of the refunding issue would cause the refunding issue to be an arbitrage issue. Such obligations now fall within the general market price rule.

New rules in § 1.103–13(c) provide, as stated in the news release, that for refunding issues issued after 5 p.m., e.d.t., September 24, 1976, only the present value of administrative costs may be taken into account in computing the yield of the refunding issue and the acquired obligations. In addition, for refunding issues sold on or after October 29, 1976, or issued after November 28, 1976, the administrative costs that may be taken into account are limited to amounts to be paid to the trustee of the issue, the paying agent, the escrow agent, and for custodial fees, legal fees, accounting fees, printing costs, rating fees, insurance of the obligations, and recording fees, plus fees paid for services performed as a fiscal agent or financial consultant, but the aggregate amount of fees paid for a fiscal agent or financial consultant may not exceed 3 percent of the first $1,000,000 principal face amount of the issue plus 1 percent of the principal face amount in excess of $1,000,000. The administrative costs allocable to acquired obligations of a refunding issue sold on or after October 29, 1976, or issued after November 28, 1976, must be allocated pro rata between restricted yield obligations and unrestricted yield obligations, except that costs primarily related to investment or reinvestment of the unrestricted yield obligations must be allocated to such obligations. In addition, the new rules provide that where an acquired obligation is acquired both with bond proceeds and with funds other than bond proceeds, each receipt of interest or repayment of principal must be allocated pro rata to each source of funds. These new rules regarding computation of yield implement section 103(d)(5) of the Code to prevent the transfer or disposition of arbitrage by the issuer to other parties.

Section 1.103–13(f)(1) is amended to provide that obligations acquired with proceeds of a refunding issue must be allocated to the refunding issue.

Section 1.103–14(e)(3)(v), relating to a temporary period for investment proceeds is amended to provide that the 1-year temporary period for such proceeds does not apply to investment proceeds of a refunding issue to be used to discharge the prior issue. In addition, new temporary periods are provided for proceeds of a refunding issue. New § 1.103–14(e)(4)(vii) allows a 1-year temporary period beginning on the date of issue for proceeds of a refunding issue received as accrued interest (not in excess of 6 months) that will not be used to discharge the prior issue and will be expended within 1 year. New § 1.103–14(e)(4)(viii) allows a 1-year temporray period beginning on the date of issue for other proceeds of the refunding issue that will be used to pay issuance costs or do not exceed 1 percent of the original proceeds of the refunding issue. New § 1.103–14(e)(3)(ix) allows an additional temporary period for any proceeds of the refunding issue that will not be used to discharge the prior issue (such as proceeds resulting from rounding the refunding issue) to the extent that those proceeds do not exceed the lesser of (1) $10,000, or (2) 1 percent of the original proceeds of the refunding issue. The temporary period allowed under § 1.103–14(e)(3)(ix) may continue as long as the refunding issue is outstanding.

Section 1.103–14(e)(4), relating to less than a major portion and the reserve fund for refunding issues, is revised as applied to refunding issues sold on or after October 29, 1976 or issued after November 28, 1976. In developing these new rules to determine the amount of a reasonably required reserve fund and the amount of the major portion, consideration was given to the differences between a refunding issue and a nonrefunding issue, the different potential for arbitrage in each type of issue, and the difference in inducement to an issuer to issue an obligation for arbitrage if the same rules applicable to the original issue regarding the amount of the major portion and reserve fund were to apply. The new rules take these differences into account in applying the statutory provisions to these different types of issues in order to implement the authority under section 103(d)(5) to prescribe regulations to carry out the purposes of section 103(d). The rules are designed to remove arbitrage as an inducement to the issuance of an obligation.

Section 1.103–14(e)(4) is revised to provide that a major portion of the proceeds of the refunding issue is any amount in excess of 15 percent of the face amount of the issue (or of the original proceeds if less than 98 percent of the face amount). However, acquired obligations that are invested at a materially higher yield as less than a major portion may be acquired only with proceeds of the prior issue that are transferred to the refunding issue (see § 1.103–14(e)(2)(ii)). In addition, the 15-percent limit may not exceed 15 percent of the face amount of the prior issue (or of the original proceeds of the prior issue). These rules take into account that two governmental obligations are outstanding for the same project or purpose and that any investment of a minor portion at an unrestricted yield may be an arbitrage inducement to refund the prior issue. They treat the refunding issue as a substitution for the prior issue and result in the issuer being in the same position as to permissible higher yield investments as if there were no refunding.

Section 1.103–14(e)(5) is revised to provide new rules regarding a reasonably required reserve or replacement fund that may be invested at a materially higher yield than the yield of the refunding issue. Under the new rules, acquired obligations may be invested at a materially higher yield as a reserve or replacement fund only to the extent that such investment does not exceed 15 percent of the face amount of the refunding issue (or of the original proceeds if such proceeds are less than 98 percent of the face amount). Acquired obligations that are invested at a materially higher yield as part of a reserve fund may not be acquired with proceeds of the refunding issue that are to be used to discharge the prior issue. During the period when both issues are outstanding, proceeds of the refunding issue may not be invested at a materially higher yield as part of a reserve fund. However, if all of the prior issue is discharged within the temporary period referred to in § 1.103–14(e)(3)(i), then the entire proceeds of the refunding issue may be invested at a materially higher yield during the temporary period (including any proceeds for a reserve or replacement fund determined without regard to whether or not there was a reserve fund for the prior

issue and without regard to the amount of any such reserve). These rules are similar to the rules regarding less than a major portion in treating the refunding issue as a substitution for and continuation of the prior issue during the period when both issues are outstanding, thereby removing arbitrage as an inducement for the issuance of the refunding issue. After the discharge of the prior issue, the refunding issue is treated as a new and independent issue.

If the issuer expects to retire portions of the prior issue serially, then each such portion is treated as a separate issue under § 1.103–14(e)(6)(ii). In addition, corresponding portions of the refunding issue are treated as separate refunding issues under § 1.103–14(e)(6)(ii). Consequently, the limits on investment of proceeds as less than a major portion and as part of a reserve fund will apply to these separate refunding issues separately.

The examples that were in § 1.103–14(e)(5) have been deleted. New samples will be published soon. However, the temporary period rules as illustrated in the deleted examples have not been changed.

PROPOSED AMENDMENTS TO THE REGULATIONS

To conform the Income Tax Regulations (26 CFR Part 1) under section 103(d) to the provisions of section 601(a) of the Tax Reform Act of 1969, such regulations are amended as follows:

PARAGRAPH 1. Section 1.103–13, as set forth in the notice of proposed rule making published May 3, 1973 (38 FR 12405) and December 3, 1975 (40 FR 56448), is amended as follows:

1. Paragraph (a)(2)(ii) is revised by adding three new sentences after the third sentence thereof;

2. A new sentence is added at the end of paragraph (a)(3);

3. Paragraph (b)(1)(ii) is revised by deleting the first two sentences and inserting four new sentences in lieu thereof;

4. Three new sentences are added at the end of paragraph (b)(4)(iii);

5. Paragraph (b)(4)(iv)(A) is revised by adding two new sentences after the last sentence thereof;

6. Paragraph (b)(5)(iii)(C) is added;

7. A new sentence is added after the first sentence of paragraph (b)(5)(iv);

8. Paragraph (b)(9)(i) is revised;

9. Paragraph (c)(1) is revised; and

10. A new sentence is added at the end of paragraph (f)(1).

These new and revised provisions read as follows:

§ 1.103–13 Arbitrage bonds.

(a) *Scope.* * * *

(2) *Reasonable expectations.* * * *

(ii) * * * In the case of a refunding issue sold on or after October 29, 1976, or issued after November 28, 1976, the certification shall specify the purpose or purposes of the refunding issue (for example, whether to defease a lien or for interest savings), including in the case of interest savings a statment of the interest to be saved and the present value thereof, and, if computation of yield will be necessary under paragraph (c) of this section, the certification shall also enumerate the administrative costs, and the amounts thereof, taken into account in computing yield and describe how and the basis on which such costs are allocated to the refunding issue or to the acquired obligations acquired with the proceeds of such issue, and shall state that the price paid for the refunding issue is reasonable under customary standards applicable in the market. The preceding sentence shall not apply if the refunding issue refunds an issue to which § 1.103–14(c) applies, or a prior issue, the term of which does not exceed 3 years, which was issued in anticipation of permanent financing. For this purpose, the prior issue may itself have been a refunding issue issued in anticipation of permanent financing but the aggregate terms of all such prior issues may not exceed 3 years. * * *

* * * * *

(3) *Effective date.* * * * For purposes of the effective date rules in this section and § 1.103–14, an issue issued before December 29, 1976 shall be deemed to be issued before November 29, 1976 if the issue must be validated by judicial proceedings and those proceedings were commenced before November 29, 1976.

(b) *Definitions*—(1) *Arbitrage bonds.* * * *

(ii) Except in the case of a refunding issue, a major portion of the proceeds is any amount which at any time exceeds 15 percent of the original face amount of the issue. If the original proceeds of an issue determined without regard to issuing expenses are less than 98 percent of the original face amount of the issue, the percentage specified in the preceding sentence shall be based on the amount of such original proceeds. See § 1.103–14(e) for definition of major portion in the case of a refunding issue. In determining whether acquired obligations allocable to proceeds invested as less than a major portion at a materially higher yield are so invested in the case of obligations issued after October 29, 1976, a major portion of the proceeds is invested at a materially higher yield if one or more of such obligations is acquired at a discount or results in interest payments for any annual period in excess of interest payments for any preceding annual period (thus reinvesting annually accrued interest or discount as principal) and if by taking into account the amount of such discount or excess interest (not discounted to present value) ratably each year over the term of such obligation the sum of such amounts plus the purchase price of all obligations allocable to less than a major portion at any time exceeds the amount specified in this paragraph (b)(1)(ii). Where any obligation is acquired in part with proceeds of the issue and in part with other funds, and any receipt of principal or interest with respect to such obligation is allocated to an investment of less than a major portion, each receipt of interest and principal shall be allocated pro rata to the two sources of funds in the same proportion as the amount of each source bears to the total amount of the funds used to acquire the obligation. * * *

* * * * *

(4) *Acquired obligations.* * * *

(iii) * * * Cash is not an acquired obligation. For example, cash held or received by the trustee of an issue is not taken into account as a zero-yield obligation for the period it is held before being invested in an acquired obligation or for the period that it is held after repayment of an obligation and before being reinvested in an acquired obligation. A contract between the issuer and another person is an acquired obligation if the other person is required under the contract personally (and not in his capacity as trustee or agent) to discharge any obligation of the issuer.

(iv) * * *

(A) * * * Acquired obligations acquired with proceeds of a refunding issue that are to be used to discharge the prior issue or that are invested in a reasonably required reserve or replacement fund as less than a major portion are not acquired purpose obligations. However, acquired obligations acquired with transferred proceeds may be acquired purpose obligations if such obligations would have been so treated if the prior issue had not been refunded.

* * * * *

(5) *Materially higher.* * * *

(iii) * * *

(C) In the case of a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976, that refunds a prior issue that is a refunding issue, proceeds of the prior refunding issue that are treated as transferred proceeds of the subsequent refunding issue under § 1.103–14(e)(2)(ii) shall not be be treated as transferred proceeds at the time they become transferred proceeds but shall be treated as proceeds of the subsequent refunding issue in applying this subdivision (iii). Thus, paragraph (b)(5)(iii)(A) applies to such proceeds prior to the date on which the last obligation of the issue which is not a refunding issue is discharged by the prior refunding issue or series of refunding issues. After such date, paragraph (b)(5)(iii)(B) applies to such proceeds.

(iv) * * * Any portion of the issue issued solely for the purpose of investing such portion at a materially higher yield as less than a major portion is not issued for a governmental purpose.

* * * * *

(9) *Multipurpose issues.* (i) In the case of an issue of governmental obligations—

(A) Issued to finance two or more projects with respect to which the temporary periods provided in paragraph (b)(1) or (5) of § 1.103–14 are different (including different temporary periods resulting from an election under paragraph (b)(5)(i)(B)) of this section, or

(B) Part of the proceeds of which are used for refunding to which the rules of paragraph (e) of § 1.103–14 apply or for

a governmental program to which the rules of paragraph (d) of this section apply,

the portion of the proceeds of such governmental obligations to be used to finance projects having different temporary periods or to be used partly for refunding or partly for a governmental program shall be treated as separate issues of governmental obligations for purposes of determining the temporary period requirements, the reasonably required reserve or replacement fund, and the application of the major portion test with respect to each such separate issue. A multipurpose issue described in this paragraph (b)(9)(i) sold before October 29, 1976 and issued before November 29, 1976, may be treated as separate issues for the purpose of determining whether the yield on acquired obligations is materially higher.

* * * * *

(c) *Computation of yield*—(1) *In general.* (i) Paragraph (c)(1)(ii) of this section provides rules to determine yield on governmental obligations and acquired obligations other than acquired nonpurpose obligations (as described in paragraph (b)(4)(iv)(A) of this section) allocable to a refunding issue issued after 5 p.m. e.d.t., September 24, 1976. Paragraph (c)(1)(iii) of this section provides rules to determine the yield on acquired nonpurpose obligations allocable to a refunding issue issued after 5 p.m. e.d.t., September 24, 1976.

(ii) For purposes of this section and § 1.103–14, the term "yield" means that yield which when used in computing the present worth of all payments of principal and interest to be paid on the obligation produces an amount equal to the purchase price. The yield on both governmental obligations and acquired obligations shall be calculated by the use of the same frequency interval of compounding interest. Thus, for example, if the yield on the governmental obligations is determined on the basis of semiannual interest compounding, then the yield on acquired obligations acquired with the proceeds of such governmental obligations shall also be expressed in terms of semiannual interest compounding. In the case of governmental obligations, the computation shall be made separately for each issue of obligations issued by a governmental unit, except that in the case of issues sold on or after October 29, 1976 or issued after November 28, 1976, (A) a single computation shall be made if two or more issues are issued at substantially the same time and sold pursuant to a common plan of financing, and (B) a single computation may be made with respect to issues issued at different times, if prior to the issuance of the last issue the issuer establishes to the satisfaction of the Commissioner that such computation will not result in distortion of yield. In the case of acquired obligations, the computation shall be made separately with respect to each class of acquired obligations referred to in paragraph (b)(4)(iv) of this section allocated to an issue of governmental obligations. In the case of a refunding issue issued after 5 p.m., e.d.t., September 24, 1976, and in the case of any other issue sold on or after October 29, 1976 or issued after November 28, 1976, where an obligation is acquired in part with the proceeds of governmental obligations and in part with other funds, an amount of each receipt of principal and interest with respect to the obligation shall be allocated to the proceeds of the governmental obligations in the same proportion as the amount of such proceeds used to acquire the obligation bears to the purchase price of the obligation. The preceding sentence shall not apply to a refunding issue sold before October 29, 1976 and issued before November 29, 1976 if the receipts of principal and interest with respect to an obligation that are not allocated to bond proceeds and thus are allocated to funds other than bond proceeds do not result in a yield with respect to such other funds greater than the market yield available or quoted for such funds. Except in the case of a refunding issue after 5 p.m., e.d.t., September 24, 1976, an amount equal to the sum of the administrative costs of issuing, carrying, and repaying an issue of governmental obligation shall be treated as a discount on the selling price of such issue, and an amount equal to the sum of the administrative costs to be incurred in purchasing, carrying, and selling or redeeming a class of acquired obligations shall be treated as a premium on the purchase price of such acquired obligations. In the case of a refunding issue issued after 5 p.m., e.d.t., September 24, 1976, the present value of the administrative costs of issuing, carrying, and repaying the issue and the present value of the administrative costs to be incurred in purchasing, carrying, and selling or redeeming acquired obligations shall be taken into account as a premium or discount, such present value to be determined by discounting such costs, based on current prices without regard to any inflation adjustment, at a yield not less than the yield of the refunding issue (determined without regard to such costs). In determining the present value of the amounts taken into account under the preceding sentence, costs paid within any period (not in excess of 1 year) corresponding to the frequency interval used in computing the yield of the refunding issue may be treated as being paid at the beginning or end of such period. In the case of a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976, there shall be taken into account as administrative costs with respect to the refunding issue and the acquired obligations only amounts to be paid to the trustee of the issue, the paying agent, the escrow agent, and for custodial fees, legal fees, accounting fees, printing costs, rating fees, insurance of the obligations, and recording fees, plus fees paid for services performed as a fiscal agent or financial consultant, but fees paid for services of a fiscal agent or financial consultant shall be taken into account only to the extent that the aggregate amount of such fees does not exceed an amount equal to 3 percent of the principal face amount of the refunding issue not in excess of $1,000,000 plus 1 percent of the principal face amount of the refunding issue in excess of $1,000,000, unless prior to the date of issue of the refunding issue the issuer establishes to the satisfaction of the Commissioner that a greater amount is necessary. However, any amounts taken into account under the preceding sentence may not represent amounts designed to divert arbitrage to the recipient. In determining the administrative costs with respect to acquired obligations of a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976 such costs shall be allocated pro rata between the acquired obligations subject to yield restrictions and the acquired obligations not so subject, except that any costs primarily related to the investment of or reinvestment of any obligations not subject to yield restrictions shall be allocated to such obligations. Only the costs allocated to acquired obligations subject to yield restrictions shall be taken into account in computing yield. The yield produced by an acquired obligation which is a security may be computed by any method which is consistent with the principles of the actuarial method of computing yield. For purposes of such computation, securities held beyond the last expected maturity date of the governmental obligations shall be deemed to be sold on such maturity date. In cases where the issuer has no reasonable expectations as to the amount of principal to be repaid on an acquired security at the time that such security is sold, the amount of such principal shall be deemed to be the same as the fair market value of such security on the date of issue of the governmental obligations to which such security is allocated or, if later, the date on which such security is acquired. No yield computation need be made with respect to an acquired obligation while such obligation is held during the temporary period or periods referred to in paragraph (b) or (e) of § 1.103–14, since yield allocable to such temporary period or periods is disregarded in determining whether a governmental obligation is an arbitrage bond. However, in the case of an acquired obligation which is held during and after a temporary period, if the yield applicable to the temporary period exceeds the yield of a comparable obligation that could be acquired and held only during such temporary period, then the computation of yield on such acquired obligation must be made by taking into account the yield allocable to such temporary period or periods. No computation need be made with respect to acquired obligations which represent a reasonably required reserve or replacement fund under paragraph (d) or (e)

of § 1.103–14 or represent investments of less than a major portion of the proceeds within the meaning of paragraph (b)(1) of this section or paragraph (e) of § 103.14. See paragraph (b)(5)(ii) of this section for rules regarding an overissuance of obligations.

(iii)(A) In the case of acquired nonpurpose obligations (as defined in paragraph (b)(4)(iv)(A) of this section) allocable to a refunding issue issued after 5 p.m. e.d.t., September 24, 1976, the term "yield" means the yield computed under paragraph (c)(1)(ii) of this section based on the market price of the acquired obligations as determined under this paragraph (c)(1)(iii). This paragraph (c)(1)(iii) applies to proceeds of the refunding issue during the period beginning on the date of issue and ending on the date the last obligation of the prior issue is discharged (i.e., retired).

(B) The market price of an acquired obligation shall be the mean of the bid and offered price on an established market where such obligation is traded on the date of issue of the refunding issue, or if earlier, on the date of a binding contract to acquire such obligation, or, if there are no bid and offered prices on such date, on the first day preceding such date for which there are bid and offered prices. Any acquired obligation for which there is not an established market shall be treated as producing a yield materially higher than the yield of the refunding issue and will cause obligations of the refunding issue to be arbitrage bonds, unless no yield computation is necessary under paragraph (c)(1)(ii) of this section with respect to such acquired obligation. Any market especially established to provide an acquired obligation to an issuer of governmental obligations will not be treated as an established market. For example, if a person sells stripped coupon bonds to issuers of governmental obligations and there is not an established market for sales of such bonds to other persons, such sales will not establish a market. The mean market price may be determined by reference to any appropriate publication, such as, for example, "Composite Closing Quotations for United States Government Securities" published by the Federal Reserve Bank of New York. Where the price of an obligation is quoted on an established market in terms of yield, the market price shall be the price necessary to produce such yield using the method of computing yield under paragraph (c)(1)(ii) of this section (determined without regard to any administrative costs with respect to such obligation). The market price of an acquired obligation may be established by the borrowing practices of the issuer of the obligation, as, for example, by determining the market price based on the interest ordinarily paid by such issuer to persons other than governmental units with respect to obligations of comparable maturities. The market price of a time or demand deposit (other than a deposit acquired with transferred proceeds) shall be determined under the preceding sentence by taking into account the yield that would be paid by the obligor if the deposit were held as an interest bearing deposit for the expected period of the deposit, except that if the yield actually paid is higher than such yield the market price shall be the amount of the deposit. If the price paid for an obligation is lower than the mean market price, such lower price shall be the market price for purposes of this paragraph. If the price paid for an obligation is higher than the mean market price, such higher price may be used as the market price only if the obligation is acquired in an arm's length transaction without regard to any amount paid to reduce the yield of the obligation. For purposes of this paragraph, where a United States Treasury obligation is acquired directly from the United States Treasury, such acquisition shall be treated as establishing a market for such obligation and as establishing the market price of such obligation.

(C) Notwithstanding paragraph (c)(1)(iii)(B) of this section, in the case of a refunding issue issued before October 29, 1976, the market price of an acquired nonpurpose obligation acquired directly from the issuer of such obligation shall be the price paid for such obligation where such obligation is not secured by any underlying securities or obligations.

* * * * *

(f) *Allocation of investments and expenditures*—(1) *In general.* * * * However, in the case of a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976, obligations acquired with the proceeds of such issue that are used to discharge the prior issue must be allocated to the refunding issue, and obligations not acquired with proceeds of the refunding issue shall not be allocated to the refunding issue.

* * * * *

PAR. 2. Section 1.103–14, as set forth in the notice of proposed rulemaking published May 3, 1973 (38 FR 12405), and December 3, 1975 (40 FR 56448), is amended as follows:

(1) A new sentence is added at the end of paragraph (d)(1);

(2) The first two sentences of paragraph (e)(1)(ii) are revised;

(3) A new sentence is inserted after the third sentence of paragraph (e)(2)(ii);

(4) The first sentence of paragraph (e)(3)(v) is revised;

(5) New paragraph (e)(3)(vii), (viii), (ix), and (x) are added;

(6) Paragraph (e)(4) and (5) is revised; and

(7) Paragraph (e)(6) is added.

The new and revised provisions read as follows:

§ 1.103–14 Temporary investments, reserve fund, and refunding issues.

* * * * *

(d) *Reasonable required reserve or replacement fund*—(1) *In general.* * * * For the purpose of determining whether the amount invested exceeds the amount specified in the preceding sentence, the rules of § 1.103–13(b)(1)(ii) apply.

* * * * *

(e) *Refunding issue*—(1) *In general.* * * *

(ii) If the proceeds of an issue of governmental obligations are used to refund two or more prior issues, the portion of the proceeds used to refund each such issue is treated as a separate refunding issue for purposes of applying this paragraph, but the issue shall be treated as a single issue for purposes of computing yield. Where the principal or interest of all or a part of a prior issue is refunded with the proceeds of two or more refunding issues issued under circumstances such that the refunding is in substance a single transaction, such refunding issues shall be treated as a single issue for purposes of applying this paragraph and if such refunding issues are sold on or after October 29, 1976 or issued after November 28, 1976, they shall be treated as a single issue for purposes of computing yield under § 1.103–13(c). * * *

* * * * *

(2) *Definitions.* * * *

(ii) * * * The preceding two sentences shall not apply in the case of a refunding issue sold on or after October 29, 1976, or issued after November 28, 1976.

(3) *Temporary period.* * * *

(v) The temporary periods provided in paragraph (b)(6) and (7) of this section apply to the refunding issue, except that in the case of a refunding issue sold on or after October 29, 1976, or issued after November 28, 1976, the 1-year period described in paragraph (b)(6) shall not apply to investment proceeds to be used to discharge the prior issue. * * *

(vii) Proceeds of a refunding issue are invested for a temporary period if those proceeds—

(A) Are received as accrued interest for a period not to exceed 6 months and will not be used to discharge the prior issue, and

(B) Are invested and will be expended during the 1-year period beginning on the date of issue.

(viii) Proceeds of a refunding issue that will not be used to discharge the prior issue (other than proceeds described in paragraph (e)(3)(vii) of this section) are invested for a temporary period—

(A) If those proceeds are invested during a 1-year period beginning on the date of issue but only,

(B) To the extent that those proceeds either are used to pay issuance costs or do not exceed 1 percent of the original proceeds of the refunding issue.

(ix) Proceeds of a refunding issue that will not be used to discharge the prior issue (other than proceeds described in paragraph (e)(3)(vii) and (viii) of this secton) are invested for a temporary period to the extent that those proceeds do not exceed the lesser of—

(A) $10,000, or

(B) One percent of the original proceeds of the refunding issue.

(x) The temporary periods provided in paragraph (e)(3)(vii), (viii), and (ix) of this section apply only to a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976.

(4) *Major portion test.* (i) This paragraph (e)(4) applies to a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976. The rules of § 1.103–14(e)(4) as published with notice of proposed rulemaking December 3, 1975 (40 FR 56541) and corrected by notice published in the FEDERAL REGISTER for December 18, 1975 (40 FR 58656) shall apply to refunding issues to which this paragraph (e)(4) does not apply.

(ii) Proceeds of a refunding issue may be invested in materially higher yield obligations pursuant to § 1.103–13(b)(1)(ii) (relating to major portion test), subject to the following limitations:

(A) Acquired obligations that are invested at a materially higher yield pursuant to § 1.103–13(b)(1)(ii) may be acquired only with transferred proceeds.

(B) Proceeds of the refunding issue may be invested in materially higher yield acquired obligations pursuant to § 1.103–13(b)(1)(ii) only to the extent that they do not exceed the amount provided in § 1.103–13(b)(1)(ii) determined with reference to the prior issue.

(iii) To the extent that proceeds of an issue of governmental obligations are invested at a materially higher yield in a reasonably required reserve or replacement fund, such proceeds are included as proceeds invested in materially higher yield acquired obligations for purposes of the major portion test in § 1.103–13(b)(1)(ii). See the allocation rule in paragraph (e)(1)(ii) of this section if less than the outstanding principal amount of the prior issue is refunded with the proceeds of a refunding issue.

(5) *Reasonably required reserve or replacement fund.* (i) This paragraph (e)(5) applies to a refunding issue sold on or after October 29, 1976 or issued after November 28, 1976. The rules of § 1.103–14(e)(4) as published with notice of proposed rulemaking (December 3, 1975 (40 FR 56451)) and corrected by notice published in the FEDERAL REGISTER for December 18, 1975 (40 FR 58656) shall apply to refunding issues to which this paragraph (e)(5) does not apply.

(ii) Proceeds of a refunding issue (including transferred proceeds may be invested in materially higher yield acquired obligations pursuant to paragraph (d) of this section (relating to a reasonably required reserve or replacement fund), subject to the following limitations:

(A) Acquired obligations that are invested at a materially higher yield pursuant to paragraph (d) of this section may be acquired only with transferred proceeds or proceeds of the refunding issue are not to be used to discharge the prior issue.

(B) At any time before the adjusted maturity date of the prior issue, proceeds of the refunding issue may not be invested at a materially higher yield pursuant to paragraph (d) of this section.

(C) In the case of a refunding issue or issues issued in full cash defeasance of the prior issue, the amount determined under paragraph (d) of this section shall not exceed the amount so determined with reference to the prior issue.

(iii) See the allocation rule in paragraph (e)(1)(ii) of this section if less than the outstanding principal amount of the prior issue is refunded with the proceeds of a refunding issue.

(iv) A reserve or replacement fund for a refunding issue in excess of the amount permitted under paragraph (d) of this section will be considered to be reasonably required only if the State or local governmental unit issuing the refunding issue establishes to the satisfaction of the Commissioner, prior to such issuance, that the specified reserve or replacement fund is necessary.

(6) *Adjusted maturity date.* (i) The adjusted maturity date of a prior issue is the earlier of—

(A) The maturity date, or

(B) The expected call date (provided that the expected call date is not unreasonably early).

(ii) If different parts of the prior issue have different adjusted maturity dates, then (solely for purposes of paragraph (e)(4) and (5) of this section) those different parts shall be treated as separate issues and the amount of any proceeds of the prior issue shall be allocated among the different parts in the same proportion as each part bears to the total outstanding principal amount of the prior issue. If parts of a prior issue are treated as separate issues under the preceding sentence, and if the proceeds of the refunding issue are used to refund two or more such parts, then (solely for purposes of paragraph (e)(4) and (5) of this section) the portion of the proceeds of the refunding issue used to refund each such part of the prior issue shall be treated as a separate refunding issue.

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FRIDAY, OCTOBER 29, 1976

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Miscellaneous Amendments

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Miscellaneous Amendments

Notice is hereby given that the Department of Health, Education, and Welfare and the Department of Labor are amending 45 CFR Part 224, Work Incentive Programs for AFDC Recipients Under Title IV of the Social Security Act.

The vast majority of amendments are corrections of spelling, typographical and punctuation errors made when Part 224 was being readied for publication on September 18, 1975. Many amendments are made to editorially conform 45 CFR Part 224 with its duplicate at 29 CFR Part 56. Other amendments in titles and nomenclature result from Secretary of Labor's Order 14–75 (40 FR 54485) which changed the name of the Manpower Administration to the Employment and Training Administration. In addition, the following editorial amendments are being made:

1. In § 224.1 *Definitions.*, definitions are added for the terms Complaints, Component, Grievance, and RA, and the definition of ARDM is deleted. In addition, the definition of Registration has been simplified and other definitions have been editorially corrected.

2. In § 224.17 *Reports, records, financial statements and audits.*, the retention period for records has been clarified and corrected.

3. In § 224.36 *Nondiscrimination:*, paragraph (b), the DOL and DHEW regulations, referred to in the paragraph have been specifically cited.

4. Editorial and corrective changes have also been made in the table of contents for Part 224 and in the following sections: §§ 224.0; 224.1; 224.10, paragraphs (a), (e), (f), and (h); 224.13; 224.14; 224.15, paragraphs (a) and (b); 224.18, paragraph (b); the title of Subpart C; 224.20, paragraph (b)(7); 224.21, paragraphs (a), (a)(5), (a)(6), and (c); 224.30, paragraph (a)(4); 224.32, paragraph (c); 224.34; 224.35; 224.36; 224.40, paragraph (e); 224.50, paragraph (b); 224.60, paragraph (a); 224.62; 224.65, paragraph (b); 224.70, paragraph (b)(6); 224.72, paragraphs (c) and (d); 224.73, paragraph (c); 224.75, paragraph (c)(3); and 224.77, paragraph (a). The Departments are also combining the present §§ 224.11 and 224.12 and reserving 224.12.

Finally, the Departments are adding to § 224.11 *Annual State WIN plans.* the procedures required by Office of Management and Budget (OMB) Circular A–95. OMB Circular A–95, was published as proposed rule-making at 40 FR 47960 on October 10, 1975. The rule-making proposed to cover the WIN program for the first time. Comments on the proposal were invited until November 3, 1975. On January 13, 1976, at FR 2052, OMB published a final version of OMB Circular A–95, effective February 27, 1976. The circular, as revised, now covers the WIN program. Consequently, the Departments are now required by law to add A–95 procedures to the WIN regulations. This is being done by this document.

Since the changes in this document consist of corrections, editorial and nomenclature changes, and changes required by law (OMB Circular A–95), proposed rule-making is not required. Accordingly, 45 CFR Part 224 is amended, effective immediately on October 29, 1976, to read as follows:

Subpart A—Purpose and Scope and Definitions

Sec.
224.0 Purpose and scope.
224.1 Definitions.

Subpart B—Administration

224.10 General administration provisions.
224.11 Annual State WIN plans.
224.12 [Reserved].
224.13 State and local agreements for WIN activities and programs.
224.14 Allocation of federal funds.
224.15 Use of federal funds; political activities.
224.16 Non-federal contribution.
224.17 Reports, records, financial statements and audits.
224.18 Adjustments in payments to WIN sponsors.
224.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.
224.21 Registration procedures.
224.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

224.30 Supportive services; State plan requirements.
224.31 [Reserved].
224.32 Pay and allowances for WIN registrants.
224.33 Relocation assistance.
224.34 Appropriate work and training criteria.
224.35 Period of participation.
224.36 Nondiscrimination.

Subpart E—The WIN Components and Activities

224.40 Public service employment (PSE).
224.41 Intensive manpower services component.
224.42 On-the-job training (OJT).
224.43 Institutional and other work experience training.
224.44 WIN individuals suspended to other employment or training programs.
224.45 Non-federal employee status.

Subpart F—Deregistration and Sanctions

224.50 Deregistration.
224.51 Sanctions.

Subpart G—The WIN Adjudication System

224.60 Disputes regarding WIN registrations.
224.61 Rules and procedures.
224.62 Complaints and grievances.
224.63 Requirement of conciliation and notice.
224.64 Request for hearing.
224.65 Issues subject to hearing.
224.66 Hearing procedures.
224.67 Conduct of WIN hearings.
224.68 Decisions of the hearing officer.
224.69 Appeals from hearing officer's decision.
Sec.
224.70 National Review Panel (NRP).
224.71 Appeals to the NRP.
224.72 Request for NRP to accept certification.
224.73 Requests by NRP for certification.
224.74 Certification of the record.
224.75 Consideration by and decisions of the NRP.
224.76 Sixty-day counseling period and reinstatement of certified individuals.
224.77 Subsequent WIN registration by deregistered individuals.

AUTHORITY: Secs. 402(a)(7), 402(a)(19), 430–444, 1102 of the Social Security Act, as amended, 49 Stat. 647 (42 U.S.C. 602(a)(630–44, 1302) unless otherwise noted.

Subpart A—Purpose and Scope and Definitions

§ 224.0 Purpose and scope.

(a) The purpose of this Part 224 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

§ 224.1 Definitions.

Act means the Social Security Act.

AFDC (Aid to Families with Dependent Children) means the program authorized by Title IV–A of the Act to provide financial assistance and social services to needy families with dependent children.

AFDC Applicant means a person who applies to the State or local welfare agency for AFDC.

Appraisal means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

Complaints (See grievances).

Component means a structured regularly scheduled program activity for certified registrants.

Deregistration means the removal of an individual from the WIN program.

DHEW means the U.S. Department of Health, Education and Welfare.

DOL means the U.S. Department of Labor.

Employability Plan means a written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Grievance means an adjudicable issue initiated by a WIN registrant which does

not involve the threat of sanction. Grievances may include, but are not limited to disputes over assignments where the registrant is not refusing the assignment, alleged discrimination, and complaints about eligibility for, or amounts of, WIN allowances.

Hearing Officer means the hearing officer designated in the State WIN plan to hear and decide or make recommendations on issues involving WIN.

Income Maintenance Unit (IMU) means the unit of the State or local welfare agency which determines individuals' eligibility for AFDC.

Institutional Training means vocational or other classroom training conducted by an instructor in a nonworksite setting.

Intensive Manpower Services Component means a structured work experience component providing manpower and employment services to certified WIN registrants to assist them in obtaining unsubsidized employment.

Local WIN Plan means the plan developed annually by local WIN sponsor and SAU staffs which describes the operation of the WIN program for a specific local area.

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC.

Manpower Services means employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

NCC means the National Coordination Committee, a committee established to administer the WIN program, consisting of the Assistant Secretary for Employment and Training (DOL) and the Administrator of the Social and Rehabilitation Service (DHEW).

NRP means the National Review Panel, the final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

OJT means on-the-job training, an employment opportunity component in which a certified registrant is hired by a private or public employer and is provided training under contract with the employer.

PSE means public service employment, a WIN sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient means an individual who has been determined to be eligible to receive AFDC.

RA means the Regional Administrator, Employment and Training Administration (DOL).

RC means the Regional Commissioner of the Social and Rehabilitation Service (DHEW).

RCC means the Regional Coordination Committee established in each region consisting of the RA and the RC.

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

Registration means the process whereby an AFDC applicant or recipient completes all necessary registration requirements.

"SAU" means the Separate Administrative Unit, that unit of the State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

State Welfare Agency means the welfare agency designated pursuant to 45 CFR 205.100 with authority to administer or supervise the administration of the State plan approved under title IV, A of the Act.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State Plan means the State plan for AFDC approved under title IV, A of the Act.

State WIN *Plan* means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment or training.

Training Related Expenses means those expenses, reimbursable from WIN funds, that are incurred by individuals participating in WIN program components and activities.

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

Welfare Hearing Officer means the hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or nonexemption for WIN registration.

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the intensive manpower services component.

WIN Sponsor means the State agency (such as the State employment service) or other public or nonprofit private agency which, through agreement with the RA, administers the WIN manpower program under Part C of title IV of the Act at the State or local level.

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private, employer; the term is also used to refer to the intensive manpower services component.

Subpart B—Administration

§ 224.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Employment and Training (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall issue a WIN Handbook, establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a national Executive Director to administer the program.

(e) The Assistant Secretary has designated the Assistant Regional Administrator, Employment and Training Administration in each region (RA) to carry out the WIN program in each region. The Administrator has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the RA and the RC shall form the WIN Regional Coordination Committee (RCC). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC, it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) The RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN plan.

(h) Within each State the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 224.11 Annual State WIN plans.

(a) State WIN plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The NCC shall issue instructions setting guidelines to the State WIN sponsor and State welfare

agency for the development of State WIN plans. The plan shall indicate those areas in which the State WIN sponsor and welfare agency, after considering such factors as size of the welfare case load and budgetary constraints, propose to operate WIN projects. Each State WIN plan shall describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the local WIN plans, as required by paragraph (b) of this section. The State WIN plan shall also provide for the establishment of Labor Market Advisory Councils in accord with section 432(f) of the Act.

(b) Each local WIN sponsor and each local SAU shall jointly develop an annual local WIN plan after consulting with other agencies as appropriate. Such plan shall describe the local project's operation. The NCC will issue instructions setting guidelines for the development of such plans.

(c) Local WIN plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN plan.

(d)(1) The State WIN sponsor and State welfare agency shall:

(i) Submit the State WIN plan (with local WIN plans attached) to the appropriate RCC for action;

(ii) At the same time, forward copies of the plan to the Governor or his delegated agency (as required by OMB Circular A-95) and to the Governor's State Manpower Services Council established under the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203), or its equivalent, for review and comment;

(iii) Urge the Governor to involve appropriate area-wide clearinghouses in the review; and

(iv) Request the Governor and the Council to send any comments directly to the RCC, (with copies to the State WIN sponsor and the State welfare agency), within 45 days from the date that copies of the State WIN plan were mailed to them.

(2) The RCC shall consider any such comments in reviewing the plan, and shall not take final action on the plan until the Governor's and Council's comments have been received, or until the 45 days referred to in paragraph (d)(1)(iv) of this section have elapsed, whichever is earlier.

§ 224.12 [Reserved]

§ 224.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, institutional programs, on-the-job training programs, and work experience programs. Work experience programs and public service employment agreements may be entered into only with public agencies and nonprofit private employers organized for a public purpose.

§ 224.14 Allocation of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C of title IV of the Act to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor, not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment which meet criteria specified in the WIN Handbook issued under § 224.10.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act for the 50 States and the District of Columbia. For Puerto Rico, Guam and the Virgin Islands, the Secretary of Health, Education, and Welfare shall allocate funds pursuant to section 1108 of the Act.

§ 224.15 Use of federal funds; political activities.

(a) Federal funds under Part C of title IV of the Act, allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this Part.

(b) WIN funds under Part C of title IV of the Act may be used for training, supervision, materials, administration, incentive payments, transportation, fees for medical examinations required for the determination of exempt status under § 224.20 or incapacity for work assignment under § 224.34(a)(2) and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN/PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the SAU, for AFDC recipients who are certified to WIN, and SAU administrative costs for all registrants.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1-15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV-A of the Act for any fiscal year shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 224.16 Non-federal contribution.

(a) A State plan under title IV-A of the Act must provide that the State welfare agency will assure a non-federal contribution to the Work Incentive programs established under Part C of the Act by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV-A of the Act.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be

used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) If the State welfare agency fails to make arrangements for the non-Federal contribution of 10 percent of the total Statewide program costs or operation, pursuant to paragraph (a) of this section, the Secretary of Health, Education, and Welfare may withhold, under the conditions specified in the law, the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

(f) The provisions of Federal Management Circular (FMC) 74–7 must be met.

§ 224.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by DOL and DHEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of these agencies, and shall be retained for 3 years from the date of submission of the final expenditure report or from the date of submission of the annual expenditure report for payments under a grant or contract, whichever is earlier. The records shall be retained beyond the 3 year period if audit findings have not been resolved. State and local WIN sponsors and welfare agencies shall also submit periodic reports as required by DOL and DHEW covering non-financial program activities.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 224.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any registrant or to expend less during the effective period of the contract or grant than those sums called for in the State WIN plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 224.19 Termination of contracts or grants.

(a) If a WIN sponsor or IMU violates any provision of the Act or the regulations in this Part, or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in the case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and Federal Management Circular (FMC) 74–4.

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

§ 224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402 (a)(19)(A) of the Act, shall register for manpower services, training, and employment as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits, based on the following criteria: Each AFDC applicant and recipient shall register unless he is:

(1) Under age 16;

(2) Regularly attending school and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification according to State welfare regulations that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student as defined in 45 CFR 233.90;

(3) Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(4) Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN;

(5) 65 years of age or older;

(6) Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from a WIN office or service unit that effective participation in the program is precluded. The individual shall be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A person in the home, and the IMU has verified that a physical or mental impairment, as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6; or

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or to accept employment without good cause.

(c) The IMU shall inform each applicant and recipient in writing that:

(1) The needs of any nonexempt applicant or recipient who fails to register as required will not be taken into account in determining the need and the amount of the AFDC assistance payment;

(2) Exempt applicants and recipients must report to the IMU any changes which affect their exempt status;

(3) Any applicant or recipient has a right to a hearing before the State welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC benefits when such benefits have been denied because of his refusal to register for WIN;

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, and employment, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

(5) Nonexempt applicants and recipients, along with exempt individuals who volunteer for WIN, shall report to a specified place of registration at the office of the WIN sponsor or its approved agent.

(d) The IMU shall immediately refer all applicants and recipients, whom it has determined to be nonexempt, and all volunteers, to the WIN sponsor or its approved agent for registration.

(e) The IMU shall refer individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate State vocational rehabilitation agency.

(f) The IMU of the welfare agency shall include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or permanently incapacitated.

(g) The IMU shall notify the WIN sponsor within 3 working days of any welfare determination which may affect an individual's WIN status.

§ 224.21 Registration procedures.

(a) The WIN sponsor shall promptly register all individuals found by the IMU to be nonexempt, and all individuals who volunteer for WIN, when they appear at the WIN office so that eligibility determinations are not delayed. Where special conditions warrant (such as a paucity of WIN sponsor offices in an area), the WIN sponsor may, with the concurrence of the RCC, contract with other public or private nonprofit agencies in specified areas to carry out registration activities. Under this requirement, the WIN sponsor (or its approved agency) shall:

(1) Obtain a complete work history on each applicant and recipient;

(2) Notify each registrant about the nature of the WIN program and about his rights and responsibilities therein;

(3) Provide each registrant with written proof of registration;

(4) If the IMU has determined an individual to be nonexempt and the WIN sponsor disagrees, register the individual and request the IMU to reconsider its determination. The IMU's response will be accepted by the WIN sponsor. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt;

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment;

(6) Notify the IMU, within 3 working days of the registration, that registration has been completed so that the IMU's completion of the welfare eligibility determination shall not be delayed; and

(7) Provide all registrants, at the time of registration, job market information and referral to available employment. All appropriate job market information available to the WIN Sponsor, including Job Bank, shall be used to provide this information and facilitate such referrals.

(b) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(c) Where the WIN sponsor is the State public employment service, the registration required of unemployed fathers under section 407(b)(2)(c)(i) of the Act may be completed at the WIN office. This will fulfill the WIN registration requirement under section 402(a)(19)(A) of the Act.

§ 224.22 Appraisal and certification.

(a) The appraisal interview shall be conducted jointly to the extent possible, or sequentially as appropriate, by the WIN sponsor and the SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the SAU at the appraisal interview for each registrant who is found suitable for participation in the WIN program. The decision to refer an individual to employment or to a work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be apraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) Other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) Others.

(d) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with the WIN sponsor.

(e) The WIN sponsor shall request the SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in intensive manpower services, on-the-job training, public service employment, institutional training, or in any other manpower program or activity.

(f) Registrants who find employment or are placed by the WIN sponsor may be certified and necessary supportive services may be provided.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job, to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 224.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program;

(b) The SAU shall be responsible for:

(1) Developing, jointly with the State WIN sponsor, and approving, a State WIN plan in accordance with section 433(b) of the Act;

(2) Developing and supplying social services necessary to enable a registrant who is an AFDC recipient to accept employment and training for employment. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification and in the development of employability plans pursuant to § 224.22;

(4) Certifying in writing to the WIN sponsor that the individual is ready for WIN manpower services when the WIN sponsor requests such certification and the supportive services, if any were necessary, have been provided or arranged for; and

(5) Providing counseling and other services, for a period of up to 60 days, to certified individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see §§ 224.51 and 224.76). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN

without good cause, the agency shall not provide another period of counseling and other services.

(c) Supportive services under the WIN program shall include:

(1) Child care which meets the standards specified in 45 CFR 228.42. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Counseling services;

(4) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available;

(5) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(d) Other supportive services included in the State WIN plan may be provided if they are necessary to enable registrants to accept employment or receive manpower training.

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component and the start of employment in order to avoid interruption of the employability process.

§ 224.31 [Reserved]

§ 224.32 Pay and allowances for WIN registrants.

(a) An individual assigned to a WIN institutional or work experience training component, including the intensive manpower services component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(g) Registered recipients referred to employment may receive an allowance for necessary expenses.

§ 224.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 224.34 Appropriate work and training criteria.

(a) Certified registrants shall accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions;

(2) The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health;

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(4) When child care is required it must meet the standards specified in 45 CFR 228.42 and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time;

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards;

(6) Assignments shall not be made which are discriminatory in terms of age, handicap, sex, race, creed, color, or national origin; and

(7) The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in a WIN component shall constitute good cause for refusal to participate.

(b) The determination of "appropriate work" shall be made at the local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work if such work meets the other work standards of this section;

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act;

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case be less than that required by any applicable minimum wage law;

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(c) In addition to meeting the criteria in paragraph (a) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment

which will meet the appropriate work criteria.

§ 224.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months with a maximum duration of one year for any individual.

(b) Participation in the work experience component shall not exceed 13 weeks for any individual.

(c) The RCC may, for good cause, allow an exception to the limitations in paragraph (a) of this section.

§ 224.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under pargraph (a) of this section shall be processed according to equal opportunity provisions established by DOL and DHEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder at 29 CFR Part 31 (DOL) and 45 CFR Part 80 (DHEW).

Subpart E—The WIN Components and Activities

§ 224.40 Public service employment (PSE).

(a) PSE consists of WIN subsidized jobs in the public and private nonprofit sectors. All PSE jobs must meet the criteria for appropriate work, established by § 224.34, and must be jobs which would not otherwise be performed by regular employees. The PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) All certified registrants for whom appropriate unsubsidized employment cannot be found are eligible for placement in PSE.

(c) An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private nonprofit organization established to serve a public purpose.

(d) For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered from WIN until they complete the scheduled PSE contract period and enter unsubsidized employment. PSE participants are not eligible to receive either a WIN incentive payment or the $30 plus ⅓ disregard provided by section 402(a)(8) of the Act.

(e) Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 224.41 Intensive manpower services component.

(a) A State may establish as one work experience component an intensive manpower services component to assist certified individuals to obtain employment. The State WIN sponsor shall develop standards of participation in the intensive manpower services component, taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. If the State selects this component, such standards of participation shall be included in the State WIN plan submitted to the RCC.

(b) The intensive manpower services component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement, and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 224.42 On-the-job-training (OJT).

(a) OJT is an employment opportunity which includes training. Under this component, a certified registrant is hired by a private or public employer and provided training which is subsidized under contract between the employer and the WIN sponsor. Employers are encouraged to provide increased supervision and training through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

(b) For the purpose of AFDC benefits, OJT participants are considered to be employed. However, OJT participants shall not be deregistered from WIN until they complete the scheduled OJT contract period as they are still an active participant in the WIN program during such period.

§ 224.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a public or private nonprofit employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 224.44 WIN individuals suspended to other employment or training programs.

