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TUESDAY, JANUARY 18, 1977

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Rules Going Into Effect Today

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

List of Public Laws

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	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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Title 3—The President

Executive Order 11957 • January 13, 1977

Designation of Certain Officers To Act as Secretary of Agriculture

By virtue of the authority vested in me by Section 3347 of Title 5 and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. During any period when, by reason of absence, disability, or vacancy in office, both the Secretary of Agriculture and the Deputy Secretary of Agriculture are not available to exercise the powers or perform the duties of the Office of Secretary, the officers from the Department of Agriculture whose appointments are vested in the President, by and with the advice and consent of the Senate, shall act as Secretary in such order as the Secretary of Agriculture may from time to time prescribe. If no such order of succession is in effect at that time, then such officers shall act as Secretary in the descending order of rank, as established by the listing of their offices in Sections 5314, 5315 or 5316 of Title 5 of the United States Code and, at each level of the Executive Schedule, in the order in which they shall have taken oath as such officers.

SEC. 2. Executive Order No. 11793 of July 10, 1974, is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
January 13, 1977.

[FR Doc.77-1804 Filed 1-14-77;4:44 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Special Assistant to the Secretary is excepted under Schedule C.

Effective January 18, 1977, § 213.3304 (a) (25) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.*

* * * * *

(25) One Special Assistant to the Secretary.

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

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

[FR Doc.77-1593 Filed 1-17-77;8:45 am]

PART 610—HOURS OF DUTY

Amending Hours of Duty and Holiday Regulations

The Civil Service Commission is amending Part 610 to (1) reflect the statutory changes effected by sections 6 and 7, Pub. L. 92–392, making prevailing rate employees subject to hours of duty provisions of § 6101 of title 5, United States Code, and Subpart A of this Part; (2) update regulations to conform to Executive Order No. 11582, which now governs holiday observances, and (3) revoke a subsection which is no longer necessary pertaining to the observance of holidays.

Sections 610.101, 201, and 202 are amended, as set out below.

§ 610.101 Coverage.

This subpart applies to each employee to whom Subpart A of Part 550 applies and to each employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of title 5, United States Code, or by a wage board or similar administrative authority serving the same purpose.

§ 610.201 Identification of holidays.

In this subpart, "holiday" has the same meaning given that word in section 2(a) of Executive Order No. 11582.

§ 610.202 Determining the holiday.

For purposes of pay and leave, the day to be treated as a holiday is determined as follows:

(a) When a holiday falls on a workday in an employee's basic workweek (as defined in § 610.102(c)), that workday is his or her holiday.

(b) When a holiday falls on a nonworkday outside an employee's basic workweek, the day to be treated as his or her holiday is determined in accordance with section 6103(b) of title 5, United States Code, and Executive Order No. 11582.

(5 U.S.C. 6101; sec. 1(1) of E.O. 11228, 3 CFR 1964–1965 Comp., page 317.)

NOTE.—The Civil Service Commission 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.

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

[FR Doc.77-1592 Filed 1-17-77;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 74, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 9–15, 1977. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(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 an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 74 (42 FR 1476). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, 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 rulemaking procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.374 (Lemon Regulation 74 (42 FR 1476)) is hereby amended to read as follows:

§ 910.374 Lemon Regulation 74.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 9, 1977 through January 15, 1977, is hereby fixed at 225,000 cartons.

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

Dated: January 12, 1977.

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

[FR Doc.77-1502 Filed 1-17-77;8:45 am]

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 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Pinal County in Arizona from the areas

quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No areas remain under quarantine in Arizona.

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

§ 731.a [Amended]

In § 73.1a, paragraph (c) relating to the State of Arizona is deleted.

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

Effective date. The foregoing amendment shall become effective January 13, 1977.

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

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

Done at Washington, D.C., this 13th day of January 1977.

NOTE.—The Animal and Plant Health Inspection Service 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.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-1591 Filed 1-17-77;8:45 am]

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

"Country," "Country Style," or "Dry Cured" Hams and Pork Shoulders

• *Purpose.*—The purpose of this document is to establish standards of composition for "Country," "Country Style," or "Dry Cured" hams and pork shoulder products to become effective July 1, 1978. •

Statement of Considerations.—On September 5, 1975, there appeared in the FEDERAL REGISTER (40 FR 41139–41140) a notice of proposed rulemaking under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which proposed to amend the Federal meat inspection regulations (9 CFR Parts 317 and 319) to establish standards of composition for "Country Ham," "Country Style Ham," "Country Pork Shoulder," "Country Style Pork Shoulder," "Dry Cured Ham," and "Dry Cured Pork Shoulder."

As the result of such notice, a total of 203 comments were received from processors; industrial, national, and State associations; State Departments of Agriculture; academic institutions; consumers; and the political community. One hundred and fifty-eight comments favored the proposal, and 45 comments opposed the proposal or expressed objections or reservations to the proposal.

Those favoring the proposal offered these general reasons:

1. A standard would protect the integrity and traditional characteristics of those products and encourage participation in the marketplace by all processors, including the small processors who include long-term aging as part of their process.

2. The consumer is entitled to know that those products conform to certain requirements.

3. The requirements allow processors considerable flexibility for individual differences, such as longer aging time and varying smoking practices.

Twenty-five of the comments stated that the 95° F. internal temperature limit on product during drying and aging was unclear and could be interpreted to mean that individuals who smoke their product outdoors under natural climatic conditions would be subject to the temperature limitation. During the summer months, the natural climatic temperature may exceed 95° F.; therefore, these processors would exceed the 95° F. limits at times during the smoking phase. However, in view of the conditions and practices under which such products are prepared they would meet the minimum standard requirements for curing, salt equalization, and aging time prior to exceeding 95° F. The 95° F. maximum temperature was not intended to apply to such operations, and this matter has been clarified in the regulation.

Five comments opposed the proposal on the basis that the proposed minimum processing period of 70-days for "Country" or "Country Style Ham" was an inadequate time period for developing a finished product with characteristics traditionally associated with such hams, especially in some geographic areas. Some suggested that at least 6 months' time was needed and should be required. The Department has determined, on the basis of its review of considerable information in connection with the proposal, and that received during the comment period, that such a product can be prepared in 70 days with all the significant characteristics that have been associated with the product.

Some comments stated that an expressed requirement of a minimum of 4 percent salt in products containing certain nitrates or nitrites would cause unnecessary time and expense in connection with determinations of salt content.

This does not appear to be a valid objection since the Department has determined that a minimum of 4 percent salt is necessary to assure that such products would not develop bone sour or other deep tissue spoilage which would not be readily evident.

Eight comments from individual processors, one State processors' association, one industry trade organization, and a delegation of nine Congressional Representatives objected to the need for such a regulation. They expressed the belief that the Department should be concerned only with wholesomeness, and the processor should otherwise be free to prepare the product as desired. They stated, however, that if a standard were promulgated, it should be on the basis of finished product characteristics, such as percent moisture, rather than involving processing procedures.

In this connection it should be noted that section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c) authorizes the Secretary to promulgate standards of identity or composition for meat and meat food products whenever, after specified consultations, he determines that such action is necessary for the protection of the public and would not be inconsistent with any standard under the Federal Food, Drug, and Cosmetic Act. The Secretary has determined, after consultations pursuant to the Act, that the standards for hams and pork shoulders, established herein are necessary for the protection of the public in order to assure that such products labeled as "Country," "Country Style," or "Dry Cured" have those basic characteristics that consumers associate with such products so labeled and that said standards would not be inconsistent with any standard under the Federal Food, Drug, and Cosmetic Act. Further, the Department determined that specific processing procedures are necessary to be included in the standards in order to assure that the finished products have those characteristics associated with such hams and pork shoulders.

Product prepared in accordance with the methods of preparation specified in the standards will result in product capable of being distributed without refrigeration. Therefore, the specific provisions in the proposal regarding this matter are being deleted since they are unnecessary.

The Department recognizes that label changes would be required by the establishment of these standards and that the procurement of new labels takes time. Therefore, the standards will not become effective and labels in compliance with their provisions will not be required until July 1, 1978.

In considering the technical aspects of this rulemaking as it relates to trichinae treatment required for such products, the Department recognized that, should hams or pork shoulders be produced in the minimum time specified and at temperatures considerably lower than the maximum specified, the finished product may not have been adequately treated for the destruction of possible live trichinae. In this connection wording is added to emphasize that none of the provisions of the standards could be interpreted as discharging trichinae treatment requirements. The product will be required to be treated in accordance with such methods as may be approved by the Administrator upon request in specific instances.

The proposed requirement concerning the internal salt content of at least 4 percent in § 309.106(c)(3) was intended to apply whenever any combination of the specified nitrates or nitrites were used, and this has been clarified.

The proposal specified four nutritive sweeteners for use as optional ingredients in such products. The Department has determined upon further consideration that any of the class of "nutritive sweeteners" should be permitted to be used in such products. This would allow greater flexibility of formulation without changing the basic characteristics that consumers associate with such products.

Other minor changes have been made for purposes of clarification.

Based on all of the information available to the Department it has been determined to be in the public interest to amend the Federal meat inspection regulations to provide standards for the subject products as follows.

1. Subpart D of Part 319 is amended by adding thereto a new § 319.106 to read:

§ 319.106 "Country Ham," "Country Style Ham," "Dry Cured Ham," "Country Pork Shoulder," "Country Style Pork Shoulder," and "Dry Cured Pork Shoulder."

(a) "Country Ham," "Country Style Ham," or "Dry Cured Ham," and "Country Pork Shoulder," "Country Style Pork Shoulder," or "Dry Cured Pork Shoulder" are the uncooked, cured, dried, smoked or unsmoked meat food products made respectively from a single piece of meat conforming to the definition of "ham," as specified in § 317.8(b)(13) of this subchapter, or from a single piece of meat from a pork shoulder. They are prepared in accordance with paragraph (c) of this section by the dry application of salt (NaCl), or by the dry application of salt (NaCl) and one or more of the optional ingredients as specified in paragraph (d) of this section. They may not be injected with curing solutions nor placed in curing solutions.

(b) The product must be treated for the destruction of possible live trichinae in accordance with such methods as may be approved by the Administrator upon request in specific instances and none of the provisions of this standard can be interpreted as discharging trichinae treatment requirements.

(c)(1) The entire exterior of the ham or pork shoulder shall be coated by the dry application of salt or by the dry application of salt combined with other ingredients as permitted in paragraph (d) of this section.

(2) Additional salt, or salt mixed with other permitted ingredients, may be reapplied to the product as necessary to insure complete penetration.

(3) When sodium or potassium nitrate, or sodium or potassium nitrite, or a combination thereof, is used, the application of salt shall be in sufficient quantity to insure that the finished product has an internal salt content of at least 4 percent.

(4) When no sodium nitrate, potassium nitrate, sodium nitrite, potassium nitrite or a combination thereof is used, the application of salt shall be in sufficient quantity to insure that the finished product has a brine concentration of not less than 10 percent or a water activity of not more than 0.92.

(5) For hams or pork shoulders labeled "country" or "country style," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; the total time for curing, salt equalization, and drying shall not be less than 70 days for hams, and shall not be less than 50 days for pork shoulders. During the drying and smoking period, the internal temperature of the product must not exceed 95° F., provided that such temperature requirement shall not apply to product dried or smoked under natural climatic conditions.

(6) For hams or pork shoulders labeled "dry cured," the combined period for curing and salt equalization shall not be less than 45 days for hams, and shall not be less than 25 days for pork shoulders; and the total time for curing, salt equalization, and drying shall not be less than 55 days for hams and shall not be less than 40 days for pork shoulders.

(7) The weight of the finished hams and pork shoulders covered in this section shall be at least 18 percent less than the fresh uncured weight of the article.

(d) The optional ingredients for products covered in this section are:

(1) Nutritive sweeteners, spices, seasonings and flavorings.

(2) Sodium or potassium nitrate and sodium or potassium nitrite if used as prescribed in this section and in accordance with § 318.7(c)(4) of this subchapter.

§ 317.8 [Amended]

2. In § 317.8(b), the following provision is added at the end of the first sentence in subparagraph (2): "*: And Provided further*, That the provisions of this subparagraph shall not apply to products prepared in accordance with § 319.106 of this subchapter."

It does not appear that further public participation in rulemaking proceedings on the proposal would make additional information available to the Department which would significantly alter the nature of this proceeding. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures are unnecessary.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

The foregoing amendments shall become effective July 1, 1978.

Done at Washington, D.C., on January 14, 1977.

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

[FR Doc.77-1704 Filed 1-17-77;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 16—SECURITIES OFFERING DISCLOSURE RULES

Revision of Offering Circular Requirements

Correction

In FR Doc. 77-801, appearing at page 2200, in the issue for Monday, January 10, 1977, the following corrections should be made:

1. On page 2202, in § 16.6, under Item 1, in the third column, paragraph (f), in line 4, the first word should read, "offering".

2. On page 2204, in § 16.6, under Item 8, in the third column, paragraph (e), in the second line, "issurance" should read "issuance."

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-981, Amdt. 55]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 11, 1977.

Effective: January 11, 1977.

Adopted: January 11, 1977.

In accordance with the methodology established in the Notice of Final Action on Revised Procedure for Part 288[1] the Board has completed its monthly review of fuel prices reported on C.A.B. Form 41, Schedule P-12(a) for foreign and overseas MAC air transportation services for

[1] Docket 29579, dated December 22, 1976.

the month of November 1976, and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established or those services.[2] The basis for issuing this surcharge amendment is the reduction in average fuel price for the participating MAC carriers by 1.16 cents per gallon, from 40.51 cents per gallon reflected in the currently-effective fuel surcharge rate[3] to the currently reported average price of 39.35 cents per gallon.

The Appendix sets forth the results of the surcharge rate computation for the reported fuel price changes for commercial and military fuels consumed in military charter service for the month of November 1976, as reported on Schedule P-12(a); and the rate impact for the changes in current average fuel prices from that reflected in the base rates. Accordingly, we will revise the fuel surcharge rates effective January 11, 1977, to decrease the long-range Category B and Category A rate from 2.79 to 1.95 percent.

[2] ER-962, effective July 27, 1976.
[3] ER-972, effective October 1, 1976.

In view of the continuing need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective January 11, 1977, as follows:

1. Amend § 288.7(a) by amending the third proviso following the table to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(a) * * *: *Provided, however,* That effective January 11, 1977, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.95 percent, 3.57 percent, and 3.57 percent, respectively.[1]

2. Amend § 288.7(d) by amending the proviso to subparagraphs (1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(d) * * *

* * * * *

Provided, That effective January 11, 1977, the total minimum compensation pursuant to the rates specified in paragraphs (d) (1) and (2) of this paragraph shall be increased by a surcharge of 1.95 percent.

* * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 USC 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[1] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

MAC long-range carriers—Computation of fuel surcharge based on November 1976 P-12(a) fuel data report

Carriers	November 1976 P-12(a) report			Price per gallon used in latest surcharge computation [1] (cents)	Currently effective base average price [2] (cents)	Percent price increase (decrease) current/base	Fuel cost as a percent of total economic cost [3]	Fuel price change impact on base economic costs (percent)	Rate impact weighting factor [4] (percent)	Base rate impact for fuel price change (percent)
	Cost	Gallons	Price per gallon							
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Long range:										
Airlift	$47,587	119,318	39.88	42.03	37.63	5.98	30.07	2.16	4.47	0.097
Capitol	105,223	270,551	38.89	41.41	37.15	4.68	31.53	1.48	4.83	.071
Flying Tiger	438,713	1,166,771	37.60	40.51	33.76	11.37	23.45	2.67	16.19	.432
Northwest	372,633	940,377	39.63	39.37	35.39	11.98	27.23	3.26	9.30	.306
Overseas	341,761	847,537	40.32	41.34	39.59	1.84	30.22	.56	7.67	.043
Pan American	404,734	1,002,448	40.37	40.47	37.53	7.57	24.20	1.83	17.73	.324
Seaboard	198,424	509,546	38.94	39.97	37.63	3.48	28.11	.98	9.40	.092
Trans International	583,660	1,487,938	39.32	40.69	37.36	5.25	30.86	1.62	16.38	.265
World	221,226	555,703	39.81	39.85	36.79	8.21	28.06	2.30	13.94	.321
Total	2,715,351	6,900,189	39.35	40.51	36.77	7.02	27.43	1.926	100.00	1.951

[1] See ER-972, app. A.
[2] Average per gallon fuel costs used in determining currently effective base rates set out in ER-962.
[3] Per adjusted operating results used as base for rates fixed in ER-962.
[4] To reflect the weighting applied to individual unit cost in computing ER-962 interim final rates (individual carrier's percentage of group's computed revenues).

[FR Doc.77-1449 Filed 1-17-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart C—Consent Order Procedure

MISCELLANEOUS AMENDMENT

The Commission announces the following amendment to Chapter I of Title 16 of the Code of Federal Regulations. The purpose of the amendment is to clarify the Commission's procedure following the placement of a consent agreement on the public record. This amendment is effective on publication (January 18, 1977), and will be applicable to all consent agreements executed (signed by Commission staff and respondents) after that date.

Section 2.32 is amended to read as follows:

§ 2.32 Agreement.

Every agreement shall contain, in addition to an appropriate order, either an admission of the proposed findings of fact and conclusions of law submitted simultaneously by the Commission's staff or an admission of all jurisdictional facts and an express waiver of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law. In addition, every agreement shall contain waivers of further procedural steps and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order, and that no agreement, understanding, representation, or interpretation not contained in the order or the aforementioned agreement may be used to vary or to contradict the terms of the order; that the order shall have the same force and effect and may be altered, modified, or set aside in the same manner provided by statute for other orders; that the order shall become final upon service; that the agreement shall not become a part of the public record unless and until it is accepted by the Commission; that the Commission will place the order contained therein on the public record for a period of sixty

(60) days for the receipt and consideration of comments or views from any interested person; and that the Commission thereafter may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding. In addition, in appropriate circumstances the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the law has been violated as alleged in the complaint.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46).)

By direction of the Commission dated December 14, 1976.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-1250 Filed 1-17-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13113; File No. S7-603]

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

Uniform Net Capital Rule

The Securities and Exchange Commission today announced the adoption of certain amendments to Rule 15c3-1 [17 CFR 240.15c3-11] ("§ 240.15c3-1"), the uniform net capital rule, under the Securities Exchange Act of 1934. The amendments continue the suspension of certain provisions of the net capital rule pertaining to transactions in municipal securities until May 1, 1977.

The Commission, in Securities Exchange Act Release No. 12482 (May 26, 1976) [41 FR 14114 (June 15, 1976)] ("Release No. 12482"), adopted certain amendments to § 240.15c3-1 pertaining to transactions in municipal securities.

The Commission also requested public comment, especially by way of impact studies and other appropriate statistical compilations, concerning certain of the more intricate questions arising from application of § 240.15c3-1 to transactions in municipal securities. In this connection, the Commission specifically requested public comment concerning position size and time-in-inventory parameters appropriately evidencing undue concentrations in municipal securities, the contours of a "ready market" for municipal securities, and the need for adjustments to the alternative as applied to brokers and dealers effecting transactions solely in municipal securities.

Thereafter, several members of the public invested considerable time and effort in the production of statistical analyses and other studies bearing upon the questions propounded for comment by the Commission. The results of their work have been of great value to the Commission, which appreciates their highly constructive response to its request. Largely as a result of their work, the Commission is progressing towards definitive solutions of the regulatory issues involved in the Commission's request for comment in Release No. 12482. With the aid of further impact data directed to certain issues raised by the application of § 240.15c3-1 to transactions in municipal securities, the Commission is confident that it can propose in the near future solutions to these remaining questions which are appropriate in the public interest and for the protection of investors. Accordingly, the Commission has determined to extend until May 1, 1977, the presently existing temporary amendments to § 140.15c3-1, in order to permit the public to develop and the Commission to analyze further information responsive to the Commission's renewed request for public comment.

SOLICITATION OF PUBLIC COMMENT

The Commission solicits the views of all interested members of the public concerning the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. In particular, the Commission invites public comment addressed to the following questions:

1. On the basis of impact data and other appropriate statistical compilations, is it appropriate in the public interest and for the protestion of investors to consider unduly concentrated only those positions in municipal securities of an issue[1] which are long or short in the proprietary or other accounts of a broker or dealer longer than eleven business days, and which in market value exceed the greater of $500,000 or 10 percent of tentative net capital? Are these parameters appropriate as applied to positions in municipal notes?

2. In light of impact data and other appropriate statistical compilations, do there exist or can there be evolved uniform criteria for determining when a "ready market" for a particular municipal security exists?

3. On the basis of impact studies, trial capital computations and other appropriate statistical compilations, is it necessary to adjust the treatment of certain items under the alternative net capital requirement to reflect essential differences between the clearance and settlement mechanisms for municipal securities and their counterparts in the corporate securities industry? What would be the effect of modifications suggested in response to this question upon minimum net capital requirements for brokers and dealers effecting transactions in municipal securities, computed under the alternative net capital requirement as amended herein?

[1] For the purpose of this question, the term "municipal securities of an issue" should be assumed to denote all municipal securities issued by the same issuer and having the same dated date, maturity date, interest rate and credit backing.

Interested persons are invited to submit their views in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than March 1, 1977. Reference should be made to File No. S7-603. All comments received will be available for public inspection.

PUBLIC PROCEDURE

In Release No. 12482, the Commission invited public comment concerning several questions relating to the appropriate net capital requirements for brokers and dealers effecting transactions in municipal securities. The amendments to § 240.15c3-1 adopted herein are framed in light of considerations disclosed in the public's response to that invitation, and do not alter the existing regulatory scheme for such brokers and dealers. The Commission finds, pursuant to 5 U.S.C. § 553(b)(3)(B) (1970), that further notice and public procedure respecting these amendments is impracticable and unnecessary to the public interest. The Commission finds further that these amendments relieve regulatory restrictions within the meaning of 5 U.S.C. 553(d)(1) (1970), and may therefore become effective less than thirty days from their publication.

STATUTORY BASIS, EFFECTIVE DATE AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. § 780(c)(3), w(a), the Commission amends § 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective January 1, 1977. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. § 780(c)(3), to establish minimum financial responsibility standards for all brokers and dealers.

TEXT OF AMENDMENTS TO SECTION 240.15c3-1

The text of the amendments to § 240.15c3-1 is as follows:

1. Paragraphs (c)(2)(iv)(C) and (f)(1)(i) and (ii) are revised to read as follows:

§ 240.15c3-1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *
(2) * * *
(iv) * * *

(C) Interest receivable, floor brokerage receivable, commissions receivable from other brokers or dealers (other than syndicate profits which shall be treated as required in subdivision (c)(2)(iv)(E) below), mutual fund concessions receivable and management fees receivable from registered investment companies, all of which receivables are outstanding

longer than thirty (30) days from the date they arise; dividends receivable outstanding longer than thirty (30) days from the payable date; good faith deposits arising in connection with an underwriting, outstanding longer than eleven (11) days from the settlement of the underwriting with the issuer; and, until May 1, 1977, receivables due from participation in municipal securities underwriting syndicates and municipal securities joint underwriting accounts which are outstanding longer than ninety (90) days from settlement of the underwriting with the issuer, and good faith deposits arising in connection with an underwriting of municipal securities, outstanding longer than ninety (90) days from settlement of the underwriting with the issuer;

* * * * *

(f) *Alternative Net Capital Requirement.* (1)(i) A broker or dealer who is not exempt from the provisions of 17 CFR 240.15c3–3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness as defined in subparagraph (c)(1) of this section and certain deductions provided for in subparagraph (c)(2) of this section. Provided, that in order to qualify to operate under this paragraph (f), such broker or dealer shall at all times maintain net capital equal to the greater of $100,000 (until May 1, 1977, $25,000 in the case of a broker or dealer effecting transactions solely in municipal securities) or 4 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements for Brokers and Dealers (Exhibit A to Rule 15c3–3, 17 CFR 240.15c3–3a) and shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a broker or dealer has determined to operate pursuant to the provisions of this paragraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

(ii) In the case of a municipal securities broker, as defined in section 3(a)(31) of the Securities Exchange Act of 1934, who is not exempt from the provisions of 17 CFR 240.15c3–3 under the Securities Exchange Act of 1934 pursuant to subparagraph (k)(1) or (k)(2)(i), and who effects transactions only on a payment versus delivery basis with other brokers or dealers or municipal securities brokers or municipal securities dealers, and who does not hold funds or securities for, or owe money to, customers and does not otherwise carry accounts of, or for, customers, in order to qualify to operate under this paragraph (f) such municipal securities broker shall at all times, until May 1, 1977, maintain net capital equal to the greater of $25,000 or 4 percent of aggregate debit items computed in accordance with Exhibit A to Rule 15c3–3, 17 CFR 240.15c3–3a. *Provided,* That in order to qualify to operate under this paragraph (f), such municipal securities broker shall notify the Examining Authority for such broker or dealer and the Regional Office of the Commission in which the broker or dealer has its principal place of business, in writing, of its election to operate under this provision. Once a municipal securities broker has determined to operate pursuant to this subparagraph (f), he shall continue to do so unless a change in such election is approved upon application to the Commission.

§ 240.15c3–1 [Amended]

2. In § 240.15c3–1, the last sentence of paragraphs (c)(2)(vi)(M) and (f)(3)(iii) is amended to read as follows: "Provided further, that until May 1, 1977, this paragraph shall not apply to municipal securities."

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 28, 1976.

[FR Doc.77–1664 Filed 1–17–77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F–0272]

PART 121—FOOD ADDITIVES

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

OLEFIN POLYMERS

The Food and Drug Administration (FDA) is amending the food additive regulations to permit the use of a terpolymer in a blend with either polyethylene or polypropylene to be used as articles or components of articles intended for food contact and also to provide for the use of an antioxidant in the production of the terpolymer; effective January 18, 1977; objections by February 17, 1977.

Notice was given in the FEDERAL REGISTER of July 26, 1976 (41 FR 30700), that a petition (FAP 6B3216) had been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, proposing that § 121.2501 (21 CFR 121.2501) be amended to provide for the safe use of a terpolymer of ethylene, propylene, and 1,4-hexadiene in a blend with either polyethylene or polypropylene to be used as articles or components of articles intended for food contact. Subsequently, amended notice was given in the FEDERAL REGISTER of November 5, 1976 (41 FR 48793) that the petition also proposed amending § 121.2566 (21 CFR 121.2566) to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate in the production of the terpolymer.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below. Also, it has come to the Commissioner's attention that in FR Doc. 68–10502, appearing in the FEDERAL REGISTER of August 31, 1968 (33 FR 12309), the temperature (135° C) to be used in determining the viscosity average molecular weight of olefin copolymers described in § 121.2501(a)(3)(iii) was inadvertently omitted from the regulation and should be inserted in § 121.2501(d)(5). The amended § 121.2501(d)(5) below includes this clarification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended as follows:

1. In § 121.2501, by adding new paragraph (a)(3)(iv), by numerically adding new item 3.5 to the table in paragraph (c), and by revising paragraph (d)(5) to read as follows:

§ 121.2501 Olefin polymers.