Certified individuals referred to other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the other program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the SAU and the WIN sponsor in accordance with the time limits set forth in this Part.

§ 224.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Subpart F—Deregistration and Sanctions

§ 224.50 Deregistration.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration is necessary when an individual is held to have refused to participate without good cause; an incorrect non-exemption determination has been made; or an individual becomes exempt. Deregistration is also necessary when an individual becomes ineligible for AFDC except in the case where he is participating in a component or is employed and receiving WIN-funded supportive services.

(c) The welfare agency shall notify the WIN sponsor of any change which will affect an AFDC recipient's welfare or exemption status in such a way as to warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been discontinued for reasons involving other than WIN program issues the WIN sponsor shall notify the IMU of all deregistrations.

(e) Any WIN registrant, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN registrant, except a volunteer, who after counseling has been offered, continued to refuse to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate.

(f) Volunteers who withdraw from the WIN program shall be deregistered.

(g) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered.

§ 224.51 Sanctions.

A State plan under title IV–A of the Act shall provide that:

(a) When a registered recipient has been found to have failed or refused

without good cause to participate in the WIN program, the following sanctions shall apply:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(b) The sanctions under paragraph (a) of this section shall not be applied during a period of up to 60 days after such adverse decision, provided the registrant has been certified and accepts counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, where the individual is the caretaker relative, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency.

(c) If an individual registered on a voluntary basis, pursuant to § 224.20 of this part, discontinues participating in the work incentive program he and his family are not subject to the sanctions under this section.

(d) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

§ 224.60 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant or recipient claims that he is exempt from WIN by the statutory criteria. Such an individual shall be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct welfare hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 224.61 Rules and procedures.

(a) The State WIN plan shall include rules and procedures applicable to both certified and uncertified registrants, governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing and any State appellate review.

(b) The plan shall specify that the hearing officer shall be an individual who was not involved in the original determination. The plan shall also designate the parties to the hearing.

§ 224.62 Complaints and grievances.

(a) Initially, written complaints and grievances shall be handled informally outside of the WIN adjudication system. They shall be processed at the local project level within the time frame provided under § 224.63(a). At that time, an individual who is not satisfied with the disposition of his complaint may initiate a formal protest at the local project level which then will be processed through the formal WIN adjudication system.

(b) Written records of all disputes arising within the WIN program shall be maintained by the WIN sponsor. The date appearing on such records shall be controlling in determining the timeliness of subsequent steps in the WIN adjudication system.

§ 224.63 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the registrant must be exhausted prior to the issuance of a Notice of Intended Deregistration. This conciliation effort may continue for a period not to exceed 30 days but may be terminated sooner at the discretion of the WIN sponsor when it is apparent that the dispute cannot be reconciled in this manner. When the conciliation period has terminated, or the dispute remains unresolved after 30 days, the WIN sponsor shall mail to the registrant a Notice of Intended Deregistration.

(b) The notice shall include:

(1) A detailed explanation of the reason for the action and the consequence of refusal or failure to cooperate in a WIN prescribed program without good cause;

(2) Notification of the registrant's right to a hearing if the registrant believes the proposed action is incorrect, provided a written request for a hearing is filed as prescribed in § 224.63;

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

(c) When written notification is mailed to the individual, the WIN sponsor shall also inform him of the intended action personally or by telephone, if possible.

(d) The requirements of this section do not apply to an individual who:

(1) Has successfully entered employment and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 224.64 Request for hearing.

(a) An individual who believes the intended action is incorrect may request a hearing before a hearing officer within 10 days after mailing of Notice of Intended Deregistration. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. Where the request is oral, the WIN sponsor shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms.

(b) Hearing procedures shall be made available to individuals requesting hearings in advance of such hearings.

§ 224.65 Issues subject to hearing.

(a) Under the WIN adjudication system a hearing officer will hear and decide WIN program issues arising subsequent to registration by certified and uncertified registrants. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, or failure or refusal without good cause to accept employment or otherwise participate in the WIN program.

(b) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled through the WIN adjudication system in the same manner as if the registrant had, in fact, refused to participate in the WIN program. In such an instance, a registrant who fails to accept an adverse decision pursuant to § 224.68(a)(5) shall have no further recourse to a hearing on the issue before a hearing officer but may appeal the decision pursuant to § 224.69.

§ 224.66 Hearing procedures.

(a) Upon receipt of a written request for a hearing, a Notice of Scheduled Hearing shall be mailed to the individual and other parties within 10 days. Such notice shall indicate the date, time, and place of the hearing, the issues to be considered, and the hearing procedures that will be followed. Hearings shall be scheduled no earlier than 10 days, or later than 30 days, following the mailing of the hearing notice.

(b) The hearing officer may reschedule a hearing upon request of the individual, his representative, or other party.

(c) An individual or his representative may withdraw the request for a hearing in writing before the hearing.

(d) The WIN staff or its legal representative shall have primary responsibility for presenting the case before the hearing officer.

§ 224.67 Conduct of WIN hearings.

(a) The hearing officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas authorized by State law;

(3) Assure that all relevant issues are considered, including the timeliness of the hearing request;

(4) Rule on the introduction of new and relevant evidence and testimony;

(5) Take any other action consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded. It shall be transcribed only when necessary for review by an appellate body.

(c) The registrant or his representative, and the designated WIN sponsor and SAU shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(e) The hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(g) The hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 224.68 Decisions of the hearing officer.

(a) The hearing officer may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing;

(iii) The individual failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the welfare agency may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, a hearing officer shall not consider the validity or constitutionality of the regulations in this Part or of the Act.

(b) Based on the entire record including any evidence and oral testimony provided at the hearing the hearing officer shall prepare a written decision. Within 10 working days following the hearing, a copy of such decision stating his findings and conclusions of law and the reasons therefore, shall be mailed to the individual and his authorized representative, if any, the WIN sponsor, the SAU, and the RCC. Instructions for appealing an adverse decision or recommendation to the appropriate appellate body shall be attached to the copy sent to the individual and his representative.

(c) In cases involving novel questions of law or policy the hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State WIN appellate body or to the National Review Panel (NRP) where the State does not provide for a State WIN appellate procedure.

§ 224.69 Appeals from hearing officer's decision.

(a) Any party who disagrees with the hearing officer's decision on the WIN issue may request a review of such decision by the appropriate State appellate body within 10 days following the date on which the hearing officer's decision is mailed. A request for appellate review of the hearing officer's decision shall not stay implementation of the decision.

(b) A State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. Within 30 days after receipt of the request for review it shall prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case to a hearing officer for further evidence. The decision shall be based on its review of the entire hearing record and any additional written evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be admitted if it brings into question the validity or constitutionality of the regulations in this Part or of the Act. The decision shall state the findings of fact and conclusions of law and the reasons therefore. Copies of the decision shall be mailed to the individual, his authorized representative, if any, the WIN sponsor, the SAU, the RCC, and the NRP. Instructions for appealing a decision to the NRP and the rules under which the NRP considers appeals shall be attached to the individual's copy of the decision.

(c) While reviewing a case, a State WIN appellate body may consider novel questions of law or policy or certify the case within 5 days after rendering its decision to the NRP for review and decision.

(d) If a hearing officer's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 224.70 National Review Panel (NRP).

(a) The NRP shall be composed of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the hearing officer and State WIN appellate body.

(6) However, the NRP shall not have jurisdiction to examine the issue of either the validity or constitutionality of the regulations in this Part or of the Act.

§ 224.71 Appeals to the NRP.

(a) Appeals to the NRP may be filed by any party. Such appeals shall be mailed within 10 days of the date of the written decision from which the appeal is taken.

(b) The appeal shall be in writing, shall identify reasons in support of the appeal, and be addressed to the NRP. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all parties.

(c) Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days after the date of mailing of the notification that an appeal has been filed.

§ 224.72 Request for NRP to accept certifications.

(a) The State WIN appellate body, or, in the absence of a State WIN appellate body, the hearing officer may file a request that the NRP accept certification of a case.

(b) The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the hearing officer or WIN appellate body must be attached to the request.

(c) A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision.

(2) In the absence of a State WIN appellate body, by the hearing officer within 5 days after issuance of his written decision;

(d) The party filing a request to the NRP to except certification of a case shall file the request with the NRP, U.S. Department of Labor, Washington, D.C. 20036, and simultaneously mail copies to every other party including the State agency administering hearings.

(e) Any party who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 10 days following the date of mailing of a request that the NRP accept certification. A copy of the response shall be mailed to all parties to the proceeding, including the State agency administering hearings.

§ 224.73 Requests by NRP for certification.

(a) Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after receipt by the NRP of a written decision by the State WIN appellate body or the hearing officer. Copies of the request shall be mailed to all parties.

(b) In all cases, any party may file briefs in support of its position. The NRP may request briefs from the parties.

(c) Briefs shall be filed within 30 days from the date of mailing of the request that a case be certified. In cases where the NRP requests briefs, a different time limit may be set.

§ 224.74 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the hearing officer, whichever is applicable, within 30 days of mailing of the notification, shall certify and file with the NRP the record of the hearing including the transcript of the hearing; a copy of the hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall mail a copy of such index to every party.

§ 224.75 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral argument or hold additional hearings where necessary.

(c) (1) Any party may make application in writing for a hearing or oral presentation. Such application shall set forth the reasons in support thereof and be made within 10 days after:

(i) Mailing of notification of the filing of an appeal from the decision of a hearing officer where the State does not provide for an appellate body; or

(ii) Mailing of notification that the NRP at its discretion has accepted an appeal from the decision of a State WIN appellate body; or

(iii) Mailing of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State WIN appellate body or hearing officer.

(2) If a hearing or oral argument is directed, the notice shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be mailed to all parties.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence. If such hearing or argument is deemed necessary, it shall be held at the location of the original hearing.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge to the panel shall be mailed to all parties. Any party may file with the NRP written exceptions and briefs in support thereof within 10 days of the mailing of the Administrative Law Judge's findings and recommendations and shall at the same time mail copies of such exceptions and briefs to all other parties. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the NCC, Solicitor of Labor and Office of General Counsel, DHEW, to afford a 30-day period for the submittal of any response deemed appropriate or requests for oral argument.

(e) The NRP shall prepare a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions including notification that the NRP has denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be mailed to all parties and such other persons as may be appropriate.

§ 224.76 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of title IV of the Act (not AFDC benefits) shall cease and the 60-day counseling period by the SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the NRP which reverses a decision favorable to a WIN registrant.

(b) The IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling shall be provided by the SAU for a period of up to 60-days, to those certified registrants who have been determined by the Secretary of Labor to have refused to participate in the WIN program without good cause for the purpose of persuading them to participate in WIN. Such counseling may be terminated at any time during this period at the discretion of the SAU when it becomes apparent that the counseling efforts are proving unsuccessful. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the SAU shall not provide another period of counseling and other services.

(d) The 60-day counseling period shall not be provided to uncertified registrants.

(e) A certified registrant who fails without good cause to appear for two or more scheduled counseling meetings shall be considered to have terminated the counseling.

(f) Certified registrants who complete the 60-day counseling may be reaccepted into WIN only with the concurrence of the SAU.

§ 224.77 Subsequent WIN registration by deregistered individuals.

(a) An individual who was deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since deregistration and the individual has given evidence to the WIN project staff of willingness to participate. If such a person is subsequently deregistered following a "without good cause finding" the person shall not be registered or reaccepted in the WIN program unless satisfactory evi-

dence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

(Catalog of Federal Domestic Assistance Nos. 13.754, Public Assistance—Social Services, and 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Dated: September 8, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.76-31728 Filed 10-28-76;8:45 am]

federal register

FRIDAY, OCTOBER 29, 1976

PART V:

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Nomenclature Changes and Editorial Amendments

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Nomenclature Changes and Editorial Amendments

Notice is hereby given that the Department of Labor, and the Department of Health, Education, and Welfare are amending 29 CFR Part 56, Work Incentive Programs for AFDC Recipients Under Title IV of the Social Security Act.

The vast majority of amendments are corrections of spelling, typographical and punctuation errors made when Part 56 was being readied for publication on September 18, 1975. Many amendments are made to editorially conform 29 CFR Part 56 with its duplicate at 45 CFR Part 224. Other amendments in titles and nomenclature result from Secretary's Order 14–75 (40 FR 54485) which changed the name of the Manpower Administration to the Employment and Training Administration. In addition, the following editorial amendments are being made:

2. In § 56.1 *Definitions.*, definitions are added for the terms *Complaints, Component, Grievance,* and *RA,* and the definition of *ARDM* is deleted. In addition, the definition of *Registration* has been simplified and other definitions have been editorially corrected.

3. In § 56.17 *Reports, records, financial statements and audits.*, the retention period for records has been clarified and corrected.

4. In § 56.36 *Nondiscrimination*, paragraph (b), the DOL and DHEW regulations, referred to in the paragraph, have been specifically cited.

5. Editorial and corrective changes have also been made in the table of contents for Part 56 and in the following sections: Sections 56.0; 56.1; 56.10, paragraphs (a), (e), (f) and (h); 56.13; 56.14; 56.15, in the title and in paragraphs (a) and (b); 56.18, paragraph (b); the title of Subpart C; 56.20, paragraph (b)(7); 56.21, paragraphs (a), (a)(5), (a)(6) and (c); 56.30, paragraph (a)(4); 56.34; 56.35; 56.36; 56.42, paragraph (b); 56.44; 56.50, paragraph (b); 56.60, paragraph (a); 56.61; 56.62; 56.65, paragraph (b); 56.70, paragraph (b)(6); 56.71, paragraph (b); 56.72, paragraphs (c)(1) and (d); 56.73, paragraph (c); 56.75, paragraphs (c)(3) and (d); and 56.77, paragraph (a).

The Departments are also combining the present §§ 56.11 and 56.12 and reserving 56.12.

Finally, the Departments are adding to § 56.11 *Annual State WIN plans.* the procedures required by the Office of Management and Budget (OMB) Circular A–95. OMB Circular A–95, was published as proposed rulemaking at 40 FR 47960 on October 10, 1975. The proposed rulemaking proposed to cover the WIN program for the first time. Comments on the proposal were invited until November 3, 1975. On January 13, 1976, at 41 FR 2052, OMB published a final version of OMB Circular A–95, effective February 27, 1976. The circular, as revised, now covers the WIN program. Consequently, the Departments are now required by law to add to A–95 procedures to the WIN regulations. This is being done by this document.

Since the changes in this document consist of corrections, editorial and nomenclature changes, and changes required by law (OMB Circular A–95), proposed rulemaking is not required. Accordingly, 29 CFR Part 56 is amended effective immediately on October 29, 1976, to read as follows:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

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56.0 Purpose and scope.
56.1 Definitions.

Subpart B—Administration

56.10 General administration provisions.
56.11 Annual State WIN plans.
56.12 [Reserved].
56.13 State and local agreements for WIN activities and programs.
56.14 Allocation of federal funds.
56.15 Use of federal funds; political activities.
56.16 Non-Federal contribution.
56.17 Reports, records, financial statements and audits.
56.18 Adjustments in payments to WIN sponsors.
56.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.
56.21 Registration procedures.
56.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

56.30 Supportive services; State plan requirements.
56.31 [Reserved]
56.32 Pay and allowances for WIN registrants.
56.33 Relocation assistance.
56.34 Appropriate work and training criteria.
56.35 Period of participation.
56.36 Nondiscrimination.

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56.40 Public service employment (PSE).
56.41 Intensive manpower services component.
56.42 On-the-job training (OJT).
56.43 Institutional and other work experience training.
56.44 WIN individuals suspended to other employment or training programs.
56.45 Non-Federal employee status.

Subpart F—Deregistration and Sanctions

56.50 Deregistration.
56.51 Sanctions.

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Sec.
56.60 Disputes regarding WIN registrations.
56.61 Rules and procedures.
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56.63 Requirement of conciliation and notice.
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56.67 Conduct of WIN hearings.
56.68 Decisions of the hearing officer.
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56.71 Appeals to the NRP.
56.72 Request for NRP to accept certification.
56.73 Requests by NRP for certification.
56.74 Certification of the record.
56.75 Consideration by and decisions of the NRP.
56.76 Sixty-day counseling period and reinstatement of certified individuals.
56.77 Subsequent WIN registration by deregistered individuals.

AUTHORITY: Secs. 402(a)(7), 402(a)(19); 430–444, and 1102 of the Social Security Act, as amended, 49 Stat. 647 (42 U.S.C. 602(a), 630–644, 1302) unless otherwise noted.

SOURCE: 40 FR 43170, Sept. 18, 1975, unless otherwise noted.

Subpart A—Purpose and Scope and Definitions

§ 56.0 Purpose and scope.

(a) The purpose of this Part 56 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

§ 56.1 Definitions.

Act means the Social Security Act.

AFDC (Aid to Families with Dependent Children) means the program authorized by Title IV–A of the Act to provide financial assistance and social services to needy families with dependent children.

AFDC Applicant means a person who applies to the State or local welfare agency for AFDC.

Appraisal means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

Complaints (See grievances)

Component means a structured regularly scheduled program activity for certified registrants.

Deregistration means the removal of an individual from the WIN program.

DHEW means the U.S. Department of Health, Education and Welfare.

DOL means the U.S. Department of Labor.

Employability Plan means a written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Grievance means an adjudicable issue initiated by a WIN registrant which does not involve the threat of sanctions. Grievances may include, but are not limited to disputes over assignments where the registrant is not refusing the assignment, alleged discrimination, and complaints about eligibility for, or amounts of, WIN allowances.

Hearing Officer means the hearing officer designated in the State WIN plan to hear and decide or make recommendations on issues involving WIN.

Income Maintenance Unit (IMU) means the unit of the State or local welfare agency which determines individuals' eligibility for AFDC.

Institutional Training means vocational or other classroom training conducted by an instructor in a nonworksite setting.

Intensive Manpower Services Component means a structured work experience component providing manpower and employment services to certified WIN registrants to assist them in obtaining unsubsidized employment.

Local WIN Plan means the plan developed annually by local WIN sponsor and SAU staffs which describes the operation of the WIN program for a specific local area.

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC.

Manpower Services means employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

NCC means the National Coordination Committee, a committee established to administer the WIN program, consisting of the Assistant Secretary for Employment and Training (DOL) and the Administrator of the Social and Rehabilitation Service (DHEW).

NRP means the National Review Panel, the final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

OJT means on-the-job training, an employment opportunity component in which a certified registrant is hired by a private or public employer and is provided skill training under contract with the employer.

PSE means public service employment, a WIN sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient means an individual who has been determined to be eligible to receive AFDC.

RA means the Regional Administrator, Employment and Training Administration (DOL).

RC means the Regional Commissioner of the Social and Rehabilitation Service (DHEW).

RCC means the Regional Coordination Committee established in each region consisting of the RA and the RC.

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

Registration means the process whereby an AFDC applicant or recipient completes all necessary registration requirements.

"SAU" means the Separate Administrative Unit, that unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

State Welfare Agency means the welfare agency designated pursuant to 45 CFR 205.100 with authority to administer or supervise the administration of the State plan approved under title IV, A of the Act.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State Plan means the State plan for AFDC approved under title IV, A of the Act.

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, or training.

Training Related Expenses means those expenses, reimbursable from WIN funds, that are incurred by individuals participating in WIN program components and activities.

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

Welfare Hearing Officer means the hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or nonexemption for WIN registration.

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the intensive manpower services component.

WIN Sponsor means the State agency (such as the State employment service) or other public or non-profit private agency which, through agreement with the RA, administers the WIN manpower program under Part C of title IV of the Act at the State or local level.

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer; the term is also used to refer to the intensive manpower services component.

Subpart B—Administration

§ 56.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Employment and Training (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall issue a WIN Handbook, establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a national Executive Director to administer the program.

(e) The Assistant Secretary has designated the Assistant Regional Administrator, Employment and Training Administration in each region (RA) to carry out the WIN program in each region. The Administrator has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the RA and the RC shall form the WIN Regional Coordination Committee (RCC). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) The RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN plan.

(h) Within each State the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 56.11 Annual State WIN plans.

(a) State WIN plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The NCC shall issue instructions setting guidelines to the State WIN sponsor and State welfare agency for the development of State WIN plans. The plan shall indicate those areas in which the State WIN sponsor and welfare agency, after considering such factors as size of the welfare case load and budgetary constraints, propose to operate WIN projects. Each State WIN plan shall describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the local WIN plans, as required by paragraph (b) of this section. The State WIN plan shall also provide for the establishment of Labor Market Advisory Councils in accord with section 432(f) of the Act.

(b) Each local WIN sponsor and each local SAU shall jointly develop an annual local WIN plan after consulting with other agencies as appropriate. Such plan shall describe the local project's operation. The NCC will issue instructions setting guidelines for the development of such plans.

(c) Local WIN plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN plan.

(d)(1) The State WIN sponsor and State welfare agency shall:

(i) Submit the State WIN plan (with local WIN plans attached) to the appropriate RCC for action;

(ii) At the same time, forward copies of the plan to the Governor or his delegated agency (as required by OMB Circular A–95) and to the Governor's State Manpower Services Council established under the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203), or its equivalent, for review and comment;

(iii) Urge the Governor to involve appropriate area-wide clearinghouses in the review; and

(iv) Request the Governor and the Council to send any comments directly to the RCC, (with copies to the State WIN sponsor and the State welfare agency), within 45 days from the date that copies of the State WIN plan were mailed to them.

(2) RCC shall consider any such comments in reviewing the plan, and shall not take final action on the plan until the Governor's and Council's comments have been received, or until the 45 days referred to in paragraph (d)(1)(iv) of this section have elapsed, whichever is earlier.

§ 56.12 [Reserved]

§ 56.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, institutional programs, on-the-job training programs, and work experience programs. Work experience programs and Public Service Employment agreements may be entered into only with public agencies and nonprofit private employers organized for a public purpose.

§ 56.14 Allocation of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C of title IV of the Act to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor, not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment which meet criteria specified in the WIN Handbook issued under § 56.10.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act for the 50 States and the District of Columbia. For Puerto Rico, Guam, and the Virgin Islands, the Secretary of Health, Education, and Welfare shall allocate funds pursuant to section 1108 of the Act.

§ 56.15 Use of federal funds; political activities.

(a) Federal funds under Part C of title IV of the Act allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of title IV of the Act may be used for training, supervision, materials, administration, incentive payments, transportation, fees for medical examinations required for the determination of exempt status under § 56.20 or incapacity for work assignment under § 56.34(a)(2), and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN/PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the SAU, for AFDC recipients who are certified to WIN, and SAU administrative costs for all registrants.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV–A of the Act for any fiscal year shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 56.16 Non-federal contribution.

(a) A State plan under title IV–A of the Act must provide that the State welfare agency will assure a non-federal contribution to the Work Incentive programs established under Part C of the Act by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive

services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) If the State welfare agency fails to make arrangements for the non-Federal contribution of 10 percent of the total Statewide program costs of operation, pursuant to paragraph (a) of this section, the Secretary of Health, Education, and Welfare may withhold, under the conditions specified in the law, the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

(f) The provisions of Federal Management Circular (FMC) 74–7 must be met.

§ 56.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by DOL and DHEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of these agencies, and shall be retained for 3 years from the date of submission of the final expenditure report or from the date of submission of the annual expenditure report for payments under a grant or contract, whichever is earlier. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and welfare agencies, shall also submit periodic reports as required by DOL and DHEW covering nonfinancial program activities.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 56.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any registrant or to expend less during the effective period of the contract or grant than those sums called for in the State WIN plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 56.19 Termination of contracts or grants.

(a) If a WIN sponsor or IMU violates any provision of the Act or the regulations in this Part, or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in the case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and Federal Management Circular (FMC) 74–4.

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, and employment as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits, based on the following criteria: Each AFDC applicant and recipient shall register unless he is:

(1) Under age 16;

(2) Regularly attending school and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification according to State welfare regulations that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student as defined in 45 CFR 233.90;

(3) Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(4) Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN;

(5) 65 years of age or older;

(6) Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from a WIN office or service unit that effective participation in the program is precluded. The individual shall be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required less normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A person in the home, and the IMU has verified that a physical or mental impairment, as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6; or

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or to accept employment without good cause.

(c) The IMU shall inform each applicant and recipient in writing that:

(1) The needs of any nonexempt applicant or recipient who fails to register as required will not be taken into account in determining the need and the amount of the AFDC assistance payment;

(2) Exempt applicants and recipients must report to the IMU any changes which affect their exempt status;

(3) Any applicant or recipient has a right to a hearing before the State welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC benefits when such benefits have been denied because of his refusal to register for WIN;

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, and employment, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

(5) Nonexempt applicants and recipients, along with exempt individuals who volunteer for WIN, shall report to a specified place of registration at the office of the WIN sponsor or its approved agent.

(d) The IMU shall immediately refer all applicants and recipients, whom it has determined to be nonexempt, and all volunteers, to the WIN sponsor or its approved agent for registration.

(e) The IMU shall refer individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate State vocational rehabilitation agency.

(f) The IMU of the welfare agency shall include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or permanently incapacitated.

(g) The IMU shall notify the WIN sponsor within 3 working days of any welfare determination which may affect an individual's WIN status.

§ 56.21 Registration procedures.

(a) The WIN sponsor shall promptly register all individuals found by the IMU to be nonexempt, and all individuals who volunteer for WIN, when they appear at the WIN office so that eligibility determinations are not delayed. Where special conditions warrant (such as a paucity of WIN sponsor offices in an area), the WIN sponsor may, with the concurrence of the RCC, contract with other public or private nonprofit agencies in specified areas to carry out registration activities. Under this requirement, the WIN sponsor (or its approved agency) shall:

(1) Obtain a complete work history on each applicant and recipient;

(2) Notify each registrant about the nature of the WIN program and about his rights and responsibilities therein;

(3) Provide each registrant with written proof of registration;

(4) If the IMU has determined an individual to be nonexempt and the WIN sponsor disagrees, register the individual and request the IMU to reconsider its determination. The IMU's response will be accepted by the WIN sponsor. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt;

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment;

(6) Notify the IMU, within 3 working days of the registration, that registration has been completed so that the IMU's completion of the welfare eligibility determination shall not be delayed; and

(7) Provide all registrants, at the time of registration, job market information and referral to available employment. All appropriate job market information available to the WIN Sponsor, including Job Bank, shall be used to provide this information and facilitate such referrals.

(b) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(c) Where the WIN sponsor is the State public employment service, the registration required of unemployed fathers under section 407(b)(2)(c)(i) of the Act may be completed at the WIN office. This will fulfill the WIN registration requirement under section 402(a)(19)(A) of the Act.

§ 56.22 Appraisal and certification.

(a) The appraisal interview shall be conducted jointly to the extent possible, or sequentially as appropriate, by the WIN sponsor and the SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the SAU at the appraisal interview for each registrant who is found suitable for participation in the WIN program. The decision to refer an individual to employment or to a work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) Other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) Others.

(d) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with the WIN sponsor.

(e) The WIN sponsor shall request the SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in intensive manpower services, on-the-job training, public service employment, institutional training, or in any other manpower program or activity.

(f) Registrants who find employment or are placed by the WIN sponsor may be certified and necessary supportive services may be provided.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job, to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program;

(b) The SAU shall be responsible for:

(1) Developing, jointly with the State WIN sponsor, and approving, a State WIN plan in accordance with section 433(b) of the Act;

(2) Developing and supplying social services necessary to enable a registrant who is an AFDC recipient to accept employment and training for employment. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification and in the development of employability plans pursuant to § 56.22;

(4) Certifying in writing to the WIN sponsor that the individual is ready for WIN manpower services when the WIN sponsor requests such certification and the supportive services, if any were necessary, have been provided or arranged for; and

(5) Providing counseling and other services, for a period of up to 60 days, to certified individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see §§ 56.51 and 56.76). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the agency shall not provide another period of counseling and other services.

(c) Supportive services under the WIN program shall include:

(1) Child care which meets the standards specified in 45 CFR 228.42. When more than one kind of child care is available, the mother of other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Counseling services;

(4) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available;

(5) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(d) Other supportive services included in the State WIN plan may be provided if they are necessary to enable registrants to accept employment or receive manpower training.

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component and the start of employment in order to avoid interruption of the em-

§ 56.31 [Reserved]

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to a WIN institutional or work experience training component, including the intensive manpower services component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(g) Registered recipients referred to employment may receive an allowance for necessary expenses.

§ 56.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 56.34 Appropriate work and training criteria.

(a) Certified registrants shall accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions;

(2) The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health;

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(4) When child care is required, it must meet the standards specified in 45 CFR 228.42 and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time;

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards;

(6) Assignments shall not be made which are discriminatory in terms of age, handicap, sex, race, creed, color, or national origin; and

(7) The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in a WIN component shall constitute good cause for refusal to participate.

(b) The determination of "appropriate work" shall be made at the local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work, if such work meets the other work standards of this section;

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act;

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case, be less than that required by any applicable minimum wage law;

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his reg-

ular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(c) In addition to meeting the criteria in paragraph (a) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 56.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months with a maximum duration of one year for any individual.

(b) Participation in the work experience component shall not exceed 13 weeks for any individual.

(c) The RCC may, for good cause, allow an exception to the limitations in paragraph (a) of this section.

§ 56.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by DOL and DHEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder at 29 CFR Part 31 (DOL) and 45 CFR Part 80 (DHEW).

Subpart E—The WIN Components and Activities

§ 56.40 Public service employment (PSE).

(a) PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All PSE jobs must meet the criteria for appropriate work, established by § 56.34, and must be jobs which would not otherwise be performed by regular employees. The PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) All certified registrants for whom appropriate unsubsidized employment cannot be found are eligible for placement in PSE.

(c) An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered from WIN until they complete the scheduled PSE contract period and enter unsubsidized employment. PSE participants are not eligible to receive either a WIN incentive payment or the $30 plus ⅓ disregard provided by section 402(a)(8) of the Act.

(e) Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 56.41 Intensive manpower services component.

(a) A State may establish as one work experience component an intensive manpower services component to assist certified individuals to obtain employment. The State WIN sponsor shall develop standards of participation in the intensive manpower services component, taking into account local conditions, including, but not limited to geographic factors, availability of public transportation, and local labor market characteristics. If the State selects this component, such standards of participation shall be included in the State WIN plan submitted to the RCC.

(b) The intensive manpower services component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement, and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 56.42 On-the-job-training (OJT).

(a) OJT is an employment opportunity which includes training. Under this component, a certified registrant is hired by a private or public employer and provided training which is subsidized under contract between the employer and the WIN sponsor. Employers are encouraged to provide increased supervision and training through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

(b) For the purpose of AFDC benefits, OJT participants are considered to be employed. However, OJT participants shall not be deregistered from WIN until they complete the scheduled OJT contract period as they are still an active participant in the WIN program during such period.

§ 56.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a public or private nonprofit employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 56.44 WIN individuals suspended to other employment or training programs.

Certified individuals referred to other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the other program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the SAU and the WIN sponsor in accordance with the time limits set forth in this Part.

§ 56.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Subpart F—Deregistration and Sanctions

§ 56.50 Deregistration.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration is necessary when an individual is held to have refused to participate without good cause; an incorrect non-exemption determination has been made; or an individual becomes exempt. Deregistration is also necessary when an individual becomes ineligible for AFDC except in the case where he is participating in a component or is employed and receiving WIN-funded supportive services.

(c) The welfare agency shall notify the WIN sponsor of any change which will affect an AFDC recipient's welfare or exemption status in such a way as to warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been discontinued for reasons involving other than WIN program issues the WIN sponsor shall notify the IMU of all deregistrations.

(e) Any WIN registrant, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN registrant, except a volunteer, who after counseling has been offered, continued to refuse to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate.

(f) Volunteers who withdraw from the WIN program shall be deregistered.

(g) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered.

§ 56.51 Sanctions.

A State plan under title IV–A of the Act shall provide that:

(a) When a registered recipient has been found to have failed or refused without good cause to participate in the WIN program, the following sanctions shall apply:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(b) The sanctions under paragraph (a) of this section shall not be applied during a period of up to 60 days after such adverse decision, provided the registrant has been certified and accepts counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, where the individual is a caretaker relative, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency.

(c) If an individual registered on a voluntary basis, pursuant to § 56.20, discontinues participation in the work incentive program he and his family are not subject to the sanctions under this section.

(d) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

§ 56.60 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant or recipient claims that he is exempt from WIN by the statutory criteria. Such an individual shall be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct welfare hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 56.61 Rules and procedures.

(a) The State WIN plan shall include rules and procedures applicable to both certified and uncertified registrants, governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing and any State appellate review.

(b) The plan shall specify that the hearing officer shall be an individual who was not involved in the original determination. The plan shall also designate the parties to the hearing.

§ 56.62 Complaints and grievances.

(a) Initially, written complaints and grievances shall be handled informally outside of the WIN adjudication system. They shall be processed at the local project level within the time frame provided under § 56.63(a). At that time, an individual who is not satisfied with the disposition of his complaint may initiate a formal protest at the local project level which then will be processed through the formal WIN adjudication system.

(b) Written records of all disputes arising within the WIN program shall be maintained by the WIN sponsor. The date appearing on such records shall be controlling in determining the timeliness of subsequent steps in the WIN adjudication system.

§ 56.63 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the registrant must be exhausted prior to the issuance of a Notice of Intended Deregistration. This conciliation effort may continue for a period not to exceed 30 days but may be terminated sooner at the discretion of the WIN sponsor when it is apparent that the dispute cannot be reconciled in this manner. When the conciliation period has terminated, or the dispute remains unresolved after 30 days, the WIN sponsor shall mail to the registrant a notice of Intended Deregistration.

(b) The notice shall include:

(1) A detailed explanation of the reason for the action and the consequence of refusal or failure to cooperate in a WIN prescribed program without good cause;

(2) Notification of the registrant's right to a hearing if the registrant believes the proposed action is incorrect, provided a written request for a hearing is filed as prescribed in § 56.63;

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

(c) When written notification is mailed to the individual, the WIN sponsor shall also inform him of the intended action personally or by telephone, if possible.

(d) The requirements of this section do not apply to an individual who:

(1) Has successfully entered employment and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 56.64 Request for hearing.

(a) An individual who believes the intended action is incorrect may request a hearing before a hearing officer within 10 days after mailing of Notice of Intended Deregistration. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. Where the request is oral, the WIN sponsor shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms.

(b) Hearing procedures shall be made available to individuals requesting hearings in advance of such hearings.

§ 56.65 Issues subject to hearing.

(a) Under the WIN adjudication system a hearing officer will hear and decide WIN program issues arising subsequent to registration by certified and uncertified registrants. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, or failure or refusal without good cause to accept employment or otherwise participate in the WIN program.

(b) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled through the WIN adjudication system in the same manner as if the registrant had, in fact, refused to participate in the WIN program. In such an instance, a registrant who fails to accept an adverse decision pursuant to § 56.68 (a)(5) shall have no further recourse to a hearing on the issue before a hearing officer but may appeal the decision pursuant to § 56.69.

§ 56.66 Hearing procedures.

(a) Upon receipt of a written request for a hearing, a Notice of Scheduled Hearing shall be mailed to the individual and other parties within 10 days. Such notice shall indicate the date, time, and place of the hearing, the issues to be considered, and the hearing procedures that will be followed. Hearings shall be scheduled no earlier than 10 days, or later than 30 days, following the mailing of the hearing notice.

(b) The hearing officer may reschedule a hearing upon request of the individual, his representative, or other party.

(c) An individual or his representative may withdraw the request for a hearing in writing before the hearing.

(d) The WIN staff or its legal representative shall have primary responsibility for presenting the case before the hearing officer.

§ 56.67 Conduct of WIN hearings.

(a) The hearing officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas authorized by State law;

(3) Assure that all relevant issues are considered, including the timeliness of the hearing request;

(4) Rule on the introduction of new and relevant evidence and testimony;

(5) Take any other action consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded. It shall be transcribed only when necessary for review by an appellate body.

(c) The registrant or his representative, and the designated WIN sponsor and SAU shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(e) The hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(g) The hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 56.68 Decisions of the hearing officer.

(a) The hearing officer may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing;

(iii) The individual failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the welfare agency may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, a hearing officer shall not consider the validity or constitutionality of the regulations in this part or of the Act.

(b) Based on the entire record including any evidence and oral testimony provided at the hearing the hearing officer shall prepare a written decision. Within 10 working days following the hearing, a copy of such decision stating his findings and conclusions of law and the reasons therefore, shall be mailed to the individual and his authorized representative, if any, the WIN sponsor, the SAU, and the RCC. Instructions for appealing an adverse decision or recommendation to the appropriate appellate body shall be attached to the copy sent to the individual and his representative.

(c) In cases involving novel questions of law or policy the hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State WIN appellate body or to the National Review Panel (NRP) where the State does not provide for a State WIN appellate procedure.

§ 56.69 Appeals from hearing officer's decision.

(a) Any party who disagrees with the hearing officer's decision on the WIN issue may request a review of such decision by the appropriate State appellate body within 10 days following the date on which the hearing officer's decision is mailed. A request for appellate review of the hearing officer's decision shall not stay implementation of the decision.

(b) A State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. Within 30 days after receipt of the request for review it shall prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case to a hearing officer for further evidence. The decision shall be based on its review of the entire hearing record and any additional written evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be admitted if it brings into question the validity or constitutionality of the regulations in this Part or of the Act. The decision shall state the findings of fact and conclusions of law and the reasons therefore. Copies of the decision shall be mailed to the individual, his authorized representative, if any, the WIN sponsor, the SAU, the RCC, and the NRP. Instructions for appealing a decision to the NRP and the rules under which the NRP considers appeals shall be attached to the individual's copy of the decision.

(c) While reviewing a case, a State WIN appellate body may consider novel questions of law or policy or certify the case within 5 days after rendering its decision to the NRP for review and decision.

(d) If a hearing officer's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 56.70 National Review Panel (NRP).

(a) The NRP shall be composed of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the hearing officer and State WIN appellate body.

(6) However, the NRP shall not have jurisdiction to examine the issue of either the validity or constitutionality of the regulations in this Part or of the Act.

§ 56.71 Appeals to the NRP.

(a) Appeals to the NRP may be filed by any party. Such appeals shall be mailed within 10 days of the date of the written decision from which the appeal is taken.

(b) The appeal shall be in writing, shall identify reasons in support of the appeal, and be addressed to the NRP. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all parties.

(c) Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days after the date of mailing of the notification that an appeal has been filed.

§ 56.72 Request for NRP to accept certification.

(a) The State WIN appellate body, or, in the absence of a State WIN appellate body, the hearing officer may file a request that the NRP accept certification of a case.

(b) The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the hearing officer or WIN appellate body must be attached to the request.

(c) A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision.

(2) In the absence of a State WIN appellate body, by the hearing officer within 5 days after issuance of his written decision;

(d) The party filing a request to the NRP to accept certification of a case shall file the request with the NRP, U.S. Department of Labor, Washington, D.C. 20036 and simultaneously mail copies to every other party, including the State agency administering hearings.

(e) Any party who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 10 days following the date of mailing of a request that the NRP accept certification. A copy of the response shall be mailed to all parties to the proceeding, including the State agency administering hearings.

§ 56.73 Requests by NRP for certification.

(a) Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after receipt by the NRP of a written decision by the State WIN appellate body or the hearing officer. Copies of the request shall be mailed to all parties.

(b) In all cases, any party may file briefs in support of its position. The NRP may request briefs from the parties.

(c) Briefs shall be filed within 30 days from the date of mailing of the request that a case be certified. In cases where the NRP requests briefs, a different time limit may be set.

§ 56.74 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the hearing officer, whichever is applicable, within 30 days of mailing of the notification, shall certify and file with the NRP the record of the hearing including the transcript of the hearing; a copy of the hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall mail a copy of such index to every party.

§ 56.75 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to submit his findings and recommendation to the NRP or any duly designated review or hear a particular case and to panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral arguments or hold additional hearings where necessary.

(c) (1) Any party may make application in writing for a hearing or oral presentation. Such application shall set forth the reasons in support thereof and be made within 10 days after:

(i) Mailing of notification of the filing of an appeal from the decision of a hearing officer where the State does not provide for an appellate body; or

(ii) Mailing of notification that the NRP at its discretion has accepted an appeal from the decision of a State WIN appellate body; or

(iii) Mailing of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State WIN appellate body or hearing officer.

(2) If a hearing or oral argument is directed, the notice shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be mailed to all parties.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence. If such hearing or argument is deemed necessary, it shall be held at the location of the original hearing.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge to the panel shall be mailed to all parties. Any party may file with the NRP written exceptions and briefs in support thereof within 10 days of the mailing of the Administrative Law Judge's findings and recommendations and shall at the same time mail copies of such exceptions and briefs to all other parties. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the NCC, Solicitor of Labor and Office of General Counsel, DHEW, to afford a 30-day period for the submittal of any response deemed appropriate or requests for oral argument.

(e) The NRP shall prepare a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions including notification that the NRP has denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be mailed to all parties and such other persons as may be appropriate.

§ 56.76 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of title IV of the Act (not AFDC benefits) shall cease and the 60-day counseling period by the SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the NRP which reverses a decision favorable to a WIN registrant.

(b) The IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling shall be provided by the SAU for a period of up to 60 days, to those certified registrants who have been determined by the Secretary of Labor to have refused to participate in the WIN program without good cause for the purpose of persuading them to participate in WIN. Such counseling may be terminated at any time during this period at the discretion of the SAU when it becomes apparent that the counseling efforts are proving unsuccessful. Once a peroid of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the SAU shall not provide another period of counseling and other services.

(d) The 60-day counseling period shall not be provided to uncertified registrants.

(e) A certified registrant who fails without good cause to appear for two or more scheduled counseling meetings shall be considered to have terminated the counseling.

(f) Certified registrants who complete the 60-day counseling may be reaccepted into WIN only with the concurrence of the SAU.

§ 56.77 Subsequent WIN registration by deregistered individuals.

(a) An individual who was deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since deregistration and the individual has given evidence to the WIN project staff of willingness to participate. If such a person is subsequently deregistered following a "without good cause finding", the person shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

(Catalog of Federal Domestic Assistance Nos. 17.326, Work Incentives Program and Incentives and 13.748, Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: September 8, 1976.

W. J. USERY, Jr.,
Secretary of Labor.
DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

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BOOK 2 OF 2 BOOKS
FRIDAY, OCTOBER 29, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary 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

Alabama	AL76–1125

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL76–1117	Oct. 8, 1976.
Arkansas:	
AR76–4132; AR76–4133	July 23, 1976.
Delaware:	
DE76–3212	July 30, 1976.
Louisiana:	
LA76–4143	Aug. 20, 1976.
Nebraska:	
NE76–4167	Oct. 8, 1976.
Nevada:	
NV76–5089	Sept. 24, 1976.
New Mexico:	
NM76–4144	Sept. 3, 1976.
Ohio:	
OH76–2062	May 2, 1976.
Oklahoma:	
OK76–4138	July 30, 1976.
Pennsylvania:	
PA76–3163	May 7, 1976.
PA76–3179; PA76–3181	June 18, 1976.
Tennessee:	
TN76–1081	Aug. 6, 1976.
Texas:	
TX76–4087	May 21, 1976.
TX76–4110	July 2, 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.

Alabama:	
AL76–1063 (AL76–1124)	May 21, 1976.
Georgia:	
GA76–1023 (GA76–1120)	Feb. 13, 1976.
Illinois:	
IL76–2016 (IL76–2130); IL 76–2020 (IL76–2141).	Feb. 27, 1976.
IL76–2048 (IL76–2132)	Apr. 16, 1976.
Indiana:	
IN76–2082 (IN76–2146); IN 76–2083 (IN76–2147); IN 76–2084 (IN76–2148).	July 2, 1976.
Michigan:	
MI76–2031 (MI76–2135)	Mar. 12, 1976.
MI76–2033 (MI76–2137)	Mar. 19, 1976.
MI76–2050 (MI76–2136)	Apr. 16, 1976.
Minnesota:	
MN76–2004 (MN76–2134)	Jan. 23, 1976.
Montana:	
MT76–5027 (MT76–5100)	Apr. 9, 1976.
MT76–5072 (MT76–5099)	Aug. 6, 1976.
Nebraska:	
NE76–4100 (NE76–4180)	June 18, 1976.
Nevada:	
NV76–5083 (NV76–5098)	Sept. 10, 1976.
New Jersey:	
NJ75–3098 (NJ76–3252)	Sept. 26, 1975.
New York:	
NY76–3224 (NY76–3266); NY76–3229 (NY76–3270); NY76–3230 (NY76–3258); NY76–3231 (NY76–3267); NY76–3232 (NY76–3264); NY76–3234 (NY76–3265); NY76–3235 (NY76–3260); NY76–3237 (NY76–3269); NY76–3239 (NY76–3259); NY76–3241 (NY76–3261); NY76–3242 (NY76–3268); NY76–3243 (NY76–3263).	Aug. 20, 1976.
NY76–3238 (NY76–3263)	Aug. 27, 1976.
South Carolina:	
SC76–1042 (SC76–1126)	Mar. 28, 1976.

Signed at Washington, D.C., this 22d day of October 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama COUNTY: Calhoun
DECISION NUMBER: AL-76-1125 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.50				
Carpenters	7.00				03
Cement masons	5.20				
Electricians	9.60	.30	1%+.40		½ of 1%
Glaziers	3.50				
Ironworkers	7.55	.40	.22		.04
Laborers:					
Laborers	3.00				
Air tool operator	3.50				
Mason tenders	3.00				
Mortar mixers	3.00				
Painters, brush	5.40				
Plasterers	7.07				
Plumbers	9.90	.30	.45	a	.02
Roofers	5.00				
Roofer helpers	4.20				
Sheet metal workers	9.50	.55	.60		.05
Tile setters	7.60		.30		
Truck drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	3.00				
Blade grader	4.00				
Bulldozer	3.40				
Dragline	3.00				
Forklift	3.30				
Front end loader	3.00				
Hoist - 1 drum	4.50				
Motor grader	3.25				
Motor patrol	3.60				
Roller	2.63				
Scraper	3.30				
Tractor	2.50				
Trenching machine	3.00				

FOOTNOTES:
a. Four paid holidays: July 4, Labor Day, Thanksgiving Day and Christmas Day.

MODIFICATIONS P. 1

Decision No. AL76-1117 - Mod. # 1
(41 FR-44610 - O ctober 8, 1976)
Jefferson & Shelby Counties, Alabama.

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Carpenters, soft floor layers	8.05	.45	.25		.07
Millwrights	9.15				.06
Piledrivermen	8.25	.45	.25		.07
Laborers:					
GROUP A	6.00	.25	.30		.03
GROUP B	5.95	.25	.30		.03
GROUP C	5.90	.25	.30		.03
GROUP D	5.85	.25	.30		.03
GROUP E	6.25	.25	.30		.03
GROUP F	6.70	.25	.30		.03
GROUP G	6.60	.25	.30		.03
GROUP H	6.65	.25	.30		.03
GROUP I	6.55	.25	.30		.03
GROUP J	6.40	.25	.30		.03
Painters:					
Brush (Commercial)	8.25		.50		
Spray; Structural steel	8.75		.50		
Paperhangers	8.40		.50		

MODIFICATIONS P. 2

DECISION NO. AR76-4132 - Mod. #2
(41 FR 30511 - July 23, 1976)
Sebastian & Crawford Counties, Arkansas

ADD to Counties:
Washington County

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$7.35	.25	.25		.03
Millwrights-Piledrivermen	8.10	.25	.25		.03

ADD:

WASHINGTON COUNTY:					
ASBESTOS WORKERS	9.85	.25	.62		.02
CARPENTERS:					
Carpenters	7.25		.35		.04
Millwrights & Piledrivermen	7.75		.35		.04
GLAZIERS	6.10				
PAINTERS:					
Group I	7.20				
Group II	7.45				
Group III	7.50				
Group IV	8.50				
Group V	8.20				
Group VI	7.45				
Group VII	9.075				
Group VIII	7.825				

PAINTERS CLASSIFICATION DEFINITIONS

GROUP I - brush, mitt used on pipes, only; preparatory work before papering or canvassing roller with handler up to six feet long.
GROUP II - Roller with handle over six feet long
GROUP III - Hanging vinyl or wallpaper, drywall taping, floated and sanded by taper ready for painting
GROUP IV - Use of Bazooka ,Banjo and Ames machine tools
GROUP V - Spraying (except where listed below
GROUP VI - Potman assisting sprayer (except where listed below)
GROUP VII - Spraying expoxies, polyesters or material where hood and extra safety features are required
GROUP VIII - Brush on structural steel, stacks tanks, swinging stage, bosun chairs

CHANGE:

ELECTRICIANS:					
Electricians	$9.05	.35	1%+3.5%		1/4%
Cable splicers	9.30	.35	1%+5.5%		1/4%

DECISION NO. AR76-4133 - Mod. #1
(41 FR 30513 - July 23, 1976)
Garland & Hot Springs Counties, Arkansas
ADD to Counties:
Clark County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS	$7.90		.35		.04
ASBESTOS WORKERS	9.80	.35	.40		.02
ELEVATOR CONSTRUCTORS	8.88	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	4%+a+b	.02
GARPENTERS:					
Garland County and Northern 2/3 of Hot Springs County					
Carpenters	7.70	.40	.30		.05
Millwrights	8.20	.40	.30		.05
Piledrivermen	8.20	.40	.30		.05

DECISION #DE76-3212 - Mod. #4
(41 FR 32122 - July 30, 1976)
State of Delaware

Change:
Boilermakers:
New Castle County — $12.05 | .75 | 1.00 | | .02

DECISION #LA76-4143 - Mod. #5
(41 FR 35349 - August 20, 1976)
Statewide Louisiana

Change:
Electricians:
Electricians:
Zone 7 — $ 9.55 | .85 | 1% | | 1%
Cable splicers:
Zone 7 — 10.05 | .85 | 1% | | 1%
Line construction:
Zone 7:
Linemen; Operators — 9.55 | .85 | 1% | | 1%
Cable splicers — 10.05 | .85 | 1% | | 1%
Groundmen — 7.75 | .85 | 1% | | 1%
Plasterers:
Zone 2 — 7.40 | | | | .01
Zone 6 — 6.50 | | | | .01

DECISION # NE76-4167 - Mod. #1
(41 FR 44636 - October 8. 1976)
Lancaster County, Nebraska

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.87	.40	.51	4.5%	.015
BOILERMAKERS	9.45	.70	1.00		.02
CARPENTERS:					
Carpenters	8.325	.45	.30		
Piledrivermen	8.575	.45	.30		
CEMENT MASONS:					
Cement masons	8.30	.45	.30		
Swing Stage	8.55	.45	.30		
ELECTRICIANS:					
Zones measured from the Main Post Office in Lincoln, Neb.					
Electricians:					
Zone A 0 - 15 Miles	10.81	.42	1%+.30		.04
Zone B 15 - 30 Miles	11.11	.42	1%+.30		.04
Zone C 30 - 75 Miles	11.41	.42	1%+.30		.04
Zone D 75 Miles & Over	11.81	.42	1%+.30		.04
Cable Splicers					
Zone A 0 - 15 Miles	11.06	.42	1%+.30		.04
Zone B 15 - 30 Miles	11.36	.42	1%+.30		.04
Zone C 30 - 75 Miles	11 66	.42	1%+.30		.04
Zone D 75 Miles & Over	12.06	.42	1%+.30		.04
ELEVATOR CONSTRUCTORS	10.99	.545	.35	1%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70% JR	.545	.35	1%+a+b	.02
IRONWORKERS	8.88	.50	.55	1.00	
LATHERS	8.35	.50	.40	1.00	.01
PLUMBERS, PIPEFITTERS	11.06	.58	.60		.10
SHEET METAL WORKERS	10.32	.40	20	.50	.03
SOFT FLOOR LAYERS	8.95			o	.05
SPRINKLER FITTERS	11.40	.60	.90		.08
POWER EQUIPMENT OPERATORS:					
Group 1	6.875	.45	.30		
Group 2	7.00	.45	.30		
Group 3	7.75	.45	.30		
Group 4	7.955	.45	.30		
Group 5	7.35	.45	.30		
Group 6	8.275	.45	.30		
Group 7	8.20	.45	.30		
Group 8	8.25	.45	.30		
Group 9	8.35	.45	.30		
Group 10	8.60	.45	.30		

FOOTNOTE:
o. 8 Paid Holidays: New Year's Day, Memorial Day, Independance Day, Labor Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Eve, Christmas Day, Providing employee works the work day preceeding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NV76-5089 - Mod. #3 (41 FR 42116 - September 24, 1976) Washoe County, Nevada					
Change:					
Glaziers	$10.495	.43	$1.20	.84+.43	
DECISION NO. NM76-4144 - Mod. #4 (41 FR 37495 - September 3, 1976) Statewide, New Mexico					
ADD:					
HEAVY ENGINEERING CONSTRUCTION					
CEMENT MASONS:					
Cement masons	$8.02	.57	.45		
Composition and mastic and machine operator	8.27	.57	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OH76-2062- Mod. #1 (41 FR 211120 May 21, 1976) Butler County, Ohio					
Change:					
Carpenters and Piledrivermen	$10.55	.60	.65		.025
Ironworkers: Structural, Ornamental and Reinforcing					
Middletown & Northeastern part of County	10.66	.75	1.05		.04
Oxford, Hamilton & Balance of County:					
Structural & Ornamental	11.08	.75	.85		.03
Reinforcing	10.43	.75	1.45		.02
DECISION NO. OK76-4138 - Mod. #2 (41 FR 32182 - July 30, 1976) Comanche County, Oklahoma					
CHANGE:					
PAINTERS:					
Brush and roller	$ 7.70	.25	.25		.05
Brush & roller(structural steel)	7.95	.25	.25		.05
Spray	8.40	.25	.25		.05
Swing stage bosun chair work	7.95	.25	.25		.05
Taping & bedding (handtools)	8.10	.25	.25		.05
Sandblasting	8.25	.25	.25		.05
SHEET METAL WORKERS	9.91	.45	.40		.05
MARBLE SETTERS	9.10		.20		
TERRAZZO WORKERS	9.10		.20		
TILE SETTERS	9.10		.20		
TERRAZZO WORKERS HELPER	6.98				
TERRAZZO WORKERS FLOOR MACHINE OP.	7.08				
TERRAZZO WORKER BASE MACHINE OP.	7.28				
TILE & MARBLE HELPERS(EXPERIENCED)	6.65				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #PA76-3163 - Mod # 2 (41 FR 19020 - May 7 1976) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania					
Add: Under Line Construction, Mod. # 1 - 41 FR - 45797, (Cont'd) dated - 10-15-76. Lebanon, Lancaster, Lehigh & Berks Counties,					

Decision #PA76-3179 - Mod. # 3 (41 FR 24855 - June 18, 1976) Lackawanna, Susquehanna, Wayne & Wyoming Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$9.95	.65	.60		.01
Boilermakers	12.05	.75	1.00		.02
Elevator Constructors	10.595	.545	.35	4%+a+b	.02
Elevator Constructors Helpers	7.42	.545	.35	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.30				
Glaziers	9.15	.40	.60		
Ironworkers:					
Lackawanna, Wayne & Wyoming Counties:					
Structural & Ornamental	11.25	e			.10
Reinforcing	11.15	e			.10
Footnotes: e. Employer contributes $2.05 to a combined Health & Welfare & Pension Fund.					

Decision #PA76-3181 - Mod. # 5 (41 FR 24858 - June 18, 1976) Schuylkill County, Pennsylvania					
Change:					
Asbestos Workers	10. 11	.52	.70		.01
Boilermakers	12.05	.75	1.00		.02
Electricians:					
Townships of North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker, Rahn, East Brunswick and West Penn. Twps.	10.37	.55	1%+.25	g	h

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # TN76-1081 - Mod. #2 (41 FR-33178 - August 6, 1976) Knox County, Tennessee					
Change:					
Power Equipment Operators:					
Group A	7.79	.30	.20		.02
Group B	7.24	.30	.20		.02
Group C	6.06	.30	.20		.02
Group D	5.57	.30	.20		.02
DECISION #TX76-4087 - Mod. #4 (41 FR 21151 - May 21, 1976) El Paso County, Texas					
Change:					
Asbestos workers	$ 7.46	.50	1.17(a)		.03
Drywall:					
Group 1	6.68	.30	.10		.02
Group 2	6.90	.30	.10		.02
Group 3	7.38	.30	.10		.02
Painters:					
Group 1	6.78	.30			.02
Group 2	7.19	.30			.02
Group 3	7.485	.30			.02
Group 4	7.00	.30			.02
Group 5	8.14	.30			.02
DECISION #TX76-4110 - Mod. #3 (41 FR 27652 - July 2, 1976) Lubbock County, Texas					
Change:					
Bricklayers & stonemasons	8.85		.30		.03

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AL76-1124 DATE: Date of Publication
Supersedes Decision No.: AL76-1063 dated May 21, 1976, in 41 FR-21043
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	9.40	.445	.90	a	.02
Boilermakers	8.80	.60	1.00		.02
Bricklayers, caulkers, cleaners, Marble setters, pointers, stonemasons, terrazzo workers, & tile setters	9.46		1.50		
Marble, tile & terrazzo helpers	6.22	.30	.40		
Carpenters:					
Carpenters, & soft floor layers	9.32	.30	.40		
Carpenters on creosote material, power saw operator	8.82	.35	.35		
Piledriver	8.84	.35	.35		
Piledriver on creosote material	9.09	.35	.35		
Millwrights	9.87	.30	.40		
Cement masons	8.59	.30	.40		
Electricians:					
Electricians	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Elevator constructors	9.69	.495	.32	4%+b+c	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+b+c	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.70	.30	.15		
Ironworkers	9.23	.30	.40		
Lathers	9.08	.35	.35		.01
Line Construction:					
Linemen	10.49	.30	1%+.25	.475	1/10%+.05
Cable splicers	10.74	.30	1%+.25	.475	1/10%+.05
Painters:					
Brush	9.26	.40	.25		.01
Industrial	9.51	.40	.25		.01
Hazardous	9.76	.40	.25		.01
Spraying bituminous coatings	10.26	.30	.25		.01
Plasterers	9.32	.30	.40		
Plumbers, steamfitters	10.40	.30	.45	d	.03
Roofers	8.32		.30	e	
Roofers helper	5.95		.30	e	
Sheet metal workers	9.45	.45	.50		.03
Sprinkler fitters	9.35	.50	.80		.08
Welders - rate for craft.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. 2 paid Holidays: D and E, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day after the paid holidays.

b. 6 Paid Holidays: A through F.

c. Employer contributes 4% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

d. 8 Paid Holidays: A, C, D, E, F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras.

e. 40 hours paid vacation after 1 year of employment, 2 paid holidays: A & C.

AL76-1124 - (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.00	.30	.40		
GROUP B	6.22	.30	.40		
GROUP C	6.50	.30	.40		
GROUP D	7.39	.30	.40		
GROUP E	7.66	.30	.40		
GROUP F	7.10	.30	.40		
GROUP G	6.86	.30	.40		
GROUP H	6.42	.30	.40		
GROUP I	6.56	.30	.40		
GROUP J	7.23	.30	.40		
GROUP K	6.59	.30	.40		
GROUP L	7.10	.30	.40		
GROUP M	6.56	.30	.40		

GROUP A: General Building Construction Laborers

GROUP B: Mortar mixers (any method), hod carriers, paving breakers, - breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling creosote or coppertox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills, vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out).

GROUP C: Gunnite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height: all work performed 40 Ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)

GROUP D: Cofferdam or tunnel workers (underground)

GROUP E: Blasting (powderman)

GROUP F: Concrete sawman

GROUP G: Form setters, roadways, runways, highways

GROUP H: Track laborer

GROUP I: Brick washers (laborers)

GROUP J: Burners on dismantling (anything not to be reused)

GROUP K: Stack laborers

GROUP L: Stack laborers (over 40 ft)

GROUP M: Tank cleaners (caustic chemicals)

AL76-1124- (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	9.27	.30	.40		
GROUP B	8.94	.30	.40		
GROUP C	8.33	.30	.40		

GROUP A: HEAVY EQUIPMENT
Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), draglines pile driver operator, hoist operator (2 or more drums), cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrol, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT:
Dozer scraper, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well-point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines.

GROUP C: LIGHT EQUIPMENT
Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric) fireman outboard, motor boat operators and brakemen.

AL76-1124 - (Cont'd)

TRUCK DRIVERS

Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	6.01	.30	.40		
GROUP B	6.80	.30	.40		
GROUP C	7.12	.30	.40		
GROUP D	7.39	.30	.40		
GROUP E	7.70	.30	.40		
GROUP F	7.91	.30	.40		
GROUP G	8.70	.30	.40		
GROUP H	9.42	.30	.40		

GROUP A: Truck helpers

GROUP B: Truck helpers when unloading creosote or coppertox materials; Drivers-trucks up to but not including 1½ tons; Stations wagons; Jeeps and automobiles; Truck spotters; General warehousemen.

GROUP C: Mechanic helper; Filling station attendant; Tire repairmen; Grease and wash rack man

GROUP D: Drivers 1½ tons up to but not including 5 tons

GROUP E: Receiving and issuing clerk

GROUP F: Scalemen

GROUP G: Truck drivers on rated 5 tons or 6 yard and over, including heavy equipment such as pole trucks; Midd or corning wagons; Dumpsters; Semi-drivers; Agitators; Ross carriers; Dempsey dumps; Euclid trucks; Fork lift trucks in warehouse and similar equipment such as tractors; 10 wheelers; Jeeps or dump trucks or pickup trucks pulling of four wheel trailers hauling equipment.

GROUP H: Truck & automobile mechanics

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Chatham
DECISION NUMBER: GA76-1120 DATE: Date of Publication
Supersedes Decision No.: GA76-1023 dated February 13, 1976 in 41 FR-6956.
DESCRIPTION OF WORK: Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.79	.35	.40		
Boilermakers	8.80	.60	1.00		.02
Bricklayers:					
Bricklayers & stonemasons	7.90	.20	.20		
Marble masons, terrazzo workers, & tile setters	5.00				
Carpenters:					
Carpenters & soft floor layers	7.90	.50			
Millwrights	8.40	.50			
Piledrivermen	8.15	.50			
Cement masons	7.00				
Electricians:					
Electricians	8.95	.50	50 + 1%		.2%
Cable splicers	9.20	.50	50 + 1%		.2%
Elevator constructors	7.06	.395	.26	2%+a+b	.005
Elevator constructors' helpers	4.94	.395	.26	2%+a+b	.005
Elevator constructors' helpers (probationary)	3.53				
Glaziers	7.35				
Ironworkers:					
Structural and sheeter	8.85	.45	.60		.03
Ornamental and reinforcing	8.85	.45	.60		.03
Lathers	7.15				
Painters:					
Brush	7.35				
Rollers	7.35				
Tapers	7.60				
Stage work and window jack work	7.85				
Paperhangers	7.60				
Paint burners	7.60				
Spray painting & sandblasting	8.10				
Plasterers	4.875	.25			
Plumbers & pipefitters	9.80	.40	.55		.05
Roofers	5.50				
Sheet metal workers	6.65				
Sprinkler fitters	10.10	.60	.90		.08

GA76-1120 - (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers: Pick-up and all other trucks up to and including 2½ tons tractor-farm type.	4.20				
Trucks from 2½ tons up to and including 5 tons. All lowboys and other trailers pulled by tractor with rating up to and including 5 tons (except farm type tractors) forklift	4.30				
Truck over 5 tons including all Euclids up toand including 10 tons	4.55				
Euclids over 10 tons	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

GA76-1120

BUILDING CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A:					
General laborers	4.30	.15	.10		.05
GROUP B:					
Air tool vibrator operator, operators of jackhammers, tamp, paving breaker, chipper hammer, spade, chain saw, motorized buggies. Mason tenders, cement mason tenders, terrazzo helpers, railroad or track laborers, walk behind compactor or roller plasterer and carpenter tenders	4.45	.15	.10		.05
GROUP C:					
Motor mixers, (hand or machine) pipelayers	4.55	.15	.10		.05
GROUP D:					
Burner (torch) on demolition work track or wagon drill used in blasting	4.80	.15	.10		.05
GROUP E:					
Powderman or blaster	5.30	.15	.10		.05

GA76-1120

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I:					
Cranes, derricks, draglines, sidebooms, cherry pickers, mechanics, piledrivers, crawlers, backhoe, (3/4 cy. & up), concrete pumps, clam shell, drill operators, concrete mixers plant, locomotive, two drum hoist, shovels, generators, (250 kw & up), and hydraulic cranes over 10 tons.	8.93	.45	.50		.02
GROUP II:					
Bulldozers, hydraulic boom truck, 10 tons and under, scrapers, end-loaders, fork tractors, one drum hoist, air compressors 600 FM & over motor graders, tuggers, rollers, plain tractors, fireman, rubber tired backhoe less than 3/4 cv., push dozer, trenching machine	7.66	.45	.50		.02
GROUP III:					
Oiler, pump operator (over 4" dia.) small backhoe, air compressors under 600 CFM.	7.04	.45	.50		.02
GROUP IV:					
Mechanics helpers, serving welding machines, pumps up to 4" in Dia.	5.41	.45	.50		.02

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Henderson, Henry, Knox, Mercer, Rock Island, Stark and Warren

DECISION NO. IL76-2130

DATE: Date of Publication

Supersedes Decision No. IL76-2016 dated February 27, 1976, in 41 FR 8647

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:					
Stark County	$ 11.51	.81	.72		.12
Remainder of Counties	9.75	.30	.50		.10
BOILERMAKERS	10.95	.65	.95		.03
BRICKLAYERS:					
Rock Island and Mercer Counties					
Bricklayers and Stonemasons	10.25	.35	.50		.03
Marble, Tile, Terrazzo Workers	9.70	.35	.50		
Plasterers	10.90				
Henry County					
Bricklayers, Stonemasons and Plasterers	9.85		.20		
Stark County					
Bricklayers and Stonemasons	9.85		.20		
Plasterers	10.05	.60	.60		.01
Marble, Tile, Terrazzo Workers	10.16	.50	.60		.01
Marble and Tile Helpers	9.44	.50			
Terrazzo Helpers and Floor Machine Oerator	9.57	.50			
Knox and Warren Counties					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Cleaners, Caulkers	10.41	.50	.60		.10
Henderson County					
Bricklayers, Stonemasons, Cement Blocklayers, Pointers, Cleaners, Caulkers	10.41	.50	.60		.10
Marble, Tile, Terrazzo Workers	10.16	.50	.60		.01
Marble and Tile Helpers	9.44	.50			
Terrazzo Helpers and Floor Machine Operator	9.57	.50			
CARPENTERS:					
Stark County					
Carpenters and Soft Floor Layers	10.21	.40	.40		.05
Millwrights and Piledrivermen	10.71	.40	.40		.05
Knox, Henderson and Warren Cos.					
Carpenters and Soft Floor Layers	9.91	.40	.40		.05
Millwrights and Piledrivermen	10.41	.40	.40		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Rock Island, Henry and Mercer Cos.					
Carpenters and Soft Floor Layers	$ 9.71	.45	.60		.04
Piledrivermen	9.96	.45	.60		.04
Millwrights	11.00	.6%	.7%		.02
CEMENT MASONS:					
Rock Island, Mercer, and Eastern half of Henry County	9.52	.50	.60		
Stark County and Remainder of Henry County	9.40		.20		
Knox and Warren Counties					
Cement Masons & Plasterers	9.60	.40	.25		
Henderson County					
Cement Masons:					
Northern half of County	8.77	.40	.60		
Central and Southern half of County	10.25				
Plasterers:					
Northern half of County	10.00				
Central and Southern half of County	9.88				
ELECTRICIANS:					
Knox, Henderson, Warren Counties Townships of Ohio Grove, North Henderson and Suez in Mercer County	10.25	.40	1%+.30		.25%
Stark County; Townships of Essex, Valley and West Jersey	10.77	.40	1%+.50		1%
Henry and Remainder of Stark County: Townships of Annawan, Burns, Cambridge, Galva, Kewanee, Weller and Westerfield	11.05	.40	1%+.30		.25%
Rock Island and Remainder of Henry County and Mercer Cos.	10.05	.45	5.5%		.03
ELEVATOR CONSTRUCTORS:					
Rock Island, Mercer, Henry and Knox Counties					
Constructors	10.87	.495	.32	4%+a+b	.02
Helpers	70%JR	.495	.32	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Stake County	9.985	.45	.30		
Remainder of Counties	8.75	.55	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Mercer, Henderson, Warren and all areas west and southwest of Galesburg	$ 10.35	.40	.30		
Stark County and all area south and east of Galesburg in Knox County	10.475	.50	.675		.025
Rock Island and Henry Counties; and Within Galesburg and all area north of City in Knox County	11.22	.50	.375		.07
LABORERS:					
Stark County:					
Unskilled	8.37	.40	.42		.035
Semi-Skilled	8.57	.40	.42		.035
Skilled	8.77	.40	.42		.035
Eastern half of County					
Unskillled	8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035
LATHERS:					
Knox County	10.50				.01
Stark County	10.27	.40	.40		.01
Rock Island, Mercer and Henry Counties	9.80		.20		
LEADBURNERS	9.25	.35	c		.01
PAINTERS:					
Rock Island, Henry, Mercer, Henderson, Stark and Warren Counties; West of Line extending from N.E. corner to S.W. corner of Knox County					
Brush and Roller	8.72	.45	.65		.12
Spray and Structural Steel	8.97	.45	.65		.12
Remainder of Knox County					
Brush and Paperhangers	6.38	.25	.15		
Structural Steel	6.63	.25	.15		
PLASTERERS:					
Stark County	10.05	.60	.60		.01
Rock Island and Mercer Counties	10.90				
PLUMBERS and STEAMFITTERS:					
Stark County	11.06	.40	.90		.15
Remainder of Counties	10.24	.49	1.05		.17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Stark County	$10.35	.45	.40		.025
Rock Island, Henry and Mercer Counties	11.20		.40		
Remainder of Counties	7.85				
SHEET METAL WORKERS:					
Stark County	7.95	.38	.35		
Henderson County	9.85	.45	.40		.10
Remainder of Counties	10.10	.45	.40		.10
SPRINKLER FITTERS	11.40	.60	.90		.08

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Six Paid Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine Paid Holidays: A through F plus Washington's Birthday and Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Rock Island and Mercer Counties					
Unskilled	$ 8.42	.40	.60		.035
Semi-Skilled	8.67	.40	.60		.035
Skiled	8.92	.40	.60		.035
Henry County:					
Unskilled	8.37	.40	.42		.035
Semi-Skilled	8.57	.40	.42		.035
Skilled	8.77	.40	.42		.035
Knox, Henderson and Warren Cos.:					
Unskilled	8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035
POWER EQUIPMENT OPERATORS:					
Knox, Henderson, Warren, Stark, Counties: and Eastern half of Henry County					
Group 1	10.57	.45	.55		.05
Group 2	10.37	.45	.55		.05
Group 3	9.995	.45	.55		.05
Group 4	9.72	.45	.55		.05
Group 5	9.11	.45	.55		.05
Rock Island, Mercer and Western half of Henry County					
Class 1	9.45	.40	.50		.08
Class 2	9.45	.40	.50		.08
Class 3	8.05	.40	.50		.08
Class 4	8.05	.40	.50		.08
Class 5	7.00	.40	.50		.08
TRUCK DRIVERS:					
Group 1	9.60	.55	a14.00		
Group 2	10.00	.55	a14.00		
Group 3	10.20	.55	a14.00		

LABORERS
Rock Island and Mercer Counties

UNSKILLED: Common Laborer; Carpenter Tender; Rod and Chain Man; Flagman; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Tickets, Scaleman (permanent-portable or temporary plant); Deck Hand.

SEMI-SKILLED: Laying and Jointing of Telephone Conduit; Barco and Jackhammer Operator; Mechanical Tamper and Air Spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form Setter Helper; Power and Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical device taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2-men) Back up Man or Joint Man with Pipelayer; Laborer in ditch or tunnel on sewer and water main and telephone conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; the Unloading and Laborers with steel workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED: String on Wireline (1-man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer and Water Main; Gunnite Nozzleman; Welders; Cutters; Burners and Torchmen; Screedman on Asphalt Pavers; Lutemen; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man.

LABORERS
Henry, Knox, Henderson and Warren Counties

UNSKILLED: Common Laborer, Carpenter Tenders; Tool Cribmen; Fireman or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of Sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material; Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers with Steel Workers and Rebars; Concrete Workers (wet); Tunnel Helpers in Free Air; Batch Dumpers; Mason and Plasterer Tenders and material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installer; Scaffold Workers; Materials; Buggies or motorized unit used for wet concrete or handling of building materials; Laborers with dewatering systems; All Sewer Workers plus depth; Rod of Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving); Placing, cutting and trying or Reinforcing; Deck Hand; Dredge Hand or Shore Laborers; Bankmen on Floating Plant; Asphalt Workers with machine; Asphalt Raker; Grader Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on Crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers Tending Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary Plant; Laborers handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator

POWER EQUIPMENT OPERATORS
Knox, Henderson, Warren, Stark Counties; and Eastern half of Henry County

Group 1: Cranes, Escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, Overhead Cranes, Gradall, Cherry Pickers and similar types, over 15 ton lifting capacity (require Oiler), Mechanics, Central Concrete Mixing Plant Operator, Road Pavers (27E-Dual drum-tri batchers); Backtop Plant Operators and Plant Engineers, 3 drum Hoist, Derricks, Hydro Cranes, Shovels Skimmer Scoops, Koehring Scoopers, Draglines, Backhoe, Hoptoes-Crane-type that require oilers, Derrick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-elevating and similar type Tower Cranes (crawler mobile) and Stationary, Crane-type Backfiller, Drott Jumbo and similar types considered as Cranes, Caisson Rigs (require Oilers) Dozer, Tournadozer, Work Boats, Ross Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-beltcrete-squeezecrete-screw-type pumps and gypsum bulker and pump, Dinkeys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, $.25 per hour for each scoop over over, Scoops (all sizes), Push Cats, Endloaders (all types); Side Boom, P-H one pass Soil-cement mashine (all similar types), Wheel Tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), Pugmill with Pump Backfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/ditching machine, or other attachments, tuneluger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require Oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Gurries and similar type, 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators) Chicago Boom, Boring Machine and Pipe Jacking Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and F.W.D. and similar types

Group 3: Tractor (track type) without Power Unit pulling Rollers, Rollers on Asphalt, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule pulling Rollers, Center Stripper, Cement Finishing Machines, Barber Greene or similar Loaders, Vibro Tamper (all similar types), Self-propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 27 E, Tractor pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Pugmill (without pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, all air and steam valves, Power Subgrader, Oil Distributor, Straight Tractor, Trac-air without attachments, Curb Machines, Truck Crane Oilers, and type Hoptoe Oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent Glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, Self-propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spread, Roller, 5 tons and under on earth or gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity), Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

POWER EQUIPMENT OPERATORS: (Cont'd)
Rock Island and Mercer Counties; and Western half of Henry County

Class 1: Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader, (Servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Operator, Dipper Dedge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (Hydraulic Dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable of Floating Mixing Plant, Trenching Machine, Cleaning and Priming Machine, End Loader (one half cubic yard or over, on basement excavation work), Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat Concrete Paver, Seaman Travel-L-Plate or similar machines, CMI Autograder or similar Machine, Slip Form Paver, Caisson Augering Machine, Mucking, Asphalt Heater, Planer Unit Hydraulic Cranes, Mine Hoists
Hoists

Class 2: Athey, Barber-Green, Euclid or Hasis Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader (other than mentioned above), Forklift, Elevating Grader, Group Equipment Greaser, Letourneapull and similar machine, DW-10, Straddle Carrier, Hyster Winch and similar machines, Motor Patrol, Power Blade Push Cat, Tractor pulling elevating Grader or power blade, Tractor operating Scoop or Scraper, Tractor with power attachment, Roller on Asphalt or Blacktop, single drum hoist, Jaeger Mix and Place machine, Pipe Bending Machine, Welding Machines (3 or 4), Fuller Kenyon Cement Pump or similar machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar Mahcines, Propelled Sheep Foot Roller or Compactor (used in conjunction with a grading spread), Asphalt Spreader Screed Operator Apsco Spreader or similar machine, Slusher, Forklift (over 6,000 lb. capacity or working at heights above 28 ft.) Conveyors

Class 3: Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Compressor (500 cu. ft. and over), Concrete Finishing Machine, Form Grader with Roller on earth, Mixers (3 bag to 16E), Power operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Flexplane or similar machines, Portable Machine Fireman, Hydrohammer, Power Winch on paving work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator,Crusher Operator, Trench Machine (40 H.P. and under), Power Sub Grader (on forms), or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 H.P.

Class 4: Air Compressor (275 c.f.m. or over) Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bags), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), Small Backhoes or Endloaders; Self-propelled Curing Machine

Class 5: Oiler, Mechanic's Helper, Water Pump (pumping water or paver), Mechanical Heater (other than steam boiler) Belt Machine, Small putboard Motor Boat

TRUCK DRIVERS

Group 1: 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 and 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 2: 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame Winch Trucks, Hydrolifts Trucks, or similar equipment when used for transportation purposes; Fork Lifts over 6,000 lb. capacity; Winch Trucks; 4-axle combination units; Ticket Writers

Group 3: 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on Oil Distributors, Water Pulls, Mechanics and Working Foreman; 5-axle or more combination units; Dispatchers

FOOTNOTE
a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: ILLINOIS
COUNTIES: See Below
DECISION NUMBER: IL76-2132
DATE: Date of Publication
Supersedes Decision No. IL76-2048, dated April 16, 1976 in 41 FR 16369
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Alexander, Franklin, Gallitin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Alexander, Jackson, Jefferson, Marion, Perry & Unions Cos.	$12.18	.45	.62		
Remainder of Counties	10.70	.45	.40		.03
BOILERMAKERS	10.90	.65	1.20		.03
BRICKLAYERS & STONEMASONS:					
Marion County:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners & Caulkers	10.20	.35	.50		
Jackson & Perry Counties:					
Bricklayers, Stonemasons, Terrazzo & Tile Workers	9.35		.40		
Remainder of Counties:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Caulkers & Celaners	9.20	.35	.35		
CARPENTERS:					
Marion County:					
Centrailia & Vicinity					
Carpenters, Piledrivermen & Soft Floor Layers	8.77	.45	.50		.02
Millwrights	9.17	.45	.50		.02
Salem & Vicinity					
Carpenters, Pildrivermen & Soft Floor Layers	8.66	.45	.50		.02
Millwrights	9.01	.45	.50		.02
Hamilton, Jefferson & White Counties:					
Carpenters, Piledrivermen & Soft floor Layers	8.66	.45	.50		.02
Millwrights	9.01	.45	.50		.02
Remainder of Counties:					
Carpenters, Piledrivermen, Millwrights & Soft Floor Layers	8.85	.35	.45		.02
CEMENT MASONS & PLASTERERS:					
Marion County:					
Centrailia & Vicinity					
Cement Masons	9.50				.01
Plasterers	9.60				.01
Salem & Vicinity					
Cement Masons	8.40				
Northern 2/3 of Marion County, Incl. Salem & Vicinity:					
Plasterers	6.75				.01

DECISIN NO. IL76-2132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS (CONT'D)					
Franklin, Hamilton, Jefferson & Williamson Counties	$ 8.00	.30			
Saline, Gallatin, Hardin, Pope, Johnson, Massac & White Cos.	8.15	.15			.02
Alexander, Jackson, Perry, Pulaski & Union Counties	8.30				.02
ELECTRCIANS	11.20	.40	1%+.65		½of1%
IRONWORKERS:					
Marion & Perry Cos: Jefferson (Mt. Vernon & All Area West therof) County	11.00	.55	.75		
White & Hamilton Cos; Saline (Vic. of El Dorado & Area Northeast) Co., Jefferson (all Areas East of Mt. Vernon) Co.	8.15	.25	.25		
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union & Willaimson Counties	9.10	.45	.65		.02
LABORERS:					
Marion County	7.75		.40		.035
Hamilton, Jefferson & White Cos.	7.75		.30		.035
Remainder of Counties	7.85		.30		.035
LEADBURNERS	9.25	.35		a	.01
PAINTERS:					
Marion County:					
Centrailia & Vicinity					
Brush & Structural Steel	7.75				
Roller	8.00				
Spray	8.75				
Salem, Flora, Caly & Vicinity					
Brush	7.00				
Roller, Spray & Struc. Steel	8.25				
Union County:					
Commercial	7.25				
Industrial	7.75				
White County:					
Brush & Roller	8.25	.65	.30		
Spray	9.25	.65	.30	--	

DECISION NO IL76-2132

PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Massac County					
Brush & Roller	$6.70	.25			
Spray	7.60	.25			
Jackson & Perry Counties:					
Commercial	8.40				
Industrial	9.00				
Franklin & Williamson Counties:					
Commercial	7.95				
Industrial	8.20				
Gallatin, Hardin, Pope, Saline Counties:					
Brush	6.90				
Struc. Steel & Drywall	7.15				
Spray	7.25				
Alecander, Johnson & Pulaski Counties					
Commercial	6.35				
Industiral	7.70				
PLUMBERS & STEAMFITTERS:					
Marion County:	12.00	1.20	1.05		.15
White County:					
Crossville, Phillipstown, Emma & Maunie	11.705	.50	.80		.06
Remainder of County	11.58	.50	.80		.06
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Counties	10.35	.30	.70		.04
Franklin, Hamilton, Jefferson, Saline, Williamson & Gallatin Counties	10.45	.35	.55		.04
ROOFERS:					
Gallatin, Hardin & White Cos.	8.68	.40	.25		
Remainder of Counties	7.60				
SHEET METAL WORKERS	10.68	.25	.25	6%	.02
SPRINKLERFITTERS	11.40	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO IL76-2132

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day, C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: A-Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days durig the 120 calendar days prior to the holiday and the regular scheduled worke days immediately preceding and following the holiday.

DECISION NO. IL76-2132

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

DECISION NO. IL76-2132

JEFFERSON, PERRY & MARION COS.

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 11.08	.42	.90		.05
GROUP II	10.25	.42	.90		.05
GROUP III	9.60	.42	.90		.05
GROUP IV	9.50	.42	.90		.05
GROUP V	9.25	.42	.90		.05
GROUP VI					
a.	13.23	.42	.90		.05
b.	13.53	.42	.90		.05
c.	11.35	.42	.90		.05
d.	11.85	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

DECISION NO. IL76-2132

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. Blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL76-2132

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Boone, DeKalb, Dupage, Kane, Kendall, Lake, McHenry and Will

DECISION NUMBER: IL76-2141

DATE: Date of Publication

Supersedes Decision No. IL76-2020 dated February 27, 1976, in 41 FR 8658

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS and PILEDRIVERMEN:					
Boone and Dekalb Counties	$10.01	.45	.25		
DuPage and Lake Counties	10.55	.78	.88		.06
Kane, Kendall and McHenry Cos.	10.68	.45	.68		
Will County	10.73	.70	.85		
CEMENT MASONS:					
Boone County	7.25	.25	.45		
DeKalb County	10.85	.30			
DuPage County	10.90	.68	.70		.06
Kane, Kendall and McHenry Cos.	11.20	.50	.60		
Lake County	10.75	.65	.90		.03
Will County	10.22	.50	1.00		.05
ELECTRICIANS:					
Boone and DeKalb Counties	10.40	.40	1%+.20		1/2%
DuPage County	11.00	3%	7%	8%	½ of 1%
Kendall County; Townships of Aurora, Sugar Grove, Big Rock, Kaneville, Blackberry, Batavia, Geneva and the City of Ct. Charles in Kane County; Sandwich Township in DeKalb County	11.82	5%	7%		.5 of 1%
McHenry County; Kane County: (that portion North of St. Charles, Geneva and Blackberry Townships) excluding St. Charles School for Boys; Townships of Hamshire, Rutland, Dundee, Burlington, Plato, Elgin, Virgin and Compton	12.15	5%	7%		.5 of 1%
Lake County	11.64	.50	1%+.45		.029
Will County	12.47	.50	1%+.50		.2%
IRONWORKERS:					
Boone County; DeKalb County, (excluding S.E. 2/3, including Sycamore and DeKalb) and the N.W. half of McHenry County	11.865	.65	.375		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (Cont'd)					
Kane County; DeKalb County (S.E. 2/3, including Sycamore and DeKalb), DuPage County, (excluding Argonne and Vicinity) the Northern half of Kendall County; and the S.E. 1/4 of McHenry County	$12.20	.65	.525		.08
Lake County; Hebron and Woodstock and E. thereof in McHenry County	11.25	1.09	1.13		.09
Will County; Argonne and Vicinity in DuPage County; and southern half of Kendall County	9.85	2.50	.325		
LABORERS:					
DeKalb County:					
Common, Landscaping and Carpenter Tenders	8.05	.35	.35		.035
Mortar Mixers, Mason and Plasterer Tenders, Vibrator Operator	8.25	.35	.35		.035
Bottom Sewer Workers, Jackhammer Operator, Cofferdam, Caisson Workers, Gunnite Nozzleman	8.35	.35	.35		.035
LINEMEN:					
Boone, DeKalb, DuPage, Kane, Kendall, Lake and McHenry Cos. Linemen, Crane Operator (15 ton or over); Digger Operator	11.00	.45	1%		.50%
Equipment Operator	9.36	.45	1%		.50%
Truck Driver	7.45	.45	1%		.50%
Groundman	7.20	.45	1%		.50%
Will County:					
Linemen and Equipment Operators	12.47	.50	1%+.50		.2%
Cable Splicers	12.87	.50	1%+.50		.2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Kane, Kendall, DeKalb, DuPage and McHenry Counties:					
Brush and Spray	$ 8.94	.50	.70		.06
Lake County:					
Brush	9.15	.575	.45		.013
Boone County:					
Brush and Roller	9.35	.40			
Open Structural and Sandblasting	9.60	.40			
Spray	9.90	.40			
Will County:					
Brush	9.59	.52	.45		.04
Bridges:					
Butt Plates and Handrails	10.09	.52	.45		.04
W/Superstructures	10.59	.52	.45		.04
WO/Superstructures	10.09	.52	.45		.04
TRUCK DRIVERS:					
Boone County:					
2-3 Axle Trucks	8.25	.30	.50		
4 Axle Trucks	8.40	.30	.50		
5 Axle Trucks	8.60	.30	.50		
6 Axle Trucks	8.80	.30	.50		
Remainder of District #1:					
2-3 Axle Trucks	8.30	a20.00	a24.00		
4 Axle Trucks	8.45	a20.00	a24.00		
5 Axle Trucks	8.65	a20.00	a24.00		
6 Axle Trucks	8.85	a20.00	a24.00		
Well Drillers:					
Driller, Pump Installer, Welder and Mechanic	8.75	.50	.50	b	
Tool Dresser, Helper	8.10	.50	.50	b	

FOOTNOTES:
a. Per week per employee

b. Six (6) Paid Holidays:
New Year's Day; Memorial Day;
Independence Day; Labor Day;
Thanksgiving Day and Christmas Day.

DECISION NO. IL76-2141

ILL-3-LAB-2-3

LABORERS: Boone, Kane, Kendall & McHenry	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1					
Common Laborers, Asphalt Laborers & Helpers, Asphalt Plant Laborers, Stripping Laborers, Concrete Saw, Self-Propelled Saw, Laser Beam	$7.80	.57	1.10		
CLASS 2					
Air Tampers & Vibrators	7.85	.57	1.10		
CLASS 3					
Mortar Concrete Mixers	7.90	.57	1.10		
CLASS 4					
Stringline & Form Setters, Torchman, Sheeting & Cribbing Men, Black Top Rackers, Lutemen, Machine Screwmen	7.95	.57	1.10		
CLASS 5					
Chain Saw Men, Jackhammermen, Drillmen, Concrete Breaker, Air Spade, Dynamite Handlers (Helpers)	8.05	.57	1.10		
CLASS 6					
Tunnel Men, Tile Layers & Bottom Men	8.15	.57	1.10		
CLASS 7					
Caisson Diggers, Dynamiters	8.30	.57	1.10		

DECISION NO. IL76-2141

ILL-9-LAR-1-2-3

LABORERS: DUPAGE, LAKE & WILL COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
CLASS 1 Common Laborers, Plasterer Laborers, Pumps for DeWatering & other Unclassified Laborers	$7.80	.57	1.10		
CLASS 2 Cement Gun Laborers	7.875	.57	1.10		
CLASS 3 Scaffold Laborers & Chimney Laborers over 40'	7.90	.57	1.10		
CLASS 4 Windlass & Cement Gun Nozzle Laborers - Gunnite	7.95	.57	1.10		
CLASS 5 Stone Handlers & Derrickmen	8.00	.57	1.10		
CLASS 6 Jackhammermen	8.025	.57	1.10		
CLASS 7 Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator	8.05	.57	1.10		
CLASS 8 Firebrick & Boiler Setters' Laborers	8.125	.57	1.10		
CLASS 9 Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	8.15	.57	1.10		
CLASS 10 Boiler Setter Plastic Laborers	8.25	.57	1.10		
CLASS 11 Jackhammer on Firebrick Only	8.375	.57	1.10		

DECISION NO. IL76-2141

ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
CLASS I	$10.90	.75	.85	.40	.05
CLASS II	10.35	.75	.85	.40	.05
CLASS III	9.60	.75	.85	.40	.05
CLASS IV	8.50	.75	.85	.40	.05
CLASS V	7.50	.75	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E 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 cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, 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

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN76-2146 DATE: Date of Publication
Supersedes Decision No. IN76-2082 dated July 2, 1976, in 41 FR 27567.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh & Vigo	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Counties	$11.45	.50	.75		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	11.43	.50	.35		.05
Dearborn County	9.96	.45	.85		.02
Vanderburgh County	10.70	.45	.40		.03
BOILERMAKERS:					
Dearborn County	8.30	.30	.70		.01
Remainder of Counties	11.70	.80	1.00		.03
BRICKLAYERS:					
Allen County:					
Bricklayers; Marble setters & Stonemasons	9.79	.45	.30		.01
Bartholomew, & Monroe Counties:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	9.15	.40	.30		.02
Benton & Tippecanoe Counties:					
Bricklayers; Marble Setters Stonemasons	9.85	.48	.35		.01
Terrazzo workers & Tile setters	9.85	.48	.35		.01
Dearborn County	8.75		.30		
Delaware County:					
Bricklayers; Marble setters; & Stonemasons	9.30	.45	.35		.01
Tile setters	9.05	.45	.35		.01
Grant County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	9.00	.70	.40		
Marion County:					
Bricklayers; & Stonemasons	10.60	.40	.30		.06
Marble setters ; & Tile setters	9.66	.30	.30		.04
Terrazzo workers	9.40	.30	.30		.03
Vanderburgh County:					
Bricklayers; Stonemasons	9.33	.50	.30		
Marble setters; Terrazzo workers; & Tile setters	8.90		.30		
Vigo County:					
Bricklayers; Stonemasons	10.35	.40	.70		.01
Marble setters; Terrazzo workers & Tile setters	9.95	.40	.70		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Allen County:					
Carpenters; & Soft floor layers	$9.13	(f)a			.05
Millwrights; & Piledrivermen	9.46	(f)a			.05
Bartholomew County (Camp Atterbury) & Marion County:	10.65				
Carpenter; Millwrights	10.65	.50	.60		.08
Bartholomew County (Remainder of County):					
Carpenters; & Soft floor layers	8.89	.45	.45		.03
Millwrights	9.39	.45	.45		.03
Piledrivermen	9.14	.45	.45		.03
Benton; & Tippecanoe Counties;					
Carpenters & Soft floor layers	9.36	.40	.40		.02
Millwrights; & Piledrivermen	9.71	.40	.40		.02
Dearborn County:					
Carpenters; & Soft floor layers	8.94	.45	.45		.03
Millwrights	9.44	.45	.45		.03
Piledrivermen	9.19	.45	.45		.03
Delaware County:					
Carpenters; Soft Floor layers	9.10	.40	.25		.05
Piledrivermen	9.30	.40	.25		.05
Millwrights	9.40	.40	.25		.05
Grant County:					
Carpenters	8.93	.60	.60		.05
Piledrivermen	9.13	.60	.60		.05
Millwrights	9.43	.60	.60		.05
Monroe County:					
Carpenters; Soft floor layers	8.65	.45	.25		.01
Millwrights & Piledrivermen	8.90	.45	.25		.01
Vanderburgh County:					
Carpenters; Soft floor layers	9.37	.40	.60		
Piledrivermen	9.62	.40	.60		
Millwrights	9.79	.40	.60		
Vigo County:					
Carpenters; Soft floor layers	9.38	.45	.55		.02
Piledrivermen	9.63	.45	.55		.02
Millwrights	9.88	.35	.40		.02
CEMENT MASONS:					
Allen County	9.05	.75			.01
Bartholomew County	8.30				
Benton & Tippecanoe Counties	8.60	.45	.65		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Dearborn County	$ 6.50				
Delaware & Grant Counties	9.05	.60			
Marion County	9.06	.65	.25		.04
Monroe County	8.25				
Vanderburgh County	9.00	.65	.55		
Vigo County	9.55	.60	.25		
ELECTRICIANS:					
Allen County	10.20	.40	1%+.30		.06
Bartholomew & Marion Counties	10.65	3%	5%		.5%
Benton & Tippecanoe Counties	10.45	.40	1%		½of1%
Dearborn County:					
Up to & including 18-mile radius from Hamilton County, Ohio Court House	11.30	.70	1%+.40		.5%
Over 18-mile radius up to & including 21 mile-radius from Hamilton County, Ohio Court House	11.60	.70	1%+.40		.5%
Over 21-mile radius up to & including 25-mile radius from Hamilton County, Ohio Court House	11.70	.70	1%+.40		.5%
Over 25-mile radius from Hamilton County, Ohio Court House	11.85	.70	1%+.40		.5%
Delaware County	10.15	.40	1%+.30		.2%
Grant County	9.90	.40	1%+.30		.2%
Monroe County	10.00	.40	1%+.40		.01
Vanderburgh County	11.15	.40	1%		½of1%
Vigo County	10.60	.40	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Allen & Grant Counties:					
Elevator constructors	9.66	.495	.32	1%+b+c	.02
Helpers	6.76	.495	.32	1%+b+c	.02
Helpers (Prob.)	4.83				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties:					
Elevator Constructors	10.68	.545	.35	1%+b+c	.02
Helpers	7.48	.545	.35	1%+b+c	.02
Helpers (Prob.)	5.34				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (cont'd)					
Dearborn County:					
Elevator constructors	11.15	.545	.35	1%+b+c	.02
Helpers	7.805	.545	.35	1%+b+c	.02
Helpers (Prob.)	5.575				
Vanderburgh County:					
Elevator Constructors	10.74	.545	.35	1%+b+c	.02
Helpers	7.52	.545	.35	1%+b+c	.02
Helpers (Prob.)	5.37				
GLAZIERS:					
Allen & Grant Counties	9.53	d		.40+e	.04
Bartholomew, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	11.59				
Benton County	7.80	.25	.25	.25	
Dearborn County	10.10		.35		.005
Vanderburgh County	9.305	.48	.50	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant (excluding s/w portion) Counties	10.75	.75	.95		.01
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Counties	10.15	.65	.90		.05
Marion County	10.50	.75	1.10		.05
Benton, & Tippecanoe Counties	9.99	.75	1.10		.02
Dearborn County:					
Ornamental; Structural	10.515	.65	.70		.03
Reinforcing	10.43	.75	1.45		.02
Vanderburgh County	8.15	.25	.25		
Vigo County	10.15	.75	1.70		.10
LABORERS (Wrecking):					
Marion County:					
Wrecking laborers; Mason tenders	6.20	.35	.35		.07
Jackhammer; drill & compactor operators	6.40	.35	.35		.07
Cutting torch or burner	6.75	.35	.35		.07
LATHERS:					
Allen Co.	9.30		.50		.01
Bartholomew, Marion, Monroe, & Vigo Counties	10.29	.61	.35		.04
Benton & Tippecanoe Counties	8.89	.55	.35		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Dearborn County	$11.145		.25		.025
Delaware and Grant Counties	8.55		.35		.01
Vanderburgh County	9.07				.01
LEADBURNERS	9.25	.35		f	.01
MARBLE SETTERS' HELPERS; TERRAZZO WORKERS' HELPERS; & TILE SETTERS' HELPERS:					
Allen County	6.95				
MARBLE & TILE SETTERS' HELPERS:					
Bartholomew, Dearborn, Delaware, Grant, Marion, Monroe and Tippecanoe Counties	7.60				
Vigo County	7.40	.40	.70		.01
PAINTERS:					
Allen and Grant Counties:					
Brush; Paperhangers; Rollers; & Tapers	8.25	.37	.35		.10
Sandblasters; Spray	9.25	.37	.35		.10
Bartholomew County:					
Brush; Drywall taping and finishing; & Rollers	8.05				
Sandblasting; Spray; Swing stage	9.05				
Structural steel	8.05				
Benton & Tippecanoe Counties:					
Brush	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Dearborn County:					
Brush; Roller; Wallwashing; Drywall taping & finishing; Wallpaper & vinyl hanging; Floor sanding; Seamless flooring & finishing; Sandblasting; Hopper tending; Steamcleaning	8.50				
Spray	9.00				
Delaware County:					
Brush; Taping	8.00		.60		
Sandblasters; Spray	8.75		.60		
Steeplejack; Water towers	9.00		.60		
Marion County:					
Brush; Drywall tapers & finishers; Rollers	9.31	.39	.20		
Sandblasters; Spray	10.31	.39	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Monroe County:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	8.40			.30	
Structural steel	9.15			.30	
Sandblasting; Spray	9.40			.30	
Vanderburgh County:					
Brush; Roller	8.25	.65	.30		
Sandblasting	9.00	.65	.30		
Spray	9.25	.65	.30		
Vigo County:					
Brush, Drywall finishing; Paperhangers; & Rollers	8.50			.25	
Spray	9.50			.25	
Structural Steel to 30'	8.75			.25	
Structural Steel 30' to 100'	9.50			.25	
Structural Steel over 100'	10.50			.25	
PIPEFITTERS; Steamfitters:					
Dearborn County	10.80	.70	.975		.06
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Counties	10.80	.50	.70		.04
PLASTERERS:					
Allen County	9.24	.60			
Bartholomew County	9.10				
Benton (Eastern 2/3 west to & incl. Boswell, Earl Park, & Raub) & Tippecanoe Counties	9.50	.55			
Dearborn County	6.50				
Delaware & Grant Counties	8.40	.65			.01
Marion County	10.50	.40			.01
Vanderburgh County	10.58				
Vigo County	9.00	.50	.50		
PLUMBERS:					
Dearborn County	9.92	.65	.90		.05
PLUMBERS; Steamfitters:					
Allen County	10.05	.35	.65		.07
Bartholomew (Excluding Camp Atterbury) County	10.90	.50	.30		.05
Benton & Tippecanoe Counties	10.30	.40	.75		.10
Delaware County	10.50	.50	.55	g	.15
Grant County	10.90	.50	.55		.05
Monroe County	10.95	.50	.75		.15