* * * * *

(a) * * *

(3) * * *

(iv) Ethylene and propylene that may contain as a modifier not more than 4.5 weight percent of total polymer units derived by copolymerization with 1,4-hexadiene.

* * * * *

(c) * * *

Olefin polymers	Density	Melting point (MP) or softening point (SP)	Maximum extractable fraction (expressed as percent by weight of polymer) in n-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * *	*		*	*
3.5 Olefin copolymers, primarily noncrystalline, described in paragraph (a)(3)(iv) of this section, provided that such olefin polymers have a minimum viscosity average molecular weight of 95,000 as determined by the method described in paragraph (d)(5) of this section, and further provided that such olefin polymers are used only in blends with olefin polymers described under items 1.1, 2.1, and 2.2 of this table at a maximum level of 25 pct by weight, and provided that such olefin copolymers contact food only of the types identified in sec. 121.2526(c), table 1, under types I, II, IV–B, VI, VII–B, and VIII at temperatures not exceeding 19C° F.	0.85–0.90			
* * *	*		*	*

(d) * * *

(5) *Viscosity average molecular weight, olefin copolymers described in paragraphs (a) (3) (iii) and (iv) of this section.* The viscosity average molecular weight shall be determined from the kinematic viscosity (ASTM Method D 445)[1] of solutions of the copolymers in solvents and at temperatures as follows:

(i) Olefin polymers described in paragraph (a) (3) (iii) of this section in decahydronaphthalene at 135° C.

(ii) Olefin polymers described in paragraph (a) (3) (iv) of this section in tetrachloroethylene at 30° C.

* * * * *

2. In § 121.2566(b) by revising limitation 5 on the substance "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
	For use only:
	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	5. At levels not exceeding 0.25 percent by weight of olefin copolymers complying with § 121.2501(c), items 3.4 and 3.5: *Provided*, That the finished polymer contacts nonfatty foods only of the types identified in § 121.2526, table 1, under categories I, II, IV-B, VI, VII-B, and VII.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 17, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

[1] Copies are available from: American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

Effective date: This regulation shall become effective January 18, 1977.

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

Dated: January 10, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference approved on December 9, 1976 by the Director of the Office of the Federal Register, and it is on file in the Federal Register library.

[FR Doc.77-1338 Filed 1-17-77;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 613—THE JEWELRY AND MISCELLANEOUS PRODUCTS MANUFACTURING INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 136-A for the Jewelry and Miscellaneous Products Manufacturing Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 136-A are hereby published, revising § 613.1 and amending § 613.2 of Part 613, Title 29, Code of Federal Regulations. The increases in future wage rates prescribed by section 6 of the 1974 Fair Labor Standards Amendments are set forth in this wage order. The other wage rates have heretofore reached the mainland rates and are continued.

Section 613.1 is revised and § 613.2 is amended by revising paragraphs (a) (1) (v) (A), (a) (1) (vi) (A), and (a) (2) (i) to read as follows:

§ 613.1 Definition.

(a) The jewelry and miscellaneous products manufacturing industry in Puerto Rico is defined as the manufacture of jewelry and jewelry products including the processing of natural or synthetic stone for jewelry or industrial use; the manufacture of artificial flowers except those made of molded plastic, party favors and similar products; straw, hair and related products; and all other manufacturing activities which are not included in the definitions of other manufacturing industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use.

(b) This industry includes, but is not limited to, the manufacture of jewelry and jewelry findings; silverware, plated ware, and stainless steel ware; rosaries, beads, buttons, buckles and hair ornaments and accessories; the processing of stones for jewelry or industrial use; the manufacture of flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches which are commonly or commercially known as artificial; the manufacture of party favors and ornaments and decorations for holidays except those made of molded plastics or metal other than metallic chenille foil or tinsel; and the manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, bristles, feathers and similar materials.

§ 613.2 Wage rates.

* * * * *

(a) *Jewelry, novelty, decoration, straw, hair and related products sector of the industry*—(1) *Pre-1961 coverage classification.* * * *

(v) *Straw, hair and related products classification.* (A) The minimum rate for this classification is $2.00 an hour through April 30, 1977; $2.15 an hour effective May 1, 1977; and $2.30 an hour effective May 1, 1978, (section 6(c)(5)). * * *

(vi) *Other related products and activities classification.* (A) The minimum rate for this classification is $2.30 an hour.

* * * * *

(2) *1961 coverage classification.* (i) The minimum rate for this classification is $2.30 an hour.

* * * * *

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

Effective date: These amendments shall be effective on February 3, 1977.

Signed at Washington, D.C., on this 12th of January 1977.

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

[FR Doc.77-1519 Filed 1-17-77;8:45 am]

PART 720—THE RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52

Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 88 Stat. 55), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 646 (41 FR 36705), the Secretary of Labor appointed and convened Industry Committee No. 136-B for the Rubber and Miscellaneous Plastics Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 136-B are hereby published, revising § 720.1 and amending § 720.2. Those classifications which have reached mainland rates are updated.

In addition, § 720.2(c) is hereby rescinded as obsolete.

Section 720.1 is revised and § 720.2 is amended by revoking paragraph (c) and by revising paragraphs (a)(1)(i), (a)(2)(i), (a)(3)(i), (a)(4)(i), (b)(1)(i), and (b)(2)(i) to read as follows:

§ 720.1 Definition.

The rubber and miscellaneous plastics products industry in Puerto Rico is defined as the manufacture from natural, synthetic, or reclaimed rubber or latex rubber products such as, but not limited to, tires and tubes, reclaimed rubber, rubber and plastics hose and belting, industrial and mechanical rubber and plastics goods, rubberized fabrics, recapped and retreaded tires, rubber and plastics cut stock and findings for footwear, and miscellaneous rubber and fabricated plastics products: *Provided, however,* That the industry shall not include any activity in the rubber and plastics footwear industry; the chemical, petroleum and related products industry; the leather, leather goods and related products industry; the gloves and mittens industry; the men's and boys' clothing and related products industry; the corsets, brassieres and allied garments industry; the women's outerwear, needlework and miscellaneous fabricated textile products industry; the textile mill products industry; and the jewelry and miscellaneous products manufacturing industry.

§ 720.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the rubber and miscellaneous plastics products industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Act.

(a) *Pre-1966 coverage classifications.* * * *

(1) *Rubber products classification.* (i) The minimum rate for this classification is $2.30 an hour. * * *

(2) *Plastic dinnerware, sprayer, vaporizer, phonograph record and artificial flower classification.* (i) The minimum wage for this classification is $2.20 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(3) *Plastic pipe and fittings classification.* (i) The minimum wage for this classification is $2.15 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(4) *Other plastics products classification.* (i) The minimum wage for this classification is $2.15 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977. * * *

(b) *1966 Coverage classifications.* * * *

(1) *Rubber products classification.* (i) The minimum rate for this classification is $2.30 an hour. * * *

(2) *Plastics products classification.* (i) The minimum wage for this classification is $2.20 an hour through April 30, 1977, and $2.30 an hour effective May 1, 1977.

* * * * * *

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

Effective date: These amendments shall be effective February 3, 1977.

Signed at Washington, D.C., on this 12th day of January 1977.

RONALD J. JAMES,
Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.77-1520 Filed 1-17-77;8:45 am]

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

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Exposure to Coke Oven Emissions; Corrections

On October 22, 1976, an occupational safety and health standard was published in the FEDERAL REGISTER (41 FR 46742) for exposure to coke oven emissions pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059) and 29 CFR Part 1911. There were a number of typographical errors and inadvertent omissions from the document.

The coke oven standard, as promulgated on October 22, 1976, contain provisions which require, among other things, technology forcing (paragraph (f)(1)(i)) and written compliance programs (paragraph (f)(6)) for existing batteries. The preamble contains an explanatory statement of the reasons for these requirements. However, an examination of the standards indicated that OSHA had inadvertently failed to include these requirements for new and rehabilitated batteries and for beehive ovens. The same reasons which justify these requirements for existing batteries justify the requirements for all batteries. Accordingly, the Agency has corrected the inadvertent omissions of these requirements by including them in the requirements for new and rehabilitated batteries (correction numbers 64, 68, 69, and 70) and beehive ovens (correction numbers 65, 68, and 69).

The Administrative Procedure Act (5 U.S.C. 553(d)) mandates that regulations may not become effective until 30 days after publication in the FEDERAL REGISTER. Therefore, paragraphs (f)(1)(ii)(b), (f)(1)(iii)(b), and (f)(6) as it applies to new or rehabilitated coke oven batteries and beehive ovens, which are the provisions affected by the above-noted correction, shall become effective on February 17, 1977.

Accordingly, FR Doc. 76-31097 beginning at 41 FR 46742 of the issue dated October 22, 1976, is corrected as follows:

1. On page 46742, 1st paragraph, 5th line, the citation is corrected to read "(41 FR 25059)"

2. On page 46742, 3rd column, the 37th line is corrected to read "1975, (40 FR 32268) consisted of the pro-".

3. page 46743, 2nd column, 1st full paragraph, last line, the citation is corrected to read "(Ex 2-20; 2-61, Vol. 2, Pg. 142-3)".

4. On page 46743, 3rd column, 2nd full paragraph, the 12th line, "changed" is corrected to read "charged".

5. On page 46744, 1st column, the 2nd full paragraph, the 11th and 12th lines are corrected to read, "Coke oven gas, 285-345 m^3 (9,500-11,500 ft^3) Tar 27.5-34 l (6.5-9 gal)".

6. On page 46748, 2nd column, first full paragraph, the 8th line is corrected to read "ard-setting context to include both tech-".

7. On page 46749, 2nd column, 2nd paragraph, the 27th line, the word "date" is corrected to read "data".

8. On page 46749, 3rd column, the 2nd full paragraph, the 2nd line, "(39 CFR 41501)" is corrected to read "(39 FR 41501)".

9. On page 46750, 2nd column, 3rd line from the bottom, the word "appropriately" is corrected to read "approximately".

10. On page 46750, 3rd column, 2nd paragraph, the 2nd line is corrected to read "was noted that a rate of .0016 was used in".

11. On page 46750, 3rd column, 5th paragraph the 4th line is corrected to read "the standard, meaningful quantification".

12. On page 46751, 1st column, 4th full paragraph, the 9th line, the word "not" is corrected to read "no".

13. On page 46752, 1st column, 2nd paragraph, the 12th line is corrected to read "coke-side and their machinery, the battery ends, the".

14. On page 46752, 2nd column, 1st full paragraph, 12th line is corrected to read "ply in the regulated area. For example, Subpart I—"

15. On page 46754, 2nd column, 2nd full paragraph the 9th line is corrected to read "volatiles (29 CFR 1910.1000, Table Z–1)".

16. On page 46755, 1st column, 2nd full paragraph, 19th line, "0.272" is corrected to read "0.0272".

17. On page 46755, 2nd column, 1st full paragraph, the 15th line is corrected to read "current standard of 0.2 mg/m³ are 0.0029".

18. On page 46755, 3rd column, the 3rd line from the bottom is corrected to read "relative risks are 1.309, 1.337, 1.394, and".

19. On page 46757, 1st column, 3rd full paragraph, the 5th line, the citation is corrected to read "(Ex. 1a, p. 32278; 3, p. 15)".

20. On page 46757, 2nd column, 1st full paragraph, the 7th line is corrected to read "oven emissions over an eight hour pe-".

21. On page 46757, 2nd column, last paragraph, the 2nd line is corrected to read "U.S.C. 657) * * *".

22. On page 46758, 3rd column, 2nd full paragraph, the 10th line, the citation is corrected to read "(29 U.S.C. 657)".

23. On page 46758, 3rd column, 7th line from the bottom the citation is corrected to read "657) * * *".

24. On page 46759, 2nd column, 1st paragraph, 26th line, add the sentence: "If engineering and work practice controls do not reduce employee exposure to or below the permissible exposure limit, the employer with beehive ovens is required to use these controls to reduce exposures to the lowest level achievable and to research, develop, and implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible".

25. On page 46760, 1st column, the 1st full paragraph is corrected by adding after the last sentence the following: "That is, OSHA intends that the employer has the burden of proving the infeasibility of implementing any mandated controls. The employer would also have the same burden with respect to any additional available controls, and the controls which are researched and developed as required by the technology-forcing provisions of the standard."

26. On page 46760, 1st column, 2nd full paragraph, 19th line before the words "the battery" insert the word "of".

27. On page 46761, 1st column, 2nd paragraph, last line, "1976" is corrected to read "1975".

28. On page 46761, 1st column, last paragraph, 2nd line, the citation is corrected to read "(Ex. 68)".

29. On page 46762, 1st column, 1st full paragraph, 28th line, the word "carry" is corrected to read "larry".

30. On page 46762, 2nd column, 3rd full paragraph, 9th line is corrected by inserting the word "cars" after the word "larry".

31. On page 46763, 3rd column, last line, "(f)(2)(g)" is corrected to read "(f)(2)(i)(g)".

32. On page 46764, 2nd column, 1st full paragraph is corrected to read "The Advisory Committee recommended that steam nozzles, liquor sprays, and standpipes be inspected prior to each charge and cleaned as necessary (Ex. 3, p. 40). In view of the importance of keeping the aspiration system operating properly and standpipe caps seated correctly and sealed, the standard includes a provision similar to the Advisory Committee's recommendation."

33. On page 46766, 1st full paragraph, 3rd line is corrected by deleting "/" and inserting the word "of".

34. On page 46770, 1st column, 3rd paragraph, the sentence which begins on the 15th line and ends on the 18th line is corrected to read "The system filtered carbon monoxide (CO), total hydrocarbons, total sulfur measured as sulfur dioxide (SO_2), total particulates, and nitrogen oxide and dioxide (NO/NO_2)."

35. On page 46770, 3rd column, 5th line, the item in parentheses is corrected by deleting the "Ex.".

36. On page 46771, 2nd column, 2nd full paragraph, 20th and 21st lines are corrected by deleting "(2–151, pg. 120–1)".

37. On page 46771, 3rd column, 6th line, the transcript citation is corrected by deleting "Ex.".

38. On page 46771, 3rd column, the 2nd line from the bottom is corrected to read "the station for cleaning; for jambs on the."

39. On page 46772, 1st column, 2nd full paragraph, 3rd line, the citation is corrected to read "(TR 2312, 2474)".

40. On page 46772, 1st column, 3rd full paragraph, 11th line, the citation is corrected to read "(Ex. 2–61, p. 13; Ex. 2–20)".

41. On page 46773, 2nd column, 1st full paragraph, in the 4th from the last and in the last lines the citations are corrected to read "(TR 2150)".

42. On page 46773, 2nd column, 3rd full paragraph, 3rd line, the citation is corrected to read "(TR 143; 3994)".

43. On page 46773, 2nd column, 3rd full paragraph, the 5th line is corrected by inserting the words "as that" after the word "such".

44. On page 46773, 3rd column, the 4th line is corrected to read "(Ex. 2–121, p. 519–20; 2–18; 2–151, p. 156;".

45. On page 46774, 2nd column, last paragraph, 5th and 11th lines, the words "Part II" are corrected to read "Part 11".

46. On page 46775, 1st column, the 6th line is corrected by changing the word "must" to the word "should".

47. On page 46776, 3rd column, last paragraph, the 5th line is corrected to read "lished (the coke oven battery, wharf, screening station, and the".

48. On page 46777, 1st column, 3rd full paragraph, the 14th line is corrected by adding the following: "If it is reasonably anticipated that an employee who is assigned to a regulated area will work there for less than 30 days, the examination need not be provided at the time of initial assignment. For all other employees, the exam must be provided at the time of initial assignment."

49. On page 46777, 3rd column, 2nd full paragraph, 16th line, the citation is corrected to read "(Ex. 2–18, p. I–5)".

50. On page 46779, 1st column, 4th full paragraph, the 3rd line is corrected by deleting "–15".

51. On page 46779, 2nd column, last paragraph, the 8th line is corrected by deleting the words "anticipated or".

52. On page 46780, 2nd column, 4th full paragraph, 17th line, the word "later" is corrected to read "latter".

53. On page 46781, 2nd column, 4th full paragraph, the 12th line is corrected by changing the words "no smoking" to "no smoking or eating".

54. On page 46781, 3rd column, the 6th line is corrected by deleting "(4)" and inserting "(i)(2)(i)".

55. On page 46781, 3rd column, 5th full paragraph, lines 13–15 are corrected by deleting the phrase "* * * In light of the skin cancer hazard associated with coke oven emission * * *".

56. On page 46781, 3rd column, 5th full paragraph, the 20th line is corrected by deleting the word "which" and inserting the word "with".

57. On page 46782, 1st column, 2nd line the citation is corrected to read "(29 U.S.C. 657)".

58. On page 46784, 1st column, the last paragraph is corrected by deleting the 7th and 8th lines.

59. In § 1910.1029(b), page 46784, 3rd column, the 11th line is corrected to read "not a rehabilitated coke oven battery."

60. On page 46784, 3rd column, § 1910.-1029(c), the 2nd line is corrected by adding the words "in the regulated area" after the word "employee".

61. On page 46784, 3rd column, § 1912.-1029(c), the 4th line is corrected by changing the word "greated" to "greater".

62. On page 46785, 1st column, the last paragraph § 1910.1029(f)(1)(i)(*a*), 7th line, the last word is corrected to read "later".

63. On page 46785, 2nd column, § 1910.-1029(f)(1)(i)(*b*), the 16th line is corrected to read "posure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering".

64. On page 46785, 2nd column, § 1910.-1029(f)(1)(ii) is corrected by inserting "(*a*)" on the 2nd line after the word "batteries" and by adding after the last line the following:

(*b*) If after implementing all the engineering and work practice controls required by paragraph (f)(1)(ii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop and implement any other engineering and work practice controls necessary to reduce ex-

posure to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employe exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

65. On page 46785, 2nd column, § 1910.-1029(f)(1)(iii) is corrected by inserting "(*a*)" after the words "Beehive ovens" and by adding after § 1910.1029(f)(1)(iii)(*a*) the following:

(*b*) If, after implementing all engineering and work practice controls required by paragraph (f)(1)(iii)(*a*) of this section, employee exposures still exceed the permissible exposure limit, the employer shall research, develop, and implement any other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit except to the extent that the employer can establish that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of paragraph (g) of this section.

66. On page 46785, 3rd column, § 1910.-1029(f)(2)(i)(*d*), the 5th line, "wi 11", is corrected to read "will".

67. On page 46786, 3rd column, § 1910.-1029(f)(6)(i), the 5th line, the word "specified" is corrected to read "required".

68. On page 46786, 3rd column, § 1910.-1029(f)(6)(i), the 6th line is corrected to read "graph (f) of this sec-".

69. On page 46787, 1st column, § 1910.-1029(f)(6)(ii)(*e*), the 3rd and 4th lines are corrected to read "practice controls required in paragraph (f) of this section;".

70. On page 46787, 1st column, § 1910.-1029(f)(6)(iii), the 4th line is corrected by adding after the word "sooner," the following: "or after completion of a new or rehabilitated battery,".

71. On page 46787, 1st column, § 1910.-1029(f)(7), 5th line, the word "education" is corrected to read "information".

72. On page 46787, 1st column, § 1910.-1029(g)(1)(i), 7th line, the word "permissable" is corrected to read "permissible".

73. On page 46787, 2nd column, Table I, § 1910.1029 (*a*)(2) and (*b*)(*1*), the words "dust, mist and fume" are corrected to read "dust and mist".

74. On page 46787, 2nd column, § 1910.-1029(g)(2)(iii), the 3rd line, is corrected to read "tection against dust and mist by".

75. On page 46787, 3rd column, § 1910.-1029(h)(1)(iv) is corrected to read "insulation from hot surfaces for footwear;".

76. On page 46787, 3rd column, § 1910.-1029(h)(2)(v), 4th line, the word "closed" is corrected to read "closable".

77. On page 46787, 3rd column, § 1910.-1029(h)(2)(v), 5th line, the word "changeroom" is corrected to read "change room".

78. On page 46788, 1st column, § 1910.-1029(j)(1)(i), the 5th line is corrected to read "a regulated area at least 30 days per".

79. On page 46788, 1st column, § 1910.-1029(j)(2), the 5th line is corrected by inserting the phrase "for employees covered under paragraph (j)(1)(i) of this section," after the word "examination".

80. On page 46788, 2nd column, § 1910.-1029(j)(4)(iii) is corrected by changing the word "anticipated" to "estimated".

81. On page 46788, 3rd column, § 1910.-1029(k)(1)(ii), the 2nd line is corrected by changing "January 20" to "January 27".

82. On page 46788, 3rd column, § 1910.-1029(k)(2)(ii) the 1st line is corrected to read: "The employer shall provide upon request all".

83. On page 46788, 3rd column, paragraph "(1) *Precautionary signs and labels*" should be corrected to read "(l) *Precautionary signs and labels.*"

84. On page 46789, 1st column, 1st line, § 1910.1029(l)(2)(ii) the legend of the sign is corrected by adding the word "DANGER" above the words "RESPIRATOR REQUIRED".

85. On page 46789, 1st column, § 1910.1029 (l)(3), the 4th and 5th lines are corrected to read "coke oven emissions bearing the legend:"

86. On page 46789, 2nd column, § 1910.1029 (m)(3)(ii), 6th line is corrected by deleting the words ", former employees,".

87. On page 46789, 2nd column, § 1910.1029 (m)(3) is corrected by adding the following paragraph after paragraph (m)(3)(iii):

(iv) The employer shall make available upon request records of employee exposure measurements required by paragraph (m)(1) of this section for inspection and copying to former employees and their designated representatives which indicate the former employees own exposures.

88. On page 46789, 3rd column, Appendix A to § 1910.1029, Section I-D, the 7th-9th lines are corrected to read "chinery, cokeside and its machinery, and the battery ends; the screening station; the wharf; and the beehive ovens and their machinery."

89. On page 46789, 3rd column, Appendix A to § 1910.1029, Section II, the 2nd line is corrected by deleting the word "possibly".

90. On page 46789, 3rd column, Appendix A to § 1910.1029, Section II, the 3rd line is corrected to read "in humans. Although there have not been an ex-".

91. On page 46789, 3rd column, Appendix A to § 1910.1029, Section III-A, the 6th line is corrected to read "trols are not feasible or insufficient to reduce exposure to or below the PEL."

92. On page 46789, 3rd column, Appendix A to § 1910.1029, Section III-B, 5th line is corrected by changing the word "over" to read "oven".

93. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I-A, the 1st sentence is corrected by changing "(8-hour)" to read "(at least 7-hour)".

94. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I-A, the 8th line is corrected by changing "type A" to read "type A-E".

95. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I-A, 2nd paragraph, 1st sentence the last phrase is corrected to read ", at least one from each shift."

96. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I-A, 2nd paragraph, the 15th line is corrected to read "samples from the same shift on each battery may be used to cal-".

97. On page 46790, 2nd column, Appendix B to § 1910.1029, Section I-B, item 2, the 1st and 3rd lines are corrected by deleting the name "Perkin-Elmer". Inclusion of brand names in Appendix B to the standard does not constitute endorsement by OSHA or the Department of Labor.

98. On page 46790, 2nd column, Appendix B to § 1910.1029, Section II-A, 2nd paragraph, the 1st sentence is corrected by changing the phrase "at the time of initial assignment to a job" to read "who work at least 30 days."

99. On page 46790, 3rd column, Appendix B to § 1910.1029, Section II-A, the 6th line is corrected by changing the words "are to" to read "need".

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 14th day of January 1977.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.77-1732 Filed 1-17-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Amendment of Regulations; Corrections

In FR Doc. 76-35032 appearing at pages 52780 to 52786 in the FEDERAL REGISTER of Wednesday, December 1, 1976, the following changes should be made:

§ 136.3 [Amended]

1. On Page 52783, for parameter number 62, Nickel—Total, add "232" to the page references in the column under the 14th edition of Standard Methods opposite the colorimetric method designation.

2. On page 52784, for parameter number 89, change the parameter designation from "Nitrate" to "Nitrite."

3. On page 52784, for parameter number 96, Phenols, delete the present method designation, "Colorimetric, (4AAP)," and replace it with the method designation, "Distillation followed by colorimetric, (4AAP)"; delete the page reference in the column under the 14th edition of Standard Methods, "582," and replace it with page number "574".

Dated: January 10, 1977.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.77-1453 Filed 1-17-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

Redesignation; Correction

In FR Doc. 76-11094 appearing at page 16147 in the FEDERAL REGISTER of Friday, April 16, 1976, the following changes should be made:

1. On page 16148 in the table of headings in the third column:

a. In the heading for 60-741.6 "requirement" is corrected to "procedures".

b. In the Subpart B heading "Compliance" is corrected to "Complaint".

c. Add under the heading for 60-741.23 and above the heading for 60-741.26:

"60-741.24 Duties of agencies.

60-741.25 Evaluations by the Director"

2. On page 16149 under § 60-751.2:

a. In the second line of the paragraph entitled "Affirmative action clause", "§ 60-741.3" is corrected to "§ 60-741.4".

b. In the twelfth line of the paragraph entitled "Handicapped individual", "Note" is corrected to "Appendix".

3. On page 16150:

a. In § 60-741.5(a) on the tenth line "741.5" is corrected to "741.6".

b. In § 60-741.5(c)(1) on the last line "Note" is corrected to "Appendix".

4. In § 60-741.6(b), "Note" which appears twice in the parentheses on pages 16150 and 16151 is corrected in both places to "Appendix".

5. On page 16152 in § 60-741.20 on the third line and in § 60-741.21 on the third line "§ 60-741.3" is corrected to "§ 60-741.4".

6. On page 16153:

a. In § 60-741.24(a) on the thirteenth line "§ 60-741.31" is corrected to "§ 60-741.28".

b. In § 60-741.27 on the sixth line "741.29" is corrected to "741.28".