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PLUMBERS; Steamfitters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vanderburgh County	$11.33	.50	.80		.06
Vigo County	11.25	.40	.80		.10
ROOFERS:					
Allen County	8.75		.10		
Bartholomew, Marion, Monroe, Counties					
Composition; Waterproofers	9.76	.30	.40		
Slate, Tile, Asbestos, & Precast slab	10.01	.30	.40		
Helpers	8.26	.30	.40		
Benton & Tippecanoe Counties:					
Composition	9.80	.40	.28		
Slate, Tile, Asbestos	10.05	.40	.28		
Dearborn County	11.47		.85		.01
Delaware County:					
Slate, tile and Asbestos; Composition, damp & Waterproofers	8.25	.25	.10		
Coal tar pitch	8.75	.25	.10		
Grant County	6.80		.10		
Vanderburgh County:					
Composition	8.68	.40	.25		
Concrete slab & gypsum plank	8.93	.40	.25		
Slate & Tile	8.93	.40	.25		
Helpers	6.06	.40	.25		
Vigo County:					
Roofers; Kettlemen	8.50	.40	.20		
SHEET METAL WORKERS:					
Allen & Grant Counties	10.54	.40	.35		.06
Bartholomew, Delaware, Marion & Monroe Counties	10.80	.55	.60		.08
Benton & Tippecanoe Counties	9.73	.40 &h	.30		.06
Dearborn County	8.995	.40	.70		.02
Vanderburgh County	10.15	.40	.35		.02
Vigo County	8.90	.31&h	.45		.02
SPRINKLER FITTERS	11.40	.60	.90		.08
TERRAZZO WORKERS; Tile Setters:					
Allen County	8.85				
TERRAZZO WORKERS' HELPERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe & Vigo Counties	8.60				

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allen County:					
Up to & incl. 1 ton	$ 8.555	i	j		
Sweeper attached & Dist. water wagon	8.855	i	j		
1½ to & incl. 3 tons; forklift	8.655	i	j		
Tandem; Double bottoms; lowboys; Tri-axle; winch; boom	8.755	i	j		
Semi	8.705	i	j		
Euclid; Earthmover	9.005	i	j		
Benton & Tippecanoe Counties:					
Single axles; Straight trucks; Warehousemen	6.75	k	l	m	
Helpers; Greasers; Tiremen	6.70	k	l	m	
Tandem axles; Straight trucks & Doglegs	6.85	k	l	m	
Bituminous distributors	6.90	k	l	m	
Semi-trucks & mechanics, Tri-axle	7.05	k	l	m	
Marion County:					
Up to & incl. 3 tons & Helpers	7.865	n	o	p	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	8.015	n	o	p	
Truck mechanics	7.94	n	o	p	

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6% for Health & Welfare includes pension
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, & 2% for employee who has worked in business less than 5 years.
d. When an employee has been employed by an employer for 6 continuous months, the employer will contribute $5.00 per week toward his Hospital/Medical premiums if the employer does not have a pre-established Hospital/Medical plan. If an employee has met the 6-month qualification & is off work for any reason for over 30 continuous calendar days, the employer will not make the above $5.00 weekly contribution to the employee until the employee returns to work on a regular basis
e. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer
f. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
g. 2 paid holidays: C&D
h. 3% of gross earnings to SASMI
i. $20.00 per week per employee
j. $22.00 per week per employee
k. $17.00 per week per employee
l. $14.00 per week per employee
m. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
n. $20.00 per week per employee
o. $22.00 per week per employee
p. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

1 of 3

LABORERS:
BUILDING CONSTRUCTION

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.50	$7.40	$6.65
GROUP II	7.90	7.70	7.60	6.85
GROUP III	8.00	7.80	7.70	6.95
GROUP IV	8.70	8.50	8.40	7.65
GROUP V:				
A.	7.90	7.90	----	----
B.	7.775	7.775	----	----
C.	8.00	8.00	----	----
D.	7.975	7.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$6.75	$6.95	$6.90	$7.00
GROUP II	6.95	7.15	7.10	7.20
GROUP III	7.05	7.25	7.20	7.30
GROUP IV	7.75	7.95	7.90	8.00

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.50	.45		.09
ALL OTHER AREAS	.50	.40		.09

AREAS

AREA I: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA IA: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA IB: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA IIA: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA IIB: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA IIIA: Marion & Shelby Counties

AREA IIIB: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur, Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA IIIC: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas 1, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

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POWER EQUIPMENT OPERATORS

Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.55	.40	.40		.05
GROUP 2	9.70	.40	.40		.05
GROUP 3	8.35	.40	.40		.05
GROUP 4	7.55	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

DECISION NO. IN76-2146

POWER EQUIPMENT OPERATORS

Bartholomew, Dearborn, & Vanderburgh Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.58	.35	.35		.05
GROUP B	9.49	.35	.35		.05
GROUP C	8.75	.35	.35		.05

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

1 of 2

POWER EQUIPMENT OPERATORS

Monroe, & Vigo Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.05	.40	.50		.07
GROUP II	9.95	.40	.50		.07
GROUP III	9.75	.40	.50		.07
GROUP IV	7.50	.40	.50		.07

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, 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 and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour

Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties

LINE CONSTRUCTION

EXCLUSIVE OF CALUMET AREA

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$ 9.68	.45	1%		.5%
Heavy equipment operator "A"	9.19	.45	1%		.5%
Heavy equipment operator "B"	7.57	.45	1%		.5%
Powder man & equipment mechanic	7.39	.45	1%		.5%
Senior groundman truck driver w/w	6.32	.45	1%		.5%
Groundman truck driver with winch	6.07	.45	1%		.5%
Groundman truck driver w/o winch	5.32	.45	1%		.5%
Senior groundman after 5 years	6.06	.45	1%		.5%
Senior groundman after 12 months	5.89	.45	1%		.5%
Groundman 0-12 months	4.99	.45	1%		.5%

CALUMET AREA

Linemen; Technicians	9.98	.45	1%		.5%
Heavy equipment operator "A"	9.26	.45	1%		.5%
Heavy equipment operator "B"	7.63	.45	1%		.5%
Powder man & equipment mechanic	7.45	.45	1%		.5%
Senior groundman truck driver w/w	6.43	.45	1%		.5%
Groundman truck driver with winch	6.14	.45	1%		.5%
Groundman truck driver w/o winch	5.39	.45	1%		.5%
Senior groundman after 5 years	6.18	.45	1%		.5%
Senior groundman after 12 months	6.01	.45	1%		.5%
Groundman 0-12 months	5.09	.45	1%		.5%

LINE CONSTRUCTION

Vanderburgh County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.15	.40	1%		
GROUNDMAN	9.79	.40	1%		
TRUCK DRIVER	10.10	.40	1%		

TRUCK DRIVERS

Bartholomew, Dearborn, Delaware, Grant, & Monroe Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.05	13.50a	14.00a	b	
GROUP 2	8.10	13.50a	14.00a	b	
GROUP 3	8.15	13.50a	14.00a	b	
GROUP 4	8.20	13.50a	14.00a	b	
GROUP 5	8.25	13.50a	14.00a	b	
GROUP 6	8.30	13.50a	14.00a	b	
GROUP 7	8.40	13.50a	14.00a	b	
GROUP 8	8.45	13.50a	14.00a	b	
GROUP 9	8.50	13.50a	14.00a	b	
GROUP 10	8.55	13.50a	14.00a	b	
GROUP 11	8.70	13.50a	14.00a	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:

a. Per Week per employee

b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

DECISION NO. IN76-2146

TRUCK DRIVERS: Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.345	.325	12.00a		
GROUP 2	7.455	.325	12.00a		
GROUP 3	7.565	.325	12.00a		
GROUP 4	7.635	.325	12.00a		
GROUP 5	7.675	.325	12.00a		
GROUP 6	7.405	.325	12.00a		
GROUP 7	7.515	.325	12.00a		
GROUP 8	7.175	.325	12.00a		
GROUP 9	7.245	.325	12.00a		

CLASSIFICATIONS

GROUP 1
Single axle straigh trucks, batch truck, wet or dry, over 3(3/4E) batches

GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3/4E) batches, farm tractors pulling trailers

GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers

GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)

GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug botton dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types

GROUP 6
Drivers on bituminous distributors two-man

GROUP 7
Drivers on bituminous distributors one-man

GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.

GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

DECISION NO. IN76-2146

TRUCK DRIVERS: Vigo County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 7.085	.50	14.00a		
GROUP II	7.585	.50	14.00a		
GROUP III	7.785	.50	14.00a		
GROUP IV	7.935	.50	14.00a		

FOOTNOTE:
a. Per Week Per Employee

CLASSIFICATIONS

GROUP I
Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3/4E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and tiremen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles

GROUP II
Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, bug bottom dumps, tournapulls, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tons, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-"3/4E" batches, two (2) men oil distributors

GROUP III
Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, tractor trailers, tandem, A-Frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-"3/4E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors

GROUP IV
Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Koehring or similar dumpsters, track trucks, Euclids, hug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, pole trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN76-2147
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. IN76-2083, dated July 2, 1976 in 41 FR 27577
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

*Lake, LaPorte, Porter, & St. Joseph

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$10.36	.58	.67		.05
LaPorte & St. Joseph Counties	12.83	.50	.21		
BOILERMAKERS	11.70	.80	1.00		.03
BRICKLAYERS:					
Lake & Porter Counties:					
Bricklayers; Marble setters & Stone Masons	11.30	.45	.55		.02
Tile setters	11.20	.45	.55		.02
LaPorte County:					
Bricklayers; Marble setters & Stone masons	11.14	.45	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.24	.70	.65		.05
Marble setters	9.30	.40	.35	a	.01
Terrazzo workers & Tile setters	8.10	.40	.35	a	.01
CARPENTERS:					
Lake, LaPorte, & Porter Counties					
Carpenters	11.33	.50	.57		.05
Millwrights	11.38	.50	.57		.05
St. Joseph County:					
Building construction: Carpenters; Millwrights; Pile-drivermen; Soft floor layers	9.58	.48	.50		.05
Heavy & Highway construction: Carpenters	9.58	.50	.50		.05
CEMENT MASONS:					
Building construction:					
Lake County (Hammond Area)	10.79	.85	.55		.03
Lake County (Remainder of Co.); Porter County (Western ½ of Co.)	9.47	.60	.65		.01
LaPorte County; Porter County (Eastern ½ of Co.)	10.08	.80	1.00		.03
St. Joseph County	8.61	.40	.50		.01
Heavy and Highway construction:					
Porter County (Eastern ½ of Co.)	8.62	.45	.70		.03
Porter County (Western ½ of Co.)	9.47	.60	.65		.01
St. Joseph County	9.01	.60	.80		.04
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	10.10	.60	.55		.01
Lake County (Remainder of Co.)	10.00	.60	.65		.01
LaPorte County	9.42	.60	.90		.03

DECISION NO IN76-2147

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Lake County	$11.40	5%	6.3%		.7%
LaPorte & Porter Counties	11.40	3⅛%	5⅛%		.2%
St. Joseph County	10.35	4.8%	5%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	11.91	.545	.35	1%+b+c	.02
Helpers	8.34	.545	.35	1%+b+c	.02
Helpers (Prob.)	5.955				
LaPorte & St. Joseph Counties:					
Elevator constructors	10.29	.545	.35	1%+b+c	.02
Helpers	7.20	.545	.35	1%+b+c	.02
Helpers (Prob.)	5.145				
GLAZIERS:					
Lake County (excluding Hammond); Porter County	7.80	.25	.25	.25	
LaPorte & St. Joseph Counties	7.25	.35		1%	½ of 1%
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	11.58	.65	1.18		.06
LaPorte (Remainder of Co.), & St. Joseph Counties	10.40	.65	.80		.01
LATHERS:					
Lake & Porter Counties	8.25		.35	.50	
LaPorte & St. Joseph Counties	9.07	.38	.35		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	7.90	.42	.35		.02
Sandblasting; Spray	8.65	.42	.35		.02
Paperhanging; Vinyl	8.15	.42	.35		.02
Industrial:					
Brush & Roller	8.65	.42	.35		.02
Sandblasting; Sign painters; Spray	9.40	.42	.35		.02
Lake County (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	9.10	.47	.40		.05
Sandblasting; Spray; Steam-Cleaning; machine spray striping	9.85	.47	.40		.05
Paperhanger	9.35	.47	.40		.05

DEICSION NO IN76-2147

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Industrial:					
Brush	$10.20	.47	.40		.05
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	10.95	.47	.40		.05
LaPorte County (Southern portion of County); St. Joseph County:					
Brush; Drywall Tapers & Finish; Paperhanging; Spray & Vinyl	8.29		.20		
LaPorte County (No. portion of Co.):					
Brush; Tapers	8.60				
Paperhangers	8.60				
Porter County (Remainder of Co.):					
Brush; Sandblasters; Drywall tapers	8.00				
Spray	9.00				
PIPEFITTERS:					
Lake, LaPorte, & Porter Counties	10.35	.55	.70		.02
PLASTERERS					
Lake County (Hammond Area)	9.44	.60	.55		.01
Lake County (Gary Area); Porter County (Valparaiso)	8.30	.60	.25		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	10.00	.80	1.00		.03
St. Joseph County	8.77	.40	.50		.01
PLUMBERS:					
Lake County (Hammond Area)	11.17	.80	.70		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	11.20	.50	1.20		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	10.92	.40	.55		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	9.95	.48	.70		.10

DECISION NO. IN76-2147

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$11.86	.55	.35		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	9.50	.40	.30		.03
Slate, Tile & Asbestos	9.65	.40	.30		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	10.67	.48	.67		.10
St. Joseph County	10.08	.65	.50		
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	10.00	.60	.70		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	11.40	.60	.90		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	8.15	24.00e	22.00e	.40	
4 axles	8.35	24.00e	22.00e	.40	
5 axles	8.55	24.00e	22.00e	.40	
6 axles	8.75	24.00e	22.00e	.40	
St. Joseph County (Building Construction):					
Pick-up	6.94	13.50e	19.50e	f	
Single axle	7.15	13.50e	19.50e	f	
Tandem or fuel	7.26	13.50e	19.50e	f	
Tri axle	7.31	13.50e	19.50e	f	
Semi trailer	7.36	13.50e	19.50e	f	
LaPorte Co. (Bldg., Construction)					
4 wheel; sheet metal	6.80	21.50e	22.00e	g	
6 wheel; semis	6.90	21.50e	22.00e	g	
Transit mix	7.20	21.50e	22.00e	g	
Buolids	7.30	21.50e	22.00e	g	
Winch	7.05	21.50e	22.00e	g	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 6 paid holidays: A through F
c. 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.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & 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.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.
g. 1 year's service - 1 week's vacation; 3 years' service - 2 weeks' vacation; 10 years' service - 3 weeks' vacation; 20 years' service - 4 weeks' vacation

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
EXCLUSIVE OF CALUMET AREA		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$ 9.68	.45	1%		.5%
Heavy equipment operator "A"	9.19	.45	1%		.5%
Heavy equipment operator "B"	7.57	.45	1%		.5%
Powder man & equipment mechanic	7.39	.45	1%		.5%
Senior groundman truck driver w/w	6.32	.45	1%		.5%
Groundman truck driver with winch	6.07	.45	1%		.5%
Groundman truck driver w/o winch	5.32	.45	1%		.5%
Senior groundman after 5 years	6.06	.45	1%		.5%
Senior groundman after 12 months	5.89	.45	1%		.5%
Groundman 0-12 months	4.99	.45	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.98	.45	1%		.5%
Heavy equipment operator "A"	9.26	.45	1%		.5%
Heavy equipment operator "B"	7.63	.45	1%		.5%
Powder man & equipment mechanic	7.45	.45	1%		.5%
Senior groundman truck driver w/w	6.43	.45	1%		.5%
Groundman truck driver with winch	6.14	.45	1%		.5%
Groundman truck driver w/o winch	5.39	.45	1%		.5%
Senior groundman after 5 years	6.18	.45	1%		.5%
Senior groundman after 12 months	6.01	.45	1%		.5%
Groundman 0-12 months	5.09	.45	1%		.5%

LABORERS (Sewer, Tunnel, & water Construction) St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.24	.50	.40		.08
GROUP 2	7.39	.50	.40		.08
GROUP 3	7.44	.50	.40		.08
GROUP 4	7.54	.50	.40		.08
GROUP 5	7.64	.50	.40		.08
GROUP 6:					
A.	7.44	.50	.40		.08
B.	7.59	.50	.40		.08
C.	8.04	.50	.40		.08
D.	7.54	.50	.40		.08

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

GROUP 6:
A. Bottom man; Concrete man
B. Concrete headman
C. Miner or header man
D. Mucker & Tunnel laborer

1 of 3

LABORERS:
BUILDING CONSTRUCTION

	AREA I	AREA IA	AREA IB	AREA IIA
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.70	$7.50	$7.40	$6.65
GROUP II	7.90	7.70	7.60	6.85
GROUP III	8.00	7.80	7.70	6.95
GROUP IV	8.70	8.50	8.40	7.65
GROUP V:				
A.	7.90	7.90	----	----
B.	7.775	7.775	----	----
C.	8.00	8.00	----	----
D.	7.975	7.975	----	----

	AREA IIB	AREA IIIA	AREA IIIB	AREA IIIC
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$6.75	$6.95	$6.90	$7.00
GROUP II	6.95	7.15	7.10	7.20
GROUP III	7.05	7.25	7.20	7.30
GROUP IV	7.75	7.95	7.90	8.00

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.50	.45		.09
ALL OTHER AREAS	.50	.40		.09

LABORERS:

2 of 3

AREAS

AREA I: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA IA: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA IB: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA IIA: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA IIB: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA IIIA: Marion & Shelby Counties

AREA IIIB: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur, Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA IIIC: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Lake County	Remaining Counties				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$7.40	$6.70	.50	.40		.08
GROUP 2	7.55	6.85	.50	.40		.08
GROUP 3	7.60	6.90	.50	.40		.08
GROUP 4	7.70	7.00	.50	.40		.08
GROUP 5	8.25	7.55	.50	.40		.08

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

Lake, LaPorte, & Porter Counties

POWER EQUIPMENT OPERATORS Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; fork-lift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

POWER EQUIPMENT OPERATORS

St. Joseph County

Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.52	.65	.85	.40	.05
GROUP II	9.16	.65	.85	.40	.05
GROUP III	8.38	.65	.85	.40	.05
GROUP IV	7.70	.65	.85	.40	.05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; LeTourneau Tournapulls; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/Side boom or "A" Frame; Forklifts 18' 6" in height or over; Motor patrols; Combination backhoe & loader; Mechanic; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft. capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18' 6"; Air compressors - 600 cu. ft. & over; Combination of Gasoline or Deisel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for piledriving; Concrete pumps; Trench machines excluding ditch witches; Cableways; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders ½ cu. yd. & under; Bobcat

GROUP IV : Gin poles; Sasgen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu. ft. & under 600 cu. ft.; Well points

POWER EQUIPMENT OPERATORS
(Heavy & Highway Construction)

Lake, LaPorte, & Porter Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.35	.65	.85		.05
CLASS II	9.90	.65	.85		.05
CLASS III	9.45	.65	.85		.05
CLASS IV	8.35	.65	.85		.05
CLASS V	7.40	.65	.85		.05
St. Joseph County					
CLASS I	10.25	.65	.85		.05
CLASS II	9.80	.65	.85		.05
CLASS III	9.35	.65	.85		.05
CLASS IV	8.25	.65	.85		.05
CLASS V	7.30	.65	.85		.05

CLASSIFICATIONS

CLASS I: Auto patrol; Automatic dry batch plant; Automated sub-grader; Automated slip form paver; Automated finish machine; Backhoe - tractor mounted, ½ yd. or over; Ballast regulator (R.R.); Concrete mixer, 27 cu. ft. or over; Concrete pump; Core drilling machine; Crane or derrick with any attachments, incl. Clamshell, Dragline, Shovel, Backhoe, etc.; Dredge engineer; Dredge op.; Euclid loader; Gradall; Lead greaser; Highlift shovel 3 yds. & over; Hoist - 2 & 3 drum; Locomotive op.; Lead mechanic; Mucking machine; Panelboard concrete plant (Central mix type); Paver - Hetherington; Pile drive, Skid or crawler; Road paving mixer; Ross carrier; Throttle valve & compressor or clever Brooks type combination; Throttle valve and Fireman combination on horizontal or upright boiler; Tournapull or similar type equipment; Tractor - boom; Trench machine; Tug boat op.; Winch truck with "A" Frame; Scoops, Tournapulls or similar type machines used in tandem

CLASS II: Backhoe - tractor mounted, with less than ½ yd.; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Bulldozer; Concrete mixer, less than 27 cu. ft.; Elevating grader; Excavating loader, portable; Greaser; Highlift shovel under 3 yds.; Jersey spreader or base paver; Mechanic; Pull grader, power control; Roller, asphalt, waterbound macadam, bituminous macadam, brick surface; Sheepfoot roller (self-propelled) with blade; Surface heater & planer; Tamper-multiple vibrating, asphalt waterbound macadam, bituminous macadam, brick surface; Tractor - push; Tractor with scoop; Widener, Apsco or similar type

CLASS III: Assistant plant engineer; Back filler; Bituminous distributor; Broom & belt machine; Bull float; Concrete finishing machine; Concrete spreader, power driven; Digger, post-hole, power driven; Finishing machine & bull float; Form grader; Form tamper, motor driven; Hoist - 1 drum; Multiple tamping machine; Paving breaker; Roller, earth & subbase material; Roller sheepfoot (self-propelled); Sub-grader; Tamper-multiple vibrating-earth & subbase material; Tractaire; Tractaire with drill; Tractor with all attachments, except backhoe & including highlift, endloaders of 1 cu. yd. capacity & less

CLASS IV: Air compressor; Conveyors, all; Fireman on boiler; Generator; Assistant mechanic; Power curing spraying machine; Pull broom, power propelled; Seaman tiller; Spike machine (R.R.); Striping machine, paint, motor driven; Throttle valve; Welding machine; Wellpoint systems

CLASS V: Assistant greaser; Deck hand; Hetherington driver; Mechanical heater (1 to 5); Outboard or inboard motor boat; Oiler; Power saw, concrete, power driven; Truck crane oiler-driver; Water pump; Helper on C.M.I. & similar type equipment grasscutters

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)

LaPorte County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$7.98	$21.50a	$22.00a		
CLASS 2	8.13	21.50a	22.00a		
CLASS 3	8.18	21.50a	22.00a		
CLASS 4	8.23	21.50a	22.00a		
CLASS 5	8.28	21.50a	22.00a		
CLASS 6	8.33	21.50a	22.00a		
CLASS 7	8.38	21.50a	22.00a		
CLASS 8	8.43	21.50a	22.00a		
CLASS 9	8.48	21.50a	22.00a		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(34E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(34E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tourna-trailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

DECISION NO. IN76-2147

TRUCK DRIVERS:
HEAVY & HIGHWAY CONSTRUCTION
St. Joseph County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *See Below
DECISION NUMBER: IN76-2148 DATE: Date of Publication
Supersedes Decision No. IN76-2084 dated July 2, 1976, in 41 FR 27585
DESCRIPTION OF WORK: Heavy and Highway Construction

*Statewide, except Lake, LaPorte, Porter, and St. Joseph Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Jasper, Newton, and Starke Counties	$11.33	.50	.57		.05
Elkhart County	9.58	.50	.50		.05
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (except Edinburg), Marion, Montgomery, Morgan (except Washington), Parke (except portion lying west of a line south and north running through Jessup, Rosedale, Carbondale, and Poland), Putnam, Vermillion (north of the south city limits of Summit Grove), and Warren Counties	9.85	.50	.50		.08
Remainder of State of Indiana	9.48	.45	.35		.05
CEMENT MASONS:					
Adams, Allen, Dekalb, Huntington, Noble, Steuben, and Whitley Counties	8.70	.40			
Bartholomew, Brown, and Shelby Counties	8.30				

DECISION NO IN76-2148

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Benton, Carroll (Northeast section of Co., south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White Cos.	$ 8.60	.45	.65		
Jasper (northeastern portion of Co. west to, but not incl. Wheatfield), Pulaski (northern 2/3 of Co.), & Starke Cos.	8.62	.45	.70		.03
Marshall Co.	8.86	.40	.50		.01
Blackford, Delaware, Grant, Jay, Randolph, Wabash, & Wells Cos.	9.05	.60			
Elkhart, Kosciusko, & LaGrange Cos.	10.03		.30		.02
Hamilton (northern ½ of Co.), Hancock (eastern ½ of Co.), Henry, Madison, & Tipton Cos.	7.78	.40	.35		
Decatur, Fayette, Franklin, Rush, Union, & Wayne Cos.	8.00		1.30		
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	9.06	.65	.25		.04
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick Cos.	8.55	.45	.40		
Greene Co.	7.85	.30	.20		

DECISION NO. IN76-2148

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd)					
Daviess, Gibson, Knox, Martin & Pike Cos.	$ 8.90	.60	.50		
Monroe, Morgan (southern ½ of Co.), & Owen (excluding extreme western part of Co.) Cos.	8.25				
Clark, Floyd, & Harrison Cos.	9.28	.60	.30		
Dearborn, Ohio, Ripley, & Switzerland Cos.	6.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.00				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	9.55	.60	.25		
Sullivan Co.	9.25	.30	.50		.01
IRONWORKERS:					
Adams, Allen, Blackford, Dekalb, Delaware (northeastern 1/3 of Co.), Grant (excluding s/w portion), Huntington, LaGrange (eastern ½ of Co.), Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.70	.55	.55		.01
Elkhart, Fulton, Kosciusko, LaGrange (western ½ of Co.), Marshall, Pulaski, & Starke Cos.	9.60	.65	.80		.01
Jasper (Northern ½ of Co.), & Newton Cos.	10.63	.50	.75		.05
Clark, Crawford, Floyd, Harrison Jackson (southern ½ of Co.), Jefferson, Jennings (southern ½ of Co.), Lawrence (southern 2/3 of Co.), Martin (eastern ½ of Co.), Orange, Scott, & Washington Cos.	9.95	.65	.70		.05
Marion Co.	10.50	.75	1.10		.05
Dubois, Gisbon, Martin (western ½ of Co.), Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Cos.	8.15	.25	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (Cont'd):					
Bartholomew, Boone, (southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western ½ of Co.), Delaware (southern 2/3 of Co.) Grant (S/W Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern ½ of Co.), Jennings (northern ½ of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$10.65	.75	1.10		.05
Benton, Boone, (northwestern ½ of Co.), Carroll, Cass, Clinton (western 2/3 of Co.), Fountain Jasper (southern ½ of Co.), Miami, Montgomery, Tippecance, Warren, & White Cos.	9.49	.65	.90		.02
Fayette, Jay, Randolph, Union, & Wayne Cos.	9.51	.55	.65		.02
Clay, Daviess, Greene, Knox, Lawrence (northwestern 1/6 of Co.), Parke, Putnam (western ½ of Co. incl. Greencastle), Sullivan, Vermillion, & Vigo Cos.	9.75	.65	1.55		
Dearborn, Decatur (eastern ½ of Co.), Franklin, Ohio, Ripley & Switzerland Cos.	9.445	.55	1.05		.02
PAINTERS:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	8.25	.37	.35		.10
Sandblasters; Spray	9.25	.37	.35		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Bartholomew, Decatur, Jackson & Jennings Cos.:					
Brush; Roller; & Steel	$ 8.05				
Spray	9.05				
Benton, Clinton, Fountain, Montgomery, Putnam (excluding Greencastle), Tippecanoe, & Warren Cos.:					
Brush; Roller	8.45				
Structural Steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Blackford, Carroll, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the south city limits of Bluffton), & White Cos.:					
Brush	8.00		.60		
Spray	8.75		.60		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (north ½ of Co.) & Shelby Cos.:					
Brush	9.31	.39	.20		
Spray	10.31	.39	.20		
Brown, Greene, Monroe, Morgan (excluding north ½ of Co.) & Owen Cos.:					
Brush	7.90			.30	
Structural Steel	8.65			.30	
Spray	8.90			.30	
Clark, Crawford, Floyd, Harrison, Jefferson, Scott, & Washington Cos.:					
Brush	7.59	.25	.10		.03
Spray	7.95	.25	.10		.03
Clay, & Putnam (Greencastle) Cos.:					
Brush	7.30				.02
Spray	8.30				.02
Structural Steel up to 30'	7.55				.02
Structural Steel 30' to 100'	8.35				.02
Structural Steel over 100'	9.35				.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd):					
Daviess, Gibson, & Knox Cos.:					
Brush	$ 6.65				
Spray	7.65				
Dearborn, Ohio, Ripley & Switzerland Cos.:					
Brush; roller; wallwashing; Drywall taping & finish; paperhanging & vinyl; seamless floors & finishing floors; sanding	8.50				
Sandblasting & Steam clean	9.25				
Spray	9.00				
Tanks, elevators, bridges, Steeples over 40 ft.	9.60				
Dubois, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Cos.:					
Brush	8.90	.55	.30		
Spray	9.65	.55	.30		
Elkhart, Koscuisko, Marshall, Pulaski & Starke Cos.:					
Brush; Drywall taping & finish Paperhangers; Spray & Vinyl	8.29		.20		
Fayette, Franklin, Henry, Randolph, Rush, Union, & Wayne Cos.:					
Brush	7.60				
Sandblasting; Spray	8.60				
Structural Steel; Scaffold over 30 ft.	7.85				
Epoxy	9.60				
Jasper, & Newton Cos.:					
Brush	8.65	.42	.35		.02
Spray	9.40	.42	.35		.02
Lawrence, Martin, & Orange Cos.:					
Brush; & Structural Steel	6.00				
Parke, & Vermillion Cos.:					
Brush	8.15			.25	
Spray	9.65			.25	
Sullivan, & Vigo Cos.					
Brush	8.50			.25	
Spray	9.50			.25	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Sullivan, & Vigo Cos.: (Cont'd)					
Structural steel up to 30'	$ 8.75			.25	
Structural steel 30' to 100'	9.50			.25	
Structural steel over 100'	10.50			.25	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOONOTE:
a. 6 paid holidays: A through F.

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$6.70	.50	.40		.08
GROUP 2	6.85	.50	.40		.08
GROUP 3	6.90	.50	.40		.08
GROUP 4	7.00	.50	.40		.08
GROUP 5	7.55	.50	.40		.08

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

1 of 3

POWER EQUIPMENT OPERATORS (Heavy & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Allen, Benton, Blackford, Carroll, Cass, Clinton, Dekalb, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties:					
GROUP I	$9.70	.40	.40		.07
GROUP II	8.70	.40	.40		.07
GROUP III	8.27	.40	.40		.07
GROUP IV	7.46	.40	.40		.07
Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Marshall, Newton, Noble, Pulaski, & Starke Counties:					
GROUP I	9.20	.60	.70		.07
GROUP II	8.20	.60	.70		.07
GROUP III	7.77	.60	.70		.07
GROUP IV	6.96	.60	.70		.07
Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Dubois, Floyd, Franklin, Gibson, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick, & Washington Counties:					
GROUP I	9.80	.35	.35		.07
GROUP II	8.80	.35	.35		.07
GROUP III	8.37	.35	.35		.07
GROUP IV	7.56	.35	.35		.07
Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties:					
GROUP I	9.60	.40	.50		.07
GROUP II	8.60	.40	.50		.07
GROUP III	8.17	.40	.50		.07
GROUP IV	7.36	.40	.50		.07

POWER EQUIPMENT OPERATORS 2 of 3

Group 1: Air Compressors in Manifold with throttle valve; Asphalt Plant Engineer; Auto Grade or similar type machine; Auto Patrol; Backhoe on Farm type Tractor, 45 H.P. and over; Ballast Regulator (R. R.); Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Bull Dozer; Caisson Drilling Machine; Cherry Picker - 15 ton or over; Chip Spreader; Concrete Mixer 21 cu. ft. or over; Core Drilling Machine; Crane or Derrick with any attachment including clamshell, dragline, shovel, backhoe, etc.; Dredge Engineer; Dredge Operator; Drilling Machine on which the drill is an integral part; Earth Mover - rubber tired (paddle wheel, 619, 631, TS-24 or similar type); Earth Mover, rubber tired - tandem (50 cents per hour additional for each bowl); Elevating Grader; Fork Lift (10 ton or over); P.C.C. Formless Paver; Gradall; Gravel Processing Plant (Portable); Operator of Guard Rail Post Driver; Highlift Shovel - 1-1/2 cu. yd. or over; Hoist (2 drums and over); Helicopter - Crew; Hydraulic Boom Truck; Keystone (Skimmer Scoop); Loader - self-propelled (Belt-chain Wheel); Locomotive Operator; Mucking Machine; Panel Board Concrete Plant (Central Mix type); Paver-Hetherington; Pile Driver - Skid or Crawler; Road Paving Mixer; Rock Breaking Plant; Rock Crushing Plant (portable); Roller - Asphalt, Waterbound Macadam; Bituminous Macadam, Brick Surface; Roller with Dozer Blade; Root Rake, Tractor Mounted; Self-propelled Widener; Stump Remover, Tractor Mounted; Surface Heater and Planer; Tandem Push Tractor (50 cents per hour additional); Tractor - Boom, Winch or Hoe Head; Tractor - Push; Tractor Mounted Spreader; Tree Mover; Trench Machine (over 24"); Tug Boat Operator; Well Drilling Machine; Winch Truck with A-Frame

Group 2: Air Compressor with throttle valve or Clever Brooks type combination; Backfiller; Back Hoe on Farm type Tractor, under 45 H.P.; Bull Float; Cherry Picker under 15 ton; Chip Spreader (self-propelled); Concrete Pump; Concrete Mesh Depressor - independently operated; Concrete Spreader - power driven; End Loader under 1-1/2 cu. yd.; Excavating Loader - portable; Finishing Machine and Bull Float; Gunite Machine; Head Greaser; Mechanic; Mesh or Steel Placer; Multiple Tamping Machine (R.R.); P.C.C. Concrete Belt Placer; Pull Grader - power control; Refrigerating Machine - freezing operation; Ross Carrier; Sheepfoot Roller (self-propelled); Tamper - Multiple Vibrating - Asphalt, Waterbound Macadam, Bituminous Macadam, Brick Surface; Trench Machine 24" and under; Tube Float; Welder

POWER EQUIPMENT OPERATORS (Cont'd) 3 of 3

Group 3: Assistant Plant Engineer; Base Paver (Jersey or similar type machine); Concrete Finishing Machine; Concrete Mixer - less than 21 cu. ft.; Curb Machine; Farm Tractor - including farm tractor with all attachments except backhoe and including high lift end loaders of 1 cu. yd. capacity or less; Fireman (on boiler); Hoist (one drum); Operator, 5 pieces of minor equipment; Paving Breaker; Power Broom, self-propelled; Roller (Earth and Sub-base material); Slurry Seal Machine; Spike Machine (R.R.); Tamper - Multiple Vibrating - Earth and Sub-base material); Throttle Valve; Throttle Valve and Fireman combination on horizontal or upright boiler; Tractaire with Drill; Tractor - 50 H.P. or over; Well Point System; Widener (Apsco or similar type)

Group 4: Air Compressor; Assistant to Engineer - Oiler; Automatic Dry Batch Plant; Bituminous Distributor; Dituminous Patching Tamper; Belt Spreader; Broom and Belt Machine; Chair Cart (self-propelled); Coleman Type Screen; Conveyor (portable); Deck Hand; Digger Post Hole (power-driven); Fork Lift - under 10 ton; Form Grader; Form Tamper (motor driven); Generator; Greaser Helper; Hetherington Driver; Hetherington Helper; Hydra Seeder; Mechanics Helper; Mechanical Heater; Operator 1 thru 4 pcs. of minor equipment; Outboard or Inboard Motor Boat; Power Curing Spraying Machine; Power Saw - Concrete (power driven); Pug Mill; Pull Broom (power type); Seaman Tiller; Straw Blower or Brush Mulcher; Striping Machine, Paint (motor driven); Sub-grader; Tractaire; Tractor (below 50 H.P.); Truck Crane Oiler - Driver; Spreader; Water Pump; Welding Machine - 2 of 300 amps or over

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.38	19.50a	22.00a		
GROUP B	8.33	19.50a	22.00a		
GROUP C	8.28	19.50a	22.00a		
GROUP D	8.23	19.50a	22.00a		
GROUP E	8.18	19.50a	22.00a		
GROUP F	8.13	19.50a	22.00a		
GROUP G	8.08	19.50a	22.00a		
GROUP H	8.03	19.50a	22.00a		
GROUP I	7.98	19.50a	22.00a		
GROUP J	7.93	19.50a	22.00a		
GROUP K	7.88	19.50a	22.00a		
GROUP L	7.78	19.50a	22.00a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tanden Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tanden Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

LABORERS: SEWER, TUNNEL, & WATER CONSTRUCTION 1 of 2

	ZONE 2	ZONE 2A	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP 1	$7.24	$6.95	$6.75	$6.50	$6.90
GROUP 2	7.39	7.10	6.90	6.65	7.05
GROUP 3	7.44	7.15	6.95	6.70	7.10
GROUP 4	7.54	7.25	7.05	6.80	7.20
GROUP 5	7.64	7.35	7.15	6.90	7.30
GROUP 6:					
A.	7.44	7.15	6.95	6.70	7.10
B.	7.59	7.30	7.10	6.85	7.25
C.	8.04	7.75	7.55	7.30	7.70
D.	7.54	7.25	7.05	6.	7.20

Fringe Benefits Payments			
H & W	Pensions	Vacation	Education and/or Appr. Tr.
$.50	.40		.08

ZONES

ZONE 1: Jasper, Lake, LaPorte, Newton, Porter, & Starke Counties (Excluded from this schedule)

ZONE 2: Elkhart & St. Joseph Counties

ZONE 2A: Kosciusko, LaGrange, & Marshall Counties

ZONE 3: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jay, Madison, Mismi, Montgomery, Noble, Pulaski, Randolph, Rush, Steuben, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, White, & Whitley Counties

ZONE 4: Marion & Shelby Counties

ZONE 5: Bartholomew, Brown, Clark, Clay, Crawford. Daviess, Dearborn, Decatur, DuBois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, & Washington Counties

LABORERS

GROUP 1: Chainman; Construction laborer; Continuous steel rod or mat installer; Fence erector; Grade checker; Guard rail erector; Joint man (mortar, mastic & all other types); Lighting installer (permanent & temporary); Lineman for automatic grade maker or paving machine; Manhole erector; Mortar man; Multi-plate erector; Rip-rap laborer, incl. all materials; Road marking & delineation laborer; Rodman; Sandblaster man; Setting & placing of all pre-stressed & precast concrete products; Spraying of epoxy, curing compound or like material; Survey crew helper; Temporary waterline installer; Top laborer; Wire mesh layer

GROUP 2: Air tool, power tool, & power equipment operator; Asphalt lute man; Asphalt raker man; Batch truck dumper; Cement handler (bulk or bag cement); Chain saw man; Concrete conveyor assembly man; Concrete puddler; Concrete rubber; Concrete saw operator - non riding type; Core drill operator; Hand blade operator; Hydro seeder man; Motor driven Georgia buggy operator; Power driven compactor or tamper operator; Power saw operator; Pumpcrete assembly man; Sealer applicator for asphalt, toxic; Side rail setter - for sidewalks, side ditches, radii & pavements, etc.; Sign installation, including supporting structures; Spreader box tender; Straw blower man; Subsurface drain & culvert pipe layer; Transverse & longitudinal hand bull float man

GROUP 3: Horizontal boring & jacking man; Jackman & sheetman; Pipe grade man; Wench & windlass operator

GROUP 4: Conduit installer; Cutting torch burner; Lazer beam aligner; Manual operated welder; Sewer pipe layer; Water line installer

GROUP 5: Air track & wagon drillman; Concrete finisher; Dynamite & powder man

GROUP 6:
A. Bottom man; Concrete man
B. Concrete headman
C. Miner or header man
D. Mucker & Tunnel laborer

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Counties

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.50	.40	.40		.05
GROUP II	8.65	.40	.40		.05
GROUP III	8.15	.40	.40		.05
GROUP IV	7.50	.40	.40		.05

CLASSIFICATIONS

GROUP I

Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II

A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III

Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV

Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Counties

1 of 2

POWER EQUIPMENT OPERATORS Tunnel & Sewer Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.05	.40	.50		.07
GROUP II	9.95	.40	.50		.07
GROUP III	9.75	.40	.50		.07
GROUP IV	7.50	.40	.50		.07

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, 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 and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 14S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

Jasper, Newton, Pulaski, & Starke Counties

POWER EQUIPMENT OPERATORS Tunnel & Sewer Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors

CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks

CLASS III Concrete mixer (2 bag & over); conveyor, portable; steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches

CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties

POWER EQUIPMENT OPERATORS:
TUNNEL AND SEWER CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.35	.40	.40		.05
GROUP II	9.45	.40	.40		.05
GROUP III	8.30	.40	.40		.05
GROUP IV	7.50	.40	.40		.05

CLASSIFICATIONS

GROUP I

Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II

A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III

Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV

Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

Elkhart, Fulton, Kosciusko, LaGrange, Marshall, & Noble Counties

POWER EQUIPMENT OPERATORS
Tunnel & Sewer Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.52	.65	.85	.40	.05
GROUP II	9.16	.65	.85	.40	.05
GROUP III	8.38	.65	.85	.40	.05
GROUP IV	7.70	.65	.85	.40	.05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; LeTourneau Tournapulls; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/Side boom or "A" Frame; Forklifts 18' 6" in height or over; Motor patrols; Combination backhoe & loader; Mechanic; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft. capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18' 6"; Air compressors - 600 cu. ft. & over; Combination of Gasoline or Deisel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for piledriving; Concrete pumps; Trench machines excluding ditch witches; Cableways; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders ½ cu. yd. & under; Bobcat

GROUP IV : Gin poles; Sasgen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu. ft. & under 600 cu. ft.; Well points

Statewide, except Crawford, DuBois, Fountain, Gibson, Miami (Peru & Grissom AFB), Perry, Pike, Posey, Spencer, Vanderburgh, Vermillion, Warren, Clinton (Frankfort), & Warrick Counties

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$ 9.68	.45	1%		.5%
Heavy equipment operator "A"	9.19	.45	1%		.5%
Heavy equipment operator "B"	7.57	.45	1%		.5%
Powder man & equipment mechanic	7.39	.45	1%		.5%
Senior groundman truck driver w/w	6.32	.45	1%		.5%
Groundman truck driver with winch	6.07	.45	1%		.5%
Groundman truck driver w/o winch	5.32	.45	1%		.5%
Senior groundman after 5 years	6.06	.45	1%		.5%
Senior groundman after 12 months	5.89	.45	1%		.5%
Groundman 0-12 months	4.99	.45	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.98	.45	1%		.5%
Heavy equipment operator "A"	9.26	.45	1%		.5%
Heavy equipment operator "B"	7.63	.45	1%		.5%
Powder man & equipment mechanic	7.45	.45	1%		.5%
Senior groundman truck driver w/w	6.43	.45	1%		.5%
Groundman truck driver with winch	6.14	.45	1%		.5%
Groundman truck driver w/o winch	5.39	.45	1%		.5%
Senior groundman after 5 years	6.18	.45	1%		.5%
Senior groundman after 12 months	6.01	.45	1%		.5%
Groundman 0-12 months	5.09	.45	1%		.5%

LINE CONSTRUCTION Clinton (Frankfort only) & Miami (Peru & Grissom AFB)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS"B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

LINE CONSTRUCTION Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.15	.40	1%		
GROUNDMAN	9.79	.40	1%		
TRUCK DRIVER	10.10	.40	1%		
Fountain, Vermillion, & Warren Counties					
LINEMEN; Groundman equipment operator	9.77	.40	1%+.30		½%
GROUNDMAN TRUCK DRIVER W/WINCH	8.03	.40	1%+.30		½%
GROUNDMAN TRUCK DRIVER WO/WINCH	7.51	.40	1%+.30		½%
GROUNDMAN	7.14	.40	1%+.30		½%

SUPERSEDEAS DECISION

STATE: Michigan
DECISION NO. MI76-2135
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. MI76-2031, dated March 12, 1976 in 41 FR 10831
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge Airport and Sewer) Construction.