7. On page 16154:

a. In § 60-741.29 in the second column in the first paragraph on the nineteenth line "§ 60-741.27" is corrected to "§ 60-741.26".

b. In § 60-741.30 on the sixth line "741.24(b)(1)" is corrected to "741.3(b)(1)".

c. In § 60-741.52(a) on the ninth line "by" is corrected to "as".

Dated: January 13, 1977.

LAWRENCE Z. LORBER,
Deputy Assistant Secretary, Director, OFCCP.

[FR Doc.77-1518 Filed 1-17-77;8:45 am]

Title 43—Public Lands: Interior

CHAPTER I—BUREAU OF RECLAMATION, INTERIOR DEPARTMENT

PART 419—ADMINISTRATIVE CLAIMS

Processing Claims for Loss or Damage; Failure of Teton Dam

On September 27, 1976, final regulations were published in the FEDERAL REGISTER (41 FR 42200) governing the processing of claims for actual damages to or loss of property, income, personal injury or for death directly resulting from the failure on June 5, 1976, of Teton Dam of the Lower Teton Division of the Teton Basin Federal Reclamation Project. The regulations provided that in order to qualify for payment under the regulations, the claimant must certify that the damage, injury, or loss for which a claim is made occurred within the major disaster area as a direct result of the failure of Teton Dam. The major disaster area was defined in the regulations. The definition now needs to be expanded to include an area in Power County, Idaho which was affected by loss of water due to the washout of a diversion dam in the Snake River.

For the foregoing reason and pursuant to the authority contained in the Annual Public Works Appropriation Act of 1976, Pub. L. 94-180, 89 Stat. 1035; the Act of July 12, 1976, 90 Stat. 889; the Act of June 17, 1902, 32 Stat. 390, as amended; and the Teton Dam Disaster Assistance Act of 1976, Pub. L. 94-400, 90 Stat. 1211, 43 CFR 419.0-5(o) is revised as follows, effective immediately.

Dated: January 12, 1977.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

§ 419.0-5 Definitions.

* * * * *

(o) "Major disaster area" means the Idaho counties of Bingham, Bonneville, Fremont, Jefferson, and Madison, designated by the Administrator, Federal Disaster Assistance Administration, on June 6, 1976, or such other areas as may be later designated by the Administrator under the President's declaration of June 6, 1976. In addition, that portion of the Fort Hall Indian Reservation lying in Bannock County, westward from U.S. Highway 191 to the Snake River and the American Falls Reservoir and that portion of Power County serviced by the Aberdeen-Springfield Canal Company are included in the major disaster area, for the purpose of these regulations.

* * * * *

[FR Doc.77-1509 Filed 1-17-77;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Notification of Child Abuse and Neglect

Part 233, Chapter II of Title 45 of the Code of Federal Regulations is amended to incorporate requirements for the reporting or referral of child abuse and neglect under title IV-A of the Social Security Act for the 50 States and the District of Columbia. The requirements for Guam, Puerto Rico, and the Virgin Islands are codified under 45 CFR 220.23(b). The purpose is to codify the requirements of the income maintenance agency for the reporting or referral of neglected or abused children who are receiving AFDC to the appropriate court or law enforcement agency. The basis of this amendment is section 402(a)(16) of the Social Security Act.

As these regulations make no new requirements upon States and were codified elsewhere in this chapter, the Department finds that there is good cause to dispense with the proposed rulemaking procedure.

Accordingly, Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.90(a) to read as follows:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act shall provide that:

(1) The determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. In establishing financial eligibility and the amount of the assistance payment, only such net income as is actually available for current use on a regular basis

will be considered, and the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions; and

(2) Where it has reason to believe that the home in which a relative and child receiving aid reside is unsuitable because of the neglect, abuse, or exploitation of such child, the State or local agency will:

(i) Bring such condition to the attention of a court, law-enforcement agency, or other appropriate agency in the State, providing whatever data it has with respect to the situation;

(ii) In reporting such conditions, use the same criteria as are used in the State for all other parents and children; and

(iii) Cooperate with the court or other agency in planning and implementing action in the best interest of the child.

* * * * *

Effective date: This regulation is effective January 18, 1977.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid).)

Dated: May 17, 1976.

DON WORTMAN,
Acting Administrator, Social and Rehabilitation Service.

Approved: January 13, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77-1600 Filed 1-17-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Updating and Clarification of Rules Governing the Emergency Broadcast System (EBS); Correction

Released: January 12, 1977.

In the matter of revision of Parts 1 and 73 of the Commission's rules to update and clarify the rules governing the Emergency Broadcast System (EBS).

The amendments to § 73.582, adopted November 16, 1976 (FCC 76-1053, Mimeo 43062), concerning the logging of EBS system tests and which would become effective on February 1, 1977, do not agree in paragraph sequence numbering with amendments subsequently adopted on December 14, 1976 (FCC 76-1144, Mimeo 43096) revising § 73.582 which will become effective January 27, 1977. Therefore, Instruction 8 of Appendix of the *Order* adopted November 16, 1976 (FCC 76-1053) should read as follows:

8. In § 73.582, new subparagraph (5) is added to paragraph (b) to read as follows:

§ 73.582 Program log.

* * * * *

(b) * * *

(5) For Emergency Broadcast System Operations. An entry for tests of the EBS procedures pursuant to the requirements of Subpart G of this Part and the appropriate station checklist, unless such entries are consistently made in the station operating log.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1515 Filed 1-17-77;8:45 am]

[FCC 77-6]

PART 15—RADIO FREQUENCY DEVICES

Deletion of Certain Obsolete Sections and Reporting Requirements; Order

Adopted: January 4, 1977.

Released: January 11, 1977.

By the Commission: Commissioner Lee absent.

In the matter of amendment of Part 15 to delete certain obsolete sections and reporting requirements.

1. These amendments to Part 15 of the Commission's rules and regulations are editorial in nature and are made pursuant to the Commission's policy of updating and simplifying the rules.

2. Parts of § 15.68 ((a), (c) and (d)(2)) are being deleted; they contain reporting requirements and dates for compliance with technical requirements which by their own terms have become obsolete and may be deleted as no longer required.

3. This action is purely editorial and, therefore, may be taken without compliance with the requirements of 5 USC 553.

§ 15.68 [Amended]

4. *Accordingly, it is ordered*, effective January 19, 1977, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, That paragraphs (a) and (c) and subparagraph (d)(2) of § 15.68 of Part 15 of the FCC Rules are hereby deleted, and the word [Reserved] inserted in lieu thereof.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1514 Filed 1-17-77;8:45 am]

PART 76—CABLE TELEVISION SERVICES

Altering of Cable Television Reporting Requirements; Correction

Released: January 12, 1977.

In the matter of amendment of Part 76 of the Commission's rules and regulations to alter cable television reporting requirements.

The *Order* in the above-captioned matter released December 7, 1976, (FCC 76-1110) is corrected by changing Appendix A, third line from the top of the third column on page 53996—

From: "Data, which shall be returned within 60"

To: "Data, which shall be returned within 90".

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1516 Filed 1-17-77;8:45 am]

[Docket No. 20808; RM-2075; FCC 77-7]

PART 87—AVIATION SERVICES

Flight Test Stations

Adopted: January 4, 1977.

Released: January 12, 1977.

In the matter of amendment of Part 87 to provide technical standards for telemetry transmitters in the frequency band 1435-1535 mHz employed in flight test stations.

1. A Notice of Proposed Rule Making in the above-captioned matter was released on July 29, 1976, and was published in the FEDERAL REGISTER on August 2, 1976 (41 FR 32242). The dates for filing comments and reply comments have passed.

2. The Notice of Proposed Rule Making was issued in response to a petition (RM-2075) filed by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC). The petitioner requested that the technical standards applicable to FM transmitters used for telemetry purposes in the 1435-1535 mHz band be amended to increase the frequency utilization of this portion of the frequency spectrum.

3. The 1435-1535 mHz telemetry band is shared between Government and non-Government users. In its petition, AFTRCC pointed out that the Commission and the Office of Telecommunications Policy (OTP), which grants the authorizations for the government users, have applied different technical standards to govern the operation of equipment used in flight test stations. AFTRCC stated that the existence of such dual technical standards makes efficient use of the spectrum difficult and engenders administrative coordination problems between the Government and non-Government users of this spectrum. Accordingly, it was requested that the Commission adopt technical standards similar to those developed by OTP to govern equipment used in the 1435-1535 mHz telemetry band.

4. The only comments received were filed by AFTRCC in which they fully supported the Commission's proposal in this proceeding. In their comments, AFTRCC also pointed out two relatively minor typographical errors in the proposed new rules as set forth in the Notice. The appropriate rule sections have been editorially amended, as indicated in the attached Appendix. No reply comments were filed.

5. The Commission recognizes the need for uniform technical standards to enable more efficient use of this portion of the spectrum, and to prevent possible interference between the Government and non-Government flight test stations. Accordingly, *it is ordered*, That under the authority contained in sections 4(i), 303

(b), (c), and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended, as set forth below, effective February 17, 1977.

6. *It is further ordered*, That this proceeding is terminated.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.67(b) is amended by adding a new "class of emission" to the table and a new footnote 8 to read as follows:

§ 87.67 Types of emission.

* * * * *

(b) * * *

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz	Authorized bandwidth: Above 50 MHz	Authorized bandwidth: Frequency deviation
*	*	*	*	*
F9[1]		(1)		(1)
*	*	*	*	*

[1] The authorized bandwidth is equal to the necessary bandwidth for frequency modulated transmitters used in flight test stations operating in the 1435–1535 MHz band. The necessary bandwidth shall be computed in accordance with pt. 2 of this chapter.

* * * * *

2. In § 87.71, paragraphs (a) (1) and (3) are amended, and (a) (4) and (5) are added to read as follows:

§ 87.71 Emission limitations.

(a) * * *

(1) When using transmissions other than single sideband (3A3A, 3A3H, 3A3J), or authorized frequency modulation (F9) in the frequency band 1435–1535 MHz:

* * * * *

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth except for FM telemetry transmitters in the 1435–1535 MHz band:

(4) [1] When using frequency modulated transmissions (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth equal to or less than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth up to and including 100 percent of the authorized bandwidth plus 0.5 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth plus 0.5 MHz: at least 55 plus 10 $\log_{10}$ (mean power output in watts) decibels when measured in a 3 kHz bandwidth.

(5) [1] When using frequency modulated transmission (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth greater than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 0.5 MHz up to and including 50 percent of the authorized bandwidth plus 1.0 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by 50 percent of the authorized bandwidth plus 1.0 MHz: at least 55 plus 10 $\log_{10}$ (mean output power in watts) measured in a 3 kHz bandwidth.

* * * * *

[FR Doc.77-1400 Filed 1-17-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1254, Amdt. 1]

PART 1033—CAR SERVICE

Vermont Northern Railroad Company Authorized to Operate Over Tracks Owned by State of Vermont and Formerly Operated by St. Johnsbury & Lamoille County Railroad

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1254 (41 FR 48122), and good cause appearing therefor:

It is ordered, That: § 1033.1254 (*Service Order No. 1254* Vermont Northern Railroad Company authorized to operate over tracks owned by State of Vermont and formerly operated by St. Johnsbury & Lamoille County Railroad) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1254 Service Order No. 1254.

* * * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2). 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

[1] The requirements of paragraphs (a)(4) and (a)(5) of this section shall apply to transmitters type accepted after January 1, 1977, and to all transmitters first installed after January 1, 1983.

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

* * * * *

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1584 Filed 1-17-77;8:45 am]

[Service Order No. 1200, Amdt. 5]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Company Authorized to Operate Over Tracks of Union Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1200 (39 FR 38103, 40 FR 2990, 30268, and 41 FR 2644 and 29387), and good cause appearing therefor:

It is ordered, That: § 1033.1200 (*Service Order No. 1200*, Missouri Pacific Railroad Company authorized to operate over tracks of Union Pacific Railroad Co.), be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1200 Service Order No. 1200.

* * * * *

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1977, unless otherwise modified, changed or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1 (10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1585 Filed 1-17-77;8:45 am]

[Service Order No. 1226, Amdt. 2]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized to Operate Over Tracks of Chicago and North Western Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1226 (40 FR 59598; 41 FR 27728) and good cause appearing therefor:

It is ordered, That: § 1033.1226 (*Service Order No. 1226* Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1226 Service Order No. 1226.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

* * * * *

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1586 Filed 1-17-77;8:45 am]

[Service Order No. 1231, Amdt. No. 3]

PART 1033—CAR SERVICE

Consolidated Rail Corporation Authorized To Operate Over Tracks of Louisville and Nashville Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board held in Washington, D.C., on the 12th day of January, 1977.

Upon further consideration of Service Order No. 1231, (41 FR 8480, 15414 and 27729), and good cause appearing therefore:

It is ordered, That: § 1033.1231 (*Service Order No. 1231* Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1231 Service Order No. 1231.

* * * * *

(f) *Expiration date:* The provisions of this order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified changed, or suspended by order of this Commission.

* * * * *

Effective date: This amendment shall become effective at 11:59 p.m., January 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4) and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1587 Filed 1-17-77;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 AGRICULTURE

Soil Conservation Service

PUBLIC INFORMATION AND RIGHT TO PRIVACY

Availability of Information

Notice is hereby given, that the Soil Conservation Service (SCS) proposes to revise 7 CFR VI, Part 661 (38 FR 3293).

Part 661 is being redesignated as "Public Information and Right to Privacy" with two Subparts: A—Availability of Materials and Records and B—Right to Privacy.

Interested persons are invited to participate in the proposed regulations change by submitting written data, views, or arguments as they may desire. Comments should identify the regulatory docket or notice number and may be submitted to the Deputy Administrator for Administration, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All communications received by April 18, 1977 will be considered by the Deputy Administrator for Administration before taking any action on the proposed rule. The proposal contained in this notice may be changed due to comments received. All comments submitted will be made available, both before and after the closing date for comments, for examination by interested persons.

Dated: January 12, 1977.

R. M. DAVIS,
Administrator,
Soil Conservation Service.

Part 661 of Title 7 is proposed to be revised as follows:

Subpart A—Availability of Records and Materials

Sec.
661.1 General.
661.2 Public access and copying.
661.3 Request for records.
661.4 Appeals.
661.5 Exempt records.

Subpart B—Right to Privacy

661.6 General.

Appendix: Availability of information.

AUTHORITY: 5 U.S.C. 552, 552a; 7 CFR 1.1–1.16, 1.110–1.123.

Subpart A—Availability of Records and Materials

§ 661.1 General.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1–1.16 implementing the Freedom of Information Act (5 U.S.C. 522). The Secretary's regulations, as implemented by the regulations in this part, govern the availability to the public of records of the Soil Conservation Service (SCS) and the records for which the Soil Conservation Service (SCS) has custodial responsibility.

§ 661.2 Public access and copying.

SCS will make available for public inspection and copying those materials covered by 5 U.S.C. 552(a)(2) as set out in the Secretary's regulations. Indexes of such materials will be published on a quarterly basis as required.

§ 661.3 Requests for records.

Requests for records under 5 U.S.C. 552(a)(2) will be made in accordance with 7 CFR 1.3(a). The titles and mailing addresses of the officials in SCS authorized to receive requests for records are shown in Appendix A of this subpart. Authority is hereby delegated to these officials to make determinations regarding such requests in accordance with 7 CFR 1.4(c).

§ 661.4 Appeals.

Any person whose request for records above is denied shall have the right to appeal that denial in accordance with 7 CFR 1.3(e). All appeals shall be addressed to: Administrator, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 661.5 Exempt records.

To the maximum extent permitted by 5 U.S.C. 552(b)(4) the Soil Conservation Service will withhold the following records: (1) conservation plans including those which support cost share contracts, (2) inventories and evaluations, (3) any recorded information which shows scope of a farm operation or other enterprises including boundaries and economic data collected during the planning process and (4) economic data collected from individuals which is used for evaluation of watershed, RC&D and other projects.

Subpart B—Right to Privacy

§ 661.6 General.

SCS implementation of the Privacy Act of 1974, 5 U.S.C. 552a are the regulations of the Secretary set forth in 7 CFR 1.110–1.123.

APPENDIX A—AVAILABILITY OF INFORMATION

The following regulations pertaining to the availability of information are published in accordance with the requirements and pursuant to the authority of Sections 552, 559 of Title 5, United States Code.

REQUEST FOR EXAMINATION OR COPY OF RECORDS

General. Request for examination and copying of a record or for copies of records shall be made to the Deputy Administrator for Administration, Soil Conservation Service, U.S. Deparment of Agriculture, Washington, D.C., or to the State Conservationist in any of the listed State Offices.

SOIL CONSERVATION SERVICE; STATE OFFICE LOCATION

State Conservationist, Wright Bldg., 138 South Gay St., P.O. Box 311, Auburn, Ala. 36830.
State Conservationist, Suite 129 Professional Bldg., 2221 East Northern Lights Blvd., Anchorage, Alaska 99504.
State Conservationist, 230 North 1st Ave., 3008 Federal Bldg., Phoenix, Ariz. 85025.
State Conservationist, Federal Bldg., Room 5029, 700 West Capitol St., P.O. Box 2323, Little Rock, Ark. 72203.
State Conservationist, 2828 Chiles Rd., Davis, Calif. 95616.
State Conservationist, Room 313, 2490 West 26th Ave., P.O. Box 17107, Denver, Colo. 80217.
State Conservationist, Mansfield Professional Park, Route 44A, Storrs, Conn. 06268.
State Conservationist, Treadway Towers, Suite 2–4, 9 East Loockerman St., Dover, Del. 19901.
State Conservationist, Federal Bldg., P.O. Box 1208, Gainesville, Fla. 32601.
State Conservationist, Federal Bldg., 355 East Hancock Ave., P.O. Box 832, Athens, Ga. 30601.
State Conservationist, Alexander Young Bldg., Room 440, Honolulu, Hawaii 96813.
State Conservationist, Room 345, 304 North 8th St., Boise, Idaho 83702.
State Conservationist, Federal Bldg., 200 West Church St., P.O. Box 678, Champaign, Ill. 61820.
State Conservationist, Atkinson Square-West Suite 2200, 5610 Crawfordsville Rd., Indianapolis, Ind. 46224.
State Conservationist, 823 Federal Bldg., 210 Walnut St., Des Moines, Iowa 50309.
State Conservationist, 760 South Broadway, P.O. Box 600, Salina, Kans. 67401.
State Conservationist, 333 Waller Ave., Lexington, Ky. 40504.
State Conservationist, 3737 Government St., P.O. Box 1630, Alexandria, La. 71301.
State Conservationist, USDA Bldg., University of Maine, Orono, Maine 04473.
State Conservationist, Hartwick Bldg., Room 522, 4321 Hartwick Rd., College Park, Md. 20740.
State Conservationist, 29 Cottage St., Amherst, Mass. 01002.
State Conservationist, 1405 South Harrison Rd., East Lansing, Mich. 48823.
State Conservationist, 200 Federal Bldg., and U.S. Courthouse, 316 North Robert St., St. Paul, Minn. 55101.
State Conservationist, Milner Bldg., Room 590, P.O. Box 610, Jackson, Miss. 39205.
State Conservationist, Parkade Plaza Shopping Center (terrace level), P.O. Box 459, Columbia, Mo. 65201.
State Conservationist, Federal Bldg., P.O. Box 970, Bozeman, Mont. 59715.
State Conservationist, Federal Bldg.–U.S. Courthouse, Room 345, Lincoln, Nebr. 68508.
State Conservationist, U.S. Post Office Bldg., P.O. Box 4850, Reno, Nev. 89505.

State Conservationist, Federal Bldg., Durham, N.H. 03824.
State Conservationist, 1370 Hamilton St., P.O. Box 219, Somerset, N.J. 08873.
State Conservationist, 517 Gold Avenue, SW., P.O. Box 2007, Albuquerque, N. M. 87103.
State Conservationist, 100 South Clinton St. No. 771, Syracuse, N.Y. 13202.
State Conservationist, Federal Office Bldg., Fifth Floor—P.O. Box 27307, Raleigh, N.C. 27611.
State Conservationist, Federal Bldg., P.O. Box 1458, Bismarck, N.D. 58501.
State Conservationist, 311 Old Federal Bldg., 3d and State St., Columbus, Ohio 43215.
State Conservationist, Agriculture Center Building, Farm and Brumley Street, Stillwater, Oklahoma 74074.
State Conservationist, Federal Building, 1220 S.W. 3d Avenue, Portland, Oregon 97204.
State Conservationist, Federal Bldg., and Courthouse, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.
Director SCS USDA, Caribbean Area, Room 633 Federal Building, Chardon Avenue, Hato Rey, Puerto Rico 00918.
State Conservationist, 222 Quaker Lane, West Warwick, Rhode Island 02893.
State Conservationist, 240 Stoneridge Drive, Columbia, South Carolina 29210.
State Conservationist, 239 Wisconsin Avenue, S.W., P.O. Box 1357, Huron, South Dakota 57350.
State Conservationist, 561 U.S. Court House, Nashville, Tennessee 37203.
State Conservationist, W. R. Poage Federal Bldg., 101 South Main St., P.O. Box 648, Temple, Tex. 76502.
State Conservationist, 4012 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138.
State Conservationist, Burlington Square, Suite 205, Burlington, Vermont 05401.
State Conservationist, Federal Building, Rm. 9201, 400 N. 8th Street, P.O. Box 10026, Richmond, Virginia 23240.
State Conservationist, 360 U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201.
State Conservationist, 75 High Street, P.O. Box 865, Morgantown, West Virginia 26505.
State Conservationist, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711.
State Conservationist, Federal Office Building, P.O. Box 2440, Casper, Wyoming 82601.

Only those matters pertaining to the particular State and matters of general application will be available in each State Office.

[FR Doc.77-1464 Filed 1-17-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 240, 270, 275]

[Release Nos. 33-5798, 34-13151, IC-9601, IA-565; File No. S7-660]

DISCLOSURE OF BROKERAGE PLACEMENT PRACTICES BY INVESTMENT MANAGERS

Extension of Comment Period

The Securities and Exchange Commission today, in response to requests from interested parties, extended the comment period on its proposed rules which would require registered investment companies, some other issuers, and certain registered investment advisers to make disclosures to investors about brokerage placement practices and policies, including the use of brokerage commissions to purchase research services (Release No. 33-5772, November 30, 1976 (41 FR 53356 (1976))). The Commission believes that an extension from January 13, 1977 to February 14, 1977 is appropriate in view of the significance of the proposals.

Accordingly, all interested persons are invited to submit their views and comments on the above proposals in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 14, 1977. Such comments should refer to File No. S7-660, and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1977.

[FR Doc.77-1603; Filed 1-17-77;8:45 am]

[17 CFR Part 240]

[Release No. 34-13149; File No. S7-613]

BROKERS AND DEALERS

Records Regarding Beneficial Ownership of Accounts; Further Notice as to Proposed Rulemaking

In Securities Exchange Act Release No. 12055 (Jan. 27, 1976),[1] the Commission proposed for public comment an amendment to Securities Exchange Act Rule 17a-3(a)(9).[2] That Rule currently requires brokers and dealers to maintain, with respect to each of their accounts, records containing, among other things, the name and address of the beneficial owner of the account. In the case of a joint account or a corporate account, however, the Rule requires only that those records be kept in respect of the person or persons authorized to transact business for the account. The amendment to Rule 17a-3(a)(9) would require that, in the case of a joint account or an account of a person other than a natural person, brokers and dealers need maintain only a record as to the person or persons authorized to transact business for such account (rather than the name and address of the beneficial owner or owners) if such authorized persons undertake to furnish, at the Commission's request, the name and address of each beneficial owner of the account.

After careful consideration of the comments received, which are discussed below, the Commission has determined to publish a synopsis of its proposed administrative approach to the amendment to Rule 17a-3(a)(9). The Commission is adopting that course before taking action on the amendment because, among other things, the objections of certain commentators indicate that they do not understand fully the rationale underlying the proposed amendment and the method by which the Commission anticipates limiting its use of the amended Rule in order to protect legitimate interests in the confidentiality of financial information, as discussed below.[3]

[1] 41 FR 8075 (Feb. 24, 1976).
[2] 17 CFR 240.17a-3(a)(9).

BACKGROUND

The Department of the Treasury, in its recently published "Report on Foreign Portfolio Investment in the United States,"[4] provided comprehensive data on foreign portfolio investment in the United States and important background information for the problems addressed by the proposed amendment to Rule 17a-3(a)(9). The "Treasury Report" indicates that foreign portfolio investment in stocks of United States corporations had a calculated value of $43.9 billion as of March 31, 1976, reflecting estimated net purchases of almost $6 billion since December 31, 1974,[5] and a pattern of sizeable net foreign portfolio investment since 1968.[6] Foreign ownership as a percentage of outstanding voting stock of the 200 largest companies averaged 4.1 percent; for 327 of the companies surveyed, however, foreign ownership exceeded 10 percent of the outstanding voting stock. More than half of reported foreign portfolio investment in stocks appears to be held by banks, brokers and nominees.[7]

The reasons given for foreign portfolio investment in the United States include expectations of capital gains, the relative economic and political stability of the United States, the range of investment choice and the size, liquidity, organiza-

[3] The Administrative Conference of the United States has recommended that individual federal agencies consider, in the context of particular rulemaking proceedings, whether or not to provide procedural protections beyond those embodied in the notice-and-comment process of the Administrative Procedure Act's rulemaking provision, 5 U.S.C. 553, "Procedures for The Adoption of Rules of General Applicability," "Recommendation No. 72-5 of The Administrative Conference of The United States," 1 CFR 305.72-5. The Commission believes that an expansion of the customary rulemaking process in this case is particularly appropriate in light of that recommendation.

[4] United States Treasury Department, Report to the Congress on Foreign Portfolio Investment in the United States" (1976), submitted pursuant to the Foreign Investment Study Act of 1974, Pub. L. No. 93-479 (the "Treasury Report").

[5] For this purpose, the "Treasury Report" indicates, "foreign portfolio investment" includes portfolio investments of U.S. nationals residing abroad (who are identified as holding $2.2 billion in stocks) and excludes portfolio investments of foreign nationals residing in the United States.

[6] "The most notable characteristic of foreign portfolio investment in the U.S. is its relatively recent rapid growth." Treasury Report, Appendix F, at 5.