COUNTIES: Alcona, Alpena, Charlevoix, Emmet, Grand Traverse, Leelanau, Mason, Montmorency, Muskegon, Oceana, Oscoda and Presque Isle.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$8.92	.72	1.28		.02
BOILERMAKERS	10.90	.80	1.00	1.50	.03
BRICKLAYERS:					
Charlevoix & Emmet Counties					
Bricklayers; Stonemasons; Marble-Tile-Terrazzo Workers & Plasterers	8.95	.60			
Grand Traverse & Leelanau Counties:					
Bricklayers; Stonemasons; Marble Setters & Plasterers	8.54	.40	.25		
Mason County:					
Bricklayers; Stonemasons; Marble-Tile Workers, Cement Masons & Plasterers	8.60	.65	.25		
Muskegon & Oceana Counties					
Bricklayers & Stonemasons	8.845	.40	.60		
Marble Masons	8.00	.55	.50		
Terrazzo & Tile Workers	7.75	.55	.50		
Plasterers	8.83	.40	.25	.03	
Remaining Counties					
Bricklayers; Stonemasons & Plasterers	8.20	.40			
Tile Setters	7.35	.40			
CARPENTERS:					
Mason, Muskegon & Oceana Counties					
Carpenters	9.40	.60	.50		.01
Millwrights	10.60	.60	.50		.01
Piledrivers	9.80	.60	.50		.01
Remaining Counties					
Carpenters	8.21	.60	.50		.03
Millwrights	8.71	.60	.50		.03
Piledrivers	8.66	.60	.50		.03
CEMENT MASONS:					
Charlevoix & Emmet Counties	8.50	.60			
Grand Traverse & Leeanau Cos.	8.09	.40	.25		
Muskegon & Oceana Counties	8.45	.50	.25		.02
Remaining Counties	7.85	.40			

DECISION NO. MI76-2135

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Charlevoix & Emmet (except Wawatan township) Counties and Grant, Freesoil, and Meade Twonships in Mason County	$ 9.40	.40	1%+.15		½%
Muskegon, Oceana and the remainder of Mason Counties	10.11	.40	1%+.15		.01
Remaining Counties & Wawatan Township in Emmet County:					
Electricial Contractors $13,000 and below	8.90	.40	1%+.15		1/10%
Electrical Contracts in excess of $13,000	10.40	.40	1%+.15		1/10%
ELEVATOR CONSTRUCTORS:					
Alcona, Alpena, Montmorency, Oscoda and Presque Isle:					
Elevator Constructor	10.42	.495	.32	4%+a+b	.02
Elevator Constructor Helpers	70%JR	.495	.32	4%+a+b	.02
Elevator Constructor Helpers (Prob.)	50%JR				
GLAZIERS:					
Emmet & Muskegon Counties	7.95	.35	.30		
Charlevoix, Grand Traverse, Leelanau, Mason, & Oceana Counties	7.70	.35	.30		
IRONWORKERS:					
Alcona, Alpena, Montmorency, Oscoda and Preque Isle Counties:					
Structural and Ornamental	9.75	8%	14%	17%	.07
Reinforcing	9.06	.98	15%	15%	.03
Fence Erectors	8.75	8%	14%	17%	.07
Remaining Counties	10.45	.50	.75		.03
LATHERS	8.85	.64	.10	.50	.01
PAINTERS:					
Alcona and Oscoda Counties					
Brush	8.50	.42	.60		.02
Spray	9.35	.42	.60		.02
Grand Traverse and Leeanau Counties and that portion of Charlevoix County lying South of and straight line drawn from Charlevoix (city) to Elmira					
Brush	7.38	.42			.02
Spray; Tapers	7.98	.42			.02
Mason County	7.25				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Muskegon & Oceana Counties					
Brush, Tapers	$ 7.40				
Paper hangers	7.65				
Spray & Sandblast	7.90				
Remainder of Charlevoix County and Remaining Counties					
Brush	7.00				
Spray	7.78				
PLUMBERS & STEAMFITTERS:					
Alcona and Oscoda Counties	11.44	.65	.50		
Alpena, Montmorency & Presque Isle Counties	10.80	.35	.35		
Mason, Muskegon & Oceana Counties	10.34	.96	.60		.04
Remaining Counties	10.17	.40	.40		.06
ROOFERS:					
Mason, Muskegon & Oceana Counties:					
Composition	8.85			.25	
Slate-Tile & Asbestos	9.10			.25	
Remainder of Counties:					
Composition, Damp & Waterproofers	8.20				
SHEET METAL WORKERS:					
Charlevoix, Emmet, Grand Traverse and Leeanau Counties	10.14	.40	.33		.05
Mason, Muskegon & Oceana Counties	7.90	.52	.40	.67	
Remaining Counties	9.69	.40	.75		
SPRINKLER FITTERS	11.40	.60	.90		.08
TRUCK DRIVERS:					
Alcona, Alpena, Montmorency, Oscoda & Oreque Isle Counties					
Regular Truck Driver	7.07	b22.00	b22.00	.26	
8 cu. yds. and over	7.17	b22.00	b22.00	.26	
Euclid	7.37	b22.00	b22.00	.26	
Charlevoix, Emmet, Grand Traverse and Leelanau Counties					
Regular Truck Driver	7.05	19.00b	13.00b	c	
8 cu. yds. and over	7.15	19.00b	13.00b	c	

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Welder receive rate prescribed for craft to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years.

b. Per week; Per Employee

c. Paid vacation computed at a 40 hour week at straight time as follows: one year or more - one week; three years or more - two weeks; eight years or more - three weeks; and 7 Paid Holidays provided employee has been in service of employer 20 days or more and worked the full scheduled day prior to and after the holiday - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the Friday after Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Mason County					
Group	$ 6.28	.55	.35		.04
Group 2	6.43	.55	.35		.04
Group 3	6.73	.55	.35		.04
Group 4	6.63	.55	.35		.04
Group 5	6.68	.55	.35		.04
Group 6	6.53	.55	.35		.04
Muskegon and Oceana Counties					
Group 1	6.36	.55	.35		.04
Group 2	6.51	.55	.35		.04
Group 3	6.61	.55	.35		.04
Group 4	6.48	.55	.35		.04
Group 5	6.58	.55	.35		.04
Group 6	6.68	.55	.35		.04
Group 7	6.86	.55	.35		.04
Remaining Counties					
Group 1	6.15	.55	.35		.04
Group 2	6.30	.55	.35		.04
Group 3	6.75	.55	.35		.04

LABORERS:

Mason County

Group 1: Building and Heavy Construction Laborers

Group 2: Plaster and Mason Tenders; Mortar Mixers; Material Mixers; All Power Tools; Vibrator; Chainsawers; Nozzleman; Green Cut Concrete work

Group 3: Jackhammer and Acetylene and Propane Trock; Windlass and Tugger Operators; Swing Scaffold; Chimneys; Tower, Crane Scaffold Laborer

Group 4: Work on scaffold 30' in height or more

Group 5: Plasterers tenders - Machine pumped

Group 6: Pipe or Crock Layers

Muskegon and Oceana Counties

Group 1: Building and Heavy Construction Laborers

Group 2: Plasterer tender; Material Mixers; Operators of Portable Mixers; Air, Electric or Gasoline Tools; Mortar Driver Buggies; Swing Scaffold

Group 3: Jackhammer Operator

Group 4: Signalmen

Group 5: Windlass Operator

Group 6: Top men on chimneys or towers over 30' in height

Group 7: Crock or Pipe Layers; ciasson work

Remaining Counties:

Group 1: Building and Heavy Construction Laborers

Group 2: Mortar Mixers; Material Mixers (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammers; Concrete Breakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sand blasters; Operator or Motor Driven Buggies; Plaster Mixer; Plasterers Tenders; Layers of non-metallic pipe

Group 3: Cement Gun Nozzleman; Blasters; Rock Drillers & Buster Operators

DECISION NO MI76-2135

LC-ZONE II

LINE CONSTRUCTION: ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 9.45	.35	1%	a	.5%
Cable Splicer	9.84	.35	1%	a	.5%
Combination Digger operator; Tractor operator Groudman;					
1st 6 Months	6.87	.35	1%	a	.5%
Over 6 Months	7.41	.35	1%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.98	.35	1%	a	.5%
Over 6 Months	6.51	.35	1%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.45	.35	1%	a	.5%
Over 6 Months	6.22	.35	1%	a	.5%
Combination Truck Driver Groundman	5.27	.35	1%	a	.5%

FOOTNOTES:

7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.35	.80	.85	10%	.05
CLASS B	11.10	.80	.85	10%	.05
CLASS C	10.85	.80	.85	10%	.05
CLASS D	10.40	.80	.85	10%	.05
CLASS E	10.20	.80	.85	10%	.05
CLASS F	9.10	.80	.85	10%	.05
CLASS G	8.40	.80	.85	10%	

CLASSIFICATIONS

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Opr., Sweeping Machine, Winch Truck, Bob Cat & similar type equipment, Fork Truck (over 20' Lift)

CLASS E - Pump 6" or over, Well Points, Freeze Systems, Boom Truck(Non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Fireman & Heater Operator

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MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION ALCONA, ALPENA, MONTMORENCY, OSCODA & PRESQUE ISLE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OEPRATORS: STEEL ERECTION REMAINENG COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.40	.55	.75	10%	.05
CLASS B	11.15	.55	.75	10%	.05
CLASS C	10.90	.55	.75	10%	.05
CLASS D	10.55	.55	.75	10%	.05
CLASS E	9.30	.55	.75	10%	.05
CLASS F	8.25	.55	.75	10%	

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes; gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane; dozer; loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (sing drum); material hoist, pump 6' or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

DECISION NO MI76-2135

MICH-9-PEO-U Z-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.92	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or lerger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" cischarge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

SUPERSEDEAS DECISION

STATE: Michigan COUNTIES: See Below
DECISION NO: MI76-2136 DATE: Date of Publication
Supersedes Decision No. MI76-2050, dated April 16, 1976 in 41 FR 16393
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including four stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Alger, Baraga, Chippewa, Dickinson, Gogebic Houghton, Keweenaw, Mackinac, Marquette & Ontonagon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chippewa & Mackinac Counties	$ 8.92	.72	1.28		.02
Gogebic & Ontonagon Counties	10.00	.30	.25		
Remainder of Counties	9.66	.45	.20	.65	.03
BOILERMAKERS	10.90	.80	1.00	1.50	.03
BRICKLAYERS:					
Alger & Marquette Counties:					
Bricklayers & Stonemasons	9.03	.65	.50		.01
Plasterers	8.98	.65	.50		.01
Marble-Tile-Terrazzo Workers	8.78	.65	.50		.01
Chippewa & Mackinac Counties:					
Bricklayers & Stonemasons	9.39	.60	.50		
Plasterers	9.24	.60	.50		
Tile & Terrazzo Workers	9.19	.60	.50		
Remainder of Counties:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers	9.05	.62	.50		
CARPENTERS:					
Carpenters & Soft Floor Layers	8.74	.60	.50		.01
Millwrights	9.44	.60	.50		.01
CEMENT MASONS:					
Alger & Marquette Counties	9.53	.65	.50		.01
Chippewa & Mackinac Counties	8.82	.60	.50		
Remainder of Counties	8.55	.62	.50		
ELECTRICIANS:					
Dickinson County:					
Contracts $40,000 or more & all Industrial work	10.63	.40	1%		.5%
Contracts Less than $40,000	9.63	.40	1%		.5%
Alger & Marquette Counties:					
Contracts over $25,000	10.80	.45	1%		.1of1%
Contracts $25,000 or less	9.60	.45	1%		.1of1%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chippewa & Mackinac Counties	$ 9.23	.40	1%		½%
Gogebic County	10.15	4%	1%		3%
Remainder of Counties:					
Contracts $30,000 & over	10.20	.40	1%		1%
Contracts up to $30.000	8.00	.40	1%		1%
ELEVATOR CONSTRUCTORS:					
Constructors	10.04	.545	.35	4%+a	.02
Helpers	70%JR	.545	.35	4%+a	.02
Helpers (Prob.)	50%JR				
IRONWORKERS	8.84	.50	1.00	1.31	.04
LATHERS	8.85	.64	1.00	.50	.01
PAINTERS:					
Dickinson County:					
Commercial & Industrial	8.95		.75		
Alger & Marquette Counties					
Brush	8.50				
Bridges, Water Tanks, Radio & TV	9.75				
Chippewa & Mackinac Counties:					
Commercial-Industrial & Sign Painter	7.00			1.50	
Taper-Hand	7.45			1.50	
Taper-Machine	7.55			1.50	
Steel	9.50			1.50	
Baraga, Houghton, Keweenaw & the northern portion of Ontona-County:					
Brush, Paperhangers, Tapers	7.25				
Spray & Sandblasting	7.80				
Gegobic County & the Remainder of Ontonagon County:	6.00				
Brush, Paperhangers	6.00				
Spray	6.50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAM FITTERS	$ 9.13	.45	.50	1.00	.02
ROOFERS	9.15		.50		
SHEET METAL WORKERS	8.52	.50	.40		.02
SPRINKLER FITTERS	11.40	.60	.90		.08
TRUCK DRIVERS:					
Truck Driver	7.42	b20.00	b14.00		
Heavy Duty, Double Axle & Semi	7.55	b20.00	b14.00		
Euclid	7.78	b20.00	b14.00		

FOOTNOTE:
b. Per Week; Per Employee

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Welders receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years.

b. Per Week; Per Employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$ 6.85	.55	.35		.04
Class B	6.95	.55	.35		.04
Class C	7.25	.55	.35		.04
Class D	7.40	.55	.35		.04

LABORERS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammers; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels and Shafts - muckers, caisson workers, miners, drillers, blasters.

DECISION NO MI76-2136

LC-ZONE II

LINE CONSTRUCTION: ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 9.45	.35	1%	a	.5%
Cable Splicer	9.84	.35	1%	a	.5%
Combination Digger operator; Tractor operator Groudman;					
1st 6 Months	6.87	.35	1%	a	.5%
Over 6 Months	7.41	.35	1%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.98	.35	1%	a	.5%
Over 6 Months	6.51	.35	1%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.45	.35	1%	a	.5%
Over 6 Months	6.22	.35	1%	a	.5%
Combination Truck Driver Groundman	5.27	.35	1%	a	.5%

FOOTNOTES:

7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION NO MI76-2136

MICH-7-PEO-1-2-SE-U

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$8.22	.80	.85	10%	.02
CLASS B	7.58	.80	.85	10%	.02
CLASS C	7.05	.80	.85	10%	.02
CLASS D	6.63	.80	.85	10%	

CLASS A - Regular equipment operator, crane, dozer, front end loader, job mechanic
CLASS B - Air track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine trencher, winches, well points and freeze systems
CLASS C - Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, guard post driver, mulching pumps under 6". welders
CLASS D - Oiler, fireman, heater operator

POWER EQUIPMENT OPERATORS: STEEL ERECTION					
CLASS 1 - Operator	$8.45	.80	.85	10%	.02
CLASS 2 - Compressor & welder	7.54	.80	.85	10%	.02
CLASS 3 - Oiler & Fireman	6.74	.80	.85	10%	

SUPERSEDEAS DECISION

STATE: Michigan — COUNTIES: See Below
DECISION NO. MI76-2137 — DATE: Date of Publication
Supersedes Decision NO: MI76-2033, dated March 19, 1976 in 41 FR 11748
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including four stories) and Heavy (excluding, Bridge, Airport and Sewer) Construction

COUNTIES: Allegan, Berrien Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Berrien County	$12.83	.50	.21		
Remaining Counties	8.92	.80	1.28		.02
BOILERMAKERS	10.90	.80	1.00	1.50	.03
BRICKLAYERS & STONEMASONS:					
Allegan County (Casco, Clyde Ganges and Lee Townships) and Berrien County	9.70	.60	.60		
Allegan County (Allegan, Cheshire, Gun Plain, Martin, Otsego, Trowbridge, Valley, and Watson Townships) and Kalamazoo County	10.00	.60	.35		.14
Allegan County (four N.E. Townships)	8.80	.35	.25		.04
Allegan County (Remainder)	8.695	.55	.75		
Calhoun County and Bellevue, Carmel, Kalamo, and Walton Townships in Eaton County	9.90	.45	.35		
Clinton and Ingham (except Onondaga, Leslie, Bunker Hill and Stockbridge townships) Counties and the remainder of Eaton County	10.45		.60		.01
Jackson County and remainder of Ingham County	10.52	.45	.50		
CARPENTERS:					
BERRIEN County (Chickaming, New Buffalo and Three Oaks Townships)	11.33	.50	.57		.05
Clinton, Eaton (except Bellevue, Walton, Kalamo and Vermontville Townships), Ingham & Jackson Counties	10.06	.60	.50		.01
Remaining Counties and the remainder of Berrien and Eaton Counties	9.40	.60	.50		.01

DECISION NO. MI76-2137

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Allegan County (North of a line east and west through Fennville and west of the north-south line coinciding with the Kent and Ottawa County line)	$ 7.80	.35	.25		
Allegan County (Eastern & Southeastern Portion	9.43	.50	.25		.02
Allegan County (Casco & Ganges Townships) and Berrien County	8.90	.60	.60		
Remaining Counties and the Remainder of Allegan County	8.45	.50	.25		.02
ELECTRICIANS:					
Allegan County (Laketon, Fillmore, Leighton Townships	9.62	.40	1%+.35		.01
Allegan County (Remainder) and Kalamazoo County	10.80	.40	7.5%		.01
Berrien County	10.35	4.8%	5%		.2%
Calhoun County and Sunfeild, Vermontville, Kalamo, Bellevue Eaton and Brookfield townships in Eaton County	10.92	.40	7%		.01
Clinton and Ingham (except Onondaga, Leslie, Stockbridge and Bunker Hill Townships) Counties and the remainder of Eaton County	11.55	.40	1%+.50		.5%
Jackson County and remainder of Ingham County	10.38	.40	1%		
ELEVATOR CONSTRUCTORS:					
Allegan, Kalamazoo, and Calhoun Counties:					
Constructor	10.60	.545	.35	4%+a	.02
Helper	70%JR	.545	.35	4%+a	.02
Helper (Prob.)	50%JR				
Berrien County:					
Constructor	10.29	.545	.35	4%+a	.02
Helper	70%JR	.545	.35	4%+a	.02
Helper (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS (CONT'D)					
Eaton, Ingham & Jackson Counties:					
Constructor	$ 11.32	.495	.32	4%+a	.02
Helper	70%JR	.495	.32	4%+a	.02
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Berrien County	10.40	.65	.80		.01
Clinton, Ingham & Jackson Cos.					
Structural & Ornamental	9.75	8%	14%	17%	.07
Fence Erectors	8.75	8%	14%	17%	.07
Reinforcing	9.06	.98	15%	15%	.03
Remaining Counties	10.45	.50	.75		.03
LATHERS:					
All Counties except Berrien	8.85	.64	.10	.50	.01
MARBLE, TILE & TERRAZZO WORKERS:					
Allegan Co. (North of a line east and west through Fennville west of the north-south line coinciding with the Kent and Ottawa County line)	8.20	.35	.25		
Allegan Coun. (4 N.E. townships)	8.10	.45	.25		
Allegan Co. (Gun Plain Otsego, Martin and Watson townships) and Kakamazoo County	7.70	.35			.05
Clinton, Ingham (except Onondaga, Leslie, Bunker Hill, and Stockbridge townships) and Eaton (except Kalamo, Carmel, Bellevue, and Walton Townships) Counties	9.93		.60		
Jackson County and the remainder of Ingham:					
Tile & Terrazzo Workers	9.80	.45	.50		
Marble Setters	10.52	.45	.50		
PAINTERS:					
Allegan Co. (Northern portion) Brush	7.80	.40	.25		.02
Swing stage; Paper hanging, Wall coverings; Pump fed Taping & Finishing machines	8.05	.40	.25		.02
Steamcleaning; Sandblasting; & spray	8.80	.40	.25		.02
Steeple Jack or High Work - 50 falling feet	9.30	.40	.25		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Allegan County (S.E.¼) and Kalamazoo County					
Brush; Drywall Taping; Pan Roller	$ 9.10		.20		
Paper and Vinyl Hanger	9.30		.20		
Swing Stage; Structural Steel	9.75		.20		
Steeple Jack	9.95		.20		
Spray	10.00		.20		
Berrien County					
Brush	8.85				
Spray or Sandblasting; Drywall Taping	9.60				
Structural Steel	9.85				
Calhoun County					
Brush; Roller	7.55				
Steeple Jack	8.95				
Swing Stage; Spray; Steamcleaning; Sandblasting	8.305				
Clinton, Eaton & Ingham Counties					
Brush and Tapers	10.01	.42	.40		.005
Structural Steel	10.50	.42	.40		.005
Spray	10.85	.42	.40		.005
Jackson County					
Brush and Roller	10.27	.43	.20		.03
Spray and Sandblast	11.02	.43	.20		.03
Drywall Taper	10.67	.43	.20		.03
PLASTERERS:					
Allegan County (Casco, Clyde, Ganges and Lee Townships) and Berrien County	9.10	.60	.60		
Remaining Counties and the remainder of Allegan County	8.83	.40	.25		.03
PLUMBERS:					
Allegan County (Northern Tier Townships)	10.09	.50	.50		.05
Allegan County (remainder) and Kalamazoo County	11.05	.60	.86		
Berrien County (except city of Niles and vicinity)	11.01	.69	.50		
City of Niles and Vicinity in Berrien County	9.95	.48	.70		.10

DECISION NO MI76-2137

	Basic Hourly Rates	Fringe Benefits Payments			
PLUMBERS: (CONT'D)		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calhoun County and Bellevue, Olivet, Hastings and Charlotte in Eaton County	$ 11.04	.85	.52		
Clinton and Ingham Counties and Sunfeild, Roxand, Oneida, Delta and Windson townships in Eaton County	10.20	.60	.70		
Jakcson County	10.65	.77+.30	.60		.02
ROOFERS:					
Jackson County					
Composition	9.65	.70	.25	1.05	.10
Slate & Tile	10.40	.70	.25	1.05	.10
Allegan County					
Composition	6.45	.25	.20	.25	
Slate and Tile	6.70	.25	.20	.25	
Calhoun and Kalamazoo Counties:					
Composition	8.85			.25	
Slate and Tile	9.10			.25	
Clinton, Eaton and Ingham Cos.	8.35			.30	
SHEET METAL WORKERS:					
Berrien County	10.08	.65	.50		
Remaining Counties	9.98	.73	.83	.51	.03
SOFT FLOOR LAYERS:					
Allegan, Berrien (except Chickaming, New Buffalo and Three Oaks townships), Calhoun, Kalamazoo Counties and Bellevue, Vermontville, Kalmo and Walton townships in Eaton County	7.95	.60	.50		.01
Clinton and Ingham Counties and the remainder of Eaton County	8.88	.60	.50		.01
Jackson County	10.06	.60	.50		.01
Chickaming, 3 oaks & New Buffalo Twps	11.33	.50	.57		.05
SPRINKLER FITTERS	11.67	.60	.90		.08
TRUCK DRIVERS:					
Allegan, Berrien and Kalamazoo Counties	5.63	b15.00	b14.00	c	
Calhoun County					
Less than 8 cu. yds.	7.40	b16.00	b18.00	.15	
8 cu. yds. and over; Semi Tandem	7.50	b16.00	b18.00	.15	
Clinton, Eaton and Ingham Cos.					
Truck Driver	7.33	b22.00	b19.00	d	

DECISION NO. MI76-2137

	Basic Hourly Rates	Fringe Benefits Payments			
TRUCK DRIVERS (CONT'D)		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers on dump trucks 7 cu. yds. Capacity and over pole trailers	$ 7.43	b22.00	b19.00	d	
Low boys drivers; Double bottom drivers	7.53	b22.00	b19.00	d	
Jackson County	5.75	b22.00	b19.50	a	
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years, 4% contribution for more than 5 years.

b. Per week, Per employee

c. Three paid holidays - C,D and E, One week paid Vacation for employees employed one year or more, Two weeks paid vacation for three years or more; Three weeks paid vacation for 10 years or more

d. One year's service, one week vacation; 3 years service, two weeks vacation

e. Paid holidays A through F plus ½ day before Christmas and ½ day before New Years, Paid vacation; employees who have worked for the company for one year and have worked nine moths of the time shall receive vation pay as follows: 1 week - 1 year; 2 weeks - 3 years; 3 weeks 12 years; 4 weeks - 16 years or more.

DECISION NO. MI76-2137

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Allegan, Berrien, Calhoun and Kalamazoo Counties					
Group 1	$ 6.65	.55	.35	.55	.04
Group 2	6.80	.55	.35	.55	.04
Group 3	6.90	.55	.35	.55	.04
Group 4	6.77	.55	.35	.55	.04
Group 5	6.87	.55	.35	.55	.04
Group 6	7.15	.55	.35	.55	.04
Group 7	6.97	.55	.35	.55	.04
Clinton, Eaton and Ingham Counties					
Group 1	7.65	.55	.35	.55	.04
Group 2	7.73	.55	.35	.55	.04
Group 3	7.79	.55	.35	.55	.04
Group 4	7.94	.55	.35	.55	.04
Group 5	7.89	.55	.35	.55	.04
Group 6	8.01	.55	.35	.55	.04
Group 7	8.265	.55	.35	.55	.04
Jackson County					
Group 1	7.73	.55	.35	.55	.04
Group 2	8.23	.55	.35	.55	.04

LABORERS:

Allegan, Berrien, Calhoun and Kalamazoo Counties

Group 1: All construction laborers on building and Heavy Construction not specified in Group 2 through 7 below

Group 2: Plasterer Tenders, Material Mixers, Operators of Portable Mixers; Air, Electric or Gasoline Tools; Motor Driven Buggies; Swing Scaffolds

Group 3: Jackhammer Operators

Group 4: Signal men

Group 5: Windlass Operator

Group 6: Top men on chimneys or towers over 30' in height

Group 7: Crock Layers (or pipe layers), caisson work

Clinton, Eaton and Ingham Counties

Group 1: Building Laborers

Group 2: Mortar Mixers, hand or machine

Group 3: Plasterer Tenders; Portable concrete mixer operator (14 and under); Air, Electric or Gasoline Tools; Tar Kettle tenders; Gasoline vibrators; Concrete gas buggies; Concrete saw; Signal men and top men

Group 4: Tunnel men; Concrete shovelers; Car pushers, etc.

Group 5: Windlass Operator (on caisson work)

Group 6: Crock layers (or pipe layers); Caisson workers; Tunnel muckers

Group 7: Tunnel Miners

Jackson County

Group 1: General Laborer

Group 2: Jackhammer and Acetylene Torch

DECISION NO MI76-2137

LC-ZONE I

LINE CONSTRUCTION WILLIAMSTON, LOCKE, LEROY, WHEATFIELD AND WHITE OAK TOWNSHIPS IN INGHAM COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen - Technician	$ 12.01	1.00	7%		½%
Cable Splicer	12.53	1.00	7%		½%
Combination Equipment Operator & Groundman	9.68	1.00	7%		½%
Combination Driver-Groundman	9.13	1.00	7%		½%
Groundman	8.42	1.00	7%		½%

LC-ZONE II

LINE CONSTRUCTION: ZONE II REMAINING COS: & THE REMAINDER OF INGHAM CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 9.45	.35	1%	a	.5%
Cable Splicer	9.84	.35	1%	a	.5%
Combination Digger operator; Tractor operator Groudman;					
1st 6 Months	6.87	.35	1%	a	.5%
Over 6 Months	7.41	.35	1%	a	.5%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.98	.35	1%	a	.5%
Over 6 Months	6.51	.35	1%	a	.5%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.45	.35	1%	a	.5%
Over 6 Months	6.22	.35	1%	a	.5%
Combination Truck Driver Groundman	5.27	.35	1%	a	.5%

FOOTNOTES:

7 Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION NO MI76-2137

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.35	.80	.85	10%	.05
CLASS B	11.10	.80	.85	10%	.05
CLASS C	10.85	.80	.85	10%	.05
CLASS D	10.40	.80	.85	10%	.05
CLASS E	10.20	.80	.85	10%	.05
CLASS F	9.10	.80	.85	10%	.05
CLASS G	8.40	.80	.85	10%	

CLASSIFICATIONS

CLASS A - Crane with main boom & jib 220' or longer

CLASS B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick

CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic & head grease man

CLASS D - Air Tugger (single drum), Material Hoist, Boiler Opr., Sweeping Machine, Winch Truck, Bob Cat & similar type equipment, Fork Truck (over 20' Lift)

CLASS E - Pump 6" or over, Well Points, Freeze Systems, Boom Truck(Non Swinging) Fork Truck (20' Lift)

CLASS F - Air Compressor, Welder, Generators, Pumps under 6", Grease Man, Conveyors

CLASS G - Oiler, Fireman & Heater Operator

DECISION NO MI76-2137

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION CLINTON, INGHAM & JACKSON COS.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

MICH-6-PEO-SE

POWER EQUIPMENT OEPRATORS: STEEL ERECTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.40	.55	.75	10%	.05
CLASS B	11.15	.55	.75	10%	.05
CLASS C	10.90	.55	.75	10%	.05
CLASS D	10.55	.55	.75	10%	.05
CLASS E	9.30	.55	.75	10%	.05
CLASS F	8.25	.55	.75	10%	

CLASS A - Crane operator w/main boom & jib 220' or longer
CLASS B - Crane operator w/main boom & jib 140' or longer; power cranes; gantry crane; whirley derrick
CLASS C - Regular equipment operator; crane; dozer; loader; hoist, straddle wagon, Job mechanic
CLASS D - Air tugger (sing drum); material hoist, pump 6' or over
CLASS E - Air compressor, welder, generators-conveyors
CLASS F - Oiler & Fireman

DECISION NO MI76-2137 MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION CALHOUN, CLINTON, EATON, INGHAM & JACKSON COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.27	.60	.85	10%	.05
CLASS II	9.15	.60	.85	10%	.05
CLASS III	8.48	.60	.85	10%	.05
CLASS IV	7.96	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), scraper self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), endloader 1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" duscharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more-300 amp or larfer - gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day - gas or diesel powered - exoluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 h.p. or over)

DECISION NO MI76-2137 MICH-9-PEO-U Z-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.92	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or lerger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Carlton, Itasca, Koochiching and St. Louis

DECISION NUMBER: MN76-2134

DATE: Date of Publication

Supersedes Decision No. MN76-2004 dated January 23, 1976, in 41 FR 3615

DESCRIPTION OF WORK: Building Construction (Including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.95	.30			
BOILERMAKERS	9.45	.60	1.00		.02
BOILERMAKERS' HELPERS	9.20	.60	1.00		.02
BRICKLAYERS:					
Bricklayers and Stonemasons:					
Koochiching County	9.75	.40	.15		
Carlton County and all that part of St. Louis County south of line between townships 54 and 55 to 2 miles north of Cotton	10.23	.30	.25		
Itasca County and the northern half of St. Louis County	10.275	.30			
CARPENTERS:					
Building Construction:					
Koochiching County and Cities of Ash Lake, Crane Lake, Kabetogama and Kinmount in St. Louis County	9.00	.30			
Cities of Alborn, Arnold, Barlett, Birch, Brookston, Canyon, Clinton, Culver, Duluth, Floodwood, Gowan, Island, Kelsey, Lakewood, Meadowlands, Munger, Palmers, Payne, Praist, Shaw and Taff in St. Louis County:					
Carpenters; Piledrivermen and Soft Floor Layers	9.25	.30	.40	.30	
Millwrights	9.47	.30	.40	.30	
Carlton County:					
Carpenters and Piledrivermen	8.85	.30	.40	.50	
Millwrights	9.04	.30	.40	.50	
Cities of Ball Club, Bass Lake, Big Fork, Blackberry, Bovey, Bowstring, Calumet, Cohasset, Colerain, Deer River, Dora Lake, Dubar, Effie, Grand Rapids, Inger, Marble, Marcell, Max, Pomroy, Spring Lake, Squar Lake, Suomi, Talmoon, Warba and Wirt in Itasca County	8.79	.30	.40	.30	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Building Construction (Cont'd)					
Cities of Allen, Aurora, Babbit, Britt, Biwabik, Buyck, Casco, Central Lakes, Cook, Cusson, Ely, Embarrass, Eveleth, Florenton, Forbes, Forsman, Gilbert, Hoyt Lakes, Idington, Iron Junction, Makinen, McComber, Mesaba, Mountain, Iron, Ridge, Sax, Sherman Corners, Sherwood, Skibo, Soudan, Tower, Virginia, Wahlsten, Winton and Zim in St. Louis County					
Carpenters; Soft Floor Layers and Tile Setters	$ 9.19	.30		.30	
Cities of Goodland, Keewatin, Nashwauk, Pengilly, Swan River, Togo and Wawina in Itasca County and Cities of Bengal, Beer Lake, Buhl Chisholm, Gheen, Greaney, Hibbing, Kelly, Lake, Nett Lake, Orr, Riley, Side Lake, Silica and Tovola in St. Louis County:					
Carpenters and Soft Floor Layers	9.19	.30		.30	
CARPENTERS:					
Site Preparation, Excavation and Incidential Paving:					
Carlton, Itasca and St. Louis Counties	8.28	.30		.30	
Koochiching County	7.32	.30			
CEMENT MASONS & PLASTERERS:					
Building Construction:					
Koochiching County:					
Cement Masons and Plasterers	9.40	.40	.15		
Itasca County and the Northern portion of County, North of white Face River					
Cement Masons	9.50	.30			
Plasterers	10.10	.30			
Carlton County and the City of Duluth in St. Louis County:					
Cement Masons	9.895	.30			
Plasterers	9.65	.30		.45	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Site Preparation, Excavation and Incidential Paving:					
Koochiching County	$ 9.40	.40	.15		
Carlton County and South of T-55-N in St. Louis County	10.18	.30			
Itasca County and North of T-54-N in St. Louis County	9.50	.30			
ELECTRICIANS:					
Carlton County; the southerly 12 Townships of Itasca County including Harris, Feely, Blackberry, Spang, Goodland, Sago and Wawina and all of the southerly part of County bounded on the north by the line of Kelsey Township extended east and west in St. Louis County	10.16	4%	6%	11%	1.5%
Koochiching County; Itasca County, (except that section south of a line extending east and west of the south line of Grand Rapids and Trout Lake Townships); Northern part of St. Louis County bounded by the South Line of Ellsburg Township extended east and west	10.00	4%	4%	11%	1½%
ELEVATOR CONSTRUCTORS:					
St. Louis County:					
Constructors	9.325	.495	.32	4%+a	.02
Helpers	70%JR	.495	.32	4%+a	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
St. Louis, Carlton and Koochiching Counties	8.65	.30	.30	b	
IRONWORKERS	9.75	.30	.55	.10	.02
LABORERS:					
Building Construction:					
Carlton County					
Laborers	7.80	.30	.35	.40	
Mason Tenders; Mortar Mixers and Jackhammer Operators	7.90	.30	.35	.40	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Building Construction: Cont'd)					
St. Louis County south of T-55-N, including the City of Duluth					
Common Laborers and Flagman	$ 7.85	.30	.35	.40	
Mortar Mixer, Carpenter and Mason Tender, Jackhammer and Vibrator Operator	7.95	.30	.35	.40	
Itasca and Koochiching Counties and north of T-55-N, including Cities of Hibbing, Chisolm and Buhl in St. Louis County					
Common Laborer	8.30	.20	.15		
Carpenter and Mason Tender, Mortar Mixer, Bricklayer Tender and Jackhammer	8.40	.20	.15		
Pipelayer (non-metallic)	8.65	.20	.15		
LATHERS:					
St. Louis County	10.00	.30			
MARBLE, TILE AND TERRAZZO WORKERS:					
St. Louis County (City of Duluth)					
Marble and Tile Setters	9.95	.30			
Remainder of Counties and St. Louis County:					
Marble Setters	9.875	.555	.33		
Tile Setters	9.77	.37	.50		
Marble and Tile Setters' Helpers	8.87	.37	.50		
PAINTERS:					
Brush, Tapers and Rollers	9.43	.30	.40		.08
Spray, Structural Steel and Paperhangers	9.93	.30	.40		.08
PLUMBERS and STEAMFITTERS:					
Koochiching County	12.30				
Carlton County and south half of St. Louis County	9.51	.30	.75	1.00	.05
Itasca County and northern St. Louis County	9.90	.56	.59	1.00	.05
ROOFERS:					
Carlton County and Southern half of St. Louis County					
Roofers	8.98	.30	.25	1.00	
2nd Roofer	8.73	.30	.25	1.00	
Kettlemen	8.53	.30	.25	1.00	
Helper	7.35	.30	.25	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Itasca and Koochiching Counties; the Northern half of St. Louis Co.					
1st Roofer	$ 8.93	.42	.50	.85	
2nd Roofer	8.63	.42	.50	.85	
SHEET METAL WORKERS:					
Carlton and Southern half of St. Louis County	9.64	.30	.30	1.00	
Itasca and Koochiching Counties; the Northern half of St. Louis County	10.14	.42	.60	.85	
TRUCK DRIVERS:					
Building Construction:					
Koochiching County	8.30				
Itasca County	8.30				

FOOTNOTES:

a. Employer contributes 4% of Basic Hourly Rate for over 5 years service, 2% of Basic Hourly Rate for 6 months to 5 years service as Vacation Pay Credit. Six (6) Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

b. 2 weeks vacation

DECISION NO MN76-2134

MINN-10-LAB

LABORERS: Counties of Itaska and St. Louis Counties North of T-55

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 8.13	.20	.15	.25	
CLASS II	8.23	.20	.15	.25	
CLASS III	8.38	.20	.15	.25	
CLASS IV	8.43	.20	.15	.25	
CLASS V	8.48	.20	.15	.25	
CLASS VI	8.53	.20	.15	.25	
CLASS VII	8.63	.20	.15	.25	
CLASS VIII	8.73	.20	.15	.25	

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

CLASS I Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardner; Sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender

CLASS II Bituminous Shoveler; Bottom man (sewer, water or gas trench); Cement handler (bulk or bag); Chain saw man; Compaction equipment (hand operated); Concrete mixer operator (1 bag); Concrete Shoveler, tamper & puddler (paving) Concrete Vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters; Kettleman (Bituminous or lead); Mortar mixer; Power buggy; Joint drawer; tunnel Laborer (Atmospheric pressure)

CLASS III Bituminous Tamper; Cofferdam work; Caisson work

CLASS IV Drill Runner (heavy, including churndrill

CLASS V Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water, gas); Leadman

CLASS VI Nozzleman (Gunite)

CLASS VII Powederman

CLASS VIII Tunnel Miner

DECISION NO MN76-2134

MINN-13-LAB

LABORERS SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING Koochiching County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 6.85	.20	.15		
CLASS 2	6.95	.20	.15		
CLASS 3	7.10	.20	.15		
CLASS 4	7.20	.20	.15		
CLASS 5	7.25	.20	.15		
CLASS 6	7.30	.20	.15		
CLASS 7	7.35	.20	.15		
CLASS 8	7.00	.20	.15		

CLASS 1 - Skilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers Wrecking & Demolition; Landscape Gardner; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason tender

CLASS 2 - Bituminous Shoveler; Bottom Man (sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag); Chain Saw Man; Compaction Equipment (Hand Operated); Concrete Mixer (1 Bag); Concrete Shoveler, Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Driver Dumper (wagon Truck, etc.); Jackhammer man; Joint Sawer; Kettleman (Bituminous or Lead); Mortar Mixer Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)

CLASS 3 - Form setters (Municipal type curb & sidewald) form setter (pavement)

CLASS 4 - Bituminous Tamper, caisson work & cofferdam

CLASS 5 - Bituminous raker, floater & utility man; Leadman

CLASS 6 - Nozzleman (Gunnite)

CLASS 7 - Pipelayer, (Sewer, Water & Gas)

CLASS 8 - Powderman, Tunnel Miner

DECISION NO MN76-2134

MINN-14-LAB

LABORERS - SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING Carlton & St. Louis County - South of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	7.68	.30	.35	.40	
CLASS II	7.78	.30	.35	.40	
CLASS III	7.93	.30	.35	.40	
CLASS IV	7.98	.30	.35	.40	
CLASS V	8.03	.30	.35	.40	
CLASS VI	8.08	.30	.35	.40	
CLASS VII	8.18	.30	.35	.40	
CLASS VIII	8.28	.30	.35	.40	

CLASS I Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Landscape Gardner; Sod Layer & Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater & Blower Tender; Stone Mason Tender

CLASS II Bituminous Shoveler; Bottom Man (sewer, water or gas trench) Cement Handler (Bulk or Bag) Cement Coverman (Batch Truck) Chain Saw Man; Compaction Equipment (Hand Operated) Concrete Mixer Operator (1Bag Capacity): Concrete Shoveler; Tamper & Puddler (Paving): Concrete Vibrator Operator; Conduit Layer (Without Wiring) Dumper (wagon Truck): Form Setter (Municipal Type curb and side walk) Form Setter (Paving) Jackhammer Man; Paving Buster; Kettleman (Bituminous or Lead); Mortar Mixer; Power Buggy Operator; Joint Sawer; Tunnel Laborer (Atmospheric Pressure)

CLASS III Bituminous Tamper; Cofferdam Work; Caisson Work

CLASS IV Drill Runner (heavy, including Churn Drill)

CLASS V Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water & gas)

CLASS VI Nozzleman

CLASS VII Powderman

CLASS VIII Tunnel Miner

DECISION NO MN76-2134

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$13.45	.45	.40		
CLASS 2	11.05	.45	.40		
CLASS 3	10.70	.45	.40		
CLASS 4	10.60	.45	.40		
CLASS 5	10.50	.45	.40		
CLASS 6	10.25	.45	.40		
CLASS 7	10.13	.45	.40		
CLASS 8	10.05	.45	.40		
CLASS 9	9.78	.45	.40		
CLASS 10	9.50	.45	.40		
CLASS 11	9.05	.45	.40		

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1 - Helicopter Operators (Hoisting Material)
CLASS 2 - Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3 - Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib
CLASS 4 - Traveling Tower Crane
CLASS 5 - Master Mechanic
CLASS 6 - Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator, (inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7 - Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8 - Boom Truck Operator, Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for Elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 WKH & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9 - Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to 3 cu. yd.)
CLASS 10 - Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakeman; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11 - Mechanic Space Heater (Temporary Heat) Oiler or Greaser

DECISION NO MN76-2134

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING ST. LOUIS COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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 Oper. (power) & Engineer, Front End Loader Op., 5 cy. yds. & over, Grader or Motor Patrol, Finishing earthowrk & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, 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
GROUP 5 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 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, Launcherman, 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 might 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 D2, 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, dismatling or repair mechanic

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POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 6 Air compressor Op. 375 CFR 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. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunit op. gunall, lead greaser on truck or rack, loader op., power actuated Augars 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

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MINN-6-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING (JURISDICTION - NEXT PAGE)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.25	.45	.40		
GROUP II	9.96	.45	.40		
GROUP III	9.70	.45	.40		
GROUP IV	9.58	.45	.40		
GROUP V	9.48	.45	.40		
GROUP VI	8.80	.45	.40		
GROUP VII	8.50	.45	.40		

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. yards. & over Mfg. rates capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3½E, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & 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, Mucking Mach., incl. mucking operations Conway or similar type, Refregeration Plant Engineer, Tandem, Scrapter, 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 Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, 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 Machine,s Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar tupe, 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., 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, TD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Co., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

DECISION NO. MN76-2134

POWER EQUIPMENT OPERATORS (CONT'D) SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING-CARLTON CO; KOOCHICHING CO., EAST OF A NORTH-SOUTH LINE FROM THE CANADIAN BORDER TO PELLAND TO BIG FALLS & MINN. HWY. #6; ITASCA COUNTY EAST OF THE WESTERN RIGHT OF WAY OF MINN. HWY. #6.

GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S 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), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, 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. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

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MINN-7-PEO

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING REMAINDER OF ITASCA & KOOCHICHING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$13.00	.45	.40		
GROUP II	8.82	.45	.40		
GROUP III	8.57	.45	.40		
GROUP IV	8.43	.45	.40		
GROUP V	8.35	.45	.40		
GROUP VI	7.82	.45	.40		
GROUP VII	7.42	.45	.40		

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 34E, 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, Mucking Mach., incl. mucking operations Conway 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., Pumporete 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 Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumprs 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., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over D2, 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

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POWER EQUIPMENT OPERATORS (CONT'D)
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

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., Spray Op., Concrete Mixer Op. 14S 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), Gunite op. Gunall, Lead Greaser on truck or rack, Loader Op., PowerAActuated Augars and Boring Mach. Op., Power Acutated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greader, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or les w/o Power take-off, Truck Crane Oiler

MINN-5-TD

DECISION NO MN76-2134

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Itasca & Koochiching Counties					
GROUP 1	$ 7.72	.40	.45		
GROUP 2	7.42	.40	.45		
GROUP 3	7.32	.40	.45		
GROUP 4	7.12	.40	.45		

GROUP 1
Driver (hauling machinery for employer's own use including operation of hand & power operated winches); Truck train mechanic; Welder; Tractor-Trailer; Off road truck.

GROUP 2
Tri-Axle (including 4 Axles); Dump dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" Frane; Ready mix concrete; Slurry driver.

GROUP 3
Bituminous distributor driver; Bituminous distributor (1 man operation); Tandem axle.

GROUP 4
Bituminous distributor spray (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster and stableman; Tractor operator (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry operator; Single axle.

MINN-62-TD

DECISION NOMN76-2134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING Carlton & St. Louis Counties					
GROUP 1	$ 8.75	.40	.45		
GROUP 2	8.45	.40	.45		
GROUP 3	8.35	.40	.45		
GROUP 4	8.15	.40	.45		

GROUP 1
Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck.

GROUP 2
Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3
Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4
Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer; Slurry Operator; Single Axle Trucks.