[7] See note 22 infra. Twelve countries accounted for 90 percent of foreign private holdings of voting stock, and five countries—Switzerland, Canada, the United Kingdom, the Netherlands and France—accounted for more than 75 percent of the total foreign private holdings. Treasury Report, at 10.

tion, regulation [8] and efficiency of United States capital markets. While most foreign investors view positively the efficiency of United States capital markets—that is, the extent to which material financial information is available to the United States markets and is promptly reflected in stock prices so that systematic profits based on inside information are not available to insiders, some investors believe that the efficiency of United States markets is a disincentive to investing. Those latter investors indicated a predilection for opportunities to manipulate, stating that they "can make good profits only on markets where manipulation is common." [9]

The great majority of investors in the United States markets, both U.S. residents and non-U.S. residents, base their decision to invest through those markets on a perception that they operate in a fair and orderly manner.[10] To the extent that any significant part of the activities in those markets is thought to be immune from scrutiny and therefore a potential haven for manipulation or other abuses, investor confidence can be undermined and the attractiveness of United States markets to investors diminished. Since the Securities Exchange Act of 1934 [11] requires that Commission regulation and control of transactions in securities be reasonably complete and effective, the Commission's regulatory program must be adapted and reformulated as necessary or appropriate to reflect shifting trends and patterns in the securities markets and the growth of foreign portfolio investment and foreign securities transactions.

Currently, the Commission relies almost exclusively upon its subpoena powers [12] to obtain information in circumstances where there are indications of possible violations of the federal securities laws. That reliance limits the completeness and effectiveness of the Commission's regulation of transactions in securities as commonly conducted upon securities exchanges and the over-the-counter market since the Commission may only require the attendance of witnesses or their production of records "from any place in the United States," and the Commission has not required in all instances that relevant records be kept in the United States.

The limitations on the subpoena power reflect long-standing principles of international law and comity. International law distinguishes between jurisdiction to prescribe a rule of law and jurisdiction to enforce the rule.[13] For example, it is within the jurisdiction of the United States to prescribe that it is illegal to use the jurisdictional means (interstate commerce, the mails, or any facility of a national securities exchange) to engage in a course of conduct which operates as a fraud in connection with the purchase and sale of securities.[14] It may, however, be difficult for the United States to enforce that prescription in particular circumstances; even in the case of a citizen who resides outside the United States, the cooperation of the authorities of the jurisdiction of residence may be necessary to enforce compliance. And a foreign state is not required by international law to give effect to United States law so long as its refusal is not arbitrary under accepted conflict-of-law principles.[15] Those principles apply *a fortiori* to action, e.g., the issuance of a subpoena, to determine whether a violation has in fact occurred, and, thus, the courts of another country may in some cases choose not to enforce subpoenas issued by United States authorities. In other cases, foreign courts may make distinctions, based on their own legal traditions,[16] between subpoenas issued by courts and those issued by administrative agencies such as the Commission.

In light of the growth in foreign portfolio investment in the United States, and recent amendments to the securities laws which require increased monitoring of activities to determine compliance,[17] the limitations inherent in using subpoenas as an exclusive method to determine whether to take action to enforce the securities laws prompted the Commission to propose new recordkeeping requirements in order to ensure that its regulation is reasonably complete and effective.

Comments

The Commission received fourteen letters commenting on the proposal to amend Rule 17a–3(a)(9).[18] The comment letters recognized that, in general, the Commission has a legitimate interest in determining the beneficial owners of accounts where trading or other circumstances appear to suggest possible violations of the United States securities laws. It was also recognized that Rule 17a–3(a)(9) as amended could help to overcome practical difficulties currently encountered in obtaining information from those persons which are neither citizens nor residents of the United States. Nevertheless, several commentators suggested in substance that financial information is considered to be legitimately confidential in several foreign countries, even in the face of inquiries from appropriate United States regulatory bodies. They further suggested that any regulatory initiative which would reduce the protection now provided to various persons by the laws and practices of such countries when they deal in the United States securities markets could be inimical to such mar-

[8] The Treasury Report illustrated by a reference to the financial collapse of the IOS complex the importance attached to regulation. While that collapse did not technically involve a registered investment company (regulated under the Investment Company Act of 1940, 15 U.S.C. 80a–1 et seq.), the Treasury Report notes that U.S. mutual fund business overseas was brought to a standstill.

[9] Treasury Report, at 22.

[10] See, e.g., id. at 21.

[11] 15 U.S.C. 78a et seq. (the "Act").

[12] The Commission may require the attendance of witnesses and the production of records in situations where it believes, among other things, that there may have been a violation of the federal securities laws. See, e.g., section 19 of the Securities Act of 1933, 15 U.S.C. 77s; section 21(a) of the Act, 15 U.S.C. 78u(a).

[13] See, e.g., Restatement (2d), "Foreign Relations Law of the United States," section 6 (1965).

[14] See "Arthur Lipper Corp. v. SEC, —— F. 2d ——," (Slip Op. Doc. No. 76–4076, (2d Cir., Dec. 10, 1976)); "ITT v. Vencap Ltd.," 519 F. 2d 1001 (2d Cir. 1975); and "Schoenbaum v. Firstbrook," 405 F. 2d 200, (2d Cir. 1968), modified in other respects, 405 F. 2d 215 (en banc), cert. denied, 395 U.S. 906 (1969). See also Restatement (2d), "Foreign Relations Law of the United States," sections 17, 18 (1965).

[15] Restatement (2d), "Foreign Relations Law of the United States," section 9 (1965).

[16] Requests by other governments for judicial assistance are normally considered under the provisions of an applicable treaty. Under the Treaty between the United States and Switzerland on Mutual Assistance in Criminal Matters (May 25, 1973, 12 "Int'l Legal Materials" 916), which takes effect in 1977, a provision has been made for assistance in connection with specifically enumerated offenses; violations of the securities laws are covered only to the extent that they constitute criminal business fraud or another crime recognized under Swiss law. Where there is not an applicable treaty, one of the controlling considerations in any decision by a foreign government to give judicial assistance in a particular case would in many cases be whether the matter being investigated would involve a crime under its laws. If it is not, a request for judicial assistance would normally be denied. Since countries generally prohibit, as a matter of law or practice, foreign government officials from performing official acts in their territories without prior authorization, the denial of authorization blocks further investigative efforts of violations of the federal securities laws, such as trading on insider information, which are not treated as crimes under the laws of many foreign countries.

[17] For example, subject to a series of exceptions, new section 11(a) of the Act prohibits an exchange member from effecting transactions for its own account or the account of any associated person or any account over which the member or an associated person exercises investment discretion. If the records of an exchange member merely reflect that transactions were effected for an account for which a financial intermediary is authorized to act but which in all likelihood the intermediary does not own beneficially, it is not possible to determine whether those transactions were effected in compliance with section 11(a). The problem of monitoring compliance is independent of any affiliation between the exchange member and the financial intermediary. See note 19 infra.

[18] Comments were received from: Asiel & Co.; The Association of the Bar of the City of New York; the Boston Stock Exchange; Gadsby and Hannah on behalf of ABD Securities Corporation, Overseas Securities Corporation and Transatlantic Securities Corporation; Goldman Sachs & Co. and Salomon Brothers; Merrill Lynch, Pierce, Fenner & Smith Incorporated; the New York Stock Exchange, Inc. (the "NYSE"); the Philadelphia Stock Exchange, Inc.; SoGen-Swiss International Corporation; the United States Treasury Department; Ultrafin International Corporation; and Wauterlek & Brown, Inc.

kets. In support of that position, it was argued that the possibility of disclosure would constitute a disincentive to investment on the part of those accustomed to other standards regarding confidentiality of individual financial information.

Commentators suggested that the amendment to Rule 17a-3(a)(9) might raise questions of international law or put foreign financial intermediaries to difficult choices between complying with the amendment and complying with the laws of their countries of domicile when they choose to trade on behalf of their customers in United States securities markets. In addition, it was argued either that the broker-dealers required to comply with the amendment to Rule 17a-3(a)(9) would be subjected to an unsustainable burden of obtaining compliance by their customers or that, because foreign financial institutions would not in fact comply with a Commission request made pursuant to the amended Rule 17a-3(a)(9), no benefit would in face be achieved by adopting the amendment. Furthermore, some commentators feared that the Rule might be administered in an unfair or discriminatory fashion against United States broker-dealer affiliates of foreign financial institutions. In light of those arguments, various suggestions were made concerning ways in which the Commission might obtain directly, through third parties such as accountants or other professionals, answers to specific Commission inquiries without necessarily uncovering the identity of the beneficial owners of accounts.[19]

Even though proposed Rule 17a-3(a)(9) is designed to make more appropriately equal the obligations placed on all participants in United States securities markets, both residents of the United States and non-residents, the Commission nevertheless recognizes that providing even-handed "national" treatment for foreign participants in the United States securities markets would require action on their part to comply with the Rule as well as to stay in compliance with laws of other countries. The Commission believes that an adequate provision for delayed effectiveness of the amendment should provide adequate time to accomplish the necessary accommodations. In that regard, the Commission is sensitive to the policies of other nations regarding confidentiality of financial information and believes that its amendment would accommodate those policies to the greatest extent possible within the context of the Commission's mandate under the federal securities laws.[20]

Operation of Amendment

The Commission's decision to propose the amendment to Rule 17a-3(a)(9) necessarily involved a delicate balancing of competing policy objectives and an awareness also of the changing trends and patterns that affect the securities markets subject to its jurisdiction. Modern communications systems have made it possible, and increasingly attractive, to do business on a transnational basis, often without being physically present in the country where particular transactions take place. It has, accordingly, become increasingly possible for foreign persons, without being present in the United States, to violate the federal securities laws in securities transactions occurring within the jurisdiction of the United States.[21] For example, aliens may employ brokers in the United States to execute transactions in United States markets, and accomplish other ministerial acts, in furtherance of an undisclosed manipulation or other illegal scheme. As a result, and in light of substantial increases over the last several years in United States securities transactions originating from abroad,[22] the Commission's ability, as a practical matter, to enforce the federal securities laws in connection with transactions in the United States involving foreign persons has been perceived as being incomplete.

That incompleteness both weakens the protection United States investors obtain under the federal securities laws and undermines the honesty and fairness of United States securities markets. The resulting gap in investor protection pertains not only to trading accomplished for the accounts of foreign nationals, but also permits United States persons to evade United States requirements through the use of foreign financial intermediaries (or foreign branches of United States financial intermediaries).[23] The execution of transactions by a foreign institution may be accomplished either through a United States affiliate of the foreign intermediary or, frequently, through broker-dealers in the United States that may have no affiliation whatever with the institution. Absent the consent of their principals, the foreign intermediaries may be bound by local law to protect from disclosure their principals' identity notwithstanding a Commission investigation.

The degree of confidentiality to be accorded individual securities transactions is largely a matter of internal policy within each country, reflecting in large part particular national judgments as to the relative standing to be given to considerations of confidentiality.[24] At the

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[19] Section 19(g)(2) of the Act requires exchanges to "enforce compliance" with the Act and the rules and regulations thereunder by their members; however, as the Commission has pointed out (Securities Exchange Act Release No. 12994 (Nov. 18, 1976), 41 FR 51804 (Nov. 24, 1976)), "enforcing compliance" encompasses a number of different techniques, ranging from inspection programs to disciplinary proceedings, and direct inspection programs may not always be an appropriate enforcement technique. For example, third party examination techniques are commonly used; exchanges rely heavily on reports prepared by independent accountants to determine that their members are in compliance with the Commission's financial responsibility rules. Regional exchanges have voiced support for the use of third party examination techniques in other areas, e.g., section 11(a) of the Act and its predecessor, Rule 19b-2. In fact, the legislative history of section 6(c)(3)(C) makes it clear that exchange officials may appropriately rely on third party verifications under that section. See Securities Exchange Act Release No. 12157 (Mar. 2, 1976) at 9, 41 FR 10662 (Mar. 12, 1976) at 10664. Of course, whatever techniques are adopted by self-regulatory organizations must be applied in an even-handed manner. Thus, if an exchange deems it important to inspect the underlying beneficial ownership interests of accounts carried by its members, it should normally expect to do so for all members, since any account in the name of a financial intermediary may be an omnibus account which in substance is really the account of the member or one of its associated persons, irrespective of whether the financial intermediary is itself an associated person of the member.

[20] *See* text accompanying footnotes 10 and 11 *supra*.

[21] *See*, e.g., "United States v. Frank," 520 F. 2d 1287 (2d Cir. 1975), *cert. den.* 423 U.S. 1087 (1976) (manipulations of securities in U.S. markets); "Securities and Exchange Commission v. Cooper," 402 F. Supp. 516 (S.D.N.Y. 1975) (manipulations in connection with the distribution and aftermarket trading of a new offering); "Securities and Exchange Commission v. American Institute Counselors, Inc.", CCH Fed. Sec. L. Rep. 1975-76 Transfer Binder) ¶ 95,388 (D.D.C. 1975) (misrepresentations and omissions of material fact in connection with the sales of non-exempt, unregistered securities by unregistered brokers, dealers and investment advisers); "Securities and Exchange Commission v. General Refractories Co.", 400 F. Supp. 1248 (D.D.C. 1975) (violations of proxy and reporting requirements under the federal securities laws).

[22] In addition to the data on foreign portfolio holdings contained in the "Treasury Report", statistics developed by the NYSE show a dramatic increase in foreign transactions in securities (transactions in United States stocks purchased from Americans by foreigners, or sold by foreigners to Americans). NYSE statistics indicate that in 1975 foreigners purchased $15 billion and sold $10.6 billion of United States securities. Just ten years earlier, in 1965, the totals were only $3.7 billion and $4.1 billion, respectively. NYSE, "1976 Fact Book," at 22.

[23] See, e.g., "United States v. First National City Bank," 396 F.2d 897 (2d Cir. 1968).

[24] Several nations have laws regarding the strict confidentiality of information entrusted to others in their official or professional capacities and prohibit disclosure without the consent of the entrusting person; for example, the Bahamas, the Cayman Islands, Lebanon and Switzerland have passed laws designed specifically to protect the confidentiality of depositors' banking affairs. Those laws are construed broadly and applied strictly. Persons revealing "confidential" information may be civilly liable to the wronged entrustor as well as criminally liable.

The effect of foreign secrecy laws on enforcement of the federal securities laws has been perceived in a number of ways by different commentators, perhaps reflecting differences in their perspectives. In a 1974 release dealing generally with foreign access to United States securities markets, the Commission raised several questions specifically concerning regulatory problems arising from such laws. Securities Exchange Act Release No. 10634 (Feb. 8, 1974), 39 FR 6567 (Feb. 20, 1974). In March, 1976, the Commission published a staff summary of the comments it had received in response to the earlier release. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976). In general, regional exchanges and United States affiliates of foreign entities (as well as the National Association of Securities Dealers, Inc.) indicated that foreign secrecy laws do not pose any

same time, the Commission believes that United States policy in regard to transactions involving the use of United States securities markets or other jurisdictional means is reflected in the federal securities laws. Accordingly, while every effort should be made in an appropriate fashion to respect the judgments reached abroad as to the relative importance of individual privacy, the paramount consideration remains the development and enforcement of a reasonably complete and effective pattern of regulation under the Act.

In situations beyond the effective scope of the Commission's subpoena powers, requests for information may currently be wholly unavailing. Accordingly, there could be an unwarranted limitation on the Commission's ability to enforce fairly and even-handedly the securities laws if it were to rely solely on its subpoena authority. The proposed amendment would, accordingly, require as a basic condition to participation in United States securities markets that those who act on behalf of undisclosed principals establish in advance by written agreement their willingness to disclose to the Commission, upon request, the identity of their principals.

Brokers and dealers are obligated to keep such records as the Commission prescribes as necessary or appropriate in furtherance of the purposes of the Act.[25] Under the proposed amendment, they would not be required to obtain the names of the beneficial owners of a joint account or an account of a person other than a natural person maintained by them; the only new requirement to which they would become subject would be the obligation to obtain the agreement of the person authorized to effect transactions for the account that such person will furnish the name and address of beneficial owners at the request of the Commission.

While a broker-dealer may determine to conduct its business only on the basis of full disclosure, the proopsed amendment would not require that it do so. Nor would broker-dealers be responsible for seeing that such authorized persons in fact perform their agreement though, of course, a broker-dealer would not be in compliance with the proposed amendment if it accepted the required agreement from, and maintained an account for, a person which it knew or had reason to believe did not intend (or would not be able) to live up to its agreement.

Confidentiality of Information

The Commission recognizes that the need for fair and uniform administration of the federal securities laws must be carefully balanced against the need to assure the protection of individual rights to privacy in personal financial dealings. The individual's right to privacy has long been recognized and respected under American law and the need for government to avoid unwarranted invasions of privacy is deeply ingrained in that law. The Congress has not only legislated a right to privacy in the recent Privacy Act of 1974 [26] but also, in enacting a comprehensive institutional disclosure provision in the Securities Acts Amendments of 1975,[27] the Congress specifically underscored the need to protect personal privacy by providing that disclosure of personal account information would not be required. The Commission is thus keenly sensitive to the desire of persons, whether citizens or residents of the United States or nonresident aliens, to maintain the confidentiality of their financial transactions. In the great majority of cases, that desire is quite legitimate, and protection should be afforded to the maximum extent consistent with existing law. The amendment to Rule 17a-3(a)(9) has been drafted to achieve that end.

Rule 17a-3(a)(9) would not require that reports be filed with the Commission or that the names and addresses of beneficial owners of accounts be disclosed generally. If, however, the Commission determines to conduct an examination or inquiry of a particular situation, for example in order to discover whether specific securities transactions were effected in violation of a provision of the Act or any rule thereunder, the Commission would request the appropriate authorized person to disclose, as required by the agreement obtained in compliance with the proposed amendment, the name and address of the beneficial owners. The information thereby obtained would be confidential [28] except, of course, to the extent the Commission determined to bring specific enforcement proceedings.

There remains, of course, the possibility that persons entering into the agreement which would be required by the proposed amendment might subsequently decline to comply with a Commission request for information concerning the beneficial owners of an account, perhaps accompanying the refusal with a statement that compliance would be in violation of foreign laws, such as the secrecy laws in effect in certain countries. Delayed effectiveness of the amendment would provide an opportunity for obtaining the necessary consents in order to give appropriate deference to foreign secrecy laws or policies without permanently extending their effect to transactions in United States securities markets.

Foreign persons wishing to effect transactions in United States securities markets for their customers would need to arrange for whatever consents or waivers local law may require in order to permit compliance with the Rule, as amended. Where any such person would not be subject to service of process in the United States, it might be the case

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special regulatory problems not capable of resolution through agreements. The NYSE, the American Stock Exchange, Inc., and the Securities Industry Association suggested, on the other hand, that foreign secrecy laws interfere substantially with exchange regulation and enforcement, but they did not suggest that foreign portfolio investment in the United States should be limited except by requiring that foreign access to U.S. securities markets be obtained indirectly through the facilities of existing exchange member firms. Subsequently, the Commission determined that, generally, the Securities Acts Amendments of 1975 resolve questions concerning foreign access in favor of permitting all registered brokers or dealers to have access to United States securities markets without any conditions based solely on nationality. *See* Securities Exchange Act Release No. 12737 (Aug. 25, 1976), 41 FR 38847 (Sept. 13, 1976).

[25] *See* section 17(a)(1), 15 U.S.C. 78q(a)(1). Rule 17a-3, 17 CFR 240.17a-3, prescribes records to be kept by every member of a national securities exchange who transacts business in securities directly with other than members of a national securities exchange, every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to section 15 of the Act. While most foreign financial intermediaries are brokers within the meaning of section 3(a)(4) of the Act (persons engaged in the business of effecting transactions in securities for the account of others), they may generally be classified as transacting their business in securities without the United States even though their business is, to the extent it relates to transactions on United States exchange markets, conducted through the medium of members of such exchanges. Accordingly, absent express rulemaking by the Commission under section 30(b) of the Act, the broker-dealer registration requirements of the Act and the rules and regulations thereunder applicable to registered entities do not apply to such intermediaries merely by reason of their status as brokers. With respect to the general anti-fraud provisions, however, *see* note 14 *supra*.

[26] Pub. L. No. 93-579 (Dec. 31, 1974). At the same time, the Congress recognized the need to balance the individual's right to privacy against other public goals. The Privacy Act provides, for example, that its protections are wholly superseded by the Freedom of Information Act, 5 U.S.C. 552a(b)(2). *See* note 28 *infra*.

[27] Pub. L. No. 94-29 (June 4, 1975). *See* section 13(f) of the Act, 15 U.S.C. 78m(f), as added by the 1975 Amendments.

[28] The Freedom of Information Act, 5 U.S.C. 552, sets forth the basic federal policy and administrative practice concerning disclosure, and non-disclosure, of information in the government's possession. Under that Act, the Commission may deny a request for disclosure of information falling within one or more areas specified in section 552(b). Particularly relevant in this context are (1) the exemption provided for investigatory records compiled for law enforcement purposes to the extent that disclosure of such records would, among other things, constitute an unwarranted invasion of personal privacy and (2) the exemption provided for trade secrets and privileged or confidential commercial or financial information obtained from a person. In any situation where (1) the Commission obtained information by invoking an agreement made in compliance with the proposed amendment to Rule 17a-3(a)(9) and (ii) disclosure of that information by the person making that agreement would otherwise have been prohibited (because, for example, the beneficial owner had not consented to a more genial disclosure) under the laws of the country of which that person is a domiciliary, it would appear that, generally, such information should come within the above-described exceptions to the Freedom of Information Act. For a further description of the Commission's policies under that Act, *see* 17 CFR 200.80 *et seq*.

that that Commission's remedies for non-compliance with a Rule 17a–3(a)(9) agreement would, as a practical matter, be somewhat circumscribed. In any event, however, the Commission would plan, if the need arose, to maintain a public list (analogous to its Foreign Restricted List) in order to draw to the attention of registered brokers and dealers the fact that persons on the list did not adhere to their agreements. Where a registered broker or dealer knew—and upon publication of any such list or supplement thereto it would be deemed to know—that a person would not carry out the terms of the required agreement, that broker or dealer would not be in compliance with the proposed amendment to Rule 17a–3(a)(9) if it thereafter maintained an account for such person unless the record maintained by the broker or dealer for the account in fact reflected the true name and address of the account's beneficial owner or owners. Nor, in any event, would a registered broker or dealer be in compliance with the proposed amendment to Rule 17a–3(a)(9) if it maintained an account for a person where it was apparent that a straw or dummy was being inserted for the purpose of evading Rule 17a–3(a)(9).[28]

STATUTORY BASIS

The proposed amendment would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.*, and particularly sections 2, 3, 10, 11, 15, 17, 21, 23 and 30 thereof (15 U.S.C. 78b, 78c, 78j, 78k, 78o, 78q, 78u, 78w, and 78dd).

IMPACT ON COMPETITION

The Commission recognizes that, to the extent foreign persons view the amendment as a disincentive to investing through (and consequently lessen their financial involvement in) United States markets, the proposed amendment might have an inhibiting effect on competition.

While the Commission considers it desirable to facilitate foreign access to the United States markets, it also believes that the gaps existing in the present scheme of regulation with respect to disclosure of account ownership pose serious threats to the integrity of the domestic markets and may undermine public confidence therein. The predicted decrease in foreign portfolio investment occurring as a result of the proposed amendment would be a more remote possibility. In any event, any such burden on competition would appear to be necessary and appropriate to make the Commission regulation reasonably complete and effective.

On the other hand, the proposed amendment to Rule 17a–3(a)(9) may be more likely, on balance, to lessen burdens on competition through the elimination of an inappropriate disparity in regulation with respect to domestic and foreign intermediaries. Under current regulations, persons who invest directly in the United States markets are subject to disclosure and compliance requirements under the Act which other persons, domestic and foreign alike, have been able to avoid by the use of financial intermediaries located abroad. That regulatory disparity does not appear to be necessary or appropriate in furtherance of the purposes of the Act. Particularly disturbing are indications that domestic financial intermediaries may currently be planning to rearrange their affairs to place themselves on the same footing as their foreign competitors. It does not seem appropriate to eliminate competitive disparities by degrading the investor protections afforded by the Act. Accordingly, the proposed amendment would eliminate the competitive disparity while upholding the purposes of the Act.[29]

TEXT OF RULE

Securities Exchange Act Rule 17a–3, 17 CFR 240.17a–3, would be amended to read as follows:

§ 240.17a–3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(9) A record in respect to each cash and margin account with such member, broker, or dealer containing the name and address of each beneficial owner of such account and in the case of a margin account, the signature of such owner: *Provided*, That in the case of a joint account or an account other than an account of a natural person, such records are required only in respect of the person or persons authorized to transact business for such account if such persons undertake to furnish, at the request of the Commission, the name and address of each beneficial owner of such account.

* * * * *

All interested persons are encouraged to submit written data, views and arguments with respect to the proposed amendment or the plan of administration explained in this release. Persons wishing to make written submissions should file six copies thereof with George A. Fitzsimmons, Secretary, 500 North Capitol Street, Washington, D.C. 20549, not later than March 4, 1977. All comments should make reference to Securities and Exchange Commission File No. S7–613. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street, Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1977.

[FR Doc.77–1605 Filed 1–17–77;8:45 am]

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[28] For example, if a well-known and active financial intermediary closed its accounts with a broker and individuals known to be officers (or other authorized agents) of that financial intermediary opened accounts in the name of a new, and unknown, intermediary, it would appear that a reasonable broker or dealer would be alerted to the possibility that an effort was being made to evade Rule 17a–3(a)(9). Under such circumstances, the broker or dealer maintaining the new accounts would need, as a practical business matter in order to reduce its own risk of violating Rule 17a–3(a)(9), to satisfy itself that the new arrangements were not being undertaken to evade disclosure under the Rule. Similar considerations would apply to a financial intermediary that found persons opening accounts on a basis which suggested that the financial intermediary would not in fact be able to comply with the agreement it had entered into pursuant to Rule 17a–3(a)(9). Nor, for example, would the beneficial owner of an account cease to be such merely because its financial intermediary had recast agency transactions for such beneficial owner's account into principal transactions.

[29] *See* section 3(a)(36) of the Act, 15 U.S.C. 78c(a)(36).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Income and Exclusions; Deeming of Income

On January 22, 1974, there was published in the FEDERAL REGISTER (39 FR 2487) a notice of proposed rulemaking with proposed amendments to the regulations relating to the deeming of income under section 1614(f) of the Social Security Act (42 U.S.C. 1382c(f)), exclusion of earnings of a child who is a student, and exclusion of certain household goods and personal effects under the supplemental security income for the aged, blind, and disabled program.

Interested parties were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. As described below, comments were received and fully taken into consideration. The section on deeming is being published at this time in the form of notice of proposed rulemaking because of the breadth of the changes from the previously published notice. While some of the changes were the direct result of the comments received, others have been initiated by the Social Security Administration. For this reason and because the rules currently in effect have been followed for two years, it appears most appropriate to publish a revised notice pertaining to deeming of income. The other two sections published on January 22, 1974, were finalized on October 20, 1975 (40 FR 48911).

Section 1614(f) of the Social Security Ac requires that, where an eligible individual lives together with his ineligible spouse, his income shall be deemed to include the income of the spouse, except to the extent that the Secretary finds it would be inequitable to do so. Similarly, the income of the child who is eligible for SSI benefits and lives with his parents (or spouse of a parent), is deemed to include the parents' income, subject to exceptions directed by the Secretary. The amounts of a parent's income which pursuant to these regulations are not deemed to the SSI beneficiary are

termed "allocations." Allocations of parents' income, prior to deeming, are provided for the use of the parents and for any other children in the household who are not SSI beneficiaries.

Comments were received from the Governor of Connecticut, the welfare administrators in the States of Idaho, Ohio, Pennsylvania, Wisconsin and the administrator of the New York City Human Resources Administration. Comments were also received from the Legal Services for the Elderly Poor in New York. All of the comments received suggested that the allocation for the ineligible spouse, parent, and spouse of the parent be the same as the SSI benefit payment levels so that a family unit involved in the deeming process could have the same amount of income as a family unit with both parents and at least one child meeting the supplemental security income eligibility criteria. The regulations have been prepared for publication with a change in the allocation amounts for an ineligible spouse, parent, or spouse of the parent. The new quarterly allocation amounts will permit the ineligible spouse, parent, or spouse of a parent with income which is to be deemed, to exclude the same amount of earned or unearned income that an eligible individual or eligible couple can have before becoming ineligible for supplemental security income payments.

Similarly, the allocation for each ineligible child has been related to the payment amounts for an eligible spouse or an essential person. At the present time, this allocation equals $252 per quarter, but will increase automatically as the SSI benefit rate increases.

Other comments were made that only the income actually available to the eligible individual should be deemed. This concept is not consistent with the legislative language in title XVI which requires that the income of an ineligible spouse, parent, and spouse of parent should be deemed to the eligible individual whether or not the income is actually available to the eligible individual. Accordingly, no change is being made on this point.

The report of the Supplemental Security Income Study Group dated January 1976, made two recommendations pertaining to the deeming of income. The Study Group recommended that deemed income of parents no longer be considered when a child recipient reaches age 18, and that the same exemptions for earned and unearned income of the eligible spouse be allowed for the ineligible spouse. The recommendation dealing with the age of the child cannot be implemented without a statutory change, because section 1614(f)(2) requires that the income and resources of a parent and spouse of a parent be deemed to a child under age 21. The second recommendation was partially adopted. Under the proposed rules, an eligible individual and an ineligible spouse will receive the same earned and unearned income exclusions that are allowed for an eligible individual and eligible spouse (eligible couple).

A new paragraph (§ 416.1185(c)) has been added to provide guidelines for the situation in which an individual's income must be deemed both to his spouse, who is an aged, blind, or disabled adult, and to his child who is blind or disabled. In this case, the individual's income is deemed to the adult first (in accordance with the rules of spouse-to-spouse deeming). Thereafter, any deemable income in excess of the amount which caused the adult to become ineligible on the basis of income will be deemed to the blind or disabled child.

When there are two or more blind or disabled children, the income to be deemed will be divided equally between the children; however, if either or both have income for their own, income will be deemed only to the extent needed to reduce a child's payment to zero. All the remaining income will be deemed to the other blind or disabled child.

The regulations (§ 416.1185(d)) provide that certain items of income will not be included in the deeming process. Several of these items are statutory exclusions adopted from title XVI or other statutes (e.g., Food Stamp Act of 1965). Assistance based on need and income based on need will not be included as income to be deemed nor will the income used to determine the eligibility and amount of the need-based payments be included because to do so would be indirectly requiring the other assistance program to support an SSI recipient. Any in-kind support and maintenance (food, clothing, and shelter) furnished to the ineligible spouse, parent or spouse of a parent, if any, and any ineligible children in the household will not be considered as deemable income under this section.

The regulations also provide (§ 416.1185(e)) that the Social Security Administration will continue to deem income to an eligible individual when either the eligible individual or the person from whom income is deemed is absent from the household for temporary periods. A temporary absence is defined as one in which either the eligible individual or the person from whom income is deemed leaves the household but intends to return in the same or the next month. However, it is specifically provided that deeming will continue to apply to a child who is absent for extended periods in order to attend school so long as the child returns home on vacations and, thus, can fairly be said to continue to maintain his residence with his parents. If the absence is not temporary, deeming will cease effective with the first full month of absence. This provision makes explicit what has been the policy of the Social Security Administration.

It should be noted that § 416.1185 was first published as an interim regulation for comment on January 22, 1974, and a number of comments were received relating to the deeming of income. This section will continue in effect, as here amended, on an interim basis effective upon publication until a final regulation is adopted.

It is being published with interim effectiveness because a delay in the implementation of the proposed changes would be contrary to the interests of the public. There are several reasons why it is in the best interests of the public to publish these changes with interim effectiveness. The policy reflected in these changes is a liberalization of the current rules applicable in deeming of income from spouse to spouse and from parent to child situations, and will also simplify eligibility determinations for all concerned. The new rules take cognizance of the inflationary process on the income of persons from whom income is deemed and will equalize the treatment of income used in the deeming process with that of other SSI recipients not involved in the deeming process. As a result it is anticipated that no individual to whom these rules are applicable will be disadvantaged. Finally, these changes also take into consideration whenever possible, comments and suggestions made by the public with respect to the deeming policy.

If there are any questions concerning this regulation, you may contact Mr. S. J. Weissman, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone—(301) 594–7341. Mr. Weissman will respond to any questions, but will not accept comments on this regulation.

Prior to final adoption of these amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland, 21203 within a period of 45 days from the date of publication of this notice in the FEDERAL REGISTER.

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

(Secs. 1102, 1614 (f) and 1631 Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1473, and 86 Stat. 1475; 42 U.S.C. 1302, 1382c(f), and 1383.)

(Catalog of Federal Domestic Assistance Program No. 13,807, Supplemental Security Income Program.)

Dated: December 13, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 13, 1977.

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:

Section 416.1185 is added to read as follows:

§ 416.1185 Deeming of income.

Any amounts used in the examples in paragraphs (a) and (b) of this section are based on the rates for quarters beginning July 1, 1976.

(a) *Individual with spouse.* In the case of an individual who is living in the same household with a person not eligible for benefits under this part who is, or who is considered to be, such individual's husband or wife in accordance with the provisions set forth in §§ 416.1001–416.1041, such individual's income shall be deemed to include (except as otherwise provided in this section) any income (as defined in § 416.1102(a)) of such spouse whether or not such income is available to such individual. For each child in the household who is neither blind nor disabled, the quarterly income of the ineligible spouse will be reduced by an amount equal to the difference between the quarterly benefit rate for an individual (as defined in § 416.410) and the quarterly benefit rate for a couple (as defined in § 416.412). Any income of such child will be used to reduce the allocation of income made on his behalf. If the remaining income of the ineligible spouse does not exceed one-half the quarterly benefit rate for an eligible individual there is no income to be deemed. If the remaining income of the ineligible spouse exceeds one-half of the quarterly benefit rate for an eligible individual, all income will be deemed to the eligible individual, combined with his own income, and the eligible indivdual's income will be treated as it would be if his spouse were an eligible spouse (as indicated in § 416.412). However, in no case will a payment to the eligible individual exceed the amount specified for an eligible individual without an eligible spouse. Whenever the initial application is filed in the second or third month of the quarter, the allocations enumerated in this paragraph will be prorated on a monthly basis.

Example 1. After all the prescribed allocations have been applied, Alice, the ineligible spouse of Ted, has $200 of deemable income for the third quarter of 1976. Since this is less than half the quarterly benefit rate for an eligible individual without an eligible spouse ($503.40 divided by 2=$251.70), no income is deemed to Ted and he is paid at the rate for an eligible individual. Only his own countable income is applied to that benefit rate.

Example 2. After all the prescribed allocations have been computed, Alice has $400 of deemable income for the third quarter of 1976. Since this exceeds one-half of the quarterly benefit rate for an eligible individual, Alice's income is to be added to Ted's own countable income. Ted has $200.00 of income (before any disregards are applied), which together with the deemed income equals $600 total quarterly income. All income disregards appropriate to an eligible couple are applied to determine countable income. This countable income is applied against the amount which would be paid to an eligible couple in determining the eligibility of the individual.

(b) *Child.* (1) In the case of an individual who is a child (as defined in § 416.1050) and under age 21, such individual's income shall, subject to the succeeding sentences of this paragraph and to paragraph (c) of this section, be deemed to include (except as otherwise provided in this section), any income (as defined in § 416.1102(a)) of a parent of such individual (or the spouse of such a parent) who is not eligible for benefits under this part and is living in the same household as such individual whether or not such income is available to such individual. Income so deemed will be treated as unearned income. Whenever there is more than one blind or disabled child in the deeming situation, the income to be deemed will be divided equally among them. However, no income will be deemed to a blind or disabled child in excess of that amount which, when combined with his own income, if any, reduces his payment level to zero. Thereafter, any remaining deemable income will be deemed only to the other blind or disabled children. Whenever the initial application is filed in the second or third month of the quarter, the allocations described in this paragraph will be prorated on a monthly basis.

(2) In the case of income for any quarter of the parent and spouse of such parent, such income will be reduced by the allocation specified in paragraph (a) of this section for each ineligible child (as defined in § 416.1050) under the age of 21 of the parent or spouse of the parent residing in the household. However, any income of the ineligible child himself will be used to reduce the allocation of income made on his behalf.

(3) (i) Thereafter, in the case of income for any quarter, all of which is earned (as defined in § 416.1102(b)), of the parent and spouse of such parent, such earned income will be reduced by an amount equal to $255 plus:

(*a*) Twice the quarterly benefit rate for an individual (as defined in § 416.410) in the case of one parent or spouse of a parent residing in the household; or

(*b*) Twice the quarterly benefit rate for a couple (as defined in § 416.412) in the case of a parent and spouse of a parent residing in the household.

(ii) In the case of income for any quarter, all of which is unearned, of the parent and spouse of such parent, such unearned income will be reduced by an amount equal to $60 plus:

(*a*) The quarterly benefit rate for an individual in the case of one parent or spouse of a parent residing in the household; or

(*b*) The quarterly benefit rate for a couple in the case of a parent and spouse of a parent residing in the household.

(iii) In any case in which the total income for a quarter of the parent(s) includes both earned and unearned income, the unearned income is reduced by $60; and the earned income is reduced by $195 plus one-half of the remainder. The sum of the unearned and earned income remaining after such reduction is further reduced by:

(*a*) The quarterly benefit rate for an individual (as defined in § 416.410) in the case of one parent or spouse of a parent residing in the household; or

(*b*) The quarterly benefit rate for a couple (as defined in § 416.412) in the case of a parent and spouse of a parent residing in the household.

(c) The remaining income is deemed income.

(iv) *Examples.*

Example 1. Susan, a blind 10-year-old, lives with her mother, stepfather, and able-bodied sister. Her stepfather has earned income of $1800 for the third quarter of 1976. Neither her mother nor her sister has any income of her own. In order to compute deemable income, there is first allocated to the sister $252 for the quarter. Thereafter, since the remaining parental income is earned and is less than $1765.80 per quarter (twice the couple's rate plus $255, or the amount of earned income which just makes a couple ineligible), there is no income deemed to Susan.

Example 2. James is a disabled child who lives with his mother. His mother receives benefits under title II of the Social Security Act in the amount of $225 per month or $675 for the third quarter of 1976. James has no income of his own. Since his mother's income is totally unearned, it is reduced before deeming by $563.40 ($503.40 (the quarterly benefit rate for a single individual) plus $60 (the unearned income disregard)). Thereafter, $111.60 per quarter is deemed to James. Since this is treated as unearned income, his $60-per-quarter disregard is applied, reducing the countable income to $51.60. This quarterly benefits, therefore, equal $451.80.

(c) *Individual with spouse and child.* In the case of an individual, as described in paragraph (a) of this section, and a child, as described in paragraph (b) of this section, living in the same household with a person not eligible for benefits under this part who is, or who is considered to be, the husband or wife of the individual and parent or spouse of the parent of the child, such individual's and child's income shall be deemed to include the income of such person whether or not such income is available to such indivdual or child. This person's income will be treated in the same manner, as described in paragraph (a) of this section. After the application of the spouse-to-spouse deeming, as provided in paragraph (a) of this section, all income in excess of the amount which reduces the individual's payment to zero will be deemed to the blind or disabled child and treated as unearned income.

(d) *Income not included.* (1) For purposes of this section, the term income does not include:

(i) Assistance based on need and income based on need and furnished by any Federal agency, State, or political subdivision of a State, or the payments made under title XVI of the Social Security Act and any income which was taken into account in determining and which affected the eligibility for, and amount of such assistance or payments;

(ii) Any portion of any grant, scholarship, or fellowship used to pay the cost of tuitions and fees;

(iii) Amounts received for foster care of an ineligible child;

(iv) Bonus value of food stamps and the value of the Department of Agriculture donated foods;

(v) Home produce grown for personal consumption;

(vi) Refund of taxes paid on income, real property, or food purchased by the family;

(vii) Such income needed to fulfill an approved plan for achieving self-support;

(viii) Such income used to comply with the terms of court-ordered support;

(ix) The value of any in-kind support and maintenance furnished to the ineligible spouse, ineligible parent or ineligible spouse of a parent, and ineligible children in the household;

(x) Periodic payments made by a State under a program established before July 1, 1973, based solely on duration of residence and attainment of age 65; and

(xi) Income otherwise excluded by Federal statute (see § 416.1146 of this part).

(2) In determining the income of ineligible children in the household for purposes of allocating a share of the parent's income, the items enumerated in paragraph (d)(1) of this section shall be excluded, and, in addition, the total earned income of such child who is a student (subject to the limitation in § 416.1163) shall be excluded unless the child actually makes this income available to the family.

(e) *Limitation on deeming.* The procedures for computing an individual's income described in this section will be applied during periods of temporary absence from the household on the part of the individual or the person from whom income is deemed. For the purposes of this section, a temporary absence is defined as one in which either the individual, or the person from whom income is deemed, leaves the household but intends to return in the same month or the next month. If an absence is not temporary, those procedures will cease to be applied effective with the first full month of absence. However, a child who is away at school will be considered to be temporarily absent (regardless of the duration of the absence) if he comes home on weekends or lengthy holidays and vacations (or for extended visits in accordance with school regulations).

[FR Doc.77-1599 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

MISCELLANEOUS INDIAN IRRIGATION PROJECTS

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.105 Charges of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against land to which water can be delivered under the Pyramid Lake Irrigation Project in Nevada and the San Carlos Reservation Irrigation Project in Arizona. On the Pyramid Lake Irrigation Project, the annual assessment rate will be $20.00 per acre for non-Indians; and $1.00 per acre for Indian owned and operated land. On the San Carlos Reservation Irrigation Project, the annual assessment rate will be $35.23 per acre for non-Indian owned land and Indian land leased to non-Indians. These annual assessment rates shall become effective for the calendar year 1977 and subsequent years unless changed by further orders. The revised section shall read as follows:

§ 221.105 Charges.

Pursuant to the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians and Indian owned and operated lands, for the calendar year 1977 and for each succeeding calendar year thereafter until further notice:

Annual per acre assessment

Project	Non-Indian owned land	Indian owned land leased to non-Indians	Indian owned and operated land
Duck Valley:			
Subjugated lands	$3.40	$3.40	$3.40
Native hay lands	3.40	3.40	1.00
Pyramid Lake	20.00	20.00	1.00
San Carlos Reservation	35.23	35.23	5.50
Warm Springs	2.00	2.00	----------

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before February 10, 1977.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.77-1458 Filed 1-17-77;8:45 am]

[25 CFR Part 221]

WALKER RIVER INDIAN IRRIGATION PROJECT

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.83 Charges, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against land to which water can be delivered under the Walker River Indian Irrigation Project in Nevada, by establishing an assessment rate of $7.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and $1.00 per irrigable acre for Indian owned land farmed and operated by Indians for calendar year 1977 and subsequent years unless changed by further orders. The revised section shall read as follows:

§ 221.83 Charges.

The annual basic operation and maintenance assessment rates for land to which water can be delivered under the Walker River Indian Irrigation Project in Nevada for the operation and maintenance of the project are hereby fixed at $7.00 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and $1.00 per irrigable acre for Indian owned land farmed and operated by Indians. The foregoing charges shall become effective for the calendar year 1977 and continued in effect thereafter until further notice.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before February 10, 1977.

CHARLES D. WORTHMAN,
Assistant Area Director.

[FR Doc.77-1457 Filed 1-17-77;8:45 am]

DEPARTMENT OF LABOR

Assistant Secretary for Labor-Management Relations Office of Labor-Management Relations Services

[29 CFR Part 215]

URBAN MASS TRANSPORTATION ACT OF 1964

Proposed Guidelines

Section 13(c) of the Urban Mass Transportation Act provides, in general, it shall be a condition of any federal financial assistance by the Department of Transportation to states other than local public bodies in financing mass transportation systems, that fair and equitable arrangements must be made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. In conjunction with the Secretary of Labor's role in making such determinations, it is, therefore, the purpose of these proposed guidelines to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Urban Mass Transportation Act, and certification by the Secretary of Labor

of acceptable employee protective arrangements.

Interested persons are accorded until on or before March 4, 1977, to offer data, views or comments addressed to the Assistant Secretary of Labor for Labor-Management Relations United States Department of Labor. New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Any comments received by interested parties will be available for public inspection during normal working hours in Room N-5641, New Department of Labor Building at the same address.

Accordingly, it is proposed to amend 29 CFR Chapter 2, by adding a new Part 215 to read as follows:

PART 215—GUIDELINES, SECTION 13(c), URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

Sec.

215.1 Purpose statement.
215.2 General.
215.3 Employees represented by a labor organization.
215.4 Employees not represented by a labor organization.
215.5 Processing of amendatory applications.
215.6 Recertifications based on existing agreements.
215.7 Department of Labor contact.

AUTHORITY: Secretary's Order No. 11-72, May 12, 1972.

§ 215.1 Purpose statement.

(a) The purpose of these guidelines is to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Urban Mass Transportation Act of 1964, as amended (hereinafter "the Act").

(b) Section 13(c) of the Act reads as follows:

It shall be a condition of any assistance under section 3 of this Act that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) The preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) The continuation of collective bargaining rights; (3) The protection of individual employees against a worsening of their positions with respect to their employment; (4) Assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) Paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379, as amended). The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

§ 215.2 General.

Upon receipt of copies of applications for Federal assistance subject to section 13(c), together with a request for the certification of employee protective arrangements from the Department of Transportation, the Department of Labor will process those applications, which may be in either preliminary or final form. To facilitate review, the section of the application dealing with labor and relocation should estimate the effects on mass transportation employees of urban mass transportation carriers of the contemplated Federal assistance including possible impact of the assistance upon existing collective bargaining agreements, employment rights, privileges and benefits (including pensions) and the continuation of collective bargaining rights. The application should identify the labor organization, if any, representing employees of urban mass transit carriers in the area of the proposed project and describe what steps, if any, have been taken to develop the required employee protections.

§ 215.3 Employees represented by a labor organization.

(a) If affected employees are represented by a labor organization it is expected that protective arrangements shall be the product of negotiation, pursuant to these guidelines.

(b) Upon receipt of an application involving affected employees represented by a labor organization, the Department of Labor will refer a copy of the application to that organization and notify the applicant of referral.

(c) Following referral and notification under paragraph (b), of this section, and subject to the exceptions defined in §§ 215.5 and 215.6, parties will be expected to engage in good faith efforts to reach mutually acceptable protective arrangements through negotiation.

(d) Provisions will be made for the setting of time limitations by the Secretary of Labor within which negotiations must be concluded. It is anticipated that time limits will be set, case by case, for all projects which the Secretary of Transportation indicates have a significant possibility of funding. Further, expedited processing will be given high priority projects, upon the Secretary of Labor's own initiative or on the request of the Secretary of Transportation.

(e) The Secretary of Labor will review negotiated protective arrangements. If an arrangement meets the requirements of section 13(c), the Secretary will so certify to the Urban Mass Transportation Administrator. If the arrangement is not in conformity with the provisions of section 13(c), the Secretary may grant parties additional time to negotiate a satisfactory agreement, or he may set forth the provisions of the protective arrangement himself.

(f) If the parties are unable to reach agreement within the time period specified pursuant to paragraph (d) of this section, the Secretary will review the positions of the parties to determine appropriate action. If it is determined that the parties cannot reach agreement, he will advise them of the protective terms and conditions upon which he intends to base the certification. If the Secretary determines that the applicant has not negotiated in good faith he will refuse to certify.

§ 215.4 Employees not represented by a labor organization.

(a) The certification made by the Secretary will afford the same level of protection to those employees who are not represented by labor organizations.

(b) If there is no labor organization representing employees, the Secretary will set forth the protective terms and conditions in his letter of certification.

§ 215.5 Processing of amendatory applications.

When an application is supplemental to or revises or amends in immaterial respects an application for which the Department of Labor has already certified that fair and equitable arrangements have been made to protect the interests of mass transit employees affected by the subject project, and absent unusual circumstances, the Department of Labor will on its own initiative apply to the supplemental or other amendatory application the same terms and conditions as were certified for the subject project as originally constituted. The Department of Labor's processing of these applications will be expedited.

§ 215.66 Recertificationns based on existing agreements.

When the Department of Labor receives a certification request for a grant application which is identified as being in a category of recurring grants, as set forth below, and when the applicant has an existing section 13(c) arrangement for a previous grant in that category, the Department of Labor will notify the parties of its receipt of the application and its intent to certify the new project on the basis of the previously developed section 13(c) arrangement unless within 30 days from that notification a party objects in writing to certification on that basis. Upon receipt of any objection the Secretary of Labor will review the objection to determine appropriate action to take in future processing of the certification request. This procedure will apply to the following categories of grants:

(a) Capital grants for purchase or renovation of vehicles (including buses, railcars, or other vehicles) based on a normal equipment replacement or maintenance cycle, not resulting in a contraction of service levels;

(b) Capital grants for refurbishing of rights-of-way, buildings, or other real property where the activity is closely similar to that carried out over a period of years;

(c) Grants pursuant to specified multi-year programs of identifiable projects;

(d) Other categories to be determined by the Secretary of Labor.

§ 215.7 Department of Labor contact.

Questions concerning the subject matter covered by these guidelines should be addressed to the Division of Employee Protections, Labor-Management Serv-

ices Administration, U.S. Department of Labor, Room N-5641, 200 Constitution Avenue, NW, Washington, D.C. 20210; phone number (202) 523-6495.

Signed at Washington, D.C. this 13th day of January, 1977.

BERNARD E. DELURY,
Assistant Secretary for Labor-Management Relations.

[FR Doc.77-1517 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 251]

GEOLOGICAL AND GEOPHYSICAL EXPLORATION PERMIT

Submission of Data

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462, 43 U.S.C. 1331-1343, the Department of the Interior proposes the following changes in Title 30, Code of Federal Regulations Part 251.

Part 251 provides for the issuance of geological and geophysical exploration permits on the Outer Continental Shelf (OCS). As promulgated (41 FR 25891, June 23, 1976), the regulations provided for the submission of permit data for inspection by the Supervisor at his request. The submission of volumes of geophysical data which the Supervisor ultimately concludes are not to be selected, but which are subject to the reimbursement provisions for reproduction costs, has proven burdensome to Geological Survey and objectionable to the geophysical exploration industry.

This amendment proposes to resolve this problem by providing that submission of data to the Supervisor prior to its selection will occur only when mutually agreeable, and that the Supervisor will rely more on inspection on the permittee's premises. This amendment should end industry's suspicion that submitted data are used, not just inspected for quality and suitability, and returned without being subject to the provisions for reimbursement of processing and reprocessing costs. This amendment makes no change in the requirements for submission of data upon their selection by the Supervisor.

The Department is now revising and simplifying the geophysical exploration permit form. In conjunction with this, certain provisions deleted from the permit should be elevated to the regulations. Among these are provisions proposed to be added to 30 CFR 251.13 and paragraph 9 below, 30 CFR 251.14(d).

The Department in this Notice also proposes to amend the definitions of "analyzed geological information" and "processed geophysical information" to include reference to data collected under a lease, so that the cross reference in 30 CFR 250.97 to definitions contained in section 251.3 is accurate.

In addition, the Department seeks, under proper circumstances, to allow geological and geophysical exploration for other commercial purposes not related to mineral development. Section 11 of the OCS Act, 43 U.S.C. 1340, requires geological and geophysical exploration of the OCS to be "authorized by the Secretary." By adopting regulations permitting only mineral exploration and scientific research, the Department did, but did not intend to, foreclose exploration permits in non-mineral commercial purposes. The proposed amendments remedy this.

This action does not require the drafting of an inflationary impact statement under the mandate of Executive Order No. 11821, 39 FR 41501 (1974). Departmental review under the criteria set forth in OMB Circular A-107 and the Department's memorandum on E.O. 11821 (revised October 7, 1975), indicates that the proposal does not invoke this impact statement requirement.

This action does not constitute a "major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). These technical changes will not significantly alter the environmental effects of exploration under permits issued by the Department under the Outer Continental Shelf Lands Act, 43 U.S.C. 1331-1343. These impacts were discussed in the Impact Statement prepared prior to initial promulgation of these rules, Interior FES 76-23.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, Reston, Virginia 22092, on or before February 17, 1977.

Dated: January 11, 1977.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

1. Accordingly, it is proposed that the table of contents for Part 251 be amended by revising the entry for § 251.12 to read:

Sec.

251.12 Inspection, selection and submission of data and information.

§ 251.3 [Amended]

2. It is proposed to revise § 251.3(j) to read as follows:

* * * * *

(j) *Geological exploration for mineral resources or other commercial purposes.* Any operation conducted on the Outer Continental Shelf which utilizes geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various bottom sampling methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity, or for other commercial purposes. The term does not include exploration for scientific research.

* * * * *

3. It is proposed to revise § 251.3(k) to read as follows:

* * * * *

(k) *Geophysical exploration for mineral resources or other commercial purposes.* Any operation conducted on the Outer Continental Shelf which utilizes geophysical techniques, including, but not limited to, gravity, magnetic and various seismic methods, to produce data and information on mineral resources, including data and information in support of possible exploration and development activity, or for other commercial purposes. The term does not include exploration for scientific research.