STATE: Montana
DECISION NUMBER: MT76-5099
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MT76-5072 dated August 6, 1976 in 41 FR 33148
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$8.43	.45	.75		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	8.58	.45	.75		.02
CEMENT MASONS:					
Cement Masons	8.37	.65	.25		
Grinder, Bush hammer and clipping fan preparing finished surface; Epoxy	8.52	.65	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1%+.25		1/2%
Gallatin County	9.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.98	.42	1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	9.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	10.13	.425	1%+.50		1/2%
Cable Splicers	10.38	.425	1%+.50		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	9.68	.42	1%		1/2%
Cable Splicers	10.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	10.07	.30	1%+.50		1/2%
Cable Splicers	10.52	.30	1%+.50		1/2%

DECISION NO. MT76-5099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	9.05	.30	1%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	8.70	.30	1%		1/2%
Custer and Garfield Counties	7.64		1%		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	10.11	.55	1.00		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	9.36	.55	.85		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.02	.25	.10		
Spray	9.80	.25	.10		

DECISION NO. MT76- 5099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	$8.13	.49	.20		
Steel	8.38	.49	.20		
Spray	9.36	.49	.20		
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties:					
Painters, brush, preparatory work; Pot tender; Parking lot striping and relate work;					
Roller up to 9 inches	7.79	.49	.30		1/2%
Paperhanger; Brush or steel	8.29	.49	.30		1/2%
Water and sandblasting; Application of cold tar products, epoxies, polyurethanes, acid resistant paints					
spraying and airless spray	10.04	.49	.30		1/2
Roller over 9 inches long	11.39	.49	.30		1/2

DECISION NO. MT76- 5099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern City limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West City limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern City limits of Helmsville)					
Brush	$7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel spray	10.19	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	6.79				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	7.85	.34	.30		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	10.60	.50	.85		1%

DECISION NO. MT76-5099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	$10.65	.50	.65		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	11.25	.40	.80		.10
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north 1/2 of the City of Boulder), Lewis and Clark and Meagher Counties	9.81	.52	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.73	.57	.25		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	8.91	.37	3%+.25		.02
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	9.56	.62	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (Southern 1/2), Madison, Powell and Silver Bow Counties	9.15	.37	.40	1.00	.02

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$7.77	.47	.37		.03
Axeman	7.52	.47	.37		.03
Burning Bar	7.68	.47	.37		.03
Car and Truck Loaders, Scissorman	7.52	.47	.37		.03
Caisson Workers (free air)	7.68	.47	.37		.03
Carpenter Tender	7.52	.47	.37		.03
Cement Handlers	7.68	.47	.37		.03
Cement Mason Tender	7.68	.47	.37		.03
Choker Setter	7.68	.47	.37		.03
Chuck Tender and Nipper (above ground)	7.52	.47	.37		.03
Concrete Laborers (wet or dry); Bucketman and Signalman	7.68	.47	.37		.03
Concrete or Asphalt Saw	7.62	.47	.37		.03
Concrete Vibrator (5" and over)	7.82	.47	.37		.03
Cosmolene applying and removing	7.52	.47	.37		.03
Core Drill	8.12	.47	.37		.03
Curb Machine	7.62	.47	.37		.03
Drills, Air-tract, self-propelled, Cat, or Truck mounted air operated	7.78	.47	.37		.03
Drills, Air-tract, with Dual Mast	7.88	.47	.37		.03
Drills, Air-tract, self-propelled, Mustang type or similar	7.83	.47	.37		.03
Dumpman (Spotter)	7.52	.47	.37		.03
Dumpman (Grademan)	7.68	.47	.37		.03
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Flagman; Guard and Watchman	7.52	.47	.37		.03
Form stripper	7.52	.47	.37		.03
Form Setter	7.62	.47	.37		.03
Grade Setter	7.87	.47	.37		.03
General Laborer	7.52	.47	.37		.03
Hand Faller	7.60	.47	.37		.03
High Scaler	7.88	.47	.37		.03
High Pressure Machine Nozzleman	7.72	.47	.37		.03
Heater Tender	7.52	.47	.37		.03

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other Air Tools	$7.68	.47	.37		.03
Landscape Laborers	7.52	.47	.37		.03
Nozzleman-Air and Water, Gunite and Placo Machine	7.62	.47	.37		.03
Pipe Layer (all types)	7.68	.47	.37		.03
Pipe Wrapper	7.68	.47	.37		.03
Post Hole Digger (power Auger)	7.62	.47	.37		.03
Power Saw, Bucking	7.68	.47	.37		.03
Power Saw, Falling	7.78	.47	.37		.03
Powderman Helper	7.62	.47	.37		.03
Powderman	8.08	.47	.37		.03
Power Driven Wheelbarrow	7.62	.47	.37		.03
Riprapper	7.68	.47	.37		.03
Riprap Helper	7.52	.47	.37		.03
Scaleman	7.68	.47	.37		.03
Sandblaster	7.72	.47	.37		.03
Sandblaster Tail Hoseman, Pot Tender	7.52	.47	.37		.03
Sodcutter-hand operated	7.52	.47	.37		.03
Spike Driver, single or dual or hand	7.68	.47	.37		.03
Stake Jumper for Equipment	7.52	.47	.37		.03
Switchman	7.68	.47	.37		.03
Tar Pot	7.61	.47	.37		.03
Tool Checker, Toolhouseman	7.52	.47	.37		.03
Welder	8.52	.47	.37		.03

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$9.20	.50	.50	.25	.05
Air Compressor, single	8.89	.50	.50	.25	.05
Air Compressor, two or more	9.06	.50	.50	.25	.05
Air Doctor	9.36	.50	.50	.25	05
Asphalt Paving Machine	9.36	.50	.50	.25	.05
Asphalt Paving Machine Screed	9.36	.50	.50	.25	.05
Automatic Finegrade, Gurries and other similar types	9.49	.50	.50	.25	.05
Belt Finish Machine	9.06	.50	.50	.25	.05
Bit Grinder	9.36	.50	.50	.25	.05
Bituminous Mixer Paving, Travel Plant	9.36	.50	.50	.25	.05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	8.95	.50	.50	.25	.05
Boring Machine (large)	9.36	.50	.50	.25	.05
Broom, Self-propelled	9.03	.50	.50	.25	.05
Cableway Highline	9.07	.50	.50	.25	.05
Cement Silo	9.15	.50	.50	.25	.05
Central Mixing Plants, Concrete dam and stationary	9.61	.50	.50	.25	.05
Chain Bucket Loader	9.08	.50	.50	.25	.05
Chip or Gravel Spreader, self-propelled	9.08	.50	.50	.25	.05
Concrete Batch Plant, one and two Mixers	9.36	.50	.50	.25	.05
Concrete Batch Plant, three and four Mixers	9.56	.50	.50	.25	.05
Concrete Batch Plant, five Mixers and over	9.76	.50	.50	.25	.05
Concrete Batch Plant Oiler, up to and including two Mixers	8.88	.50	.50	.25	.05
Concrete Batch Plant Oiler, three Mixers and over	9.19	.50	.50	.25	.05
Concrete Bucket Dispatcher	9.36	.50	.50	.25	.05
Concrete Curing Machine	9.36	.50	.50	.25	.05
Concrete Finish Machine Paving	9.36	.50	.50	.25	.05
Concrete Float-Spreader	9.36	.50	.50	.25	.05
Concrete Mixer, three bags and under	8.95	.50	.50	.25	.05
Concrete Mixer, four bags and over	9.12	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Power Saw, Self-propelled	$9.36	.50	.50	.25	.05
Concrete Travel Batcher	9.36	.50	.50	.25	.05
Concrete Conveyor under 40 feet	8.94	.50	.50	.25	.05
Concrete Conveyor over 40 feet	9.69	.50	.50	.25	.05
Concrete Pump	9.69	.50	.50	.25	.05
Crane, to and including 80' boom	9.52	.50	.50	.25	.05
Crane, 81' to 130' boom	9.67	.50	.50	.25	.05
Crane, 131' to 150' boom	9.72	.50	.50	.25	.05
Crane, 151' boom and over	9.77	.50	.50	.25	.05
Crane Oiler	8.93	.50	.50	.25	.05
Crusher	9.36	.50	.50	.25	.05
Crusher Oiler and Helpers	8.85	.50	.50	.25	.05
Crusher Conveyor, when required	8.82	.50	.50	.25	.05
Distributor	9.36	.50	.50	.25	.05
DW 10, 15 or 20 Tractor pulling Roller	9.08	.50	.50	.25	.05
Electric Overhead Cranes	9.54	.50	.50	.25	.05
Elevating Grader	9.36	.50	.50	.25	.05
Farm Type Tractor, up to and including 50 HP Engine	8.82	.50	.50	.25	.05
Farm Type Tractor, over 50 HP Engine	8.90	.50	.50	.25	.05
Field Equipment Serviceman	9.28	.50	.50	.25	.05
Field Equipment Serviceman Helper	8.85	.50	.50	.25	.05
Fireman	8.95	.50	.50	.25	.05
Forklift, on construction job site	9.17	.50	.50	.25	.05
Form Grader	9.13	.50	.50	.25	.05
Gradall	9.36	.50	.50	.25	.05
Grade Setter	8.82	.50	.50	.25	.05
Heavy Duty Drill, all types	9.36	.50	.50	.25	.05
Heavy Duty Driller Helper	8.95	.50	.50	.25	.05
Herman-Nelson Heaters and similar type	8.90	.50	.50	.25	.05
Hoist, single drum	9.13	.50	.50	.25	.05
Hoist, two or more drums	9.36	.50	.50	.25	.05
Helicopter Hoist	9.86	.50	.50	.25	.05
Hot Plant	9.36	.50	.50	.25	.05
Hot Plant Fireman, when in operation	9.36	.50	.50	.25	.05
Hot Plant Oiler, 100 ton per hour or over	8.85	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hydra Lift and similar types	$9.26	.50	.50	.25	.05
Industrial Locomotive all classes	9.36	.50	.50	.25	.05
Mechanic and/or Welder on job	9.46	.50	.50	.25	.05
Mechanic and/or Welder Helper on job	8.85	.50	.50	.25	.05
Mixermobile	9.44	.50	.50	.25	.05
Motor Patrol	9.49	.50	.50	.25	.05
Mountain Logger or similar type	9.36	.50	.50	.25	.05
Mucking Machine	9.36	.50	.50	.25	.05
Oiler-Driver, Rubber-tired Cranes	8.93	.50	.50	.25	.05
Oilers, other than Shovels and Cranes	8.85	.50	.50	.25	.05
Oiler, Hoist House, Dams	9.26	.50	.50	.25	.05
Pavement Breaker, Emsco and similar	9.36	.50	.50	.25	.05
Paving and Mixing Machine	9.49	.50	.50	.25	.05
Power Auger, Large Truck or Tractor mounted	9.36	.50	.50	.25	.05
Power Mixer, single or double drum	9.36	.50	.50	.25	.05
Power Saw, multiple cut, self-propelled	9.36	.50	.50	.25	.05
Pumpcrete or Grout Machine	9.36	.50	.50	.25	.05
Pumpman	8.89	.50	.50	.25	.05
Push Tractor	9.36	.50	.50	.25	.05
Quad Cat	9.66	.50	.50	.25	.05
Quad Loader and similar type	9.94	.50	.50	.25	.05
Raygo Giant	9.94	.50	.50	.25	.05
Refrigeration Plant	9.36	.50	.50	.25	.05
Retort	8.95	.50	.50	.25	.05
Roller, on blade or hot mix oil paving	9.36	.50	.50	.25	.05
Roller, on other blade or hot mix paving	9.06	.50	.50	.25	.05
Roller, 25 ton or over	9.36	.50	.50	.25	.05
Ross and similar type carriers, on construction site	9.36	.50	.50	.25	.05
Rubber-tired Dozer	9.36	.50	.50	.25	.05
Rubber-tired Front End Loader, 1 yard and under	9.07	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, 1 yard to and including 3 yards	$9.36	.50	.50	.25	.05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	9.48	.50	.50	.25	.05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	9.58	.50	.50	.25	.05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	9.68	.50	.50	.25	.05
Rubber-tired Front End Loader, over 15 yards	9.78	.50	.50	.25	.05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	9.36	.50	.50	.25	.05
Scraper, single or twin engine pulling belly dump trailer	9.74	.50	.50	.25	.05
Scraper, single engine	9.49	.50	.50	.25	.05
Scraper, twin engine	9.59	.50	.50	.25	.05
Scraper, tandem engine	9.85	.50	.50	.25	.05
Self-propelled Sheepfoot and similar type	9.36	.50	.50	.25	.05
Shovels, including all attachments, under 1 cu. yd.	9.36	.50	.50	.25	.05
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	9.54	.50	.50	.25	.05
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	9.81	.50	.50	.25	.05
Shovels, including all attachments, over 5 cu. yds.	9.94	.50	.50	.25	.05
Shovel Oiler, 3 yards and under	8.85	.50	.50	.25	.05
Shovel Oiler, over 3 cu. yds.	9.06	.50	.50	.25	.05
Slip Form Paver	9.49	.50	.50	.25	.05
Stiff Leg Derrick and Guy Derrick	9.81	.50	.50	.25	.05
Track-type Front End Loaders; up to and including 5 cu. yds.	9.36	.50	.50	.25	.05
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	9.59	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	$9.69	.50	.50	.25	.05
Track-type Front End Loaders, over 15 cu. yds.	9.79	.50	.50	.25	.05
Track-type Tractor w/wo attachments	9.36	.50	.50	.25	.05
Track-type Tractor, on Euclid Loader	9.54	.50	.50	.25	.05
Trenching Machine	9.36	.50	.50	.25	.05
Turnhead Conveyor, or Head Tower on Batch Plant	9.36	.50	.50	.25	.05
Wagner Roller and similar type	9.36	.50	.50	.25	.05
Whirley Crane	9.89	.50	.50	.25	.05
Whirley Crane Oiler	9.26	.50	.50	.25	.05
Water Pull when used for compaction	9.36	.50	.50	.25	.05
Washing and Screening Plant	9.36	.50	.50	.25	.05
Washing and Screening Plant Oiler	8.85	.50	.50	.25	.05

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers:					
To and including 4 cu. yds.	$8.26	.55	.45		
Over 4 cu. yds. to and including 6 cu. yds.	8.34	.55	.45		
Over 6 cu. yds. to and including 8 cu. yds.	8.42	.55	.45		
Over 8 cu. yds. to and including 10 cu. yds.	8.50	.55	.45		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	8.19	.55	.45		
DRY BATCH TRUCKS:					
3 Batch or under	8.01	.55	.45		
Over 3 Batch to and including 5 Batch	8.14	.55	.45		
Over 5 Batch to and including 10 Batch	8.30	.55	.45		
Over 10 Batch to and including 15 Batch	8.46	.55	.45		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.11	.55	.45		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	8.01	.55	.45		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	8.21	.55	.45		
DUMP TRUCKS and SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS					
7 cu. yds. or less	8.01	.55	.45		
Over 7 cu. yds. to and including 10 cu. yds.	8.14	.55	.45		
Over 10 cu. yds. to and including 15 cu. yds.	8.30	.55	.45		

DECISION NO MT76-5099

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and including 20 cu. yds.	$8.44	.55	.45		
Over 20 cu. yds. to and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. to and including 35 cu. yds.	8.62	.55	.45		
Over 35 cu. yds. to and including 40 cu. yds.	8.68	.55	.45		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.14	.55	.45		
DW 20, DW 21, or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:					
To and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.75	.55	.45		
POWDER TRUCK DRIVER (bulk unloader type)	8.19	.55	.45		
FLAT TRUCKS:					
To and including 3 tons	8.11	.55	.45		
Over 3 tons Factory rating	8.36	.55	.45		
SERVICE TRUCK DRIVERS; Fuel Truck Driver; Tiremen	8.55	.55	.45		
LOWBOYS, FOUR-WHEEL TRAILER, Float Semi-trailer	8.36	.55	.45		
LUMBER CARRIERS, LIFT TRUCKS	8.26	.55	.45		
POWER BROOM	8.10	.55	.45		

DECISION NO. MT76-5099

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$8.01	.55	.45		
Over 2,500 gallons to and including 4,500 gallons	8.30	.55	.45		
Over 4,500 gallons to and including 6,000 gallons	8.50	.55	.45		
Over 6,000 gallons to and including 8,000 gallons	8.56	.55	.45		
Over 8,000 gallons to and including 10,000 gallons	8.64	.55	.45		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT If UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	8.26	.55	.45		
TRUCK MECHANIC	8.75	.55	.45		

DECISION NO. MT76-5099

(Flathead, Lake and Lincoln Cos.) MONTANA, LINE CONSTRUCTION

All construction of "H" fixtures and steel tower transmission lines with capacity of 69 K.V. voltages and over, Switch yard and substation rated at 5000 K.V.A. andall work not covered by schedule "B".	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Schedule "A"					
Lineman	$10.29	.45	1%		1/2%
Cable Splicer	11.44	.45	1%		1/2%
Powderman, Jackhammer, Compressorman	7.60	.45	1%		1/2%
Line Equipment Operators	8.76	.45	1%		1/2%
Groundman	6.15	.45	1%		1/2%
Groundman (Experienced)	7.13	.45	1%		1/2%
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
Schedule "B"					
Lineman	9.19	.45	1%		1/2%
Cable Splicers	10.22	.45	1%		1/2%
Pole Sprayer	9.08	.45	1%		1/2%
Line Equipment Operators	7.97	.45	1%		1/2%
Powderman, Jackhammer, Compressorman	6.94	.45	1%		1/2%
Groundman	6.52	.45	1%		1/2%
Tree Trimmer	9.44	.45	1%		1/2%

DECISION NO. MT76-5099

MONTANA LINE CONSTRUCTION

REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Jobs over 69,000 Volts:					
Lineman, Pole Sprayer	$9.31	.35	1%		1/2%
Cable Splicer	9.80	.35	1%		1/2%
Line Equipment Operator; Powderman	8.53	.35	1%		1/2%
Groundman	7.04	.35	1%		1/2%
Jobs 69,000 Volts or less:					
Lineman	8.65	.35	1%		1/2%
Cable Splicer	9.56	.35	1%		1/2%
Line Equipment Operators; Powderman	8.47	.35	1%		1/2%
Groundman	5.93	.35	1%		1/2%
Experienced Groundman (1000 hours); Truck Drivers	6.68	.35	1%		1/2%

DECISION NO. MT76-5099

MONTANA DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Assistant Mate (Deckhand)	$10.04	.60	1.05		.11
Fireman	10.14	.60	1.05		.11
Oiler	10.14	.60	1.05		.11
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	10.48	.60	1.05		.11
Mates and Boatman	10.48	.60	1.05		.11
Engineer Welder	10.53	.60	1.05		.11
Craneman	10.53	.60	1.05		.11
Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)	10.58	.60	1.05		.11
Leverman, Dipper:					
(a) 5 Yards and Under	11.29	.60	1.05		.11
(b) Over 5 Yards	11.84	.60	1.05		.11
Leverman, Hydraulic	10.90	.60	1.05		.11

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley

DECISION NO. MT76-5100

DATE: Date of Publication

Supersedes Decision No. MT76-5027 dated April 9, 1976, in 41 FR 15250

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.
ASBESTOS WORKERS	$11.60	.44	1.10		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS:					
Cascade and Glacier Counties	9.80	.50	.55		
Deer Lodge and Silver Bow Cos.	10.50				
Missoula County	9.50	.40	.25		
Gallatin County	10.05				
Hill and Valley Counties	9.80	.45	.55		
CARPENTERS:					
Cascade and Glacier Counties:					
Carpenters	8.64	.45	.75		.02
Piledriverman; Saw Filers; Sawmen	8.89	.45	.75		.02
Millwrights	9.14	.45	.75		.02
Deer Lodge County:					
Carpenters	8.76	.45	.75		.02
Missoula County:					
Carpenters	8.01	.45	.75		.02
Millwrights; Piledrivermen; Power Saw; Saw Filer	8.26	.45	.75		.02
Gallatin County	8.06	.45	.75		.02
Hill County	6.36	.30	.45		.02
Silver Bow County	7.91	.45	1.00	.75	.02
Valley County:					
Carpenters	8.18	.45	.75		.02
Millwrights	8.68	.45	.75		.02
Piledrivermen	8.33	.45	.75		.02
CEMENT MASONS:					
Cascade, Hill and Valley Cos.	7.35	.40			
Deer Lodge and Silver Bow Cos.	8.95	.50	.25		
Gallatin County	6.50	.35	.25		
Glacier County	6.95	.37			
Missoula County	8.0775	.50	.35		
ELECTRICIANS:					
Cascade and Glacier Counties:					
Electricians	10.13	.425	1%+.50		1/2%
Cable Splicers	10.38	.425	1%+.50		1/2%
Deer Lodge and Silver Bow Cos.	9.15	.35	1%+.25		1/2%
Missoula County:					
Electricians	9.68	.42	1%		1/2%
Cable Splicers	10.18	.42	1%		1/2%

DECISION NO. MT76-5100

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Gallatin County	$9.55	.30	1%		1/2%
Hill County:					
Electricians	9.85		1%		1/2%
Valley County:					
Electricians	10.07	.30	1%+.50		1/2%
ELEVATOR CONSTRUCTORS	9.12	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR				
IRONWORKERS:					
Structural; Ornamental and Reinforcing:					
Glacier and Missoula Counties	11.15	.58	1.00		.05
Remaining Counties	10.11	.55	1.00		
MARBLE MASONS:					
Missoula County	8.50	.40	.25		
Gallatin County	7.10				
Hill and Valley Counties	7.45				
Cascade and Glacier Counties	9.80	.50	.55		
PAINTERS:					
Cascade, Glacier and Valley Counties:					
Brush	7.79	.49	.30		1/2%
Paperhanger	8.29	.49	.30		1/2%
Brush on Steel	8.29	.49	.30		1/2%
Spraying; Sandblasting	10.04	.49	.30		1/2%
Gallatin County:					
Brush	7.69	.25	.20		.03
Silver Bow County:					
Brush	7.02	.25	.10		
PLASTERERS:					
Cascade and Hill Counties	7.95	.25			
Deer Lodge and Silver Bow Cos.	8.95	.50	.25		
Glacier County	6.45	.20			
Gallatin County	6.50	.35	.25		
Missoula County	8.3275	.50	.35		
PLUMBERS:					
Cascade, Glacier, Hill and Valley Counties	10.60	.50	.85		1%
Missoula County	9.68	.35	.55		.05
Remaining Counties	10.65	.50	.65		.10

DECISION NO. MT76-5100

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Cascade, Glacier, Hill and Valley Counties	$8.50				
Deer Lodge and Silver Bow Cos.	7.63	.50	.40	.75	
Missoula County	7.74	.60			.01
Gallatin County	7.65	.45			
SHEET METAL WORKERS:					
Cascade, Glacier and Hill Cos.	9.56	.37	.25		.07
Deer Lodge and Silver Bow Cos.	9.15	.37	.40	1.00	.02
Missoula County	9.73	.57	.25		.10
Gallatin and Valley Counties	8.91	.37	3%+.25		.02
SPRINKLER FITTERS	9.82	.60	.90		.08
TERRAZZO AND TILE SETTERS:					
Missoula County	9.50	.40	.25		
Cascade and Glacier Counties	7.65	.50	.55		
Gallatin County	7.75				

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for 5 years' service and 2% of the basic hourly for 6 months to 5 years' service as Vacation Pay Credit.
Six 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.

DECISION NO. MT76-5100

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hill and Valley Counties					
Group 1	$5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03
Missoula County					
Group 1	7.335	.50	.40		.03
Group 2	7.585	.50	.40		.03
Group 3	7.735	.50	.40		.03
Cascade and Glacier Counties					
Group 1	7.52	.50	.40		.03
Group 2	7.67	.50	.40		.03
Group 3	7.87	.50	.40		.03
Group 4	7.92	.50	.40		.03
Group 5	8.02	.50	.40		.03
Group 6	8.27	.50	.40		.03
Group 7	8.12	.50	.40		.03
Gallatin County					
Group 1	6.70	.50	.40		.03
Group 2	6.95	.50	.40		.03

DECISION NO. MT76-5100

LABORERS

Hill and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2-1/2 inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

Missoula County

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and Tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

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LABORERS (Cont'd)

Cascade and Glacier Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Virbrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

Gallatin County

Group 1: Common Laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter

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Deer Lodge and Silver Bow Counties

LABORERS

GROUP 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer incl. the installation and erection of fences, guard rails, median rails, reference post, guide post and right of way markers; Form Strippers; Form Setter; Landscape Laborer; Nozzleman - air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated); General Laborer; Stake Jumper for equipment; Tool Checker; Toolhouseman

GROUP 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

GROUP 3: Hand Faller

GROUP 4: Post Hole Digger (power auger)

GROUP 5: Concrete or asphalt saws; Tar pot operator

GROUP 6: Powderman Helper

GROUP 7: Caisson Workers (free air); Spike Driver, single, dual or hand

GROUP 8: Drills, Air-tract, self-propelled car or truck mount air operated drills, Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools, Pipe Wrapper, Power Saw (bucking)

GROUP 9: Asphalt Raker, Dumpman (grademan)

GROUP 10: High Pressure Machine Nozzleman

GROUP 11: Pipe Layer (all types); Cutting Torch Operator

GROUP 12: Powderman

GROUP 13: Grade Setter

GROUP 14: High Scaler

GROUP 15: Dumpman (spotter)

GROUP 16: Power Saw (falling)

GROUP 17: Rigger

GROUP 18: Core Drill Operator

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LABORERS CONT'D

Deer Lodge and Silver Bow Counties

GROUP 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

GROUP 20: Vibrator Operator; Tending Stonemasons; Marble Setters; Tile Setters; Skagiola and Terrazzo Workers; Tending brick or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls); Surekete, Stonehard and Rubberslate; Concrete Conveyor; Swinger Operator

GROUP 21: Power Driven Concrete Buggies

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Deer Lodge and Silver Bow Cos.					
Group 1	$6.88	.50	.40		.03
Group 2	6.95	.50	.40		.03
Group 3	6.96	.50	.40		.03
Group 4	6.97	.50	.40		.03
Group 5	6.98	.50	.40		.03
Group 6	7.00	.50	.40		.03
Group 7	7.04	.50	.40		.03
Group 8	7.05	.50	.40		.03
Group 9	7.06	.50	.40		.03
Group 10	7.10	.50	.40		.03
Group 11	7.13	.50	.40		.03
Group 12	7.15	.50	.40		.03
Group 13	7.16	.50	.40		.03
Group 14	7.23	.50	.40		.03
Group 15	7.26	.50	.40		.03
Group 16	7.28	.50	.40		.03
Group 17	7.38	.50	.40		.03
Group 18	7.48	.50	.40		.03
Group 19	7.13	.50	.40		.03
Group 20	7.12	.50	.40		.03
Group 21	7.00	.50	.40		.03

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MISSOULA COUNTY					
A-Frame Truck Crane, Winch Truck and similar	$8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42 inch belt	8.36	.50	.45	.15	.03
Crane, to and including 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hot Plant Oiler, 100 ton per hour or over	$8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Emsco and similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	.15	.03
Quad Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.67	.50	.45	.15	.03
Refrigeration Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and including 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and including 5 yds.	8.78	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 5 yds. to and including 10 yds.	$8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and including 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.66	.50	.45	.15	.03
Shovels, including all attachments under 1 cu.yd.	8.66	.50	.45	.15	.03
Shovels, including all attachments 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, including all attachments over 3 cu. yds. to and incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, including all attachments over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to and including 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu. yds	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Wagner Roller and similar type	$8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.66	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

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REMAINING COUNTIES

POWER EQUIPMENT OPERATORS

Group 1: A-Frame Truck Crane; Winch Truck and similar

Group 2: Air Compressor Operator, 2 or more; Belt Finishing Machine Operator; Conveyor Loader Operator up to and over 42 inch belt; Mechanic (Dec. 1 to April 1); Roller (on other than hot mix oil paving)

Group 3: Air Doctor; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving; Travel Plant; Boring Machine Operator (large); Concrete Batch Plant Operator (1 and 2 mixers); Concrete Bucket Dispatcher; Concrete Curing Machine; Concrete Finish Machine Paving; Concrete Float Operator and Spreader; Concrete Power Saw (self-propelled) Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy DutyDrills (all types); Hoist Operator (2 or more drums); Hot Plant Fireman (when operation); Industrial Locomotives (all types); Mountain Logger or similar type; Mucking Machine Operator; Pavement Breaker (Emsco and similar); Power Auger large Truck or-Tractor, mounted and punch; Power Mixer, Single or double drum; Power Saw, self-propelled,(multiple cut); Pumpcrete or Grout Machine Operator; Push Tractor; Refrigerator Plant Operator; Roller on Blade or Hot Mix Oil Paving Roller (25 ton or over); Ross and similar type Carriers on construction site; Rubber-tired Dozer; Rubber-tired Front End Loader (over 1 cu. yd. to and including 3 cu. yds.); Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheeps Foot and similar type shovels including all attachments under 1 cu. yd.; Track type Tractor with or without attachments

Group 4: Automatic Finegrader; Gurries and other similar types; Motor Patrol Operator; Paving and Mixing Machine Operator; Scraper, single engine; Slip Form Paver Operator

Group 5: Boring Machine Operator; Jeep; Pickup or Farm Tractor mounted; Concrete Mixer Operator (3 bags and under); Fireman; Heavy Duty Drills Retort Operator

Group 6: Boom Operator (self-propelled)

Group 7: Cableway Highline Operator

Group 8: Cement Silo Operator

Group 9: Central Mixing Plants; Concrete Dams and Stationary

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 10: Chain Bucket Loader; Chip Gravel Spreader (self-propelled); DW-10, 15, 20 Tractor pulling Roller

Group 11: Concrete Barch Plant Operator (3 and 4 mixers)

Group 12: Concrete Batch Plant Operator (5 mixers and over)

Group 13: Concrete Batch Plant Oiler, Assistant to Engineer (up to and including 2 mixers)

Group 14: Concrete Batch Plant Oiler, Assistant to Engineer (3 mixers and over)

Group 15: Concrete Conveyor, under 40 ft.; Conveyor Loader Operator Operator up to and including 42 inch Belt

Group 16: Concrete Conveyor, over 40 ft.; Concrete Pump; Track-type Front-end Loaders, over 10 cu. yds. to and including 15 cu. yds.

Group 17: Concrete Mixer Operator, 4 bags and over

Group 18: Crane Operator, to and including 80 ft. boom

Group 19: Crane Operator, 81 ft. to 130 ft. boom

Group 20: Crane Operator, 131 ft. to 150 ft. boom

Group 21: Crane Operator, 151 ft. boom and over

Group 22: Crane Oiler, Assistant to Engineer; Cranes with jibs additional $.15 per hour

Group 23: Crusher Oiler and Helper; Assistant to Engineer; Feld Equipment Servic Serviceman Helper; Hot Plant Oiler, assistant to engineer (100 ton per hour or over); Mechanic and/or Welder Helper on job; Oilers (other than Shovels and

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 24: Hydrolift and similar types, Oiler, Hoist House, Dams, Assistant to engineer; Shovel Oiler, assistant to engineers over 3 cu. yds.; Whirley Crane Oiler, assistant to engineer

Group 25: Crusher Conveyor Operator, when required; Farm type Tractor, up to and including 50 H.P. engine; Grade Setter

Group 26: Electric Overhead Cranes; Shovels, including all attachments 1 cu. yd. to and including 5 cu. yds.; Track-type Tractor, on Euclid Loader

Group 27: Farm type Tractor, up to and including over 50 H.P. engine; Herman Nelson Heater and similar types

Group 28: Field Equipment Serviceman

Group 29: Forklift, on construction site

Group 30: Form Grader Operator; Hoist Operator (single drum)

Group 31: Helicopter Hoist Operator

Group 32: Mechanic and/or Welder on job

Group 33: Mechanic Helper, Shop (Dec. 1 to April 1); Radiator Repairman

Group 34: Mixermobile

Group 35: Paving and Mixing Machine Operator

Group 36: Quad Cat

Group 37: Quad Loader and similar type; Raygo Gaint; Shovels, including all attachments over 5 cu. yds.

Group 38: Rubber-tired Front End Loader, 1 cu. yd and under

Group 39: Rubber-tired Front End Loader, 3 cu. yds. to and including 5 cu. yds.

Group 40: Rubber-tired Front End Loader, 5 cu. yds. to and including 10 cu. yds.

Group 41: Rubber-tired Front End Loader, 10 cu. yds. to and including 15 cu. yds.

Group 42: Rubber-tired Front End Loader, over 15 cu. yds. (factory rating, not to include sideboards)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 43: Scraper, single or twin engine; pulling Belly Dump Trailer

Group 44: Scraper (twin engine); Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.

Group 45: Stiff-leg Derrick and Guy Derrick Operator; Shovels, including all attachments, over 3 uc. yds. to and including 5 cu. yds.

Group 46: Track-type Front-end Loaders, over 15 cu. yds.

Group 47: Scraper, Tandem or 3 engined

Group 48: Yo-Yo Cat, both ends

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POWER EQUIPMENT OPRATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.20	.50	.50	.25	.05
Group 2	9.06	.50	.50	.25	.05
Group 3	9.36	.50	.50	.25	.05
Group 4	9.49	.50	.50	.25	.05
Group 5	8.95	.50	.50	.25	.05
Group 6	9.03	.50	.50	.25	.05
Group 7	9.87	.50	.50	.25	.05
Group 8	9.15	.50	.50	.25	.05
Group 9	9.61	.50	.50	.25	.05
Group 10	9.08	.50	.50	.25	.05
Group 11	9.56	.50	.50	.25	.05
Group 12	9.76	.50	.50	.25	.05
Group 13	8.88	.50	.50	.25	.05
Group 14	9.19	.50	.50	.25	.05
Group 15	8.94	.50	.50	.25	.05
Group 16	9.69	.50	.50	.25	.05
Group 17	9.12	.50	.50	.25	.05
Group 18	9.52	.50	.50	.25	.05
Group 19	9.67	.50	.50	.25	.05
Group 20	9.72	.50	.50	.25	.05
Group 21	9.77	.50	.50	.25	.05
Group 22	8.93	.50	.50	.25	.05
Group 23	8.85	.50	.50	.25	.05
Group 24	9.26	.50	.50	.25	.05
Group	8.82	.50	.50	.25	.05
Group 26	9.54	.50	.50	.25	.05
Group 27	8.90	.50	.50	.25	.05
Group 28	9.28	.50	.50	.25	.05
Group 29	9.17	.50	.50	.25	.05
Group 30	9.13	.50	.50	.25	.05
Group 31	9.86	.50	.50	.25	.05
Group 32	9.46	.50	.50	.25	.05
Group 33	9.44	.50	.50	.25	.05
Group 34	9.49	.50	.50	.25	.05
Group 35	9.66	.50	.50	.25	.05
Group 36	9.94	.50	.50	.25	.05
Group 37	8.52	.50	.50	.25	.05
Group 38	9.07	.50	.50	.25	.05
Group 39	9.48	.50	.50	.25	.05
Group 40	9.58	.50	.50	.25	.05
Group 41	9.68	.50	.50	.25	.05
Group 42	9.78	.50	.50	.25	.05

DECISION NO. MT76-5100

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 43	$ 9.74	.50	.50	.25	.05
Group 44	9.59	.50	.50	.25	.05
Group 45	9.81	.50	.50	.25	.05
Group 46	9.79	.50	.50	.25	.05
Group 47	9.85	.50	.50	.25	.05
Group 48	8.91	.50	.50	.25	.05

DECISION NO. MT76-5100

Cascade, Deer Lodge, Glacier, Hill, Missoula, Silver Bow and Valley Counties

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and including 4 cu. yds.	$8.26	.55	.45		
Over 4 cu. yds. to and including 6 cu. yds.	8.34	.55	.45		
Over 6 cu. yds. to and including 8 cu. yds.	8.42	.55	.45		
Over 8 cu. yds. to and including 10 cu. yds.	8.50	.55	.45		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER and HELPER	8.19	.55	.45		
DRY BATCH TRUCKS:					
3 Batch or under	8.01	.55	.45		
Over 3 Batch to and including 5 Batch	8.14	.55	.45		
Over 5 Batch to and including 10 Batch	8.30	.55	.45		
Over 10 Batch to and including 15 Batch	8.46	.55	.45		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.11	.55	.45		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	8.01	.55	.45		
Warehousemen, Partsmen, Cardex Men, Warehouse Expediter	8.21	.55	.45		

DECISION NO. MT76-5100

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:					
7 cu. yds. or less	$8.01	.55	.45		
Over 7 cu. yds. to and including 10 cu. yds.	8.14	.55	.45		
Over 10 cu. yds. to and including 15 cu. yds.	8.30	.55	.45		
Over 15 cu. yds. to and including 20 cu. yds,	8.44	.55	.45		
Over 20 cu. yds. to and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. to and including 35 cu. yds.	8.62	.55	.45		
Over 35 cu. yds. to and including 40 cu. yds.	8.68	.55	.45		
Over 40 cu. yds. to and including 45 cu. yds.	8.74	.55	.45		
Over 45 cu. yds. - additional (.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.14	.55	.45		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 OR SIMILAR DUMP WAGONS:					
To and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.75	.55	.45		
POWER TRUCK DRIVER (bulk unloader type)	8.19	.55	.45		

DECISION NO. MT76-5100

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FLAT TRUCKS:					
To and including 3 tons	$8.11	.55	.45		
Over 3 tons Factory rating	8.36	.55	.45		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	8.55	.55	.45		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	8.36	.55	.45		
LUMBER CARRIERS, LIFT TRUCKS	8.26	.55	.45		
POWER BROOM	8.10	.55	.45		
WATER TRANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	8.01	.55	.45		
Over 2,500 gallons to and including 4,500 gallons	8.30	.55	.45		
Over 4,500 gallons to and including 6,000 gallons	8.50	.55	.45		
Over 6,000 gallons to and including 8,000 gallons	8.56	.55	.45		
Over 8,000 gallons to and including 10,000 gallons	8.64	.55	.45		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT IF UNDER TRAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	8.26	.55	.45		
TRUCK MECHANIC	8.75	.55	.45		

DECISION NO. MT76-5100

TRUCK DRIVERS GALLATIN COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Dump, 7 yards or less; Pickup, hauling materials; Flat, less than 2 ton; Service & A-Frame trailers	$6.08	.50	.30		
House Movers	6.12	.50	.30		
Dump, over 7 yards. to and include 10 yards; Flat, 5 - 8 tons; Semi and four wheel trailers	6.33	.50	.30		
Dump, over 10 yards to and include 15 yards	6.49	.50	.30		
Dump, over 15 yards to and include 20 yards	6.63	.50	.30		

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NUMBER: NE76-4180
COUNTIES: Douglas and Sarpy
DATE: Date of Publication
Supersedes Decision No. NE76-4100 dated June 18, 1976 in 41 FR 24847
DESCRIPTION OF WORK: Building Construction (including single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.91	.40	.51		.015
BOILEMAKERS	9.05	.70	1.00		.02
BRICKLAYERS, Stonemasons	8.78	.50	.40	.75	
CARPENTERS:					
Carpenters	7.88	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
CEMENT MASONS	9.02	.50	.40	.40	.05
DRYWALL:					
Tapers and Finishers	8.79	.40		.50	.04
ELECTRICIANS	11.23	.48	1%+.50		1/4%
ELEVATOR CONSTRUCTORS	10.41	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%				
GLAZIERS	8.45	.40	.35		
IRONWORKERS	8.43	.50	.40	.70	
LABORERS:					
Common Laborers	6.42	.50	.40		.25
Buggymobile Operators, Morter Mixers	6.565	.50	.40		.25
Mason Tenders	6.565	.50	.40		.25
LATHERS	8.35	.50	1.00		
MARBLE SETTERS, Tile and Terrazzo Workers	8.10	b	.25		
MARBLE, Tile and Terrazzo Workers Helpers'	7.15	b			
PAINTERS:					
Brush	8.50		.25		
Structural Steel and Paperhangers	8.80		.25		
Spray, Swing Stage, hazardous and Sandblasting	9.05		.25		
PLASTERERS	9.03	.50	.40		
PLASTERERS TENDERS	6.735	.50	.40		.25
PLUMBERS	10.54	.50	.75		.10
ROOFERS:					
Composition	8.68	.15	.20	.20	.01
Slate; Tile	8.98	.15	.20	.20	.01
ROOFERS HELPERS	50%	.15	.20	.20	.01
SHEET METAL WORKERS	9.76	.35			
SOFT FLOOR LAYERS	8.95			C	
SPRINKLER FITTERS	10.55	.50	.80		.08

DECISION NO. NE76-4180

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Single Axle	$6.145	.25	.25		
Tandem Axle	6.22	.25	.25		
Lowboy, Trailer	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G- Christmas Eve; H- Day after Thanksgiving.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 6 paid holidays - A through F

b. Employer agrees to provide one-half cost of a Health and Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $0.20 per hour in cash.

c. Eight paid Holidays, A thru H; also employees with one years' continuous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 weeks paid vacation.

DECISION NO. NE76-4180

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen	$8.86	.35	1%		1/2%
Cable Splicers	9.26	.35	1%		1/2%
Truck Driver	6.42	.35	1%		1/2%
Equipment Operators	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	7.51	.50	.40		
Group 2	7.61	.50	.40		
Group 3	7.86	.50	.40		
Group 4	8.75	.50	.40		
Group 5	8.85	.50	.40		
Group 6	9.10	.50	.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group 1: Oilers; Greasers; Mechanics helpers

Group 2: Oiler drivers (motor truck crane)

Group 3: Conveyors; Heaters; Tractors, 35 HP or under; Air Compressors; Pump and welding machine operator

Group 4: Bulldozers; Forklifts; Concrete Pumps; Tractors over 35 HP; one drum hoists; Straddle Trucks; Spread Oiler

Group 5: Blades; End Loaders; Self Propelled Scrapers

Group 6: Two drum hoists; Trenching Machines; Pile drivers; Dredges; Heavy duty mechanics; Shovels; Draglines; Clamshells; Orange Peels; Cranes; Derricks; Backhoes; Winch Trucks and side booms or cat booms; Locomotives; Firemen used on high pressure boilers in construction work; Economobile; Electric Hammers and extractors

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV76-5098

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada
DATE: Date of Publication

Supersedes Decision Number NV76-5083 dated September 10, 1976, in 41 FR 38725.
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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$11.36	.78	$1.02		
Elko, Eureka, White Pine Counties	9.99	.52	1.02		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	12.80	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	10.87	.45	.50		.06
Remaining Counties and Nye County (north of Hwy. #6):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye Counties	7.77	.36	1.25	1.00	
Remaining Counties:					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.10	.50	.90	.55	.05
Zone B: 35-75 miles from Courthouse in Reno, Nevada	10.00	.50	.90	.55	.05
CARPENTERS:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the city limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah) (Cont'd):					
Zone 1 (Cont'd): fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$10.46	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	11.21	.55	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6, including City of Tonopah) (Cont'd):					
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	$12.46	.55	.90	$1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenter	9.55	.65	1.01	1.00	.05
Floor layer; Patent scaffold erector; Power saw operator	9.70	.65	1.01	1.00	.05
Piledrivermen	9.75	.65	1.01	1.00	.05
Millwrights	10.15	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (Cont'd):					
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Carpenter	$10.15	.65	$1.01	$1.00	.05
Floor layer; Patent scaffold erector; Power saw operator	10.30	.65	1.01	1.00	.05
Piledrivermen	10.35	.65	1.01	1.00	.05
Millwrights	10.75	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Carpenter	10.35	.65	1.01	1.00	.05
Floor layer; Patent scaffold erector; Power saw operator	10.50	.65	1.01	1.00	.05
Piledrivermen	10.55	.65	1.01	1.00	.05
Millwrights	10.95	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Carpenter	11.05	.65	1.01	1.00	.05
Floor layer; Patent scaffold erector; Power saw operator	11.20	.65	1.01	1.00	.05
Piledrivermen	11.25	.65	1.01	1.00	.05
Millwrights	11.65	.65	1.01	1.00	.05
CEMENT MASONS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08
Lake Tahoe Area:					
Cement Masons	10.10	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.35	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.75	1.00	.03

CEMENT MASONS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	$8.65	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.75	1.00	.03
Zone 2-Highway construction:					
Area outside of Zone 1:					
Cement Masons	9.90	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.15	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.75	1.00	.03
Zone 2-Nonhighway construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	9.40	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	9.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.75	1.00	.03
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	10.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.75	1.00	.03

DRYWALL INSTALLERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base	$9.80	.65	$1.01	$1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.40	.65	1.01	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.60	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.30	.65	1.01	1.00	.05
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	13.41	.73	1% + .40		.08
Cable Splicers	13.74	.73	1% + .40		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties including Lake Tahoe Area:					
Electricians; Technicians	11.84	.65	1% + .77		.08
Cable Splicers	13.02	.65	1% + .77		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	$12.39	.495	.32	3% + a	.02
Nevada east of 118° longitude and south of 39° N. latitude	12.00	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.63	.35	.40		.05
Remaining Counties	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Elko Area (including Montello, Wells, Elko, Carlin, Battle Mountain, Eureka, Pioche, Panaca, Caliente, McGill, Ruth, Ely); White Pine County; Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	9.35	.55	.85		.05
Remaining Counties:					
Fence Erector	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	9.30	.50	1.00	1.00	.06
Remaining Counties	10.86	.56	.20		.01
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (south half):					
Line Equipment Operator	12.90	.73	1%		3/4%
Cable Splicers	5%overJR	.73	1%		3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS (Cont'd):					
Lake Tahoe Area:					
Lineman	$10.34	.53	1% + .25		.03
Line Equipment Operator	9.31	.53	1% + .25		.03
Groundman	7.76	.53	1% + .25		.03
Cable Splicer	11.37	.53	1% + .25		.03
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	9.59	.53	1% + .25		.03
Line Equipment Operator	8.63	.53	1% + .25		.03
Groundman	7.19	.53	1% + .25		.03
Cable Splicers	10.55	.53	1% + .25		.03
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	11.55	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.90	.75	.35		.05
Buffing Steel; Sandblasters; Structural Steel	12.35	.75	.35		.05
Steeplejack	13.15	.75	.35		.05
Remaining Counties including Lake Tahoe Area:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	11.20	.70	.75		
PLASTERERS:					
Clark, Esmeralda, Lincoln, Nye Counties	9.98	1.00	.40	1.20	.08
Remaining Counties	9.35	.50	1.00		
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	7.75	.50	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	$11.05	$1.05	$1.90	$1.85	.08
Remaining Counties and Nye County (north half)	10.64	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.09	.73	.80	1.95	.10
PLUMBER HELPER (Utility)	5.80	.73	.10	.50	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.68	.65			
Remaining Counties and Nye County (north half)	10.10	.45	.20		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	10.23	.83	1.60	1.00	.07
Remaining Counties and Nye County (north half)	9.40	.94	1.80	.94	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.12	.40			.15
Remaining Counties including Lake Tahoe Area	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	10.87	.45	.50		.06
Remaining Counties and Nye County (north half):					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	10.75	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.65	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	10.75	.50	.60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six 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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	$7.63	.51	$1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection) Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Group 1	$9.35	.40	.65		
Group 2	9.46	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

LABORERS
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Op. (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-Man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (lead man); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile Man; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Op.; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

LABORERS (Cont'd)
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and including 1-1/2 yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted);

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yards, up to and including 6-1/2 yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

Group 7: Crane (Over 25 tons up to and including 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple, engine, Euclid, Caterpillar and similar) (Over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and Wheel type over 6-1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yds.); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Clark, Esmeralda, Lincoln and Nye County (south of Hwy. #6)

Group 1: Dump trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gals.); Pickups; Service; Repairman helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and fuel trucks (2500 to 4000 gals.); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Truck greaser and tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse clerk

Group 4: Dump trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and fuel trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type spreader trucks; Dumpster; Fork lift; Ross Carrier - highway; Road oil spreading truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and fuel trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

LABORERS*:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Building construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10
Group 6-A	9.15	.50	.90		.10
Group 6-B	8.85	.50	.90		.10
Group 6-C	8.50	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd):					
Building construction (Cont'd):					
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	$8.55	.50	.90		.10
Group 2	8.65	.50	.90		.10
Group 3	8.80	.50	.90		.10
Group 4	9.05	.50	.90		.10
Group 5	9.35	.50	.90		.10
Group 6-A	9.35	.50	.90		.10
Group 6-B	9.05	.50	.90		.10
Group 6-C	8.70	.50	.90		.10
Zone 4: Area over 40 road miles from the above communities:					
Group 1	9.25	.50	.90		.10
Group 2	9.35	.50	.90		.10
Group 3	9.50	.50	.90		.10
Group 4	9.75	.50	.90		.10
Group 5	10.05	.50	.90		.10
Group 6-A	10.05	.50	.90		.10
Group 6-B	9.75	.50	.90		.10
Group 6-C	9.40	.50	.90		.10
Highway construction:					
Area 1:					
Group 1	7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd):					
Highway construction (Cont'd):					
Area 2:					
Group 1	8.90	.50	.90		.10
Group 2	9.00	.50	.90		.10
Group 3	9.15	.50	.90		.10
Group 4	9.40	.50	.90		.10
Group 5	9.70	.50	.90		.10
Group 6-A	9.70	.50	.90		.10
Group 6-B	9.40	.50	.90		.10
Group 6-C	9.05	.50	.90		.10

*LABORERS - Area Definition - See "Area Definition" page following TRUCK DRIVERS.

TUNNEL LABORERS - See last page of Decision.

LABORERS
(Remaining Counties)

GROUP 1: All cleanup work of debris, grounds, and buildings including windows and tile; Lampman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

GROUP 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group 3): Greasing Dowels

GROUP 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric), Post driver; Riprap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt rakers

GROUP 5: Blasters and powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

GROUP 6-A: Nozzleman, Rodman

GROUP 6-B: Gunman, Materialman

GROUP 6-C: Reboundman

POWER EQUIPMENT OPERATORS* (Except Piledriving and Steel Erection): Remaining Counties:	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.75	$9.90	$1.12	$2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" page following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)
(Remaining Counties)

GROUP 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman

GROUP 2: Compressor; Material loader and/or conveyor (handling building materials); Pump; Tar pot fireman (power agitated)

GROUP 3: Box Operator (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rodman or chainman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

GROUP 4: Ballast Jack Tamper; Ballast regulator; Ballast tamper multi-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie spacer; Line Master

GROUP 5: Concrete Mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

GROUP 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors, Self-propelled tape machine

GROUP 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Instrument man; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plant; Self-propelled boom type lifting device (Center Mount) (10 ton cap. or less); Slusher; Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties

3 ft. depth) Truck type loader; Welding machines (gasoline or diesel); Roller (Asphalt)

GROUP 8: Asphalt Plant Engineer; Car Passer; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant (multiple units); Elevating grader; Grooving and Grinding machine (Highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck." M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine

GROUP 9: Canal Finger Drain Digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

GROUP 10: Boom type backfilling machine; Bridge crane; Cary-lift or similar; Chemical grouting machine; Chief of party; Derricks; Derrick barges (except excavation work); Euclid loader & similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and incl. 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire wrapping machine; Rubber tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (200 H.P. and over); Shuttle car (Reclaim station); Single engine scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley Crane (up to and incl. 25 tons); Trenching machine; Multi-engine with sloping attachments (JEFFCO or similar)

GROUP 10-A: Backhoe (up to and incl. 1 cu. yd. hydraulic); Backhoe (up to and incl. 1 cu. yd. (cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and incl. 1 cu. yd.); Motor patrol; Power shovels, Clamshells, Draglines, Cranes (up to and incl. 1 cu. yd.); Rubber-tired scraper, self-loading (Twin engine); Self-propelled boom-type lifting device (Center Mount) (Over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

TRUCK DRIVERS * (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 8.45	$ 9.60	.51	.65		.05
4 yards and under 8 yards	8.65	9.80	.51	.65		.05
8 yards and under 18 yards	8.85	10.00	.51	.65		.05
18 yards and under 35 yards	9.00	10.15	.51	.65		.05
35 yards and under 60 yards	9.25	10.40	.51	.65		.05
60 yards and under 75 yards	9.40	10.55	.51	.65		.05
75 yards and under 100 yards	9.55	10.70	.51	.65		.05
100 yards and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	8.85	10.00	.51	.65		.05
8 yards and including 12 yards	8.95	10.10	.51	.65		.05
Over 12 yards	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	8.65	9.80	.51	.65		.05
2,500 gallons and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit 2 axle	8.65	9.80	.51	.65		.05
Single unit 3 axle	8.75	9.90	.51	.65		.05

TRUCK DRIVERS (Cont'd) (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUS AND MANHAUL DRIVERS, Single unit Pickup:						
Up to 18,000 pounds	$ 8.50	$ 9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	8.60	9.75	.51	.65		.05
18,000 pounds and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSE CLERK	8.650	9.80	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05

*TRUCK DRIVERS - Area Definition - See "Area Definition" page, on next page.