* * * * *

4. It is proposed that the first sentence of 30 CFR 251.3(p) be revised to read:

* * * * *

(p) Data, collected under a permit (or, for the purposes of § 250.97 of this chapter, under a lease), which have been analyzed. * * *

* * * * *

5. It is proposed that the first sentence of 30 CFR 251.3(q) be revised to read:

* * * * *

(q) Data, collected under a permit (or, for the purposes of § 250.97 of this chapter, under a lease), which have been processed. * * *

* * * * *

§ 251.12 [Amended]

6. It is proposed that the following modifications be made in 30 CFR 251.12:

A. That the section title be revised to read:

§ 251.12 Inspection, selection and submission of data and information.

B. That the heading of paragraph (b) be revised to read:

(b) *Inspection, selection and submission of geophysical data and processed geophysical information.* * * *

C. That the second and third sentences of paragraph (b)(2) be revised to read:

(b) * * *

(2) * * * This inspection may be performed on the permittee's premises or, at the request of the Supervisor, the permittee may agree to submit the geophysical data, processed geophysical information or reprocessed geophysical information to the Supervisor for inspection. The permittee may either submit the requested material within 30 days of receipt of the Supervisor's request or immediately notify the Supervisor of his objection to submission of any or all of the material for inspection. * * *

* * * * *

D. That the introductory portion of paragraph (b)(4) before paragraph (b)(4)(i) be revised to read:

* * * * *

(b) * * *

(4) The right of inspection and each submission shall include, at the direction of the Supervisor, all or any part of the following: * * *

§ 251.13 [Amended]

7. It is proposed that § 251.13(b) be revised to read:

* * * * *

(b) *Reimbursement for processing and reprocessing costs.* After the Supervisor selects processed and reprocessed geophysical information by written notice to the permittee or third party in accordance with § 251.12(b)(2), the permittee or third party shall be reimbursed for not more than one-half of the cost attributable to processing and reprocessing only, as distinguished from the cost of data acquisition. Reimbursement will be for the amount attributable to processing and reprocessing costs of the lowest rate at which the processed geophysical information is made available by the permittee or third party, but in no case shall reimbursement be more than one-half of the processing and reprocessing cost incurred by the permittee or the third party. When in the exercise of his discretion, the Supervisor so directs, the permittee or third party shall refund to the United States any amount by which the lowest share of the total processing and reprocessing cost is reduced following reimbursement to the permittee or third party by the United States.

* * * * *

8. It is proposed to revise 30 CFR 251.13(c) to read as follows:

* * * * *

(c) *Procedures for establishing amount of reimbursement.* Requests for reimbursement will contain a cost breakdown in sufficient detail to allow separation of processing and reprocessing from acquisition costs. Any reimbursement to a permittee or third party shall be conditioned upon a determination by the Supervisor that the request for reimbursement as originally submitted or as revised is proper.

* * * * *

§ 251.14 [Amended]

9. It is proposed that § 251.14 be amended by the addition of a paragraph (d) to read as follows:

* * * * *

(d) *Disclosure to independent contractors.* The Government reserves the right to disclose any data or information acquired from a permittee to an independent contractor or agent for the purpose of processing, reprocessing or interpretation.

§ 251.16 [Amended]

10. It is proposed to amend 30 CFR 251.16 by the addition of the words "or other commercial purposes" after "mineral resources" and before "and exploration".

[FR Doc.77-1370 Filed 1-17-77;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1482]

MEETINGS; PUBLIC NOTICE AND OBSERVATION

Proposed Implementation of Government in Sunshine Act

Notice is hereby given that the Renegotiation Board proposes to amend 32 CFR by adopting a new Part 1482 to implement the provisions of the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241).

The Government in the Sunshine Act is intended to provide the public with the fullest practicable information regarding the decisionmaking processes of the Federal Government while protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Section 3 of the act requires that certain agencies, including the Renegotiation Board, adopt regulations generally providing for public announcements of their meetings, public attendance at such meetings unless exempt under the statute, and, if a meeting is closed, public access to a transcript or recording of the nonexempt portions of such meeting. The proposed Part 1482 is intended to comply with these requirements.

The proposed § 1482.1 would state the scope of Part 1482 and would provide that it applies to all meetings of the Board, and to all meetings of divisions of the Board composed of two or more members, and that the Board members shall not jointly conduct or dispose of official agency business except in accordance with the rules set forth therein. Paragraph (c) would make it clear that access to documents is governed by Part 1480 and not by the proposed Part 1482.

The proposed § 1482.2 would contain definitions applicable to Part 1482. Paragraph (e) would define the term "meeting" broadly to include not only all meetings of a majority of the Board, but also all meetings of a majority of the members of a division but not less than two, at which deliberations are undertaken which determine or result in the joint conduct or disposition of official business. Excepted from such definition would be meetings to consider closing another meeting to the public; meetings to establish or change the time, date or subject matter of another meeting; and actions taken by the Board through written notations which do not involve any gathering at all.

The proposed § 1482.3 would provide for the issuance of public announcements of the time, place and subject matter of meetings, and whether they will be open to public observation. Generally, such public announcements would be made at least seven days before such a meeting. Under certain circumstances, meetings could be held sooner or certain exempt information could be omitted from a public announcement. Public announcements would be made available for public inspection and copying in the Board's Public Information Office and, thereafter, submitted for publication in the FEDERAL REGISTER.

The proposed § 1482.4 would require that all covered meetings be open to public observation unless they are within one or more of the ten specific exemptions set forth in the Government in the Sunshine Act and paraphased in paragraph (b). Paragraph (c) would set forth in detail the procedures for closing a meeting. Paragraph (d) would permit any affected person to request that any meeting be closed to public observation. Paragraph (e) would make clear that "public observation" means the opportunity to see and hear Board proceedings but not to participate in or to record them.

The proposed § 1482.5 would require that every covered meeting, whether open or closed to public observation, be recorded and that such recordings, after excision of exempt matter from those of closed meetings, be made available for public review and copying. In addition, paragraph (c) would require that an index to such recordings be maintained and open to the public. Excisions would be made initially by the Assistant General Counsel-Secretary and, upon the request of any person, subject to review by the Board. Fees for copies of tapes would be limited to the actual cost of duplication.

Interested persons may participate in the proposed rulemaking through submission of written comments pertaining to these proposed regulations. Comments received by the Board before February 21, 1977 will be considered by the Board before taking final action. Such comments should be addressed to the General Counsel, Renegotiation Board, Washington, D.C. 20446.

Written material and comments submitted will be available for public inspection during regular business hours in the Board's Public Information Office, 2000 M Street, NW., Washington, D.C.

The Renegotiation Board 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.

Dated: January 13, 1977.

REX M. MATTINGLY,
Acting Chairman.

32 CFR Chapter XIV is amended by adding a new Part 1482, reading as follows:

PART 1482—PUBLIC NOTICE AND OBSERVATION OF MEETINGS

Sec.

1482.1 Scope.
1482.2 Definitions.
1482.3 Public announcement of meetings.
1482.4 Public observation of meetings.
1482.5 Recordings of meetings.

AUTHORITY: Sec. 109, Pub. L. 9, 82nd Cong., 65 Stat. 22 (50 U.S.C.A. App. 1219); sec. 3, Pub. L. 94-409, 90 Stat 1241 (5 U.S.C. 552b).

§ 1482.1 Scope.

(a) *In general.* This part implements the Government in the Sunshine Act

(Pub. L. 94–409, 90 Stat. 1241). The regulations herein provide for public announcement of information concerning meetings of the Board, public observation of such meetings unless exempt from such observation by law, and public access to recordings of such meetings except to the extent that such recordings are of meetings or portions of meetings closed to public observation and the discussion thereon is exempt from disclosure by law.

(b) *Applicability.* This part applies to all meetings of the Board and all meetings of divisions of the Board which are composed of two or more members. The members of the Board shall not jointly conduct or dispose of official agency business other than in accordance with this part.

(c) *Access to records.* Access to records, including those discussed, referred to or adopted in a meeting to which this part is applicable, shall be governed exclusively by the provisions of Part 1480 of this subchapter.

§ 1482.2 Definitions.

(a) "Board" means the Renegotiation Board.

(b) "Division" means one or more members of the Board designated by the Chairman pursuant to section 107(e) of the act.

(c) "Member" means an individual who has been appointed to the Board.

(d) "General Counsel" means the General Counsel of the Board appointed pursuant to section 107(c) of the act or, in his absence, the Acting General Counsel.

(e) "Meeting" means the deliberations of at least the number of members required to take action on behalf of the Board, or the deliberations of at least the number of members of a division required to take action on behalf of the division but not less than two, where such deliberations determine or result in the joint conduct or disposition of official business, but does not include deliberations for the purpose of closing a meeting or portion thereof to public observation under § 1482.4, deliberations for the purpose of establishing or changing the time, place or subject matter of a meeting under § 1482.3, or actions taken by the Board or a division through sequential, written notation of its members.

(f) "Earliest practicable time" means as soon as reasonably possible which, except in unusual circumstances, will be not later than the close of the next day which is not a Saturday, Sunday or legal holiday.

§ 1482.3 Public announcement of meetings.

(a) *In general.* A public announcement, in the form prescribed in paragraph (c) of this section, will be posted at least seven calendar days in advance of each meeting except that if a majority of the Board determines by recorded vote that agency business requires that such meeting be called at an earlier date, such public announcement will be posted at the earliest practicable time.

(b) *Changes in public announcements.* The time and place of a meeting may be changed following its public announcement only if the Board posts a public announcement of such change at the earliest practicable time. The subject matter of a meeting or the determination to open or close a meeting or portion thereof to public observation may be changed only if:

(1) A majority of the Board determines by recorded vote that that agency business so requires and that no earlier announcement of the change was possible; and

(2) A public announcement of such change, and the vote of each member thereon, is posted at the earliest practicable time.

(c) *Contents of public announcements.* Each public announcement of a meeting required by paragraphs (a) and (b) of this section shall state:

(1) The time and place of the meeting;

(2) The subject matter of the meeting;

(3) Whether the meeting will be open or closed to public observation; and

(4) The name, address and telephone number of the official designated to respond to requests for information concerning the meeting;

except that, with respect to a meeting or portion thereof which is to be closed to public observation under § 1482.4, to the extent that any information required to be stated in a public announcement by this paragraph is exempt from disclosure under the provisions of § 1482.4 (b), such information will not be included in a public announcement.

(d) *Posting.* A public announcement required under this section shall be posted by making it available for public inspection and copying during the usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6 (d)(1) and (e)(2). Immediately following its posting, such public announcement shall be submitted for publication in the FEDERAL REGISTER.

§ 1482.4 Public observation of meetings.

(a) *In general.* Except as provided in paragraph (b) of this section, every meeting shall be open to public observation.

(b) *Exemptions.* Meetings or portions of meetings will be closed to public observation, and information concerning such meetings or such portions will not be announced to the public, if the Board determines that public observation of such meeting or such portion, or public announcement of such information, is likely to:

(1) Disclose matters that are:

(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy; and

(ii) In fact properly classified pursuant to such Executive Order;

(2) Relate solely to internal personnel rules and practices of the Board;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Disclose information the premature disclosure of which would:

(i) In the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to

(A) Lead to significant financial speculation in currencies, securities, or the commodities, or

(B) Significantly endanger the stability of any financial institution or

(ii) In the case of any agency, be likely to frustrate implementation of a proposed agency action, except that subparagraph (ii) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the Board's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Board of a particular case of formal

agency adjudication involving a determination on the record after opportunity for a hearing; *Provided*, That the Board may open to public observation any meeting to which this paragraph applies if it determines that the public interest so requires. In making a determination that the public interest requires public observation of a meeting, the Board shall consider the probable effect of such public observation on the Board's ability to carry out the purposes and intent of the act and on the rights, duties and interests of affected persons, including other agencies, employees and contractors, and whether such public observation would violate any applicable provision of law, such as 5 U.S.C. 552a, 18 U.S.C. 1905 or 26 U.S.C. 7213.

(c) *Procedures.* (1) Upon the motion of any member of the Board to close any meeting or portion thereof to public observation,

(i) The General Counsel shall certify whether, in his opinion, such meeting or such portion may be closed to public observation under one or more of the exemptions set forth in paragraph (b) of this section and

(ii) The Board shall vote upon such motion.

(2) Within one business day following a vote under subparagraph (1) of this paragraph, a written record of such vote, reflecting the vote of each member and attaching the General Counsel's certification, shall be posted.

(3) If the vote of the Board under subparagraph (1) of this paragraph is to close such meeting or such portion to public observation, within one business day following such vote a full written explanation of the Board's action, together with a list of all persons expected to attend such meeting or such portion and their affiliation shall be posted.

(4) At the earliest practicable time following a meeting any portion of which is closed to public observation pursuant to this paragraph, the presiding member shall file a statement setting forth the time and place of such meeting and the persons present, which shall be posted.

(5) For the purposes of this paragraph, posting a document shall consist of making such document available for public inspection and copying during usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d)(1) and (e)(2) of this subchapter.

(6) With respect to any meeting or portion of a meeting closed to public observation pursuant to this section, if the Board determines that any information contained in any of the documents required to be posted pursuant to subparagraphs (1) through (4) of this paragraph is exempt from public disclosure under paragraph (b) of this section, such information shall be deleted from the copies of such documents that are posted; *Provided, however*, That undeleted copies of such documents shall be retained by the Board in its files.

(d) *Requests to close meetings.* Any person who believes that his interests may be directly affected by public observation of a meeting or portion of a meeting may request that such meeting or such portion be closed to such public observation for any of the reasons set forth in paragraph (b) of this section. Such requests shall be filed with the Assistant General Counsel-Secretary at the principal office of the Board, who shall distribute copies of such request to each member at the earliest practicable time. See § 1472.6 (d)(1) and (e)(2). Action on such request, if any, shall thereafter be taken in accordance with the procedure set forth in paragraph (c) of this section.

(e) *Public observation.* Unless otherwise stated in a public announcement made pursuant to § 1482.3 (a) or (b) of this subchapter, public observation of a meeting shall mean that all members of the public are invited to attend such meeting for the purposes of observing and listening to the proceedings but not for the purposes of participating in or recording, whether electronically, photographically or otherwise, such proceedings.

§ 1482.5 Recordings of Meetings.

(a) *In general.* Recordings of every meeting, whether open or closed to public observation under § 1482.4 of this subchapter, shall be made and retained. Each such recording shall accurately identify the meeting to which it relates, each speaker thereat and each document or physical item discussed thereat.

(b) *Excision of recordings of closed meetings.* The Assistant General Counsel-Secretary or his duly appointed representative shall prepare a copy of the recording of each meeting or portion thereof closed to public observation pursuant to § 1482.4 of this subchapter and shall excise therefrom all discussion which, in his opinion, is exempt from public disclosure under paragraph (b) of such section. The original recording of each such meeting or portion shall be retained by him.

(c) *Public access to recordings.* The recording of each meeting or portion thereof which is open to public observation and the copy of the recording of each meeting or portion thereof which is closed to public observation, after excision in accordance with paragraph (b) of this section, together with an index of the subject matter thereon and suitable equipment for the review of such recordings and copies, shall be available to the public during the usual hours of business in the Public Information Office at the principal office of the Board. See § 1472.6(d)(1) and (e)(2) of this subchapter.

(d) *Procedure for obtaining copies of recordings.* (1) Any person desiring a copy of any recording available to the public under the preceding paragraph shall submit a written request therefor, stating that it is made pursuant to the Government in the Sunshine Act and describing such recording with sufficient particularity to permit its identification with reasonable certainty. All requests should be addressed to the Assistant General Counsel-Secretary, Renegotiation Board, Washington, D.C. 20446. The envelope in which such request is sent shall be prominently marked with the letters "GISA."

(2) The Assistant General Counsel-Secretary or, in his absence, his duly appointed representative, shall furnish the requested copies within ten days (excluding Saturdays, Sundays and legal holidays) after the receipt of a request under this paragraph.

(e) *Review of excisions.* Any person who has been afforded access to a copy of a recording of a closed meeting under paragraph (c) of this section or who has received a copy of such a recording under paragraph (d) of this section may obtain review by the Board of the decision of the Assistant General Counsel-Secretary excising portions of such recordings under paragraph (b) of this section by making written application to the Renegotiation Board, Washington, D.C. 20446, within 20 calendar days after the date of such access or receipt of such copy. The decisions of the Board shall be made within 20 days (excluding Saturdays, Sundays and legal holidays) after the receipt of such application. Failure of the Board to act within the time limit prescribed in the preceding sentence shall constitute a decision of the Board not to furnish the excised discussion to the requester.

(f) *Fees.* (1) The charge for furnishing a copy of a recording under paragraph (d) of this section shall be the actual cost of its duplication.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as anticipated, the requester shall be notified of the amount of the anticipated fee. Such notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it.

(3) Where the anticipated fee exceeds $25 or where a requester has previously failed to pay a fee under this paragraph, an advance deposit of the full amount of the anticipated fee may be required. In any case requiring a deposit, the request will not be deemed to be received until receipt of such deposit.

(4) Remittances of fees under this paragraph shall be made payable to the order of the Renegotiation Board and mailed to the Renegotiation Board, Attention: Director, Office of Administration, Washington, D.C. 20446. The Board will assume no responsibility for cash which is lost in the mail.

(5) The Board shall waive any fee prescribed in this paragraph in any instance in which the Board, in its discretion, determines such waiver to primarily benefit the general public. There will be no charge for making copies of recordings required for use by other agencies of the Government.

(g) *Period of retention.* A recording made and maintained under paragraphs (a) or (b) of this section shall be re-

tained for a period of not less than two years after the meeting or one year after the conclusion of any Board proceeding with respect to which the meeting was held, whichever is longer.

[FR Doc.77-1510 Filed 1-17-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Subtitle A]

PUBLIC ATTENDANCE AT ADJUDICATIVE HEARINGS

Advance Notice of Proposed Rulemaking

The Secretary of the Department of Health, Education, and Welfare has determined that the Department should adopt a uniform policy with respect to public attedance at adjudicative hearings and has sent the following memorandum to the heads of the principal operating components of the Department directing that regulatory amendments be prepared to effect such a policy. Interested persons are invited to comment on the policy and to participate in the development of regulations by submitting such written data, views or arguments as they may desire. All communications should be addressed to the Director, Office of Regulatory Review, Department of Health, Education, and Welfare, Room 730-E, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Written comments and information may be submitted in any form such as by means of letters, position papers, or memoranda. There are no special rules concerning format. However, to assure full consideration, all written comments should be submitted on or before March 21, 1977. Comments received in response to this Notice will be available for public inspection in Room 730-E, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Dated: December 21, 1976.

DAVID MATHEWS,
Secretary.

To: Heads of Principal Operating Components, Assistant Secretary for Administration and Management, Director, Office for Civil Rights, Chairman, Grant Appeals Board.

From: Secretary.

Subject: Public Attendance at Adjudicative Hearings.

DECEMBER 21, 1976.

It has recently come to my attention that the Department has no uniform policy, and has a diversity of practice, concerning the admission of the general public to adjudicative hearings. It also appears to me that at least some of the regulations of the operating components dealing with this subject are more restrictive than they need or should be. For these reasons, I have determined that the Department should have a uniform policy permitting public attendance at adjudicative hearings unless such attendance would be inconsistent with our obligation not to disclose personal and private information, trade secrets or other information made confidential by law.

To implement the new policy, each component of the Department that conducts adjudicative hearings should prepare and submit for my approval amendments to such regulations in a form consistent with the model regulatory provision attached to this memorandum. If for any reason such an amendment is inappropriate for a particular program, the program administrator should submit to me in writing a full explanation in support of his request that he be allowed to deviate from the general policy.

The regulation amendments as well as any explanations why such amendments should not be adopted should be submitted to me no later than March 21, 1977.

Attachment.

MODEL REGULATORY PROVISION FOR PUBLIC ATTENDANCE AT ADJUDICATIVE HEARINGS

§ ------ Public attendance.

(a) Except as provided in paragraph (b) of this section, all [adjudicative[1]] hearings shall be open for attendance by the public.

(b) The presiding officer shall, on his own motion or on that of any party, close to the public any hearing or portion of a hearing at which evidence is to be offered or matters discussed which—

(1) Are of a personal nature and disclosure would constitute a clearly unwarranted invasion of personal privacy;

(2) Are trade secrets or consist of other commercial or financial information of a privileged or confidential nature; or

(3) Are such that disclosure would violate any provision of law.

[FR Doc.77-1594 Filed 1-17-77;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Intermediate Care Facilities—Institutions for the Mentally Retarded

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of these regulations is to modify certain Federal requirements which become effective on March 18, 1977, and to extend the period allowed under current regulations for compliance with certain selected standards. These regulations will apply to institutions for the mentally retarded certified on or before March 18, 1977, as Intermediate Care Facilities under the Medicaid program (title XIX, Social Security Act) and participating under an approved plan of compliance provided for under 45 CFR 249.33(a)(8). Facilities (or distinct parts thereof) entering the program after March 18, 1977, would be subject to the current provisions for full compliance under 45 CFR 249.12(c)(6) or certification with deficiencies under the provisions of 45 CFR 249.33(a)(4).

[1] The context provided by the procedural regulations in which this section would be inserted may make it unnecessary to describe the hearings as "adjudicative." On the other hand, some other qualifying adjective may be appropriate.

With the adoption of the intermediate care facility program under title XIX, Social Security Act, effective on March 18, 1974, the Department established standards applicable to institutions for the mentally retarded which provided that all such institutions participating under the title XIX program as providers of intermediate care would be required to be in compliance with Federal standards established under 45 CFR 249.13 effective March 18, 1977. To achieve this purpose, provisions were made to allow institutions for the mentally retarded to initially participate under the program provided that such facilities submitted a plan of compliance, approved by the Secretary, for achieving conformity with the standards specified in 45 CFR 249.13 no later than March 18, 1977.

A Departmental study completed in June of 1976 by the Office of Long Term Care of the status and progress of facility efforts to meet the March 18, 1977, deadline indicated that only 35% of the State-owned facilities were expected to be in full compliance by the deadline. The shortage of available State funds to make the required changes and renovations to meet Federal requirements with respect to the Life Safety Code and physical environment was identified as the major obstacle in achieving full compliance. Staffing was also identified as an area in which States needed more time because of the shortage of qualified personnel.

These problems were of sufficient significance that they became very clear to the Department both through reports and inquiries from State and local agencies and through contacts from the New Coalition, an organization consisting of the National Association of Counties, the National Governors' Conference and the National Conference of State Legislators. These groups reiterated to the Department the difficulties in meeting certain aspects of the existing regulations; they emphasized that it would be impossible for all State-owned facilities to comply in full by the specified date. A special problem existed in some States that were attempting to phase out certain facilities and place the residents in alternative care settings. These States would have been forced to spend funds on renovating those facilities in order to continue to receive Federal Medicaid matching funds. Recognizing the validity of these concerns, the Department initiated intensive discussions with the New Coalition, National Association of Retarded Citizens, Epilepsy Foundation, Cerebral Palsy Association, and the National Association of Coordinators of State Programs for the Mentally Retarded, Inc. These discussions culminated in specific recommendations made to the Department by the New Coalition, and a Departmental response indicating a willingness to make certain regulatory changes in response to their legitimate concerns. Accordingly, this Notice of Proposed Rule Making specifies such changes, which the Department also believes maintain the necessary program quality.

Under the proposal, the Department purposes to maintain in principle the March 18, 1977, compliance date for facilities providing services to the mentally retarded which were certified prior to that date. However, in the case of an individual facility which will not meet the Federal requirements for staffing, Life Safety Code, and certain physical environmental standards by the deadline date, continued Medicaid participation will be allowed provided that the health and safety of the residents in the facility will not be jeopardized by a delay in achieving compliance with those requirements.

Under these proposed regulations, facilities may be granted up to one additional year to correct deficiencies in staffing on the basis of a written plan, approved by the Secretary or his designee, which establishes a timetable of corrective action to achieve full compliance with Federal staffing requirements within one year. Similarly, provided that the facility is found in compliance with existing State fire safety and sanitation requirements, the facility may be granted up to March 18, 1980, to correct deficiencies in requirements for the Life Safety Code, living units, dining rooms, and therapy areas. Such facilities may be recognized for purposes of certification based upon a written plan, approved by the Secretary or his designee, which establishes a timetable for correcting deficiencies in, or phase-out of, buildings which will assure a facility's full compliance with Federal Life Safety Code and physical environment requirements by March 18, 1980.

The proposed regulation would also:

Modify current requirements for application of the Rooming House section of the residential occupancy section of the Life Safety Code in facilities of 15 beds or less to permit mobile nonambulatory as well as ambulatory residents to be housed in these buildings rather than in large institutions as part of the normalization and deinstitutionalization process. In addition, the Federal requirement with respect to resident actions for self-preservation has been modified to provide some flexibility of the residential occupancy code in housing arrangements for the mentally retarded population by providing for the application of the residential occupancy code in facilities of fifteen beds or less where the Secretary or his designee has determined, in the case of residents who ar not capable of self-preservation, that the facility has procedures which assure the orderly evacuation of each resident.

Expand the definition of "Qualified Mental Retardation Professional" to include a certified rehabilitation counselor in order to recognize and specifically provide for inclusion of a category which by professional training and experience would be qualified in the area of mental retardation.

Clarify the effective date of the Federal standards under 45 CFR 249.13 and correct the citations of the cross-referenced requirements under 45 CFR 249.12. The cross-referenced requirements omit, due to a technical error, current provisions for patient rights.

Modify requirements with respect to the maximum number of residents per bedroom, to recognize and allow for a variance which is in accordance with the programmatic needs of an individual. For purposes of survey and certification, the survey agency may grant a variance where the survey agency has established that a physician or qualified psychologist has documented in the resident's plan of care that such a variance is in accordance with the resident's programmatic needs.

Modify requirements for minimum bedroom floor space to provide some flexibility in the application of Federal requirements to existing buildings. The survey agency may grant a variance within certain limitations for ambulatory resident bedrooms where the survey agency has determined in accordance with Federal guidelines that such a variance does not adversely affect the programmatic needs of the resident.

These proposed amendments are intended to alleviate the serious difficulties some States are encountering in their efforts to meet the published requirements by the 1977 date, and thus to permit continued participation of facilities for a reasonable time while improvements are being made in order to avoid substantial disruption in the care, treatment, and living arrangements of the residents by having to move them to other certified facilities. Residents of the facilities will not be disadvantaged by the changes since the extended time may be granted only when an approved plan of correction is in effect and no harm will result to the individuals. The Department will monitor activities under each facility's plan to assure that adequate and timely progress is being made.

With respect to the time extension for staffing, one year is considered sufficient time for a facility to recruit the necessary staff and also is the maximum period that a facility should attempt to provide the required "active treatment" short of a full complement of staff. The Department believes a longer period could result in harm to the residents or at least deter their progress toward maximum normal functioning. With respect to structural changes, however, it is recognized that a longer period may be necessary to plan and carry out building modifications or to complete a satisfactory building phase-out plan. Thus three years is considered reasonable in this instance based upon the Department's study and review of the State's progress toward compliance in these areas. Following the time periods which are being proposed for correction of staffing, Life Safety Code, and physical environment deficiencies, the facility must be found in compliance with the Federal standards and would not be eligible for further participation under the program in accordance with Federal prohibitions with respect to repeating deficiencies under 45 CFR 249.33(a)(4).

These special provisions for achieving full compliance with the staffing and structural requirements are applicable only to facilities which have been participating in the Medicaid program under approved plans of compliance in accordance with 45 CFR 249.33(a)(8). It is the Department's view that serious harm would be done both to the States which have been attempting to provide adequate care to their retarded populations, using State and Federal funds, and, more importantly, to the individuals involved who are now benefiting from participation in the Medicaid program, if there were a cutoff of Federal funds at this point. These facilities are already making progress toward compliance so that they can continue in the program and thus their termination would serve no real purpose and could result in very inadequate or no care for their residents.

The Department's current policies on the regulations process provided for publication of a "Notice of Intent" to develop regulations on which all interested persons may comment, and which would then be followed by a Notice of Proposed Rule Making (NPRM). In the case of these proposed amendments to the standards for mental retardation facilities, it has been determined that the "Notice of Intent" step should be omitted (and the regular 45-day comment period on NPRMs shortened) since the time remaining between publication of this NPRM and the effective date of the current regulations (March 18, 1977) does not allow for it. States must know before March 18, 1977, what specific Federal standards will be applied in determining the qualifications of facilities to participate in the Medicaid program for purposes of Federal matching.

Further, the Department believes that the purpose of the "Notice of Intent" process has been met in large measure by the extensive discussions already held on the proposed changes with representatives of both the State agencies and affected consumers. Meetings have been held with the National Governors' Conference, the National Association for Retarded Citizens, the President's Committee on Mental Retardation, and the National Association of Coordinators of State Programs for the Mentally Retarded which involved thorough consideration of the existing standards and possible modifications. Accordingly, this NPRM is being published without a preceding Notice of Intent so that a final decision on standards can be communicated to all affected parties before March 18, 1977.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto which are received by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, on or before February 17, 1977. In order to assure prompt handling of comments, please refer to MSA–194–P. Agencies and organizations are requested to submit their comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–0950). Answers to specific questions may be ob-

tained by calling Robert Silva (202–245–0425).

(Sec. 1102, 45 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Social and Rehabilitation Service has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: January 12, 1977.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 13, 1977.

MARJORIE LYNCH,
Acting Secretary.

Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below:

1. Section 249.10 of Part 249 is amended by revising paragraph (b)(15)(i), as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.* Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions: * * *

(15) *Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A) of the Act, to be in need of such care.* Intermediate care facility services may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions. (See paragraph (d)(1)(vi) of this section.) "Intermediate care facility services" means those items and services furnished by a facility which meets the following conditions: * * *

(i) * * *

(D) It meets the standards for an intermediate care facility specified by the Secretary under § 249.12, and in the case of an institution for the mentally retarded or persons with related conditions, also meets the standards specified under § 249.13; and no later than March 18, 1977; and

* * * * *

2. Section 249.12 of Part 249 is amended by revising paragraph (a)(5), adding new paragraph (c)(3)(ix), and revising paragraph (c)(6), as set forth below:

§ 249.12 Standards for intermediate care facilities.

(a) The standards for an intermediate care facility (as defined in § 249.10(b)(15) of this part) which are specified by the Secretary pursuant to section 1905(c) and (d) of the Social Security Act and are applicable to all intermediate care facilities are as follows. The facility: * * *

(5) Meets such provisions of the Life Safety Code of the National Fire Protection Association as are applicable to institutional occupancies; except that:

(i) For facilities of 15 beds or less, the State survey agency may apply the Lodging or Rooming Houses section of the residential occupancy requirements of the Code for institutions for the mentally retarded or persons with related conditions and intermediate care facilities primarily engaged in the treatment of alcoholism and drug abuse, all of whose residents are currently certified by a physician or in the case of an institution for the mentally retarded or persons with related conditions by a physician or psychologist as defined in paragraph (c)(3)(i) of this section, as:

(A) Ambulatory or mobile nonambulatory (as defined under the provisions of § 249.13(h) of this chapter) and determined to be capable of following directions;

(B) Engaged in active programs for rehabilitation which are designed to and can reasonably be expected to lead to independent living, or in the case of an institution for the mentally retarded or persons with related conditions, receiving active treatment; and

(C) Capable of taking appropriate action for self-preservation under emergency conditions; except that, in facilities with ambulatory and mobile nonambulatory residents who are not certified as capable of self-preservation, the Lodging or Rooming Houses section of the Code may be applied where the Secretary has made a determination, in writing based upon documented evidence, that the facility has in place an adequate 24-hour operational plan designed on the basis of the specific needs of such residents, which assures their systematic and orderly evacuation within acceptable time lengths and conditions.

* * * * *

(c) In addition, for institutions for the mentally retarded or persons with related conditions the following standards specified pursuant to section 1905(d) of the Social Security Act shall apply. * * *

(3) The institution provides for a Qualified Mental Retardation Professional who is responsible for supervising the implementation of each resident's individual plan of care, integrating the various aspects of the institution's program, recording each resident's progress and initiating periodic review of each individual plan of care for necessary modifications or adjustments. The term "Qualified Mental Retardation Professional" means: * * *

(ix) A rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification and who has specialized training or one-year of experience in treating the mentally retarded.

* * * * *

(6) No later than March 18, 1977 the institution meets the standards specified in § 249.13. For institutions determined to meet the standards specified in § 249.13, the following sections of paragraph (a) and (c) of this section do not apply: (a)(1)(i), (ii)(A), (iv), (v) and (vi); (a)(4); (a)(6); (a)(7); (a)(8); (c)(4); and (c)(5).

3. Section 249.13 of Part 249 is amended by revising the first sentence and paragraph (b)(6), as set forth below:

§ 249.13 Standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions.

No later than March 18, 1977, the standards for intermediate care facility services (as defined in § 249.10(b)(15)) in an institution for the mentally retarded or persons with related conditions which are specified by the Secretary pursuant to section 1905(c) and (d) of the Social Security Act and referred to in § 249.12(c)(6), are specified in this section. At such time as an institution is deemed to meet the standards contained in this section, such institution will no longer be required to meet the following provisions of § 249.12: (a)(1)(i), (ii)(A), (iv), (v) and (vi); (a)(4); (a)(6); (a)(7); (a)(8); (c)(4); and (c)(5).

* * * * *

(b) *Resident living.* * * *

(6) *Design and equipage of living units.* (i) Bedrooms shall:

(A) Be on or above street grade level;

(B) Be outside rooms;

(C) Accommodate no more than 4 residents, except where the survey agency has made a finding in writing that a variance (which in no case may exceed 8 residents per room) is in accordance with the programmatic needs of each of the residents assigned to such bedroom as documented by a physician or qualified psychologist, (as defined in § 249.12(c)(3)(i) of this chapter), in the individual resident's plan of care. In instances where such a variance has been granted rejustification of the variance by the survey agency must be established in writing on a quarterly basis and maintained on file for continued certification of the institution under the program; and

(D) Provide not less than 80 square feet per resident in multiple bedrooms and not less than 100 square feet per resident in single bedrooms, except that the survey agency may grant a variance in bedrooms for ambulatory residents in existing buildings where the survey agency has justified and documented, in accordance with guidelines issued by the Secretary, that such variance does not adversely affect the programmatic needs and goals of each specific resident and provided that such variance is within the following limitations:

(1) Not less than 60 square feet is provided per resident in multiple bedrooms, and

(2) Not less than 80 square feet is provided per resident in single bedrooms.

* * * * *

4. Section 249.33 of Part 249 is amended by revising paragraphs (a)(2) and (a)(4)(iii), as set forth below:

§ 249.33 Standards for payment for skilled nursing and intermediate care facility services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * *

(2) Provide that the single State agency will, prior to execution of an agreement with any facility (including hospitals and skilled nursing facilities) for provision of intermediate care facility services and making payments under the plan, obtain certification from the agency designated pursuant to § 250.100 (c) of this chapter that the facility meets the definition set forth under § 249.10(b)(15), except that: (i) In the case of an intermediate care facility determined to have deficiencies under the requirements for environment and sanitation (§ 249.12(a)(6)) or of the Life Safety Code (§ 249.12(a)(5)) it may be recognized for certification as an intermediate care facility in accordance with subparagraph (a)(4)(iii) of this section for a period not exceeding 2 years following the date of such determination provided that:

(A) The institution submits a written plan of correction acceptable to the survey agency which contains;

(1) The specific steps that it will take to meet all such requirements; and

(2) A timetable not exceeding 2 years from the date of the initial certification of the facility for participation as an intermediate care facility detailing the corrective steps to be taken and when correction of deficiencies will be accomplished;

(B) The survey agency makes a finding that the facility potentially can meet such requirements through the corrective steps and they can be completed during the 2 year allowable period of time;

(C) During the period allowed for corrections, the institution is in compliance with existing State fire safety and sanitation codes and regulations;

(D) The institution is surveyed by qualified personnel at least semiannually until corrections are completed and the survey agency finds on the basis of such surveys that the institution has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation, signed contracts and/or work orders, and a written justification of such findings is maintained on file; and

(E) At the completion of the period allowed for corrections, the intermediate care facility is in full compliance with the Life Safety Code requirements set forth under §249.12(a)(5), and the requirements for environment and sanitation set forth under §249.12(a)(6), except for any provisions waived in accordance with §249.12; and

(ii) In the case of an institution for the mentally retarded (or distinct part thereof) certified under the program and participating under a plan approved by the Secretary prior to March 18, 1977 in accordance with the provisions of paragraph (a)(8) of this section and determined to have deficiencies under the requirements for staffing (§249.13(b)(5)), the Life Safety Code (§ 249.12(a)(5)); living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii), (viii), (ix) and (xii)); dining rooms (§ 249.13(c)(4)(viii)); or therapy areas (§ 249.13(c)(8)(vi)), it may be recognized for certification as an intermediate care facility in accordance with paragraph (a)(4)(iii)(A) of this section, provided that:

(A) Prior to the certification, a written plan of correction has been approved in writing by the Secretary which details the extent of the institution's current compliance with such requirements and the specific action steps that it will take to meet all such requirements. Such plans must:

(1) In the case of public institutions be approved by the State or political subdivision having jurisdiction over the operation of the facility; and

(2) In the case of a facility determined to have deficiencies under the requirements for staffing (§ 249.13(b)(5)) establish a timetable not exceeding one year from effective date of certification after (publication of these regulations) for completion of necessary action steps for correction of staffing deficiencies. Such plan must include the number, job titles, and qualifications of personnel employed by the facility and arrangements for recruiting and training additionally required personnel sufficient to insure that each resident participates in an effective program of active treatment, and

(3) In the case of a facility determined to have deficiencies under the requirements for the Life Safety Code (§ 249.12(a)(5)), living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii), (viii), (ix) and (xii)); and dining rooms (§ 249.13(c)(4)(viii)), or therapy areas (§ 249.13(c)(8)(vi)), provide assurance that the facility will meet such requirements during a period not to exceed March 18, 1980 by either:

(i) A timetable detailing the corrective steps to be taken and specifying when correction of deficiencies will be accomplished. The timetable must specify the necessary structural changes and renovations to buildings and provide documented evidence of the availability of sufficient financial resources to complete such changes or renovations on schedule; or

(ii) A timetable for the phasing out of the certified institution (or distinct part thereof) which provides for no new title XIX resident admissions to subject buildings (or distinct parts thereof) after approval of the plan. Such timetables must specify the units or buildings to be closed and describe the phase-out action steps and the alternate methods and systems provided in lieu of the full regulatory requirements which will assure the health and safety of the residents until the building is completely phased out.

(B) During the period allowed for correction, the institution is in compliance with applicable existing State fire safety and sanitation codes and regulations;

(C) The institution is surveyed by qualified personnel at least semi-annually until corrections or phasing-out under the provisions of paragraph (a)(2)(ii)(A) of this section are completed and the Secretary finds on the basis of such surveys as supported by documentation, signed contracts and work orders that the institution has in fact made substantial progress in meeting its plan for correction.

(D) At the completion of the period provided for under plans established under paragraph (a)(2)(ii)(A) of this section, the institution (or distinct part thereof) has achieved full compliance with such plans and is found in compliance with the requirements for staffing (§ 249.13(b)(5)), the Life Safety Code (§ 249.12(a)(5)), living units (§ 249.13(b)(6)(i)(A), (B), (D); (ii)(D); (iii), (iv), (v), (vii) and (viii); dining rooms (§ 249.13(c)(4)(viii)) and therapy areas (§ 249.13(c)(8)(vi)); except for any provisions waived in accordance with § 249.12(a)(5), and § 249.13(f)(1)(iv) or granted a variance under § 249.13(b)(6)(i)(C) and (D).

* * * * *

(4) Provide that certification by the survey agency designated pursuant to § 250.100(c) of this chapter will be subject to the following provisions and exclusions: * * *

(iii) In the case of facilities certified under the provisions of paragraph (a)(4)(ii)(A) and (B) of this section certification will be for:

(A) A period that is no later than the 60th day following the end of the time period specified for the correction of deficiencies in a written plan which the survey agency has approved provided that such period shall not exceed 12 full calendar months except as provided for under paragraph (a)(2)(i) or (ii) of this section, or

* * * * *

[FR Doc.77-1595 Filed 1-17-77;8:45 am]

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAM

Utilization Control: Quarterly Showing Regulation, Notice of Intent To Issue Proposed Rules

Notice is hereby given that the Administrator, Social and Rehabilitation Service (SRS), with the approval of the Secretary of Health, Education, and Welfare, intends to propose revised regu-

lations implementing the quarterly showing requirement of section 1903(g) of the Social Security Act, 42 U.S.C. section 139b(g), which would supersede the current regulation at 45 CFR 250.20(b)(1). Section 1903(g) requires that each State participating in title XIX of the Social Security Act (Medicaid), in order to avoid a reduction in Federal financial participation (FFP) in its Medicaid program, make a quarterly showing satisfactory to the Secretary, that it has in operation an effective program of control over the utilization of institutional services (called in this Notice utilization control or UC).

SRS has found the current regulations unsatisfactory in that it does not give States clear notice of information they may be required to supply to make a satisfactory showing of performance of the UC requirements (subject to subsequent validation). Therefore, SRS has become aware of a need to require States to provide more detailed and in-depth information in order to be able to make a more reliable judgment of the effectiveness of a State's UC program. In the interim period before a final quarterly showing regulation become effective, SRS will continue to require States to submit quarterly showings under the requirements of section 1903(g) in the format prescribed in SRS-AT-76-88, dated June 3, 1976, as revised and updated.

This Notice is confined to the issues which must be addresed in the development of quarterly showing regulations. SRS also plans an overall revision of all current UC regulations (at 45 CFR §§ 250.18, 250.19, 250.20, 250.23, and 250.24), which revision will be coordinated with the development of the quarterly showing regulations to assure their consistency with them. A Notice of Intent to Issue Proposed Rules on that subject will be published in the FEDERAL REGISTER at a later date.

STATUTORY REQUIREMENTS

Section 1903(g)(1) of the Social Security Act provides that:

* * * After an individual has received care as an inpatient in a hospital (including an institution for tuberculosis), skilled nursing facility or intermediate care facility on 60 days, or in a hospital for mental diseases on 90 days (whether or not such days are consecutive), during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30, the *Federal medical assistance percentage* with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year *shall be decreased by 33⅓ per centum thereof unless the State agency* responsible for the administration of the plan *makes a showing satisfactory to the Secretary that*, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing facility services, or intermediate care facility services furnished beyond 60 days (or inpatient mental hospital services furnished beyond 90 days), *there is in operation in the State an effective program of control over utilization* of such services; * * * (Emphasis added.)

As stated above, the Federal medical assistance percentage for specified institutional care must be decreased by 33⅓ percent "unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Secretary" that it has in operation "an effective program of control over utilization of such services." If the showing (or the Secretary's attempt to validate the showing) reveals that any of the utilization control requirements listed in section 1903(g) has not been met for a particular level of care, the Secretary must assess the entire reduction specified in the statute. These reductions are substantial.

The statute specifies five elements that must be included in a satisfactory showing. Each showing must include evidence:

(1) That in each case for which payment is made under the State plan, a physician certified the necessity of institutionalization at that level of care at the time of admission or, if later, at the time of application for medical assistance under the State plan (1903(g)(1)(A));

(2) That, in each such case, a physician recertified at 60-day intervals that there was a continuing need for institutionalization at that level of care (1903(g)(1)(A));

(3) That, in each such case, such services were furnished under a plan of care established and periodically reviewed and evaluated by a physician (1903(g)(1)(B));

(4) That the State had in effect "a continuous program of review of utilization pursuant to section 1902(a)(3) whereby each admission is reviewed or screened in accordance with criteria established by medical and other professional personnel who are not themselves directly responsible for the care of the patient involved, and who do not have a significant financial interest in any such institution and are not, except in the case of a hospital, employed by the institution providing the care involved; and the information developed from such review or screening, along with the data obtained from prior reviews of the necessity for admission and continued stay of patients by such professional personnel, shall be used as the basis for establishing the size and composition of the sample of admissions to be subject to review and evaluation by such personnel, and any such sample may be of any size up to 100 per centum of all admissions and must be of sufficient size to serve the purpose of (i) identifying the patterns of care being provided and the changes occurring over time in such patterns so that the need for modification may be ascertained, and (ii) subjecting admissions to early or more extensive review where information indicates that such consideration is warranted;"

(5) That the State had in operation an effective program of medical review of the care of patients in mental hospitals and skilled nursing facilities, and of independent professional review of the care of patients in intermediate care facilities, pursuant to sections 1902(a)(26) and (31), whereby the professional management of each case is reviewed and evaluated at least annually (1903)(g)(1)(D)).

Section 1903(g)(2) provides that the Secretary is to validate the States' showings, in part by sample onsite surveys in institutions providing inpatient services.

GENERAL PROBLEMS RELATED TO QUARTERLY SHOWING (QS) REQUIREMENTS

A. *Type of Information Required.* The Department seeks comments on the information that should be required as a showing with respect to each of the five required elements of a UC program. The information submitted in the showing must be verifiable by Federal reviewers in validation surveys. The information required should be a valid indicator of States' performance of the UC requirements; it must enable the Department to make an intelligent judgment as to whether a State has satisfactorily shown that it has an effective UC program and thus is entitled to full Federal funding. Because section 1903(g) requires a reduction in FFP for any State which fails to make the required showing, the regulation cannot require information as part of a satisfactory showing that does not go to the question of whether adequate UC is being performed, because to do so might create an anomalous situation in which a State's showing would be found unsatisfactory for failure to submit information which would not have shown whether it had an effective UC program as mandated by the statute. At the same time, in order to minimize the administrative burdens on both the States and the Department, the information required should be the minimum necessary to test the States' performance of each requirement.

SRS is well aware that it would be a considerable administrative burden for the States to collect and submit and for the Department staff to analyze the information under the proposed requirements outlined below, but has been unable to develop alternative requirements that would produce information providing an equally accurate picture of the States' performance of UC requirements. SRS would welcome suggestions of such alternatives. SRS would particularly welcome suggestions for use of Medicaid Management Information Systems (MMIS) or other presently available computerized data to meet the QS requirement.

B. *Sampling.* The collection of information on performance of UC requirements with respect to all recipients or institutions would be administratively burdensome for States. Therefore, SRS intends to require States to submit as a satisfactory showing of some or all of the UC requirements information based on a sample of institutions or of institutionalized patients.

One question to be considered is the appropriate size of each of these samples. Unnecessarily large samples will needlessly increase the burden on the States of making a satisfactory showing; on the other hand, samples that are too small may be unrepresentative.

Apart from the issue of sample size, other issues need to be considered concerning the methodology for sample selection. Perhaps a sample of patients could be taken from single State agency (sSa) records. Or sampling might be done in two steps: First, a sample of in-

stitutions could be selected for each level of care; second, a sample of the patients at each selected institution could be selected for review. The methods for selecting samples should ensure that neither a State agency nor an institution would be able to influence the selection. Ideally, the sampling methods would provide a cross-section by size of institution within each level of care, geographical location, and any other relevant factors.

Since section 1903(g) seems by its terms to require 100% performance of each element in the UC program (physician certification, recertification, and plan of care "in each case"; utilization review and medical review "of the professional management of each case" "at least annually"), it is the Department's position that it is not necessary, in order to determine that a State is subject to the penalty provided by the statute, for the sampling technique to assure a statistically valid sample, because any omission, under this reading of the statute, would be legally sufficient grounds to assess the entire penalty. However, the Department believes that the statute can be read to allow for human error. In the interests of fairness, the Department therefore proposes to set an adherence percentage, and to establish a sampling procedure which would provide a representative, though not necessarily statistically valid, sample.

The Department would welcome comments on the above discussion, and in particular seeks guidance as to the factors that are relevant to the selection of an acceptable sample, the methodology that should be used, and the size and composition of an acceptable sample. Are different samples appropriate for different purposes (for example, for testing adherence to different UC requirements)? In particular, where a State has certified only one or a few institutions for a level of care (as is often the case with mental hospitals), should a different sampling method be used, or should sampling be dispensed with altogether in favor of a comprehensive review? Are there some UC requirements, for example medical review, for which sampling is an inappropriate method of making an adequate showing?

Proposed Quarterly Showing (QS) Format

SRS is considering the following format for its quarterly showing (QS) requirement: The regulation would require that the sSa have procedures in place:

(a) To select a sample of institutions at each level of care by methods specified or approved by the Secertary;

(b) To have these institutions visited by a sSa review team meeting qualifications established by the Secretary, in order to collect specified information as evidence of adherence to each of the statutory UC requirements; and

(c) To submit the information to the Regional Commissioner when requested, on forms to be developed by the Department. This format would give SRS the flexibility to focus each QS on whichever UC requirements seemed currently of greatest concern, and would minimize the burden of QSs on the States by requiring them to collect for each quarter only the information required for that quarter's showing.

SRS seeks comments on the proposed format, and would also welcome proposals for other possible QS formats.

Proposed QS Requirements for Specific Elements of UC Program

A. *Proposed QS Requirements for Certification and Recertification.* As a showing that certification and recertification by a physician have been performed as required, SRS is considering requiring the sSa to be able to provide upon request some or all of the following information for each patient whose record is reviewed by the sSa team, and for whom, under the terms of the statute and regulations, a physician should have certified or recertified need for institutionalization:

(1) Date of admission and, if later, authorization of benefits; date of certification (and recertification);

(2) The physician's name and medical degree;

(3) A description of the form and content of the certification or recertification (e.g. statement signed and dated by attending physician that the individual is in need of a particular level of care; physician orders signed and dated on or before the date of admission; medical evaluation signed and dated by a physician prior to admission; referral or transfer forms signed and dated by a physician);

(4) A statement describing where the certification or recertification is maintained.

B. *Proposed QS Requirements for Plan of Care.* As a showing that it has complied with the statutory requirement that for each Medicaid patient there be a written plan of care periodically reviewed and evaluated by a physician, SRS is considering requiring the sSa to to be able to provide upon request the following information for each patient record reviewed.

(1) A description of the content of the plan of care which includes the diagnosis, symptoms, complaints, and/or complications indicating the need for admission;

(2) A description of the functional level of the individual;

(3) Orders (as apropriate) for medications, treatment, restorative and rehabilitative services, activities, social services and diet;

(4) Documentation of the frequency with which the plan of care is reviewed.

C. *Proposed QS Requirements for Utilization Review (UR).* As a showing that the State has complied with the statutory requirement that it have in effect a continuous program of UR pursuant to section 1902(a)(3), SRS is considering the following requirements:

(1) As evidence that it has complied with the statutory requirement of review or screening of admissions, SRS is considering requiring the sSa to be able to provide upon request some or all of the following information:

For each patient record reviewed by the sSa team: (a) date admission was reviewed or screened; (b) result of review or screening (conclusion of reviewer(s) concerning need for admission); (c) name(s), title(s), professional qualifications and affiliations of individual(s) performing review or screening.

For each institution reviewed:

(a) A description of the criteria established for UR;

(b) Names, titles, professional qualifications and affiliations of the individuals who established the UR criteria.

If the current statute is amended to restore the requirement of review or screening of extended stays, similar information would be required as evidence that this requirement was being met.

(2) As a showing that it has complied with the statutory requirement of review and evaluation of a sample of admissions, SRS is considering requiring the sSa to be able to provide, in addition to the information detailed under (1) above, a statement of the methodology and criteria used for setting the sample size and for selecting the sample.

SRS may need to establish separate QS requirements for States performing UR under a waiver pursuant to 45 CFR 250.19(b). Comments are solicited particularly from States performing UR under a 250.19(b) waiver as to the information necessary to establish a satisfactory showing of performance of UR.

D. *Proposed QS Requirements for Medical Review (MR) and Independent Professional Review (IPR).* As a showing that it has complied with the statutory requirement that MR be performed at least annually in each mental hospital and skilled nursing facility, and that IPR be performed at least annually in each intermediate care facility, SRS is considering requiring that the sSa be able to provide some or all of the following information:

(1) A *list of facilities* at each level of care certified during the quarter, which list indicates:

(a) The effective date of the provider agreement, and if the provider agreement has terminated, the termination date;

(b) The date on which MR or IPR was performed in the facility in the current annual period;

(c) The date of the most recent prior review;

(d) (In the case of MR) the name and medical degree of the physician who supervised the MR team;

(2) *For a sample of institutions* in which MR and IPR were performed in the quarter to which the QS applies:

(a) The names, titles, professional qualifications and affiliations of the review team members;

(b) The number of title XIX patients for that level of care in the facility on the review date;

(c) Specific findings in the review team's report with respect to individual patients;

(d) Action taken (or not taken) on any recommendations of the review team.