AREA DEFINITIONS

Laborers:
Remaining Counties:
Highway construction:

Truck Drivers:
Remaining Counties

Power Equipment Operators:
(Except Piledriving and Steel Erection):
Remaining Counties:

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner of township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, range 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thence westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly along the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following line:
Commencing at the S.W. corner of township 37N, range 52E;
Thence easterly to the S.E. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Thence northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 32N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

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TUNNEL LABORERS
(Statewide except Clark, Esmeralda and Lincoln Cos., & the S 1/2 of Nye County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding and spreading; Grout Crew incl. Headerman and Potman; Reboundmen	$ 8.50	.50	.65		.10
NIPPER; Chuck Tenders and Cable Tenders; Powderman - Primer House; Steel Form Raisers and Setters; Vibratormen, Pavement Breakers	8.60	.50	.65		.10
GROUT GUNMEN; Jetgunmen; Gunmen	8.75	.50	.65		.10
MINERS-Tunnel, incl. Top and Bottom Man on Shaft and Raise Work; Timbermen, Retimberman - Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster - Potman (work assignment interchangeable)	8.80	.50	.65		.10
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	9.10	.50	.65		.10
SHIFTERS	9.35	.50	.65		.10
SHAFT WORK & Raise-Shifters	9.65	.50	.65		.10

SUPERSEDEAS DECISION

STATE: NEW JERSEY

LOCATION: BERGEN, ESSEX, HUDSON & PASSAIC COUNTIES

DECISION NO.: NJ76-3252

DATE: DATE OF PUBLICATION

Supersedes Decision No. NJ75-3098, dated September 26, 1975, in 40 FR 44433.

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.
ASBESTOS WORKERS	$10.11	.81	1.01	1.11	.04
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONEMASONS, CEMENT MASONS & PLASTERERS:					
AREA 1	10.60	.60	.70		.02
AREA 2	9.70	.97	.70		.02
AREA 3	10.05	.84	.65		.02
AREA 4					
Bricklayers & Stonemasons	10.76	.87	.75		
Cement Masons	9.85	.75	1.00		
Plasterers	9.85	.75	1.00		.05
AREA 5	10.85	.60	.60		.02

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Bergen, (north Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Berry's Creek west of the Hackensack River); Essex (except Millburn Township); Hudson (that portion west of the Hackensack River) Counties.

AREA 2 - Bergen (except Wallington, part of East Patterson, Garfield, North Arlington, part of Lyndhurst) County.

AREA 3 - Bergen (remainder of county) and Passaic Counties.

AREA 4 - Hudson (remainder of county) County.

AREA 5 - Essex (Millburn Township) County.

CARPENTERS, INSULATORS & MILLWRIGHTS:					
AREA 1					
Carpenters & Insulators	10.75	7%	7%		1/5 of 1%
Millwrights	11.00	7%	7%		1/5 of 1%

DECISION NO. NJ76-3252

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS: (CONT'D)					
AREA 2					
Carpenters & Insulators	$10.65	8%	7%		1/5 of 1%
Millwrights	10.90	8%	7%		1/5 of 1%
AREA 3	9.92	8%	8%+.50		.02
AREA 4					
Carpenters & Insulators	10.82	7%	7%		1/5 of 1%
Millwrights	11.07	7%	7%		1/5 of 1%

AREAS COVERED BY CARPENTERS, INSULATORS & MILLWRIGHTS

AREA 1 - Essex County

AREA 2 - Passaic County

AREA 3 - Bergen (east of Hackensack River including but not limited to Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia & Coytesville) and Hudson Counties.

AREA 4 - Bergen (remainder of county) County.

DOCKBUILDERS & PILEDRIVERMEN	10.92	1.25	1.73	.71	.02
DRYWALL TAPERS & FINISHERS	10.25	.50	.50		.10
ELECTRICIANS & CABLE SPLICERS:					
Family residence construction not to exceed 4 unit apartments	7.20	4%	1%		.05
Other residential construction:					
Essex County	12.34	8%	8%		
Bergen & Hudson Counties	12.68	6%	6%+.58		1/2 of 1%
Passaic County	11.30	6%	6%	10%	
ELEVATOR CONSTRUCTORS:					
Construction					
Mechanics	10.12	.495	.32+a	b+c	.02
Helpers	7.59	.495	.32+a	b+c	.02
Probationary Helpers	5.06				

DECISION NO. NJ76-3252

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (CONT'D)					
Modernization					
Mechanics	$ 9.35	.495	.32+a	b+c	.02
Helpers	7.01	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Contract Repairs					
Mechanics	8.50	.495	.32+a	b+d	.02
Helpers	6.38	.495	.32+a	b+d	.02
Probationary Helpers	5.06				
GLAZIERS:					
Bergen & Passaic Counties	9.77	.60	1.10		.03
Essex & Hudson Counties	11.10	.70	1.00		.05
IRONWORKERS - STRUCTURAL, ORNAMENTAL & REINFORCING	10.82	7%	23%	10%	1%
LABORERS:					
AREA 1					
Group 1	7.30	.75	.85		.02
AREA 2					
Group 1	7.20	1.00	.70		.02
AREA 3					
Group 1	8.05	.70	.30		.02
Group 2	8.30	.70	.30		.02
AREA 4					
Unskilled Laborers	7.85	.65	.40		.02
AREA 5					
Unskilled Laborers	7.60	.70	.60		.02
AREA 6					
Group 1	7.50	.70	.70		.02
AREA 7					
Unskilled Laborers	7.05	.70	.70	.50	.02

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CLASSIFICATION DEFINITIONS FOR LABORERS

AREA 1 - Group 1 - Laborers, air tool operators (jackhammers, vibrators), mason tenders, mortar mixers, pipelayers (concrete & clay) & plasterer tenders.

AREA 2 - Group 1 - Laborers, air tool operators (jackhammers, vibrators), mason tenders, mortar mixers, pipelayers (concrete & clay), plasterer tenders, wrecking & excavation.

AREA 3 - Group 1 - Regular laborers

AREA 3 - Group 2 - Mortar mixers, scaffold men & pneumatic hammer operators.

AREA 6 - Group 1 - Unskilled laborers, air tool operators, mason tenders, mortar mixers & pipelayers (concrete & clay).

AREAS COVERED BY LABORERS

AREA 1 - Bergen (Garfield, Passaic & Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

AREA 2 - Bergen (remainder of county) County.

AREA 3 - Essex (City of East Orange, Townships of South Orange and Maplewood) County.

AREA 4 - Essex (Orange & Montclair) County.

AREA 5 - Essex (Millburn Township) County.

AREA 6 - Essex (remainder of county) and Hudson (Kearny, East Newark and Harrison) Counties.

AREA 7 - Hudson (remainder of county) County.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$10.00	.60	.25		.02
LEADBURNERS	10.50	.40	.25	e	.01
LINE CONSTRUCTION:					
Essex County:					
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators & Groundmen	10.80	6%	8%	10%	1/2 of 1%
Passaic County:					
Linemen & Equipment Operators	11.00	4%	6%	10%	1/2 of 1%
Cable Splicers	11.95	4%	6%	10%	1/2 of 1%
Groundmen	7.70	4%	6%	10%	1/2 of 1%
Bergen & Hudson Counties:					
Linemen, Cable Splicers, Equipment Operators & Groundmen	11.92	5%	6%+.58		1/2 of 1%
Marble Setters, Terrazzo Workers & Tile Setters:					
Marble Setters	7.80	.78	.94	f	
Terrazzo Workers	10.03	1.21	1.50		
Tile Setters	8.50	.80	2.10		
Marble Setters, Terrazzo Workers & Tile Setters Helpers:					
Marble Setters' Helpers	7.33	.74	.88	f	
Terrazzo Workers' Helpers	8.84	.76	1.95		
Tile Setters' Helpers	8.45	6%	7%		
PAINTERS:					
Bergen & Passaic Counties:					
New & Old construction of one & two family houses:					
Painters & Tapers	8.80	.90	1.35		.06
Other residential construction:					
Painters & Tapers	9.55	.90	1.35		.06
Steel Outside	10.55	.90	1.35		.06
Spray & Sandblasting	11.55	.90	1.35		.06
Rollers on vitreous and/or exotic coatings	11.55	.90	1.35		.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
Essex & Hudson (West half of County) Counties:					
Painters on New Construction and Major Alterations	$ 9.40	.55	.50	.30	.05
Painters on Repaint Work	8.90	.55	.50	.30	.05
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 on interior work which requires painting higher than 20' above the ground or floor	9.55	.55	.50	.30	.05
Repaint work as described above	9.05	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials	10.00	.55	.50	.30	.05
Hudson (remainder of county) County:					
Painters & Paperhangers	6.75	.70	1.15	.30	
Exterior scaffold work	7.25	.70	1.15	.30	
PIPEFITTERS:					
Bergen & Hudson Counties	10.40	1.10	.80	1.00	.25
PLUMBERS:					
AREA 1	10.20	.70	.75	1.00	.03
AREA 2	10.55	.76	.75	1.00	.02
AREA 3	11.65	.75	1.00		.15

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AREA COVERED BY PLUMBERS

AREA 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Norwood, Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Rivervale, 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.

AREA 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Morsemere and Ridgefield) and Hudson (Guttenberg, North Nergen, Secaucus, Weehawken and West New York) Counties.

AREA 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	$11.475	.65	1.00		.15
PLUMBERS & PIPEFITTERS:					
AREA 1	10.51	.65	1.00	10%	.05
AREA 2	10.05	.675	1.36	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS

AREA 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County

AREA 2 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Hohokus, Waldwick, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahawah) & 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.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
Bergen (Lodi, Garfield & Wallington) & Passaic (Passaic) Counties:					
Plumbers	$10.615	.65	1.00	1.00	
Steamfitters	10.71	.505	1.00	1.00	
Essex (Short Hills & Millburn) County:	10.77	.60	1.00	.75	.10
Essex (remainder of county) County:					
Steamfitters	10.49	7%	9%	10%	½ of 1%
POWER EQUIPMENT OPERATORS:					
GROUP 1	14.39	7%	15%	g	3%
GROUP 2	12.68	7%	15%	g	3%
GROUP 3	11.85	7%	15%	g	3%
GROUP 4	11.75	7%	15%	g	3%
GROUP 5	11.53	7%	15%	g	3%
GROUP 6	11.07	7%	15%	g	3%
GROUP 7	10.80	7%	15%	g	3%
GROUP 8	10.64	7%	15%	g	3%
GROUP 9	10.59	7%	15%	g	3%
GROUP 10	10.48	7%	15%	g	3%
GROUP 11	10.43	7%	15%	g	3%
GROUP 12	10.21	7%	15%	g	3%
GROUP 13	9.83	7%	15%	g	3%
GROUP 14	9.67	7%	15%	g	3%
GROUP 15	9.35	7%	15%	g	3%

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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) gnd 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. Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (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; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); hester planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

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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 (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or 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-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or 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

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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 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 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).

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GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Bergen & Passaic Counties:					
Composition	$10.35	.68	1.00		
Composition Helpers	6.00	.68	1.00		
Slate & Tile	9.45	.70	1.00		
Slate & Tile Helpers	7.70	.70	1.00		
Essex County:					
Compsition, Damp & Waterproofing	10.71	.70	.50		
Slate & Tile	10.40	.70	.50		
Slate & Tile Helpers	9.30	.70	.30		
Hudson County:					
Composition, Damp & Waterproofing:					
West of the Hackensack River	10.71	.70	.50		
East of the Hackensack River	9.25	1.59	2.45	.65	
Slate & Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
SHEET METAL WORKERS:					
Bergen & Hudson Counties	10.17	5%+.16+h	5%+.10	4%+.06	.02
Essex & Passaic Counties	11.00	4%+.29	4%+.06	8%	.03
SOFT FLOOR LAYERS	8.99	6%	5%+.50		
SPRINKLER FITTERS	11.73	.60	.90		.07
TRUCK DRIVERS:					
Bergen, Hudson & Passaic Counties:					
GROUP 1	7.27	.68	.75	i+j	
GROUP 2	7.50	.68	.75	i+j	
GROUP 3	7.55	.68	.75	i+j	
GROUP 4	7.65	.68	.75	i+j	
GROUP 5	7.75	.68	.75	i+j	
Essex County:					
GROUP 1	7.27	k	.81	i+j	
GROUP 2	7.50	k	.81	i+j	
GROUP 3	7.55	k	.81	i+j	
GROUP 4	7.65	k	.81	i+j	
GROUP 5	7.75	k	.81	i+j	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

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CLASSIFICATION DEFINITIONS

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, 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 tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescoope, 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), Beltcrete 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, Thiokol 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.

GROUP 3 - Drivers on straight 3-Axle Materials: Trucks & Floats.

GROUP 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors & Wagons, Dumptors, 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.

GROUP 5 - Winch Trailers Drivers

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. 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.

d. Employees with 6 months of service but less 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.

e. 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 preceeding and following the holiday.

f. Paid Holiday: St. Patrick's Day.

g. 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 preceeding the holiday and the first work day after the recognized holiday.

h. Employer contribution of 3% based on the basic hourly rate plus health & welfare plus pension plus vacation fringes.

i. 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.

j. 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).

k. Employer contribution of $83.00 per month per employee to Health & Welfare Funds.

SUPERSEDEAS DECISION

STATE: NEW YORK- COUNTY: ONONDAGA
DECISION NO.: NY76-3258 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3230 dated August 20, 1976 in 41 FR 35398
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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.30	.81	.35		.04
Boilermakers	11.50	.75	10%		.02
Bricklayers and stone masons	9.10	.61	.70		.03
Carpenters, (Building)	9.62	.65	1.00	f	.05
Carpenters and piledrivermen, heavy and highway	8.67	.55	.60		.025
Cement masons, building	9.60	.80	.90	f	
Cement masons, heavy and highway	9.00	.70	.80	e	
Electricians:					
Elebridge and Skaneateles Twps.	11.45	.55	1%+.45		.10
Remainder of County	11.20	.57	1%+.85		.05
Elevator constructors	10.57	.495	.32	3%+a+b	.02
Elevator constructors' helper	7.40	.495	.32	3%+a+b	.02
Elevator constructors' helpers (prob.)	5.285				
Glaziers	10.00	.50			.01
Ironworkers, structural, ornamental and reinforcing	10.36	.72	.82		.15
Laborers, Building:					
Laborers	7.95	.70	.95		
Mason Tenders	8.05	.70	.95		
Scaffold Builders	8.05	.70	.95		
Lathers	9.535	.325	.40		.01
Lead burners	10.50	.40	.25	c	.01
Linemen:					
Linemen	11.10	.65	1%+.60	d	½%
Groundman digging machine operator	9.99	.65	1%+.60	d	½%
Groundman mobile equipment operator	8.88	.65	1%+.60	d	½%
Groundman truck driver	8.325	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Groundman dynamite man and Mechanic	8.88	.65	1%+.60	d	½%
Marble setters	8.765	.65	.76		
Millwrights	9.675	.65	.75		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$ 9.00	.60	.68		
Structural steel	9.60	.60	.68		
Spray	9.50	.60	.68		
Plumbers	10.40	.80	.72		.15
Roofers:					
Roofers	10.35	1.00	1.35		
Helpers: 1st 30 days	7.28	.35	.45		
Helpers: next 60 days	7.40	.35	.45		
Sheet metal workers	10.655	.60	.80		.07
Soft floor layers	9.62	.65	1.00	f	.05
Sprinkler fitters	11.61	.60	.90		.08
Steamfitters	10.795	.50	.50		.05
Terrazzo workers	8.765	.65	.76		
Tile setters	8.765	.65	.76		
Truck Drivers: (Building)					
Truck Drivers	8.00	.40	.50		
Mechanics	8.20	.40	.50		
Euclids	8.25	.40	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

PAID HOLIDAYS:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, X-Mas Eve; and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (providing employee works the day before and the day after the holiday).

e. Holidays: A through F provided employee works the day before and the day after the holiday.

f. Time off for the purpose of voting in accordance with the New York State Election Laws.

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8 LAB -2-3

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	7.44	.70	.95	a	
CLASS B	7.64	.70	.95	a	
CLASS C	7.84	.70	.95	a	
CLASS D	8.04	.70	.95	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.					

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

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NY 10 PEO 1 B

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$10.03	.95	.60	a	.10
Class 2	9.53	.95	.60	a	.10
Class 3	8.51	.95	.60	a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Drag-line; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

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POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories

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4-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	.60+a	b	.10
GROUP II	9.27	.55	.60+a	b	.10
GROUP III	8.59	.55	.60+a	b	.10
GROUP IV	7.80	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (5" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

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7-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.79	.55	.60	a	
CLASS 2	7.84	.55	.60	a	
CLASS 3	7.89	.55	.60	a	
CLASS 4	8.04	.55	.60	a	
CLASS 5	8.19	.55	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete-type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHAUTAUQUA

DECISION NO.: NY76-3259 DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY76-3239 dated August 20, 1976 in 41 FR 35434
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION -	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	10.41	1.02	.55		.04
Boilermakers	10.60	.70	1.00		.02
Bricklayers, cement masons, plasterers, stone masons, marble, terrazzo workers & tile setters	9.75	.50	.80		
Cement masons, heavy & highway	8.90	.50	.80		
Carpenters & soft floor layers, bldg.	8.87	.50	.95	a	.05
Carpenters heavy & highway	8.87	.50	.95	h	.025
Electricians:					
Twps, of Mina, French Creek, Clymer, Sherman, Chautauqua, Ellery, Harmony, North Harmony, Busti, Gerry, Ellicott, Kiantone, Ellington, Poland & Carroll	11.07	.50	1%+.50		1%
Remainder of County	11.20	.60	1%		.15
Glaziers	9.74	1.40	.55		.10
Ironworkers, structural, ornamental & reinforcing:					
Twps. of Cherry Creek, Ellington, Sheridan, Pomfret, Charlotte, Arkwright, Hanover, Villanova & Stockton	10.88	.98	1.23		
Remainder of County	10.00	1.11	1.01		.15
Laborers, building:					
Laborers & flagmen	7.45	.50	.65	a	
Blasterers, curb, form setters & pipelayers	7.70	.50	.65	a	
Work 40' & up	7.60	.50	.65	a	
Lathers	7.56	.40	.20		.01
Lead burners	10.50	.40	.25	b	.01
Line Construction:					
Linemen	11.10	.65	1%+.60	c	1%
Cable splicer	12.21	.65	1%+.60	c	1%
Groundman digging machine operator	9.99	.65	1%+.60	c	1%
Groundman mobile equipment operator	8.88	.65	1%+.60	c	1%
Groundman truck driver	8.325	.65	1%+.60	c	1%
Groundman dynamite man & Mechanic	8.88	.65	1%+.60	c	1%
Marble, tile & terrazzo workers' helpers	8.91	1.55	.40		
Millwrights	9.12	.50	.95		.05

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover & Villanova:					
Brush	10.255	.525+.45	.30		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	10.755	.525+.45	.30		.10
Sandblasting, swing stage, spray, bosun chair, epoxy	10.505	.525+.45	.30		.10
Bridges 35' high or above	11.92	.525+.45	.30		.10
Remainder of County:					
Painters	6.16	.52	.30		.01
Structural steel, bridge & stacks	6.46	.52	.30		.01
spray & sandblasting	6.81	.52	.30		.01
Roller	6.36	.52	.30		.01
Piledrivermen	9.12	.50	.95		.05
Plumbers:					
Twps. of Hanover, Sheridon, Dunkirk, Pomfret, Arkwright, Villanova, Portland, Stockton, Charlotte, Ripley, Westfield, Cherry creek and Fredonia					
Plumbers	11.53	.74	.85		.06
Steamfitters	11.92	.50	1.55		.08
Remainder of County					
Plumbers & steamfitters	10.22	.50	.45	2%	.01
Roofers	9.30	.50	.45	.15+g	
Sheet metal workers	9.50	.50	.50	d	.02
Sprinkler fitters	11.61	.60	.90		.08
Truck d-ivers, building	5.75	.44	.40	e+f	
Welders - craft rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Two hours paid time off on Election Day.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

FOOTNOTES (cont'd):

b. Holidays: A through F, Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holidays:

c. Holidays: A through F, Washington's Birthday, Good Friday, Election Day for President of the United States and Election of Governor of New York State (providing employee works the day before and the day after the holiday).

d. Two weeks vacation

e. Holidays: A through F.

f. One week vacation after one year's work; two weeks vacation after 2 years work.

g. One to three months service, 10 hours paid vacation, three to six months service, 20 hours paid vacation, six to nine months service 30 hours paid vacation, nine to twelve months service, 40 hours paid vacation.

h. Paid Holiday: Labor Day & Memorial Day

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LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$7.94	.50	.65	a	
CLASS B	8.14	.50	.65	a	
CLASS C	8.34	.50	.65	a	
CLASS D	8.54	.50	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$12.52	1.00	.50	a	.15
GROUP II	11.435	1.00	.50	a	.15
GROUP III	11.28	1.00	.50	a	.15
GROUP IV	11.24	1.00	.50	a	.15
GROUP V	11.155	1.00	.50	a	.15
GROUP VI	9.40	1.00	.50	a	.15
GROUP VII	11.24	1.00	.50	a	.15
GROUP VIII	9.085	1.00	.50	a	.15
GROUP IX	8.93	1.00	.50	a	.15
GROUP X	10.385	1.00	.50	a	.15
GROUP XI	11.00	1.00	.50	a	.15
GROUP XII	9.555	1.00	.50	a	.15
GROUP XIII	10.845	1.00	.50	a	.15
GROUP XIV	8.785	1.00	.50	a	.15
GROUP XV	11.935	1.00	.50	a	.15
GROUP XVI	12.435	1.00	.50	a	.15
GROUP XVII	12.935	1.00	.50	a	.15

BUILDING --POWER EQUIPMENT OPERATORS:

GROUP I: Master Mechanic

GROUP II: all boom type equipment (100 ft or less), all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finisher course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile dribing machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op.

GROUP VI: Air compressor operator, (under 160 CFM), air compressor op., (over 160 CFM), generator mechanical hester, (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), monorail

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., cement bin op., concrete mixer op., (under ½ c.y.), tractor machines

GROUP XI: Grout Machine Operator, Heating Boiler Operator (used for temporary heat), lubrucatuib unit on truck, pneumatic mixer operator

GROUP XII: Pump Operator (4" or over); Pump Operator 2-3 in a battery)

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BUILDING--POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP XIII: Bulldozer & tractor (50 H.P. drawbar and under), jeep trench, mulchers, power brooms 7 rakes, seeders

GROUP XIV: Apprenctice Engineer or Oiler, Mechanical Heaters (when 1 or 2 are used), Pump Operators (one inch), Pump Operators (2 inches), Pump Operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee works the working day before and the working dat after the holiday.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.97	.50	1.00	a	.15
CLASS II	10.74	.50	1.00	a	.15
CLASS III	10.36	.50	1.00	a	.15
CLASS IV	9.63	.50	1.00	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, pelns crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y,) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

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TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION -	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.79	.55	.60	a	
CLASS 2	7.84	.55	.60	a	
CLASS 3	7.89	.55	.60	a	
CLASS 4	8.04	.55	.60	a	
CLASS 5	8.19	.55	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: WESTCHESTER
DECISION NO. NY76-3260
DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3235 dated August 20, 1976 in 41 FR 35424
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	12.98	5%	10%		
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers	9.00	1.00	2.25	1.25+f	.05
Carpenters and insulators	9.08	1.20	.95	1.07	.085
Cement masons	9.00	1.00	2.25	1.25+f	.05
Electricians	10.93	5%%+h	7½%	10%	½%
Elevator constructors	9.52	.445	.29+e	a+b	.02
Elevator constructors' helpers	7.14	.445	.29+e	a+b	.02
Elevator constructors' helpers (prob)	4.76				
Elevator constructor modernization	8.75	.445	.29+e	a+b	.02
Elevator constructor modern. helpers	6.56	.445	.29+e	a+b	.02
Elevator constructor repair	7.90	.445	.29+e	a+b	.02
Elevator constructor repair helper	5.92	.445	.29+e	a+b	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers, structural	11.65	1.20	2.70	1.50+g	.06
Ironworkers, ornamental finisher	10.24	.86	2.35	.78	.04
Ironworkers, reinforcing	9.10	.785	1.755	.75	.01
Laborers: (Building)					
Laborers, mason, plasterers, bricklayers, tenders, concrete laborers & pipelayers	7.40	.95	.85	.75	
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	7.65	.95	.85	.75	
Lathers, nail-on	12.00				.01
Lathers, metal	10.10	.785	1.765	.75+j	.03
Lead burners	10.50	.40	.25	c	.01
Line Construction:					
Linemen	9.33	.56	1%+.61	.93	½%
Cable splicer	9.33	.56	1%+.61	.93	½%
Cable splicer helper	9.33	.56	1%+.61	.93	½%
Groundman	9.33	.56	1%+.61	.93	½%
Driver groundman	9.33	.56	1%+.61	.93	½%
Dynamite man	9.33	.56	1%+.61	.93	½%
Marble setters, marble cutters	8.00	.63	1.41	i	
Marble setters' helpers, crane op	7.33	.63	1.41	i	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble carvers	$ 7.95	.63	1.41	i	
Derrickmen	7.33	.63	1.41	i	
Marble sawers, rubbers, polishers	7.57	.63	1.41	i	
Millwrights	9.36	.90	1.53		
Painters:					
Brush	8.80	.50	.50+h	.40	
Structural steel, swing stage	10.05	.50	.50+h	.40	
Spray	9.80	.50	.50+h	.40	
Piledrivermen & dock builders	10.92	1.25	1.73	.65	.02
Plasterers	9.00	.75	1.75	1.00+f	.05
Plumbers	10.18	8%+d	8½%	11%	½%
Roofers:					
Composition, damp & waterproofing	9.35	1.09	2.45	.65	
Slate and tile	10.82	.55	1.20	1.75	
Slate and tile helpers	7.90	.50	.80	.80	
Sheet metal workers	10.00	9.3%	16%	9%	.02
Soft floor layers	9.08	1.20	.95	1.07	.085
Steamfitters	10.18	8%+d	8½%	11%	½%
Stone masons	9.00	1.00	2.25	1.25+f	.05
Terrazzo machine operator	8.99	1.21	1.50		
Terrazzo workers	9.10	.62	1.95		
Terrazzo workers' helpers	8.84	1.21	1.50		
Tile setters	8.50	.80	2.10		
Tile setters' helpers	7.90	.50	1.27		
Sprinkler Fitters	11.61	.60	.90		.08
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; Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

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BUILDING HEAVY AND HIGHWAY CONSTRUCTION

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

d. Employer contributes $7.60 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.

e. Employer contributes $8.00 per day to Annuity Fund.

f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)

g. Holidays: A through F, providing the employee works a full half day preceding the holiday.

h. Employer contributes $3.00 per day workman to Security Benefit Fund.

i. Paid Holidays: St. Patrick's Day

j. Work on Christmas and New Yeer's Eve will terminate at noon, but employees will receive a full day's pay.

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EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters, blaster (quarry master)	$9.02	8%	8%	a + 82	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	8.48	8%	8%	a + .82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	8.37	8%	8%	a + .82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	8.22	8%	8%	a + .82	
Joy driller's helper wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	8.12	8%	8%	a + .82	

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (CONT'D)					
Wrecking:					
Barmen, and burner	$8.62	8%	8%	a + .82	
Barmen helpers and laborers	8.47	8%	8%	a + .82	
Shaft and Tunnel in Free Air:					
Blasters	9.27	8%	8%	a + .82	
Concrete setters	9.47	8%	8%	a + .82	
Form setters	8.97	8%	8%	a + .82	
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators	8.77	8%	8%	a + .82	
Puddlers	8.72	8%	8%	a + .82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners	8.62	8%	8%	a + .82	
Laborers	8.37	8%	8%	a + .82	
Powder carriers, signalmen	8.32	8%	8%	a + .82	
Brakemen	8.27	8%	8%	a + .82	
Outside laborers	8.02	8%	8%	a + .82	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ran), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8½%	a	1½%
GROUP II	11.37	6%+.875	8½%	a	1½%
GROUP III	11.2275	6%+.875	8½%	a	1½%
GROUP IV	11.085	6%+.875	8½%	a	1½%
GROUP V	9.9425	6%+.875	8½%	a	1½%
GROUP VI					
A	13.655	6%+.875	8½%	a	1½%
B	12.7975	6%+.875	8½%	a	1½%
C	8.9975	6%+.875	8½%	a	1½%
D	11.7975	6%+.875	8½%	a	1½%
E	10.5125	6%+.875	8½%	a	1½%
F	11.37	6%+.875	8½%	a	1½%
G	16.5125	6%+.875	8½%	a	1½%
H	9.9425	6%+.875	8½%	a	1½%
I	16.2275	6%+.875	8½%	a	1½%
J	14.5125	6%+.875	8½%	a	1½%
K	15.5125	6%+.875	8½%	a	1½%
L	12.785	6%+.875	8½%	a	1½%
M	13.285	6%+.875	8½%	a	1½%
GROUP VII	12.5125	6%+.875	8½%	a	1½%

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional koader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.85	6%	8%+a	b	1%
GROUP II	10.45	6%	8%+a	b	1%
GROUP III	10.325	6%	8%+a	b	1%
GROUP IV	10.20	6%	8%+a	b	1%
GROUP V	9.20	6%	8%+a	b	1%
GROUP VI	11.45	6%	8%+a	b	1%
GROUP VII	10.825	6%	8%+a	b	1%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday Columbus Day; November Election Day and Veteran's Day.

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Straight jobs, A-Frame (inside cab), winch (inside cab), two, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op. concrete mixer, lift (in garage, yards and on job site)	$7.675	.40	.65	a+b		
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants	7.80	.40	.65	a+b		
Tractor trailers (carrying equipment), weighmasters	7.925	.40	.65	a+b		
Euclid	8.05	.40	.65	a+b		
Euclids, Athey wagons, trailer wagons, belly dumps (under 40 tons)	8.425	.40	.65	a+b		
Athey wagons, trailer wagons, belly dumps (over 40 tons)	8.675	.40	.65	a+b		
Dual purpose grease & fuel trucks, fuel trucks, tire trucks	8.125	.40	.65	a+b		
Welders, maintenance men, mechanics	7.90	.40	.65	a+b		
Helicopter operator	17.65	.40	.65	a+b		
Mechanic helpers, stock room men	7.55	.40	.65	a+b		
Yardmen and helpers	7.425	.40	.65	a+b		
Darts (up to 100 tons)	9.175	.40	.65	a+b		
RXS	9.55	.40	.65	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of sneiority service.

SUPERSEDEAS DECISION

STATE: NEW YORK- COUNTY: NIAGRA
DECISION NO. NY76-3261 DATE: Date of Publication
Supersedes Decision No. NY76-3241 dated August 20, 1976 in 41 FR 35443
DESCRIPTION WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos worker	$10.41	1.02	.55		.04
Boilermakers	10.60	.70	1.00		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	11.49	.55	1.25		
Terrazzo workers & tile setters	11.205	.55	1.25		
Marble setters	11.11	.55	1.25		
Remainder of County:					
Bricklayers & stone masons	10.54	.72	.47		
Marble masons, terrazzo works & tile setters	10.29	.72	.47		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	10.43	1.25	1.40		
Soft floor layers	10.13	1.25	1.40		
Remainder of County:					
Carpenters & soft floor layers	9.14	.60	1.05		.02
Millwrights	9.25	.60	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivermen	8.12	1.20	1.00	g	.025
Cement masons	10.55	.81	.25		
Electricians:					
Electricians	11.18	.45	1% + .80		½ of 1%
Cable splicers	11.68	.45	1% + .80		½ of 1%
Elevator constructors	11.825	.545	.35	4%+a+b	.02
Elevator constructors' helpers	8.28	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	5.91				
Glaziers	9.74	1.40	.55		.10
Ironworkers:					
Structural, ornamental & reinforcing	10.47	.51	.82		
Lathers	10.715		.20		
Lead burners	10.50	.40	.25	c	.01

DECISION NO. NY76-3261

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen:					
Linemen	$11.10	.65	1%+.60	d	½%
Groundman digging machine operator	9.99	.65	1%+.60	d	½%
Groundman mobile equipment operator	8.88	.65	1%+.60	d	½%
Groundman truck driver	8.325	.65	1%+.60	d	½%
Mechanics and Groundman dynamite man	8.88	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Marble, tile and terrazzo workers helpers	8.91	1.55	.40		
Painters:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	10.255	.975	.30		.10
Cranes, steel, tanks, towers, stacks, bridges, flag poles, radio TV towers	10.755	.975	.30		.10
Sandblasting, swing stages, scaffold, epoxy, spray, bosun chair	10.505	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	11.92	.975	.30		.10
Remainder of County:					
Brush	8.59	1.12	.35		.01
Spray, steel steeple jack, swing scaffold	9.24	1.12	.35		.01
Bridge-crossing the Niagara River	11.255	1.12	.35		.01
Piledrivermen:					
Piledrivermen, dock carpenters and drivers' tenders	10.43	1.25	1.10		
Drivers	16.87	1.25	1.10		
Plasterers	10.96				

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers and Steamfitters	$11.50	.865	.81		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	$ 9.74	.89	1.30		.02
Slate, tile asbestos & pre-cast tile	9.89	.89	1.30		.02
Sheet metal workers, commercial	11.48	1.00	.80		.08
Sprinkler fitters	11.69	.60	.90		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	10.145	.60	.55	e + f	
Euclid	10.395	.60	.55	e + f	
Dump	8.80	.50	.55		
Ready-mix	9.39	.50	.55		
Welders - Craft Rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays; A through F; Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State; provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even through laid off.

g. Paid Holidays: Labor Day, Memorial Day.

DECISION NO. NY76-3261

NIAGARA COUNTY: EXCEPT THE CITY OF NORTH TONAWANDA

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LABORERS: HEAVY, HIGHWAY, BUILDING AND AIRPORT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.26	.60	1.95		
GROUP II	8.75	.60	1.95		
GROUP III	8.46	.60	1.95		
GROUP IV	9.26	.60	1.95		

LABORERS: HEAVY, HIGHWAY, BUILDING, AND AIRPORT CONSTRUCTION

GROUP I
Laborers

GROUP II
Form setter, wagon drill op., road finishers, gunnite nozzlemen, sandblasters, burning torch, concrete saw op.

GROUP III
Potman, pipelayers, pavement breakers or busters, jackhammer op., barco rammers, chain saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, men working from swinging scaffold bosum chair, suspended cage or bucket, work in caissons below 8 feet, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power.

GROUP IV
Blasters

DECISION NO. NY76-3261

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NIAGARA COUNTY: EXCEPT N. TONAWANDA LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.61	.60	1.95		
GROUP II	8.51	.60	1.95		
GROUP III	8.46	.60	1.95		
GROUP IV	9.26	.60	1.95		
GROUP V	8.86	.60	1.95		
GROUP VI	8.26	.60	1.95		
GROUP VII	9.11	.60	1.95		

LABORERS: ROCK TUNNEL FREE AIR CONSTRUCTION

GROUP I
Driller, shaft driller

GROUP II
Chucker, mucking machine tender, shaft muckers

GROUP III
Nipper, car pusher (tramer), track gang, bull gang, cage man, concrete gang, powder monkey

GROUP IV
Blasters

GROUP V
Rodman

GROUP VI
Laborer & top man

GROUP VII
Burning torch on demolition work

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excauating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Rolman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, fortlifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction Power Equipment Operator's	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.06	.40	.40+.40	a	.10
GROUP II	9.46	.40	.40+.40	a	.10
GROUP III	8.66	.40	.40+.40	a	.10
GROUP IV	8.66	.40	.40+.40	a	.10
GROUP V	9.14	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; providing employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: MONROE
DECISION NO.: NY76-3262 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3238 dated August 27, 1976 in 41 FR 36393
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.17	1.10	.50		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, Plasterers and Stone Masons	10.665	.55	.75		.04
CARPENTERS, Heavy and Highway	8.88	.85	.59		.025
CARPENTERS, Building	10.30	.75	.99		.03
CEMENT MASONS, Building	10.665	.55	.75		.04
CEMENT MASONS, Heavy and Highway	8.90	.55	.75		
ELECTRICIANS	10.85	.70	1%+1.35		½%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	11.55	.545	.35	3%+a+b	.02
Elevator Constructors' Helpers	8.085	.545	.35	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.775				
GLAZIERS	9.55	1.02	.56		.05
IRONWORKERS:					
Structural, Ornamental, Reinforcing	10.29	.74	.82		.10
LABORERS, Building					
Laborers	8.00	1.30	.84		
Blasters	9.37	1.30	.84		
Air track, Wagon drill operator, Asphalt rakers	8.40	1.30	.84		
Jackhammers, Mortar mixers, Concrete vibrator, Pipelayers, burners and cutters for wrecking and demolition	8.30	1.30	.84		
LATHERS	10.78		.50		.01
LEADBURNERS	10.50	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen	11.10	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Groundman digging machine op.	9.99	.65	1%+.60	d	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	d	½%
Groundman truck driver	8.325	.65	1%+.60	d	½%
Groundman dynamite man & mechanic	8.88	.65	1%+.60	d	½%
MARBLE, TILE & TERRAZZO WORKERS	11.86				
MARBLE, TILE & TERRAZZO WORKERS HELPERS	8.75	1.64			
PAINTERS:					
Brush and roller	8.95	.60	.87		.04
Swing scaffold	9.45	.60	.87		.04

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DECISION NO. NY76-3262	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Structural Steel:					
Up to 40'	$ 9.45	.60	.87		.04
Over 40'	9.65	.60	.87		.04
Spray	9.55	.60	.87		.04
PILEDRIVERMEN & MILLWRIGHTS:					
Building	10.72	.75	.99		.005
PILEDRIVERMEN & MILLWRIGHTS:					
Highway & Heavy	8.88	.85	.59		.025
PLUMBERS & STEAMFITTERS	10.49	2.265	.62	.55+e	.16
ROOFERS:					
Roofers	10.67	.63	.63	f	
SHEET METAL WORKERS	11.09	.70	1.00		
SOFT FLOOR LAYERS	9.42	.75	.66		.005
SPRINKLER FITTERS	11.61	.60	.90		.08
TERRAZZO MACHINE OPERATOR	8.85		1.64		
TRUCK DRIVERS, Building	9.20	.45	.50		
WELDER - Craft rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceeding and following the holiday.
d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee works the day before and the day after the holiday.
e. Holidays: C,D,E,F
f. On any election day workmen will be given sufficient time off for the purpose of voting and paid for said time in compliance with New York State Law.

19-LAB-2H

DECISION No. NY76-3262

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers					
Heavy Construction Excavating Paving:					
Laborers & chuck tenders	$ 7.62	1.40	.89	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.87	1.40	.89	a	
Curb cockmen, pipe layers, layers of conduit and all air, electric gas and deisel motor driven tool op.	7.82	1.40	.89	a	
Relining of all types of pipe	8.02	1.40	.89	a	
Blasters	9.32	1.40	.89	a	
Meter setters and meter changers	7.92	1.40	.89	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

DECISION NO. NY76-3262

Leborers, Tunnel Rock

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Top men	$8.51	.80	1.34		
Concrete bottom men, bull gang, cage men, bottom man, track gang, car pushers, compress air lines, fan lines, and water lines	8.81	.80	1.34		
Mucking machine tender, shaft mucker, shaft driller, tender air track driller tender	8.91	.80	1.34		
Air track driller, chuck tender (heading) powder monkey	9.01	.80	1.34		
Burning and welding	9.21	.80	1.34		
Rod men form work (metal), pile driving (wood or metal)	9.31	.80	1.34		
Set-up men and slusher men, electrical, heading driller (jack leg)	9.41	.80	1.34		
Blaster, form work (wood), and cement finishing	9.51	.80	1.34		

DECISION NO. NY76-3262

5-LAB-2-3

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
CLASS A	$ 6.80	1.40	.89	a	
CLASS B	7.00	1.40	.89	a	
CLASS C	7.20	1.40	.89	a	
CLASS D	7.40	1.40	.89	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY76-3262

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-noble and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

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DECISION NO. NY76-3262

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$10.85	.50	.50+.30	a	.10
I-B	10.90	.50	.50+.30	a	.10
I-C	11.15	.50	.50+.30	a	.10
I-D	11.40	.50	.50+.30	a	.10
I-E	11.90	.50	.50+.30	a	.10
I-F	12.40	.50	.50+.30	a	.10
I-G	12.90	.50	.50+.30	a	.10
I-H	13.40	.50	.50+.30	a	.10
GROUP II	10.85	.50	.50+.30	a	.10
GROUP III	10.67	.50	.50+.30	a	.10
GROUP IV	9.58	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

FOOTNOTES:

a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES - POWER EQUIPMENT OPERATORS:

GROUP I: Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator purpose hydraulically operated, front end loader (4 c. y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant road widener, roller (all above sub-grader), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom,

GROUP III: Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (four of any type or combinations), concrete pavement spreaders and finishers, conveyors, drill, core, drill well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hammer-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points

GROUP IV: Compressors (any size, but subject to other provisions for compressors, dust collectors, generators, welding machine (three or less of any type or combination) concrete mixer (16S or under), concrete saw self propelled, foreman, form tamper, mulching machine, oiler, power heater-man, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity

DECISION NO. NY76-3262

13-PEO-2

EXCAVATING FOR SITE PREPAPATION SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$9.65	.80	.50	a	.10
GROUP II	9.45	.80	.50	a	.10
GROUP III	9.15	.80	.50	a	.10
GROUP IV	8.40	.80	.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before the working day after the holiday.

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27-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.69	.55	.60+a	b	.10
GROUP II	9.31	.55	.60+a	b	.10
GROUP III	8.69	.55	.60+a	b	.10
GROUP IV	7.96	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (6" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.55	a	
CLASS 2	7.74	.65	.55	a	
CLASS 3	7.79	.65	.55	a	
CLASS 4	7.94	.65	.55	a	
CLASS 5	8.09	.65	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHEMUNG
DECISION NO: NY76-3263 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3243 dated August 20, 1976 in 41 FR 35453
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			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.30	.81	.35		.04
BOILERMAKERS	10.60	.70	1.00		.02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	10.00		.50		
CARPENTERS, BUILDING:					
TWPS. OF CHAMBERS, POST CREEK, BIG FLATS, AND SAGETOWN					
CARPENTERS	8.81	.40	.95		.02
MILLWRIGHTS AND PILEDRIVERMEN	9.06	.40	.95		.02
REMAINDER OF COUNTY:					
CARPENTERS & SOFT FLOOR LAYERS	9.47	.35	.50		.04
MILLWRIGHTS AND PILEDRIVERMEN	9.72	.35	.50		.04
CARPENTERS, HEAVY & HIGHWAY					
TWPS. OF CHAMBERS, POST CREEK, BIG FLATS, SAGETOWN	8.92	.50	.95	a	.025
REMAINDER OF COUNTY	9.47	.35	.50	a	.025
CEMENT MASONS, HEAVY & HIGHWAY	9.70		.50		
ELECTRICIANS	11.60	.50	1%+.50	f	.05
ELEVATOR CONSTRUCTORS	9.425	.495	.32	3%+b+c	.02
ELEVATOR CONSTRUCTOR HELPERS	6.60	.495	.32	3%+b+c	.02
ELEVATOR CONSTRUCTOR HELPERS PROBATIONARY	4.71				
GLAZIERS	7.18	.35	.30		.01
IRONWORKERS:					
STRUCTURAL, ORNAMENTAL, AND REINFORCING	9.33	.70	.82		.05
LABORERS:					
LABORERS	6.90	.40	.25		
MORTAR MIXER(HAND OR MACHINE FOR 3 OR MORE MEN), JACKHAMMER, PAVEMENT BREAKERS, PIPELAYERS (OVER 6"), GIN BUGGY, WORK ON SCAFFOLD, CHAIN SAW OPERATOR, AND ALL OTHER TYPES OF GAS, ELECTRIC AND AIR TOOLS	7.10	.40	.25		.01
LATHERS	9.63		.20		.01
LEAD BURNERS	10.50	.40	.25	d	.01

DECISION NO. NY76-3263

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
LINEMAN	$11.10	.65	1%+.60	e	1%
CABLE SPLICER	12.21	.65	1%+.60	e	1%
GROUNDMAN DIGGING MACHINE OP.	9.99	.65	1%+.60	e	1%
GROUNDMAN MOBILE EQUIPMENT OP.	8.88	.65	1%+.60	e	1%
GROUNDMAN TRUCK DRIVER	8.325	.65	1%+.60	e	1%
GROUNDMAN DYNAMITE MAN	8.88	.65	1%+.60	e	1%
PAINTERS:					
BRUSH	7.71	.35	.30		
STRUCTURAL STEEL	8.71	.35	.30		
SWINGING SCAFFOLD	7.96	.35	.30		
BOATSWAIN CHAIR	7.96	.35	.30		
SPRAY	8.56	.35	.30		
BRUSH-ROLL EPOXY	8.26	.35	.30		
SPRAY-EPOXY	8.96	.35	.30		.05
PLUMBERS AND STEAMFITTERS	10.00	.60	.80		.10
ROOFERS	8.89	.44	1.00		
SHEET METAL WORKERS	8.87	.46	.60		.07
SPRINKLER FITTERS	11.61	.60	.90		.08

HOLIDAYS:
A-NEW YEAR'S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY; D-LABOR DAY; E- THANKSGIVING DAY; F-CHRISTMAS DAY

FOOTNOTES:

a. PAID HOLIDAYS: MEMORIAL DAY, LABOR DAY.
b. PAID HOLIDAYS: A THROUGH F
c. EMPLOYER CONTRIBUTES 4% BASIC HOURLY RATE FOR 5 YEARS OR MORE OF SERVICE OR 2% BASIC HOURLY RATE FOR 6 MONTHS TO 5 YEARS OF SERVICE AS VACATION PAY CREDIT
d. HOLIDAYS A THROUGH F; WASHINGTON'S BIRTHDAY, GOOD FRIDAY, X-MAS EVE, PROVIDIN EMPLOYEE HAS WORKED 30 FULL DAYS DURING THE 90 CALANDER DAYS PRIOR TO THE HOLIDAYS, AND THE REGULAR SCHEDULED WORK DAY IMMEDIATELY PRECEEDING AND FOLLOWING THE HOLIDAYS.
e. PAID HOLIDAYS: A THROUGH F; GOOD FRIDAY, WASHINGTON'S BIRTHDAY, ELECTION DAY FOR PRESIDENT OF THE UNITED STATES AND ELECTION OF GOVERNOR OF NEW YORK STATE, PROVIDED THE EMPLOYEE WORKS THE DAY BEFORE AND AFTER THE HOLIDAY.
f. EMPLOYEE SHALL WORK 4 HOURS AND RECEIVE 8 HOURS PAY ON CHRISTMAS EVE.

DECISION NO. NY76-3263 PAGE 5

N.Y.-13-LAB-2-3-5

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	$7.89	.50	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	8.09	.50	.45	a	
Blasters, form setters, stone or granite curb setters	8.29	.50	.45	a	
	8.49	.50	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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DECISION NO. NY76-3263 PAGE 4

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-moble and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

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DECISION NO. NY76-3263

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$10.85	.50	.50+.30	a	.10
I-B	10.90	.50	.50+.30	a	.10
I-C	11.15	.50	.50+.30	a	.10
I-D	11.40	.50	.50+.30	a	.10
I-E	11.90	.50	.50+.30	a	.10
I-F	12.40	.50	.50+.30	a	.10
I-G	12.90	.50	.50+.30	a	.10
I-H	13.40	.50	.50+.30	a	.10
GROUP II	10.85	.50	.50+.30	a	.10
GROUP III	10.67	.50	.50+.30	a	.10
GROUP IV	9.58	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

FOOTNOTES:

a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

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DECISION NO. NY76-3263

23-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	1.00	a	.10
GROUP II	9.27	.55	1.00	a	.10
GROUP III	8.59	.55	1.00	a	.10
GROUP IV	7.80	.55	1.00	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, ele pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ORANGE
DECISION NO: NY76-3264 DATE: Date of Publication
Supersedes Decision No. NY76-3232 dated August 20, 1976 in 41 FR 35409
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

36-NY-1-2-3- D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$12.98	5%	10%		
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers, cement masons plasterers and stone masons:					
Twps., of Newburg, New Windsor, Blooming Grove, Cornwall, Highlands, Woodbury and Monroe; and Arden and Southfield	9.95	1.10	1.10		
Cement finishers, Hvy. & Hwy.	10.20	1.10	1.10		
Cement finishers, Bridge & overpass work -	7.70	.97	.98	1.25	
Greenwood Lake, Warwick, Monroe and Tuxedo to Hudson River and areas east thereof to County line	8.90	.69	1.69	1.00+g	.03
Remainder of County	8.75	.83	.78	1.00	
Cement masons, Hvy. & Hwy.	8.05	6%	8%	.50	
Carpenters:					
Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove and Highlands:					
Carpenters, soft floor layers, bridge dock and wharf carpenters, building, heavy and highway	9.67	.85	.75	1.15	.15
Remainder of County:					
Carpenters, building:					
Carpenters & soft floor layers	9.70	.60	.60	.55	.05
Piledrivermen, dock builders building	9.70	.60	.60	.55	.05
Carpenters, highway:	9.70	.60	.60	.55	.05
Piledrivermen, dock builders, highway	9.70	.60	.60	.55	.05
Electricians:					
Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harman, Southfields, Tuxedo Lake and Tuxedo Twp.	10.00	8%	17%	10%	1%

DECISION NO. NY76-3264

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of County	$10.10	.75	1%+.69	.60	½%
Remainder of County:					
For the repair, renovation, alteration, and new installations of Electrical systems in light commercial and industrial property, herein defined to include stores, gas station, motels & hotels	6.35	.75	1%	.30	
Elevator Constructors	10.12	.495	.32+f	b+c	.02
Elevator Constructors' helpers	7.59	.495	.32+f	b+c	.02
Elevator Constructors' helpers (prob.)	5.06				
Elevator Constructors Modernization	9.35	.495	.32+f	b+c	.02
Elevator Constructors Modern. Helpers	7.01	.495	.32+f	b+c	.02
Elevator Constructor repair	8.50	.495	.32+f	b+c	.02
Elevator Constructor repair helper	6.38	.495	.32+f	b+c	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers, structural, ornamental and reinforcing	9.75	1.35	1.10+.82	1.35	
Laborers: (Building)					
Common Laborers, mason tenders, mortar mixers, hod carriers, scaffold builder, concrete men, vibrator men, poured gypsum roof work, wrecking, walking power buggy men, landscaper and chipping hammer (air or electric 1" or under)	8.30	.90	.90	a	
Asphalt men, pipe layers, air or electric jackhammer, powermen, gunnite, sandblasting, barmen, chain saw, riding power buggy, vibro barco, joy tamper, or similar walk behind roller	8.55	.90	.90	a	
Lathers	9.02	.90	.55	.75	.01
Leadburners	10.50	.40	.25	d	.01

DECISION NO. NY76-326

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Linemen cable splicer helper & material man	$11.10	.65	1%+.60	e	½%
Groundman digging machine operator	9.99	.65	1%+.60	e	½%
Groundman mobile equipment operator	8.88	.65	1%+.60	e	½%
Groundman truck driver and mechanic	8.325	.65	1%+.60	e	½%
Groundman dynamite man	8.88	.65	1%+.60	e	½%
Cable splicer	12.21	.65	1%+.60	e	½%
Marble setters, terrazzo workers and tile setters:					
West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thereof County lines:					
Marble setters, cutters	7.80	.78	.94		
Marble setters' helpers	8.50	1.05		1.15	
Terrazzo workers	8.40	1.11	.63		
Terrazzo workers' helpers	7.43	.475	.475		
Terrazzo machine operator	7.68	.475	.475		
Tile setters	8.50	.80	2.10		
Tile setters' helpers	7.90	.50	1.27		
Millwrights	10.39	1.10	1.68	.60	.02
Painters:					
Commercial & industrial	8.00	10%	.50		
Spray & sandblasting	9.00	10%	.50		
Steel, smoke stacks, bridges, towers, etc.	8.90	10%	.50		

DECISION NO: NY76-326

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Steamfitters:					
Twps., of Villages & Hamlets and/or portions thereof: Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Parks, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury Station, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	9.10	11%	12%	12%	.10
Remainder of County	10.36	14.4%	7%	6%	.10
Roofers:					
Pitch, pitch built up	10.65	1.00	1.51	p	
Asphalt Shingle	7.65	1.00	1.51	p	
Asbestos, slate and tile, slab	10.15	1.00	1.51	p	
Asphalt builtup	10.15	1.00	1.51	p	
Sheet metal workers	10.00	9.3%	16%	9%	.02
Sprinkler fitters	11.61	.60	.90		.08
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.

DECISION NO. NY76-3264

FOOTNOTES:

a. Holidays: A through F

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; X-Mas Eve; and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. Employer contributes $7.00 per day to Annuity Fund.

g. Employee shall receive 2 hours time off with pay on Election Days.

h. Holiday A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, providing employee works one day in the calendar week in which the holiday falls; and further providing that the holiday falls on a regular work day.

i. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

j. Employer contributes $.20 per hour to an annuity fund.

DECISION NO. NY76 3264

FOOTNOTES: (CONT'D)

k. Employer contributes $.73 per hour to a Security benefit fund.

l. Employer contributes $1.08 per hour to a combined health, welfare and pension fund.

m. Employer contributes $.45 per hour to an annuity fund.

n. Paid Holiday, St. Patricks Day.

p. Two hours off with pay on General Election Day, provided the employee has received 4 hours pay that day.

HEAVY AND HIGHWAY CONSTRUCTION:

GROUP I: Laborer, pitman, flagmen, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barracades and all reflective type materials for traffic control

GROUP II: Concrete men, vibtator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., ½pwer buggy op., gunnite and sandblasting, coal passers and other machine op., spreyer and nozzle men on mulching and s seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind selfpropelled power saw walk behind rollers and tampers of all types, wrecking laborers (including bermen and burnermen), all sheeting and shoring comming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man

GROUP III: Concrete finisher on highways, form setter, granite stone layer, ingersoll rand heavy duty crawler - master type HCMZ or equivalent or any drill using a 4" or larger bit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 8.30	.90	.90	a	
GROUP II	8.55	.90	.90	a	
GROUP III	8.95	.90	.90	a	

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

DECISION NO. NY76-3264 17-PEO-1-2-3

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.39	7%	15%	a	3%
GROUP 2	12.68	7%	15%	a	3%
GROUP 3	11.85	7%	15%	a	3%
GROUP 4	11.75	7%	15%	a	3%
GROUP 5	11.53	7%	15%	a	3%
GROUP 6	11.07	7%	15%	a	3%
GROUP 7	10.80	7%	15%	a	3%
GROUP 8	10.64	7%	15%	a	3%
GROUP 9	10.59	7%	15%	a	3%
GROUP 10	10.48	7%	15%	a	3%
GROUP 11	10.43	7%	15%	a	3%
GROUP 12	10.21	7%	15%	a	3%
GROUP 13	9.83	7%	15%	a	3%
GROUP 14	9.67	7%	15%	a	3%
GROUP 15	9.35	7%	15%	a	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; 75¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day, and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET, AND SEWER CONSTRUCTION

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, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (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; economobiles (hilo, lull, hyster 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, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, AND STREET, AND SEWER CONSTRUCTION

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 (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or 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-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or 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

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, STREET, ROAD, AND SEWER CONSTRUCTION

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 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 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).

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POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, STREET, ROAD, AND SEWER CONSTRUCTION

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

DECISION NO. NY76-3264

NY-20-PEO-2

POWER EQUIPMENT OPERATORS: STEEL ERECTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$16.09	7%	15%	a	3%
GROUP 2	14.39	7%	15%	a	3%
GROUP 3	13.53	7%	15%	a	3%
GROUP 4	12.84	7%	15%	a	3%
GROUP 5	11.17	7%	15%	a	3%
GROUP 6	10.80	7%	15%	a	3%
GROUP 7	10.66	7%	15%	a	3%
GROUP 8	10.31	7%	15%	a	3%
GROUP 9	9.78	7%	15%	a	3%

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day, and Veterens Day provided the employee works any of the 3 days in the 5 day work week preceeding the holiday and the first work day after the recognized holiday.

DECISION NO. NY76-3264

POWER EQUIPMENT OPERATORS
STEEL ERECTION:

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 convertors 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. NY76-324

BUILDING, HEAVY & HIGHWAY CONSTRUCTION — N.Y. 2-TD-1-2-3-5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$ 9.50	.85	.85	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	9.40	.85	.85	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	9.20	.85	.85	a		
Ten wheelers, grease trucks and tiller men	9.10	.85	.85	a		
Straight trucks	9.00	.85	.85	a		
Pick-up trucks used for hauling material parts escort man over the road	9.00	.85	.85	a		
Helpers	8.90	.85	.85	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK — COUNTY: DUTCHESS
DECISION NO.: NY76-3265 DATE: Date of Publication
Supersedes Decision No. NY76-3234 dated August 20, 1976 in 41 FR 35417
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$12.98	5%	10%		
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.30	1.85	2.00	g	.05
Carpenters, Building:					
Wappingers, Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	10.02	.85	.65	.80 +l+m	.10
Remainder of County:					
Carpenters and soft floor layers	10.02	7½%	7½%	.80	.10
Carpenters, Heavy and Highway:					
Wappingers Falls, New Hackensack, Pawling, and Beacon:					
Carpenters	10.02	.85	.65	.80+l+m	.10
Remainder of County:					
Carpenters	10.02	7½%	7½%	.80	.10
Cement masons, bricklayers, stone masons (Heavy & Highway)	9.80	1.85	2.00	h	.05
Electricians:					
Beacon and Fishkill	10.10	.75	1%+.69	.60	4%
Remainder of County	10.00	.75	1%+.85	5%+a+1	4%
Entire county: except Beacon and Fishkill:					
Repair, renovation, alteration and new installations of Electricial Systems in light commercial and industrial property, herein defined to include stores, gas stations, motels and hotels	6.35	.75	1%	.30	

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DECISION No. NY76-3265

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator constructors	$10.59	.495	.32	c+d	.02
Elevator constructors' helpers	7.41	.495	.32	c+d	.02
Elevator constructors' helpers (prob)	5.295				
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers, structural, orna. & reinforcing	9.75	1.35	1.92	1.35	
Lathers	7.70	9%	.55		.01
Lead burners	10.50	.40	.25	e	.01
Line Construction:					
Lineman	11.10	.50	1%+.50	f	3/8%
Cable Splicer	12.21	.50	1%+.50	f	3/8%
Groundman digging machine operator	9.99	.50	1%+.50	f	3/8%
Groundman mobile equipment operator	8.88	.50	1%+.50	f	3/8%
Groundman truck driver	8.325	.50	1%+.50	f	3/8%
Groundman dynamite man & Mechanic	8.88	.50	1%+.50	f	3/8%
Marble setters helpers	10.45			b	
Painters:					
Brush	8.10	.52	i	k	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing state, window jacks, boat-swain chair, safety belts, and spray structural steel	7.90	.42	i	k	
Piledrivermen, dock & wharf builders	10.92	1.25	1.73	.65	.02
Plumbers and steamfitters	10.00	1.50	.60	1.30	.05
Roofers, asphalt shingle	7.65	1.00	1.51	n	
Roofers, slate & tile, asbestos, slab, asphalt builtup	10.15	1.00	1.51	n	
Roofers, pitch, pitch builtup	10.65	1.00	1.51	n	

DECISION No. NY76-3265

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet metal workers	$10.00	9.3%	16%	9%	.02
Sprinkler fitters	11.61	.60	.90		.08
Terrazzo workers' helpers	10.50			b	
Tile setters' helpers	10.15			b	
Welders - receive prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Paid Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

c. Holidays: A through F.

d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

i. Employer contributes $.55 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

l. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

n. Employee receives two hours off on Election Day for the purpose of Voting, provided the employee has received 4 hours pay that day.

N.Y. 14-LAB-1-I

DECISION No. NY76-3265

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
General laborers	$8.08	.86	1.50	a	
Hod carriers (plasters' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foremen, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pump 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	8.33	.86	1.50	aa	
Blasters, laser beam op.	8.48	.86	1.50	a	

FOOTNOTE:

a. Two hours off with pay on Election Day.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

Poughkeepsie and South thereof:

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
- J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
- K. Cranes (crawlers or truck) 149 ft. and over
- L. Loaders op. (over 5 yd. capacity)
- M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6⅝+.875	8⅛	a	1⅛
GROUP II	11.37	6⅝+.875	8⅛	a	1⅛
GROUP III	11.2275	6⅝+.875	8⅛	a	1⅛
GROUP IV	11.085	6⅝+.875	8⅛	a	1⅛
GROUP V	9.9425	6⅝+.875	8⅛	a	1⅛
GROUP VI					
A	13.655	6⅝+.875	8⅛	a	1⅛
B	12.7975	6⅝+.875	8⅛	a	1⅛
C	8.9975	6⅝+.875	8⅛	a	1⅛
D	11.7975	6⅝+.875	8⅛	a	1⅛
E	10.5125	6⅝+.875	8⅛	a	1⅛
F	11.37	6⅝+.875	8⅛	a	1⅛
G	16.5125	6⅝+.875	8⅛	a	1⅛
H	9.9425	6⅝+.875	8⅛	a	1⅛
I	16.2275	6⅝+.875	8⅛	a	1⅛
J	14.5125	6⅝+.875	8⅛	a	1⅛
K	15.5125	6⅝+.875	8⅛	a	1⅛
L	12.785	6⅝+.875	8⅛	a	1⅛
M	13.285	6⅝+.875	8⅛	a	1⅛
GROUP VII	12.5125	6⅝+.875	8⅛	a	1⅛

REMAINDER OF COUNTY:

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.99	.85	.60	a	.10
GROUP 2	10.06	.85	.60	a	.10
GROUP 3	10.17	85	.60	a	.10
GROUP 4	10.36	85	60	a	.10
GROUP 5	10.69	85	.60	a	.10
GROUP 6	10.84	.85	.60	a	.10
GROUP 7	11.02	.85	.60	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION

15-LAB-2-3-J

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Laborers:						
General laborers	$7.85	.86	1.55	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	8.10	.86	1.55	a		
Concrete finisher on Highways, blaster, form setter, laser beam operator	8.45	.86	1.55	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

a. Holiday's: A through F and Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

Poughkeepsie and South thereof: 1 of 2

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr Tr
GROUP I	$11.25	6%	8%+a	b	1%
GROUP II	10.45	6%	8%+a	b	1%
GROUP III	10.325	6%	8%+a	b	1%
GROUP IV	10.20	6%	8%+a	b	1%
GROUP V	9.20	6%	8%+a	b	1%
GROUP VI	11.45	6%	8%+a	b	1%
GROUP VII	10.825	6%	8%+a	b	1%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $.825 per hour to a S.U.B. Fund

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday Columbus Day; November Election Day and Veteran's Day.

27-PEO-2-3

REMAINDER OF COUNTY

POWER EQUIPMENT OPERATORS:
HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr Tr
GROUP I	$9.69	.55	.60+a	b	.10
GROUP II	9.37	.55	.60+a	b	.10
GROUP III	8.69	.55	.60+a	b	.10
GROUP IV	7.90	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30per hour to an Supplemental Unemployment Bene Fund.

b. Paid Holidays A through F; providing the employee works the working da before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or ov crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar) fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacit concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

DECISION No. NY76-3265

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION No. NY76-3265

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

N.Y. 2-TD-1-2-3-6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$ 9.50	.85	.85	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	9.40	.85	.85	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	9.20	.85	.85	a		
Ten wheelers, grease trucks and tiller men	9.10	.85	.85	a		
Straight trucks	9.00	.85	.85	a		
Pick-up trucks used for hauling material parts escort man over the road	9.00	.85	.85	a		
Helpers	8.90	.85	.85	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: New York — COUNTY: Nassau & Suffolk
DECISION NO.: NY76-3266 — DATE: Date of Publication
Supersedes Decision Nos. NY76-3224 dated August 20, 1976 in 41 FR 35387

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type spertments up to and including 4 stories), heavy and highwey construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	10.45	1.43	.94	1.25	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers: Suffolk County Center Moriches on the south shore and following Chichester Avenue, north of Welding River and erees east thereof including the off shore islands: Bricklayers, cement masons, and plasterers	9.40	.40	3.00	.30	
Remainder of County: Bricklayers	10.99	1.13	3.38		.01
Cement Masons	9.50	1.36	1.13	1.75	.01
Plasterers	8.70	1.00	.20	1.30	.01
Bricklayers: Nassau County Bricklayers	10.99	1.13	3.38		.01
Cement Masons	9.50	1.36	1.13	1.75	.01
Plasterers	8.70	1.00	.20	1.30	.01
Carpenters, Building, Nassau Co.: Carpenters, soft floorlayers, dock builders, and piledrivermen	10.92	1.25	1.73	.65	.02
Remainder of County: Carpenters, soft floor layers and piledrivermen	9.15	1.30	1.24		.11
Carpenters, Heavy: Carpenters, dock and wharf carpenters, piledrivermen	10.92	1.25	1.73	.65	.02
Carpenters: Suffolk County: Fishers Island; Building carpenters & soft floor layers	9.26	.70	.40		
Remainder of County: Building carpenters, soft floor layers, piledrivermen, timbermen, wharf & dock builders	10.10	1.08	1.46	.90	.06
Carpenters, Heavy: Carpenters, dock and wharf carpenters, piledrivermen	10.10	1.08	1.46	.90	06

DECISION NO. NY76-3266

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians & Linemen	$11.75	7%+.35	9%+.045	5%	5/8%
Elevator Constructors	10.12	.495	.32+a	b+c	.02
Elevator Constructors Helpers	7.59	.495	.32+a	b+c	.02
Elevator Constructors Helpers (prob.)	5.06				
Elevator Constructors Repair	8.50	.495	.32+a	b+c	.02
Elevator Constructors Repair Helpers	6.38	.495	.32+a	b+c	.02
Elevator Constructors Modernization	9.35	.495	.32+a	b+c	.02
Elevator Constructors Modernization Helpers	7.01	.075	.32+a	b+c	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers, Structural	11.65	1.20	2.70		.06
Ironworkers, Ornamental Finisher	10.24	.86	2.35	.78	.04
Ironworkers, Reinforcing	9.10	.785	1.765	.75	.01
Laborers, Building: Laborers, Mason Tenders, and Morter Mixers	8.35	.94	.93	.84	
Plasterers Helpers	9.45	1.40		1.00	
Lathers, Metal	10.10	.785	1.765	.75+j	.03
Lead Burners	10.50	.40	.25	e	.01
Marble Carvers	7.95	.78	.94	i	
Marble Cutters & Setters	7.80	.78	.94	i	
Marble Sawers, Rubbers, and Polishers	7.57	.76	.87	i	
Marble Helpers, Crane Operators & Derrickmen	7.33	.74	.88	i	
Millwrights	10.92	1.25	1.73	.65	.02
Painters, Suffolk County: Brush	7.65	2.25	.60	.50	.10
Structural Steel & Spray	10.59	2.25	.60	.50	.10

DECISION NO. NY76-3266

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters, Nassau County:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lindo Beach, Point Lookout, Gibson and part of Valley Stream:					
Painter	$ 8.50	.63	.55	.25	
Spray & Scaffold	10.32	.63	.55	.25	
Fire Escape	9.71	.63	.55	.25	
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and South of Sunrise Highway on the South Shore:					
Structural Steel	7.50	8%	11%		
Structural Steel, Spray	8.50	8%	11%		
Remainder of County:					
Painters	8.66	.97	1.50	.50	.03
Plumbers, Nassau County:	10.55	.75	1.03	1.03	.20
Plumbers, Suffolk County:	10.00	1.37	1.45	1.30	.21
Lethers Nail-on, Suffolk County:	11.35	.94	.20		
Riggers, Nassau County:	11.16	.98	.77		.01
Roofers:					
Composition, Damp, and Waterproofing	9.45	1.01	2.28	1.50	.01
Slate and Tile	10.82	.55	1.20	1.75	
Slate and Tile Helpers	5.13	.50	1.40	1.40	
Sheet Metal Workers:					
Fishers Island, Suffolk County	10.95	.50	.66		.07
Remainder of Suffolk County and all of Nassau County	10.795	3%+.90	4%+1.20	3%+.75	1%+.03
Steamfitters and Sprinkler Fitters	10.07	2.65	1.12	.86	.07
Stone Derrickmen and Riggers	11.16	.98	.77		

DECISION NO. NY76-3266

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stonemasons	$10.25	.50	1.00		
Terrazzo Workers	9.10	1.09	1.95		
Tile Setters	8.50	.80	2.10		
Tile Setters' Helpers	7.90	.50	1.27		
Truck Drivers: Building					
Ready-mix concrete, sand gravel & asphalt, bulk cement	8.87	.9675	1.8525	f+g	
Euclid and Tournapulls Operators	8.725	.9675	1.8525	f+g	
Tuck Pointers:					
Tuckpointers & waterproofers	8.72	.70	1.44	.50	.015
Steam Cleaners	8.97	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Truck Drivers: Heavy					
Euclid and Turnapull Operators	8.825	.9675	1.8525	f+g	
Truck Drivers: High-Rise	8.94	.9675	1.8525	f+g	

DECISION NO. NY76-3266
BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday, Xmas Eve and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. Employer contributes $3.50 per day to Annuity Fund.

f. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and each remaining workday during such calendar week.)

g. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of theree weeks per year.

h. Paid Holiday: New Year's Day & Xmas Day providing the employee works the preceding and following the holiday.

i. Paid Holiday: St. Patricks Day.

j. Work on Christmas Eve and New Year's Eve will terminate at noon, but employees will receive a full day's pay.

DECISION NO. NY76-3266

10-LAB-2-3

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Concrete and curb form setters, Asphalt rakers	$7.70	10%	13%	.75+a	
Asphalt workers and roller boys, Asphalt top shovelers and smoothers, Asphalt tampers	7.50	10%	13%	.75+a	
Jackhammers, and drill men, Hoppermen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structures), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Puddlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)	7.10	10%	13%	.75+a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

DECISION NO. NY76-3266 N.Y.-5-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	5%	1.05	a+b	.15

DECISION NO. NY76-3266 N.Y.-5-PEO-1 - A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.76	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holdays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 Vacation fund.

DECISION NO. NY76-3266

NY-6-PEO-2-3-A 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$11.48	8%+.05	1.40	a	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.85	8%+.05	1.40	a	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.705	8%+.05	1.40	a	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	9.23	8%+.05	1.40	a	.15	
Boiler	10.98	8%+.05	1.40	a	.15	
Boring machine (post holes)	11.42	8%+.05	1.40	a	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.67	8%+.05	1.40	a	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	11.205	8%+.05	1.40	a	.15	
Compressor (2 or more in battery)	10.90	8%+.05	1.40	a	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	11.365	8%+.05	1.40	a	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	10.295	8%+.05	1.40	a	.15	
Loading machine, with bucket capacity of 10 yards or over	10.92	8%+.05	1.40	a	.15	

DECISION NO. NY76-3266

NY-6-PEO-2-3 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 9.58	8%+.05	1.40	a	.15	
Dredge	11.315	8%+.05	1.40	a	.15	
Generator	10.59	8%+.05	1.40	a	.15	
Generator (small)	9.265	8%+.05	1.40	a	.15	
Grader	10.885	8%+.05	1.40	a	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.695	8%+.05	1.40	a	.15	
Lead engineer	13.58	8%+.05	1.40	a	.15	
Mechanic	9.285	8%+.05	1.40	a	.15	
Mechanic helper	8.945	8%+.05	1.40	a	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	11.02	8%+.05	1.40	a	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	9.25	8%+.05	1.40	a	.15	
Portable heaters	10.845	8%+.05	1.40	a	.15	
Powerbroom	9.725	8%+.05	1.40	a	.15	
Pump (concrete)	10.94	8%+.05	1.40	a	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	12.105	8%+.05	1.40	a	.15	
Tractor (caterpilla or wheel)	9.055	8%+.05	1.40	a	.15	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day Provided employee is employed the day before and after the holiday

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: NY76-3267
COUNTY: WAYNE
DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3231 dated August 20, 1976 in 41 FR 35403
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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.17	1.10	.50		.04
Boilermakers	10.60	.70	1.00		.02
Bricklayers:					
Twps. of Ontario, Williamson, Sodus(including Sodus Point), Walworth, Marion, Macedon, and Palmyra:					
Bricklayers, plasterers, stone masons, tuck pointers	10.665	.55	.75		.04
Cement Masons, building	10.665	.55	.75		.04
Cement Masons, heavy&highway	8.90	.55	.75		
Marble setters, Tile setters, and Terrazzo workers	11.66				
Remainder of county:					
Bricklayers, cement masons (building), marble setters, plasterers, and stone masons					
projects with a value of over $500,000	10.00	1.55	.75	a	.05
projects with a value of less than $500,000	8.85	1.55	.75	a	.05
Cement Masons, heavy & highway	9.45		.75		
Carpenters, building	10.30	.75	.99		.03
Carpenters, heavy and highway	8.88	.85	.59		.025
Electricians:					
Twps. of Sodus, Williamson, Ontario, Walworth, Marion, Palmyra, and Macedon	10.85	.70	1% + 1.35		1%
Twps. of Lyons, Galen, Arcadia, and Savannah	11.45	.55	1% + .45		.10
Twps. of Huron, Walcott, Rose, and Butler	11.10	.60	1% + .60		1%

DECISION NO. NY76-3267

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Glaziers	$ 9.59	1.02	.56		.05
Ironworkers:					
Walcott, Butler, Savannah and Clyde					
Structural, ornamental & reinforcing	10.36	.72	.82		.15
Remainder of County:					
Structural, ornamental & reinforcing	10.29	.74	.82		.10
Sheeter	10.54	.74	.82		.10
Sheeter, bucker-up	10.415	.74	.82		.10
Laborers, Building:					
Twps. of Macedon, Marion, Ontario, Palmyra, Sodus, Walworth & Williamson:					
Laborers	8.00	1.30	.84		
Blasters	9.37	1.30	.84		
Air track, wagon drill op., asphalt rakers	8.40	1.30	.84		
Jackhammers, mortar mixer, concrete cutters for wrecking and demolition	8.30	1.30	.84		
Power monkey	8.87	1.30	.84		
Chuck tender, all work on hanging or swing scaffold	8.20	1.30	.84		
Remainder of County:					
Laborers	8.15	.95	.90		
Lathers	10.78		.50		.01
Leadburners	10.50	.40	.25	b	.01
Line Construction:					
Lineman	11.10	.65	1%+.60	c	4%
Groundman digging machine operator	9.99	.65	1%+.60	c	4%
Groundman mobile equipment operator	8.88	.65	1%+.60	c	4%
Groundman truck driver	8.325	.65	1%+.60	c	4%
Groundman dynamite man & Mechanic	8.88	.65	1%+.60	c	4%
Cable splicer	12.21	.65	1%+.60	c	4%
Painters:					
Twps. of Macedon, Palmyra, Marion, Williamson, Sodus, Ontario & Walworth:					
Brush, roller	8.95	.60	.87		.04
Structural steel & iron-up to 40'	9.45	.60	.87		.04
Over 40'	9.65	.60	.87		.04

DECISION NO. NY76-3267

59-NY-1-2-3-H 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Swing scaffold & window brackets	9.45	.60	.87		.04
Bridge	9.95	.60	.87		.04
Sandblaster	9.70	.60	.87		.04
Spray	9.55	.60	.87		.04
Remainder of County:					
Painters	9.38		.55		.06
Spray, swing scaffold, structural steel above 40'	9.98		.55		.06
Piledrivermen & millwrights, Bldg.	10.72	.75	.99		.005
Piledrivermen, Heavy & Highway	8.67	.45	.70		.025
Plumbers & steamfitters:					
Twps. of Butler & Savannah:					
Contracts over $50,000	9.67	.40	.23		
Contracts under $50,000	8.87	.40	.23		
Twps. of Walcott	10.23	.35	.40		
Remainder of County	10.49	2.265	.62	.55+d	.16
Roofers	10.67	.63	.63	g	
Roofers helpers:					
1st year - 1st 6 months	4.73	.43	.43		
1st year - 2nd 6 months	6.71	.43	.43		
3rd year	9.19	.43	.43		
Sheet metal workers	11.09	.70	1.00		.045
Sprinkler Fitters	11.61	.60	.90		.08
Soft floor layers	9.42	.75	.66		.005
Truck drivers, Building:					
Twps. of Ontario, Walworth & Macedon	8.59	.40	.40		
Remainder of County:					
Dumps, straight, trailer, pick-up, transit-mix, water and fuel	7.05		.35	e+ f	
Road oilers, low-boy trailers, winch trucks and A-frames	7.20		.35	e+ f	
Euclid, linn drivers	7.40		.35	e+ f	

DECISION NO. NY76-3267

BUILDING, HEAVY & HIGHWAY CONSTRUCTION NY-1-2-3- H 4 of 4

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: Labor Day provided the employee has worked the day before the holiday.

b. Holidays: A through F, Washington's Brithday, Good Friday, & Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding & following the holiday.

c. Holidays: A through F, Washington's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided employee works day before and day after the holiday.

d. Holidays: C, D, E, & F.

e. 1 week vacation after 1 year's work.

f. Holidays: A through D, providing regular employee is available for work the day before and the day after the holiday.

g. On any Election Day workmen shall be given sufficient time off for the purpose of voting and paid for said time in accordance with New York State Law.

DECISION NO. NY76-3267

5 LAB-2-3

Twps. of Macedon, Palmyra, Ontario, Williamson, Sodus, Marion, and Walworth

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.80	1.40	.89	a	
CLASS B	7.00	1.40	.89	a	
CLASS C	7.20	1.40	.89	a	
CLASS D	7.40	1.40	.89	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY76-3267

24 LAB-2-3

Remainder of County:

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.24	.95	.90	a	
CLASS B	7.44	.95	.90	a	
CLASS C	7.64	.95	.90	a	
CLASS D	7.84	.95	.90	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY76-3267

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS :

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-mobile and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift, with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

DECISION NO. NY76-3267

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$10.85	.50	.50+.30	a	.10
I-B	10.90	.50	.50+.30	a	.10
I-C	11.15	.50	.50+.30	a	.10
I-D	11.40	.50	.50+.30	a	.10
I-E	11.90	.50	.50+.30	a	.10
I-F	12.40	.50	.50+.30	a	.10
I-G	12.90	.50	.50+.30	a	.10
I-H	13.40	.50	.50+.30	a	.10
GROUP II	10.85	.50	.50+.30	a	.10
GROUP III	10.67	.50	.50+.30	a	.10
GROUP IV	9.58	.50	.50+.30	a	.10
GROUP V	8.58	.50	.50+.30	a	.10

FOOTNOTES:
a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

DECISION NO. NY76-3267

24 PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.97	.50	1.00	a	.15
CLASS II	10.74	.50	1.00	a	.15
CLASS III	10.36	.50	1.00	a	.15
CLASS IV	9.63	.50	1.00	a	.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, peins crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

DECISION NO. NY76-3267

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

DECISION NO. NY76-3267

1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: NY76-3268

COUNTY: STEUBEN
DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY76-3242 dated August 20, 1976 in 41 FR 35447
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			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.17	1.10	.50		.04
Boilermakers	9.85	.50	.95		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, tile setters, terrazzo workers	10.00		.50		
Carpenters, Building:					
Village of Hammondsport, Village of Pulteney, Pleasant Valley to Rheims, Village of Prattsburg, Tyrone to Watkins Glen:					
Carpenters	9.11	.50	1.55		.005
Millwrights and piledrivermen	9.21	.50	1.55		.005
Heavy and Highway:					
Carpenters and piledrivermen	8.27	.50	1.55		.025
Carpenters, Building:					
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, West Union:					
Carpenters and Soft Floor layers	8.87	.50	.95		.05
Millwrights and Piledrivermen	9.12	.50	.95		.05
Heavy and Highway:					
Carpenters	8.92	.50	.95	g	.025
Carpenters, Building:					
Remainder of County:					
Carpenters and Soft Floor layers	8.81	.40	.95		.02
Millwrights and Piledrivermen	9.06	.40	.95		.02
Heavy and Highway:					
Carpenters and Piledrivermen	9.02	.40	.90	g	.025
Cement Masons, Heavy and Highway	9.70		.50		
Electricians	11.60	.50	1% + .50	d	.05
Glaziers	7.18	.35	.30		.01

DECISION NO. NY76-3268

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers, Structural, reinforcing, and ornamental:					
Twps. of Wayland, Ghoeton, Atlantic, South Dansville	10.29	.74	.82		.10
Remainder of County	9.33	.70	.82		.05
Laborers, Building:					
Laborers	6.90	.40	.25		
Mortar mixer (hand or machine), Jackhammer op., pavement breaker, pipelayers (over 6"), gin buggy, scaffold work, chain saw op., and all other gas, air or electric tools	7.10	.40	.25		
Lathers	9.63		.29		.01
Lead Burners	10.50	.40	.25	b	.01
Line Construction:					
Linemen	11.10	.65	1% + .60	c	[illegible]
Cable Splicer	12.21	.65	1% + .60	c	[illegible]
Groundman Digging machine op.	9.99	.65	1% + .60	c	[illegible]
Groundman mobile equipment op.	8.88	.65	1% + .60	c	[illegible]
Groundman truck drivers	8.325	.65	1% + .60	c	[illegible]
Groundman dynamiteman, Mechanic	8.88	.65	1% + .60	c	[illegible]
Painters:					
Twps. of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison, Rathbone:					
Brush	7.71	.35	.30		
Swinging scaffold	8.56	.35	.30		
Spray	8.21	.35	.30		
Structural Steel	8.71	.35	.30		
Spray epoxy	8.96	.35	.30		
Remainder of County:					
Brush	10.255	.975	.30		.10
Swing stage, sandblasting, spray, scaffold work, and bosun chair	10.505	.975	.30		.10
Steel, tanks, towers, stacks, flag poles, towers (radio-t.v.)	10.755	.975	.30		.10
Bridges 35' high or in depth of 35' from road level	11.92	.975	.30		.10

DECISION NO. NY76-3268

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers and Steamfitters:					
Twps. of Avoca, Canisto, Cohocton, Dansville, Fremont, West Union, Greenwood, Hartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pulteney, Troupsburg, Wayland, Woodhull, Cameron, Rathbone, tuscarora	10.49	2.265	.62	.55 + h	.16
Remainder of County	10.00	.60	.80		.10
Roofers	9.39	.44	1.00		
Sheet metal workers	8.87	.46	.60		.07
Sprinkler Fitters	11.61	.60	.90		.08
Truck Drivers, Building:					
Twp. of Wayland	9.20	.45	.50		
Twps. of Addison, Corning, Bath Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Cameron, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	e		f	
Welders-receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY76-3268

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays, A through F providing the employee works the day before and after the holiday.

b. Paid Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 30 full days during the 90 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

c. Paid Holidays A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday.

d. Employer shall work 4 hours and receive 8 hours pay on Christmas Eve

e. Employer contributes $2.40 per day to a combined Heath, Welfare and Pension fund.

f. Paid Holidays A through F.

g. Paid Holidays: Labor Day, Memorial Day.

h. Paid Holidays; c, d, e & f

BUILDING CONSTRUCTION REMAINDER OF COUNTY:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel, dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic-helpers, parts chaser.	$7.48	.45	.40	a		
Tandems and batch trucks, mechanics, dispatcher	7.53	.45	.40	a		
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicles, truck mechanic	7.58	.45	.40	a		
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and strattle (ross) carrier	7.73	.45	.40	a		
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded	7.92	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Cranes:
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Betweeb 401 - 451 ft.

GROUP II: Air tugger, backhoe, clamshell, dragline, shovel and similar machinss over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),

GROUP III: "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bull-dozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,

GROUP IV: Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fire-man, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

DECISION NO. NY76-3268

NEW YORK-25-PEO-1-A 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
A	$ 9.57	.40	.70	a	.10
B	9.85	.40	.70	a	.10
C	10.12	.40	.70	a	.10
D	10.40	.40	.70	a	.10
E	10.95	.40	.70	a	.10
F	11.51	.40	.70	a	.10
G	12.05	.40	.70	a	.10
H	12.61	.40	.70	a	.10
GROUP II	9.57	.40	.70	a	.10
GROUP III	9.38	.40	.70	a	.10
GROUP IV	8.245	.40	.70	a	.10

DECISION NO. NY76-3268

N.Y.-13-LAB-2-3-R

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.89	.50	.45	a	
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	8.09	.50	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	8.29	.50	.45	a	
Blasters, form setters, stone or granite curb setters	8.49	.50	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

DECISION NO. NY76-3268

NY 23 PEO 2 3 B

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	1.00	a	.10
GROUP II	9.27	.55	1.00	a	.10
GROUP III	8.59	.55	1.00	a	.10
GROUP IV	7.80	.55	1.00	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

DECISION NO. NY76-3268

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. NY76-3268

NY-1 TD-2-3- L

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.50	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.50	a	
CLASS 5	8.09	.65	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: JEFFERSON
DECISION NO.: NY76-3269
DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY76-3237 dated August 20, 1976 in 41 FR 35429
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY, AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.30	.81	.35		.04
Boilermakers	11.50	.75	10%		.02
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers & tile setters	9.71	.55	.60	a	.02
Carpenters, Building:					
Carpenters and Soft Floor layers	9.35	.50	.50	d	.005
Millwrights	9.60	.50	.50	d	.005
Piledrivermen	9.50	.50	.50	d	.005
Heavy and Highway:					
Carpenters and Piledrivermen	8.92	.65	.75	f	.025
Cement Masons, heavy and highway	9.05	.55	.60		
Electricians:					
Electricians	10.13	.60	.60		.8 of 1%
Cable Splicers	10.38	.60	.60		.8 of 1%
Glaziers	7.90	.50			.01
Ironworkers:					
Antwerp, Philadelphia, Leray, Wilna, Champion:					
Structural, Ornamental, and Reinforcing	9.71	.52	.82		.04
Remainder of County:					
Structural, Ornamental, and Reinforcing	9.91	.50	.82		.10
Laborers, Building:					
Laborers	7.05	.55	.80	e	
Chain saw op., jackhammer op., scaffold builders, mortar mixer, pipelayer, gas buggy op., wagon drill and wagon jack op., vibrator op., and all air or electric tools (electric tools used in place of air tools), hod carriers (for plasterers only)	7.25	.55	.80	e	

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Laborers (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sandblasterers on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	7.25	.55	.80	e	
Blasters	7.65	.55	.80	e	
Lead burners	10.50	.40	.25	b	.01
Line Construction:					
Linemen	11.10	.65	1%+.60	c	1%
Cable splicer	12.21	.65	1%+.60	c	1%
Groundman digging machine operator	9.99	.65	1%+.60	c	1%
Groundman mobile equipment operator	8.88	.65	1%+.60	c	1%
Groundman truck driver	8.325	.65	1%+.60	c	1%
Groundman dynamiteman & Mechanic	8.88	.65	1%+.60	c	1%
Painters: High-Rise	80% Bldg.	.25	.45		
Painters:					
Brush & Roller	7.60	.25	.45		
Swing staging & bosun chair	7.95	.25	.45		
Steel	7.95	.25	.45		
Plumbers and steamfitters	9.70	.52	.50		.05
Roofers:					
Roofers	10.35	1.00	1.35		
Sheet metal workers	10.655	.60	.80		.07
Sprinkler fitters	11.61	.60	.90		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: B,C,&D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday; X-Mas Eve and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

d. Holiday: Labor Day, Memorial Day, Thanksgiving Day, providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B,D and E provided employee works the working day before and the working day after the holiday.

f. Paid Holidays: Labor Day & Memorial Day.

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$10.03	.95	.60	a	.10
Class 2	9.53	.95	.60	a	.10
Class 3	8.51	.95	.60	a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck.

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.44	.60	.85	a	
CLASS B	7.64	.60	.85	a	
CLASS C	7.84	.60	.85	a	
CLASS D	8.04	.60	.85	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman..

CLASS D
Blasters, form setters, stone or granite curb setters.

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	.60+a	b	.10
GROUP II	9.27	.55	.60+a	b	.10
GROUP III	8.59	.55	.60+a	b	.10
GROUP IV	7.80	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. NY76-3269

1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2

Tandems, batch trucks, mechanics and dispatcher.

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5

Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA
DECISION NO. NY76-3270 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY76-3229 dated August 20, 1976 in 41 FR 35392
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

33-New York-1-2-3 X

BUILDING, HVY, & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$11.30	.81	.35		.04
Boilermakers	11.50	.75	10%		
Bricklayers, cement masons, plasterers and stone masons, building	9.30	.50	.90		
Cement masons, Heavy & Highway	8.80	.50	.90		
Carpenters, building:					
Carpenters & soft floor layers	8.75	.40	.40	f	.03
Piledrivermen & millwrights	9.00	.40	.40	f	.03
Carpenters, heavy and highway	9.52	.40	.40	f	.025
Electricians:					
Verona & Vienna twps. west of State Highway 13	11.20	.57	1%+.85		.05
Remainder of County	10.65	.50	1%+.35		.07
Elevator constructors	10.64	.495	.32	3½%+a+b	.02
Elevator constructors' helper	7.45	.495	.32	3½%+a+b	.02
Elevator constructors' helpers (prob)	5.32				
Ironworkers:					
Structural, ornamental & reinforcing	9.71	.52	.82		.04
Laborers, building:					
Twps. of Forestport, Remsen, Trention, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Paris, Sangerfield, Bridgewater, and the City of Utica:					
Laborers	6.75	1.00	.75	g	
Pipelayers, mortar mixers (hand or machine), motor buggy operator, (walk behind), power high lift	6.90	1.00	.75	g	
Blasters, form setters, and motor buggy rider type	7.25	1.00	.75	g	

DECISION NO. NY76-3270

33-New York-1-2-3-X

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building Cont'd;					
Wagon Drill operator	7.15	1.00	.75	g	
Remainder of County:	7.15				
Laborers	6.675	.35	.50		
Jackhammermen & excavation 8' or more in depth	6.575	.35	.50		
Lead Burners	10.50	.40	.25	c	.01
Linemen:					
Linemen, cable splicer helpers & material man	11.10	.65	1%+.60	d	½%
Cable splicers	12.21	.65	1%+.60	d	½%
Groundman digging machine operator	9.99	.65	1%+.60	d	½%
Groundman mobile equipment operator	8.88	.65	1%+.60	d	½%
Groundman truck driver & mechanic	8.325	.65	1%+.60	d	½%
Groundman dynamite man	8.88	.65	1%+.60	d	½%
Marble setters, terrazzo workers & tile setters	8.02	.50	.90		
Painters:					
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:					
Brush	9.57	.50	.45		
Roller	9.57	.50	.45		
Steel and sandblasting	10.17	.50	.45		
Spray	10.17	.50	.45		
Remainder of County:					
Brush	8.20	.175	.30		
Structural steel and roller	8.45	.175	.30		
Spray	8.80	.175	.30		
Sandblasting	9.20	.175	.30		

DECISION NO. NY76-3270

33-New York-1-2-3 X

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers and Steamfitters	$10.08	.90	1.35		.01
Roofers:					
Roofers	10.35	1.00	1.35		
Helpers: 1st 30 days	7.28	.35	.45		
Next 60 days	7.40	.35	.45		
Sheet metal workers	10.655	.60	.80		.07
Sprinkler fitters	11.61	.60	.90		.08
Truck drivers, building:					
Straight, winch, transit-mix on site, road oilers, dumpers, pick-up panel, water & fuel on site	4.55			e	
Lowboy or lowboy trailer	4.70			e	
Euclid	4.80			e	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, X-Mas Eve, providing employee has worked 30 full days the 90 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work.

f. Labor Day and Memorial Day paid holidays, provided employee is on the payroll the week before and the week after the holiday.

g. Paid Holidays: Memorial Day and Labor Day, provided the employee works the day immediately before and the work day immediately following the holiday.

DECISION NO. NY76-3270

7 LAB-2-3

Twps. of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Vernon, Augusta, Verona

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 7.84	.65	.60	a	
CLASS B	8.04	.65	.60	a	
CLASS C	8.24	.65	.60	a	
CLASS D	8.44	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY76-3270

REMAINDER OF COUNTY

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LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 6.89	1.30	.90	a	
CLASS B	7.09	1.30	.90	a	
CLASS C	7.29	1.30	.90	a	
CLASS D	7.49	1.30	.90	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

POWER EQUIPMENT OPERATORS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$10.03	.95	.60	a	.05
Class 2	9.53	.95	.60	a	.05
Class 3	8.51	.95	.60	a	.05

FOOTNOTE:
a- Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

POWER EQUIPMENT OPERATORS: Building Construction

Class 1: Asphalt and blacktop roller; Automated concrete spreader (CMI or equivalent); Automated fine grade machine (CMI); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operator)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

Class 2: "A" Frame truck; Blacktop plant (non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Fork lift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); Maintenance grease man; Mixer for stabilized base - self-propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver (truck or tractor mounted); Power sweeper (Wayne or similar); Pump 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

Class 3: Compressor (under 315 cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widener); Steam cleaner or Jenny; Tractor with or without towed accessories

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4-PEO-2-3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.59	.55	.60+a	b	.10
GROUP II	9.27	.55	.60+a	b	.10
GROUP III	8.59	.55	.60+a	b	.10
GROUP IV	7.80	.55	.60+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

Group I - Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (6" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum), mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel.

Group II - Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

DECISION NO. NY76-3270

1-TD-2-3

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.69	.65	.60	a	
CLASS 2	7.74	.65	.60	a	
CLASS 3	7.79	.65	.60	a	
CLASS 4	7.94	.65	.60	a	
CLASS 5	8.09	.65	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatcher.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

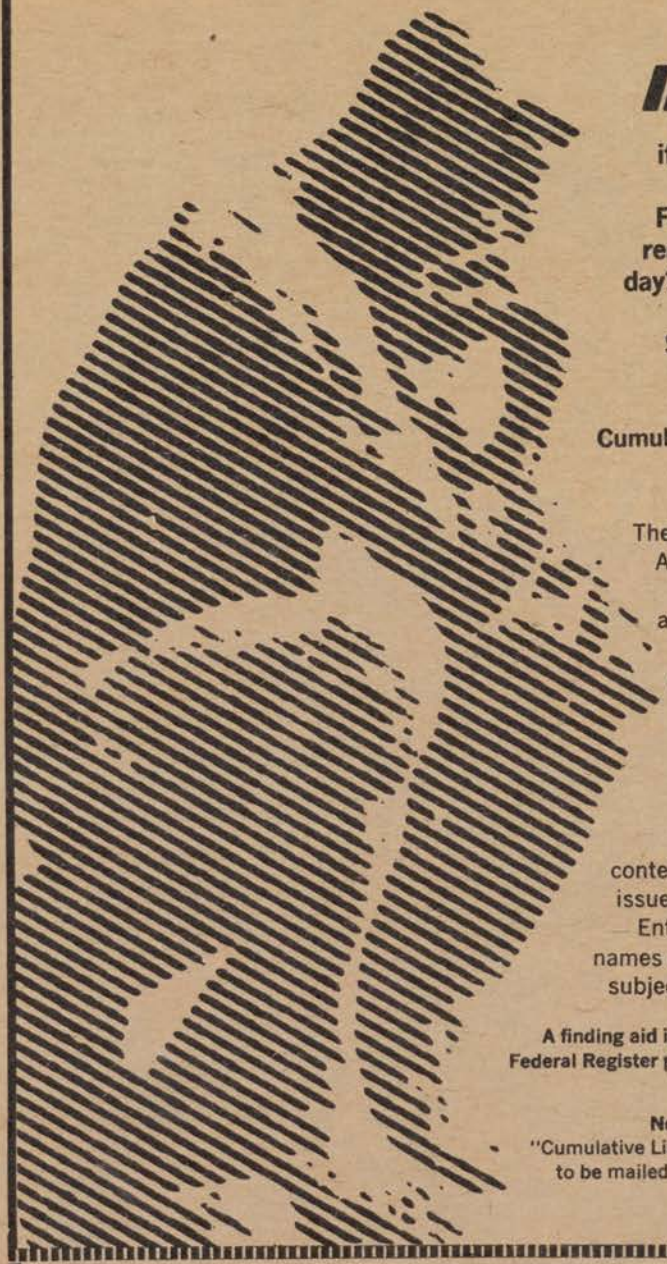
SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: *See below
DECISION NUMBER: SC76-1126 DATE: Date of Publication
Supersedes Decision No.: SC75-1042 dated March 28, 1975 in 40 FR-14271.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Lexington & Richland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.00				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	5.25				
Drywall finisher	4.25				
Drywall hanger	4.50				
Electricians	4.75				
Insulators	3.25				
Laborers:					
Asphalt raker	2.67				
Laborers, unskilled	2.50				
Mortar mixers	3.38				
Pipelayers	3.50				
Lathers	4.50				
Painters, brush	4.58				
Plasterers	4.00				
Plumbers & pipefitters	4.82				
Roofers	4.00				
Sheet metal workers	4.00				
Soft floor layers	4.00				
Tile setters	4.75				
Truck drivers	3.00				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.60				
Asphalt paver	4.00				
Backhoe	4.25				
Bulldozer	3.81				
Crane	4.50				
Finishing machine	3.25				
Mechanic	4.50				
Motor grader	3.96				
Pan	3.59				
Roller	4.00				

[FR Doc.76-31477 Filed 10-28-76;8:45 am]



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