Relation of QS to Validation Surveys (VS)

Section 1903(g)(2) requires that the Secretary, as part of his validation of the States' fulfillment of the statutory UC requirements, conduct on-site surveys in health care institutions. SRS proposes to tie these validation surveys (VS) closely to the quarterly showings, focusing the survey on validation of the

quarterly showing. Issues being considered in this connection are:

Should the on-site VS be performed at the same time that the State is collecting information on-site for its QS? Or should the VS be performed later?

SSRS seeks suggestions on a VS format (or perhaps a number of interchangeable formats) that will be a reliable test of the States' operation of effective UC programs, while making the most efficient and economical use of limited administrative resources.

Consideration will be given, in designing proposed regulatory changes, to written comments and suggestions on these issues addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before March 4, 1977. In order to assure prompt handling of comments, please refer to MSA–197–N1. Agencies and organizations are requested to submit their comments in duplicate.

Such comments will not be acknowledged but will be available for public inspection in Room 5223 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950). Answers to specific questions on this Notice may be obtained by calling Dorothy Soltys, 202–245–0225.

This invitation to submit suggestions is being issued for the purpose of obtaining the broadest participation possible in drafting regulatory revisions. Any such changes developed by the Service will be published in the regular manner as a Notice of Proposed Rule Making with a period for comment by all interested parties.

(Sec. 1102, 45 Stat. 647 (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).)

Dated: December 16, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: January 11, 1977.

MARJORIE LYNCH,
Acting Secretary.

[FR Doc.77–1598 Filed 1–17–77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

CANNERY CREEK TIMBER SALE

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 Cannery Creek Timber Sale, Report Number USDA-FS-DES(Adm)R-10-77-03.

This environmental statement concerns a proposed timber sale involving the harvesting of 2.23 million board feet of timber.

This draft environmental statement was transmitted to the CEQ on January 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
U.S. Department of Agriculture, Forest Service, Alaska Region, Federal Building, Juneau, Alaska 99802.
Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Bldg., Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504.

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 Clay G. Beal, Forest Supervisor, Chugach National Forest, 2221 E. Northern Lights Blvd., Room 230, Anchorage, Alaska 99504. Comments must be received by March 15, 1977 in order to be considered in the preparation of the final environmental statement.

CLAY G. BEAL,
Forest Supervisor, Chugach National Forest, Alaska Region.

JANUARY 4, 1977.

[FR Doc.77-1467 Filed 1-17-77;8:45 am]

LAND USE PLAN FOR THE ROGUE-ILLINOIS PLANNING UNIT

Availability of Draft Environmental Statement

The Notice of Availability for the Land Use Plan for the Rogue-Illinois Planning Unit, Siskiyou National Forest, Oregon, USDA-FS-R6-DES-(Adm)-77-2 that appeared in FEDERAL REGISTER Vol. 41, No. 238, Thursday, December 9, 1976 is corrected to extend the review period to February 14, 1977.

DALE L. FARLEY,
Acting Forest Supervisor.

JANUARY 10, 1977.

[FR Doc.77-1501 Filed 1-17-77;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA WILDERNESS SUITABILITY

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 Oregon Dunes National Recreation Area Wilderness Suitability, USDA-FS-FES(Adm) 75-05.

The environmental statement concerns a review of the lands within the Oregon Dunes National Recreation Area and recommendation relative to its suitability for inclusion in the National Wilderness Preservation System, within Lane, Douglas and Coos Counties, State of Oregon, Siuslaw National Forest.

This final environmental statement was transmitted to CEQ on January 10, 1977.

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., SW, Washington, DC 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97208.
Siuslaw National Forest, 545 SW Second Street, Corvallis, Oregon 97330.
Willamette National Forest, 210 E. 11th Street, Eugene, Oregon 97402.
Oregon Dunes, National Recreation Area, 855 Highway Avenue, Reedsport, Oregon 97467.

A limited number of single copies are available upon request to Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

JANUARY 10, 1977.

[FR Doc.77-1500 Filed 1-17-77;8:45 am]

RECOMMENDED MANAGEMENT PLAN FOR OREGON DUNES NATIONAL RECREATION AREA

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 proposed Oregon Dunes National Recreation Area Management Plan. USDA-FS-R6 FES (Adm) 75-01.

The environmental statement concerns proposed management and development proposals for lands located within the boundaries of the Oregon Dunes National Recreation Area, located within Lane, Douglas and Coos Counties, State of Oregon.

This final environmental statement was transmitted to CEQ on January 10, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th Street & Independence Ave. SW, Washington, DC 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97208.
Siuslaw National Forest, 545 SW Second Street, Corvallis, Oregon 97330.
Willamette National Forest, 210 E. 11th Street, Eugene, Oregon 97402.
Oregon Dunes, National Recreation Area, 855 Highway Avenue, Reedsport, Oregon 97467.

A limited number of single copies are available upon request to Regional Forester, Pacific Northwest Region, 319 SW Pine Street, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief.

JANUARY 10, 1977.

[FR Doc.77-1499 Filed 1-17-77;8:45 am]

U.S. BORAX MINING ACCESS ROAD FOR THE QUARTZ HILL PROSPECT

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 U.S. Borax Mining Access Road for the Quartz Hill Prospect, USDA-FS-DES(Adm)-77-04.

The U.S. Borax & Chemical Corporation, in behalf of Pacific Coast Mines, Inc., has proposed to develop a mining exploration road due east of Ketchikan on the mainland of southeast Alaska. This road is to be used for intensive development drilling of the prospect to depths below 600 feet and for the extraction of about 500 tons of ore for pilot testing (bulk sampling).

This draft environmental statement was transmitted to CEQ on January 6, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Bldg., Room 3231, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Bldg., Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901.

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 J. S. Watson, Forest Supervisor, Ketchikan Area, Tongass National Forest, P.O. Box 2278, Ketchikan, Alaska 99901. Comments must be received by March 6, 1977 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,
Environmental Coordinator, Alaska Region.

JANUARY 6, 1977.

[FR Doc.77-1466 Filed 1-17-77;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP.

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 $7,100,000 to Big Rivers Electric Corporation, of Henderson, Kentucky. These loan funds will be used to finance the purchase of an additional fuel supply to assure a 60-day, continuous burn, supply of coal on hand for the borrower's existing generation system.

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. Marshall R. Dorsey, Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted on or before February 17, 1977 to Mr. Dorsey. The right is reserved to give such consideration and make such evalution or other disposition of all proposals received, as Big Rivers 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 12th day of January, 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-1800 Filed 1-17-77; 8:45 am]

BOARD FOR INTERNATIONAL BROADCASTING

PRIVACY ACT OF 1974

Adoption, Additional Routine Use Payroll Records System

JANUARY 6, 1977.

On December 7, 1976, there was published in the FEDERAL REGISTER (41 FR 53517) a notice of proposed additional routine use for the system of records designated "Payroll Records—BIB-2." Interested parties were given the opportunity to submit comments on the additional routine use contained in that notice, no later than January 6, 1977.

No comments have been received, and the proposed additional routine use for this system of records is hereby adopted without change and is set forth below.

Effective date: January 6, 1977.

Signed at Washington, D.C. on January 6, 1977.

WALTER R. ROBERTS,
Executive Director.

BIB-2

System name:

Payroll Records—Board for International Broadcasting.

System location:

General Services Administration, Region Three Office; copies held by the Board for International Broadcasting. (GSA holds records for the Board for International Broadcasting under contract.)

Categories of records maintained in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the Board for International Broadcasting and GSA employees to maintain adequate payroll information for the Board for International Broadcasting employees, and otherwise by the Board for International Broadcasting and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C., generally. Also, Pub. L. 93-129, as amended.

Routine use of records:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. The request must include a copy of the applica-

ble statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Budget and Administrative Officer of the Board for International Broadcasting.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing and retrieving, assessing, retaining and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager:

Budget and Administrative Officer; Board for International Broadcasting, Suite 430, 1030 Fifteenth Street NW., Washington, D.C. 20005.

Notification procedures:

Refer to Board for International Boardcasting access regulations contained in 1 CFR Part 415.

Record access procedures:

Refer to Board for International Broadcasting access regulations contained in 1 CFR Part 415.

Contesting records procedures:

Refer to Board for International Broadcasting access regulations contained in 1 CFR Part 415.

Categories of sources of records in the system:

The subject individual; the Board for International Broadcasting.

APPENDIX—BOARD FOR INTERNATIONAL BROADCASTING

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.77-1487 Filed 1-17-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29789]

HOUSTON/NEW ORLEANS-YUCATAN ROUTE PROCEEDING

Reassignment of Proceeding

This proceeding has been reassigned from the undersigned to Administrative Law Judge Arthur S. Present. Future communications should be addressed to Judge Present.

Dated at Washington, D.C., January 12, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-1580 Filed 1-17-77;8:45 am]

[Order 77-1-44; Docket 29123; Agreement C.A.B. 26352 R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Passenger Fare Matters

Issued under delegated authority January 10, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the resolution establishing first-class and economy-class fares between Benghazi and Japan/Korea so that those fares need not be higher than the corresponding fares between Tripoli and Japan/Korea, thus reflecting Benghazi's status as the gateway point from Libya to the Far East.

Consistent with our prior approval, we will approve the agreement insofar as the fares established under this resolution are combinable with fares to/from the United States and thus have indirect application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board's Regulations 14 CFR 385.14, it is not found that Resolutions JT23(Mail 83)055 and JT23(Mail 83)065 which are incorporated in Agreement C.A.B. 26352, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

Accordingly, *it is ordered* That: Agreement C.A.B. 26352, R-1 and R-2, be and hereby is approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics

Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1583 Filed 1-17-77;8:45 am]

[Docket 27813; Agreement C.A.B. 26064, R-1 through R-13, R-15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of January, 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North/Central Pacific passenger fares.

By Order 76-8-147, August 27, 1976, the Board directed the U.S. carrier members of the International Air Transport Association (IATA) to submit justification in support of an agreement which would close North/Central Pacific fares through March 31, 1977.[1] Northwest Airlines, Inc. (Northwest), although not a member of IATA, was likewise directed to file pertinent economic data.

Pan American World Airways, Inc. (Pan American), the only U.S. IATA member providing service over the North/Central Pacific, has submitted economic data as directed, as has Northwest. Two supplemental carriers, Trans International Airlines, Inc. (TIA) and World Airways, Inc. (World), have jointly filed initial comments and objections, as well as reply comments, and the Puget Sound Traffic Association (PSTA) has filed reply comments. Finally, Pan American has filed a motion, which will be granted, to file an otherwise unauthorized document in response to the reply comments of TIA, World, and PSTA.

THE AGREEMENT

The agreement proposes an increase of three percent in normal economy fares, and a five percent increase in first-class and most promotional fares between the U.S. west coast/Honolulu and Japan. The basic-season group inclusive-tour (GIT) fare would be increased by an additional $50 over the five percent increase, and group-100 affinity fares applicable to U.S.-originating traffic would be increased by ten percent. Most fares between Alaska and Japan would remain at present levels, although first-class fares would be increased by four percent, and the basic-season GIT and group-100 affinity fares would be increased by $25 and 10 percent, respectively.

Fares to Asian destinations other than Japan would remain at present levels, with the exception of first-class and basic-season GIT fares which would be increased by four percent and $50 ($25 from Alaska), respectively. In addition, the agreement proposes two roundtrip 30/120-day excursion fares: one for eastbound-originating travel to the Western Hemisphere, the other for westbound travel from Canada, which is set at a lower level than that proposed for eastbound travel. Finally, the agreement would eliminate stopover restrictions previously applicable to travel on the GIT fares, and would permit individual return from the last point of embarkation in Asia to point of origin in the Western Hemisphere.

CARRIER JUSTIFICATION

Pan American anticipates that, for the year ending September 1977, the agreement will produce a $5.0 million increase in revenue, 1.7 percent above that otherwise forecast at present fares. The carrier states that it sustained an operating loss of $18.9 million and a −3.7 percent return on investment (ROI) during the historical period. It forecasts an operating profit of $10.0 million and an ROI of 5.3 percent during the forecast period under present fares, and an operating profit of $14.6 million and a ROI of 6.8 percent under the fares proposed. These estimates are based upon a historical load factor of 41.6 percent, and forecast load factors of 50.2 and 49.9 percent under present and proposed fares, respectively. The improved load factors stem from an expected 16.8 percent increase in traffic, coupled with a 3.3 percent decline in capacity offered.

Pan American contends that the three to five percent increases in U.S.-Japan fares serve only to realign these fares with other fares between this country and Asia, for which similar increases were approved in May 1976;[2] that the additional increases in the basic-season GIT and group-100 affinity fares are an effort to reduce discounts which now exceed 50 percent from the normal economy fare; and that the individual-return option on the GIT fare is necessitated by current practices of competitive non-IATA carriers. The carrier further maintains that the eastbound Asia-originating 30/120-day excursion fare is required to stem the capture of traffic by competing non-IATA carriers resulting from their overt offering of non-tariff fares at levels and conditions more liberal than those proposed in the agreement. Finally, Pan American states that the Canadian-originating 30/120-day excursion fare proposed by the IATA agreement is similar to a present fare unilaterally filed from Canada and available in tariffs from certain U.S. points by combination of fares over Canada.

In anticipation that the issue of common-faring Seattle with other U.S. west-coast cities would again be raised, Pan American contends that this practice is for the purpose of enabling the IATA carriers to compete equally for all continental U.S. traffic; that Northwest, unlike the IATA carriers, has nonstop route authority to/from Seattle and, as a result, already holds a competitive edge in terms of elapsed time; that over the routings Pan American actually operates, Seattle-Far East fares are lower on a per-mile basis than are fares from other west-coast cities; and that de-common-faring would impact adversely upon the competitive posture of various Pacific carriers, raise problems with foreign governments, and disrupt California-Far East services. The carrier argues that the Board has approved and the courts have upheld Seattle-west coast common-faring; that in seeking a change, the burden is upon the complainant to show that it would be just, reasonable, and otherwise not unlawful; and that the proper forum for full examination of the impact of de-common-faring Seattle is the investigation recommended by the administrative law judge in his Initial Decision in the *Domestic Common Fares Investigation* (DCFI) case, Docket 27330.[3]

Northwest states that the proposed fare increases will provide $4.2 million in additional revenue, 2.3 percent above that forecast at present fares for the year ending September 1977. The carrier states that it earned a $9.0 million operating profit and an ROI of 3.26 percent during the historical year ended June 1976, anticipates an operating profit of $8.9 million and an ROI of 2.92 percent during the forecast period under present fares, and an operating profit of $12.4 million and an ROI of 3.81 percent under the proposed fares. Its estimates are based upon load factors of 49.5 percent in the historical period, and 51.0 percent during the forecast period under both present and proposed fares. The improved load factor appears to be the result of a 7.0 percent increase in anticipated traffic, offset by a lesser 3.7 percent increase in forecast capacity.

COMMENTS AND CARRIER RESPONSES

In general, TIA and World contend again that further increases in normal fares should be disallowed, but express some approval of the fact that the low U.S.-Japan promotional fares would be increased in greater percentage degree than would be the normal fares. However, both object to continuation of certain promotional fares, particularly urging elimination of the group-100 affinity fare on the grounds that it continues to reflect a discount from normal economy-class fares in excess of 50 percent; that it is below fully-allocated costs; and that

[1] Agreement C.A.B. 26064, R-14, which deals with Japan-originating group—30/40 inclusive-tour fares has been disposed of by the Board in Order 76-9-160, September 30, 1976.

[2] Order 76-5-158, May 28, 1976. In that order the Board disapproved increases in U.S.-originating fares to Japan in the absence of similar increases in Japan-originating fares to the United States.

[3] The Initial Decision, presently under review by the Board, recommended deferral of final disposition of the Hawaii-U.S. mainland gateway common-faring question pending investigation of those fares in the overall context of the total international Pacific fare structure.

it has not yet been fully and specifically justified. In essence, they argue that it is predatory and, in reality, a "part-charter" fare.

The supplemental carriers urge deferral of action on the Japan-originating group-30/40 GIT fares, and request that the Board direct the participating carriers to provide additional data showing the historical and forecast impact of that fare on traffic traveling on other fares, the fare's relationship to cost, and its historic yield (net of commission). They contend that this is necessary since these fares are being further decreased in the shoulder season; that the basic-season fares are set at levels approximating discounts of 50 percent from the normal economy fare; and that the carriers apparently disagree on the impact of these fares on their respective systems.[4]

Pan American, on the other hand, argues that both the group-100 affinity and group-30/40 GIT fares produce yields which cover total operating costs, are almost entirely generative, are sufficiently restrictive to preclude diversion, and thus profitable as demonstrated in its justification. The carrier contends that advocacy of fully-allocated cost pricing by TIA and World is motivated by their desire to prevent price competition between scheduled and charter services; that this pricing methodology has no basis in economic theory or business practice; that the Board has recognized that each fare cannot be expected to meet the fully-allocated costs of service; and that the relevant standard is incremental cost. Finally, Pan American denies that the group-100 affinity fare is anti-competitive, arguing that neither supplemental carrier has demonstrated resultant injury; that the fare has little impact upon charter competition; and that the real problem lies with the restrictive charter policy of the Japanese Government which cannot be addressed by the IATA carriers or the Board within the context of its evaluation of IATA agreements.

PSTA continues to maintain that the Board is required to end the inequities suffered by Seattle, and requests that the Board condition the agreement to require mileage-related fares from west-coast gateways. It argues that it is merely seeking application of the Board's existing domestic common-fare policies which preclude the practice absent special circumstances not allegedly yet demonstrated; that while not directed towards North/Central Pacific markets, the initial decision in *DCFI* recommended abolition of common-faring; and that the present common-faring violates the "rule of equality" in all respects.[5]

PSTA contends that Pan American's reference to court approval of common-faring in the Pacific is misplaced; that de-common-faring will not disrupt California-Far East services; that the burden is on the carriers to demonstrate that "special circumstances" justify the current practice; and that the possible objection of foreign governments provides no basis for the Board to ignore the legal requirements of the Act. Absent the requested condition, PSTA requests disapproval of the agreement on the general ground that the carriers' justifications are inadequate, deficient, and show irreconcilable contradictions. The Association argues that Northwest's justification is suspect since, while supposedly a low-cost carrier, that carrier has projected a higher load factor but a lower ROI than has Pan American; that for many reasons Northwest's traffic-growth projection is unrealistically low, thus understating its forecast passenger revenue under the proposed fares; that when adjusted to Pan American's more realistic growth rate, Northwest's forecast would show a 7.4 percent rather than a 3.81 percent ROI. It is also contended that Northwest's allowance for commission expense is inexplicably excessive; and that when adjusted to Pan American's more moderate expense level, its forecast ROI would increase further to 10.44 percent. In addition, PSTA argues that Pan American uses an elasticity factor in its justification to adjust forecast revenue, whereas Northwest does not; and that Pan American's unit cost is inexplicably and substantially greater than is Northwest's which, when substituted for Pan American's, places that carrier in an excess earnings position. Finally, PSTA contends that neither carrier's justification addresses the question of apparent illegal discounting on Asia-originating fares and its effect upon historical and forecast yields.

In reply to PSTA, Pan American contends that it has demonstrated the existence of special circumstances which fully warrant the common-faring of Seattle with other west-coast points and that, if the Board wishes to reexamine its historic policy in the Pacific area, it should do so along the lines recommended in the Initial Decision in *DCFI*. The carrier further argues that, since present west coast-Far East fares are set at levels appropriate for the shortest-haul Seattle-Far East market, present Seattle-gateway passengers do not subsidize California-gateway passengers and that de-common-faring will not result in lower fares from Seattle. Finally, the carrier states that the difference between its unit operating cost and that of Northwest results from its different fleet mix and relative use of leased aircraft.

FINDINGS

Except for several important exceptions as noted below, the Board has decided to approve the agreement. It is essentially of an interim nature with the primary objective being to bring U.S.-Japan fares into line with increases in fares between the U.S. and other points in Asia previously approved by the Board (Order 76-5-158), and does, to some extent, move toward the Board's expressed objectives insofar as it narrows the spread between the normal economy fare and some of the lowest-rated promotional fares. In that context disapproval of the group-100 affinity fare at this time would not appear to solve the problem facing TIA and World which, as a practical matter, stems more from the Japanese Government's restrictive charter-policy. In all likelihood, the net result would be a continuation of the existing and lower group-100 affinity fares in the carriers' tariffs.

As for PSTA's arguments on the common-faring issue, the Board has previously determined the appropriate occasion for the examination of this issue, and has clearly placed the carriers on notice that they will be expected to consider and fully address PSTA's arguments in their justifications in support of the next major IATA North/Central Pacific fare agreement for effect April 1, 1977.[6]

Pan American has submitted detailed traffic data as requested, showing revenue passenger-miles and revenue by specific fare category. As a result of a moderate upward shift to higher fare categories, Pan American forecasts a 4.8 percent increase in yield over its historical experience, assuming continuation of present fares, and a further 2.3 percent increase under the proposed fares. By contrast, Northwest forecasts a 1.2 percent decline from its historical yield under present fares, which would be countered by a 2.3 percent increase in yield under the proposed fares for a net 1.1 percent increase. Northwest has not provided detailed traffic data as requested by the Board to document its projected initial decline in yield. In the absence of sufficient documentation by Northwest with which to compare its differing estimate and on the assumption that the recent grand jury action in San Francisco will have the effect of abating illegal discounts, we have adjusted Northwest's forecast revenue under the proposed fares to reflect an increase over its historical yield of 2.3 percent.

After making the foregoing adjustment, eliminating the elasticity factor used by Pan American and adjusting the data to the "revenue-offset" method,[7] the carriers' historical data indicate an experienced composite ROI during the historical period of 2.0 percent. This is expected to increase to 5.06 percent during the forecast period assuming continuation of currently effective fares. Under the proposed fares, the two carriers can be expected to achieve, on an adjusted basis, a $13.4 million improvement in

[4] These and other contentions have previously been made to the Board and considered by it in connection with its approval of the Japan-originating group-30/40 GIT fares through March 31, 1977 (Order 76-9-160).

[5] See *Transcontinental* v. *C.A.B.*, 383 F. 2d 466, 477 (5th Cir. 1967).

[6] See Orders 76-5-158, May 28, 1976 and 76-10-62, October 15, 1976.

[7] See *Hawaii Fares Investigation*, Docket 25474, Order 76-10-37 decided October 8, 1976. See also *Western Air Lines, Inc., U.S.-Mexico Passenger Fares*, Docket 28146, Order 76-11-7, November 3, 1976, denying Petition for Reconsideration.

revenues and a composite ROI of 6.40 percent.* It seems clear, therefore, that on a composite basis the carriers will not approach the Board's 12-percent ROI guideline. This conclusion is buttressed by our disapproval of portions of the agreement, as discussed below.

We are unable to approve the increases proposed in the normal economy fares. The carriers were cautioned in the May 28, 1976, Order that the Board would not be prepared to approve future increases in normal economy fares. It seems increasingly clear that the level of the normal economy fares could substantially exceed that necessary to recover fully-allocated costs plus a reasonable return from those services. Based upon a 50 percent load factor, and even allowing for the increase forecast in carrier unit costs, the proposed normal economy fares are substantially in excess of the level needed to recover fully economic cost including a 12 percent ROI.

As for first-class fares, we would have been inclined to approve an increase between the U.S. west coast/Honolulu and Japan had it been limited to three percent rather than the five percent proposed, and thus held to the three percent increase in first-class fares to other destinations in Asia approved by Order 76–5–158. However, we are unable to approve the greater increase to Japan or the additional four-percent increase to other Asian destinations which are here proposed. The Board is reluctant to permit increases in first-class fares, since most carriers persist in using this fare as the basis for determining their charge for excess-baggage. Despite the Board's decision in *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation* (Docket 24869), various governments in the North/Central Pacific area have ordered their carriers to continue to apply charges set at one percent of the applicable first-class fare in transportation to and from the United States, charges demonstrated to be excessive in a formal proceeding.

We have also decided to disapprove the proposed Asia-originating 30/120-day excursion fare. Although these fares are proposed by IATA at slightly higher levels, they are nevertheless substantially the same as those which Pan American has previously attempted to file with the Board on a unilateral basis. Then, as now, Pan American seeks to justify this fare on the need to meet alleged illegal competition. However, Pan American has again failed to submit the kind of detailed economic analysis of the potential profit impact of the fare which would lead to the conclusion that its position would be improved by implementation of such a steeply discounted, below-cost fare, which would be widely available because of its few meaningful conditions.* As the Board has previously stated, it is incumbent upon the IATA carriers, in tandem with IATA and governmental enforcement activities, to resolve the problem of illegal fares in the area and to undertake steps to protect the legally filed fare structure.

As for the westbound-originating 30/120-day excursion fare, it is specified in the IATA agreement only for Canadian originations. It is our understanding that it was required by CP Air because of Pan American's requirement for a comparable Asia-originating excursion fare. Since we are herein disapproving the latter, we perceive no reason for continuation of the Canada-originating fare, and strongly urge its elimination from the structure. Finally, consistent with our previously stated conviction that individual-return travel on the GIT fare erodes its economic soundness, we will condition our approval of the pertinent resolution to preclude this option.[10]

In view of the Board's partial approval of this agreement, we are constrained to caution the carriers against the trend in the transpacific fare structure and level which appears to be moving towards that which has evolved on the North Atlantic. The Board has, on a number of occasions, expressed its dissatisfaction with respect to the level of fares at the lowest end of the spectrum, most specifically the group-100 affinity group fare, and continues to question the need, much less the economic validity, for fares at such a level on scheduled service.[11] The Board is aware of the carriers' need for additional revenue but feels that the carriers should devise a fare structure that is consistent with both the Board's expectation that passengers traveling on certain already above-cost fares not be further burdened by those passengers traveling on excessively discounted fares. In this light, the carriers may well wish to renegotiate the recently submitted North/Central Pacific fare package proposed for April 1, 1977 effectiveness to make appropriate changes which would satisfy both their need for revenue and the Board's desires for a more equitable fare structure.[12]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
26964:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-in)	3/1.
R-2	001e	Special Escape for JT31 Agreements (North and Central Pacific) (New)	3/1.
R-3	002d	Special Readoption Resolution	3/1 (N/C Pacific).
R-4	015b	North and Central Pacific Proportional Fares—North America (Readopting and Amending).	3/1.
R-5	022g	JT31 (North and Central Pacific) Special Rules for Sales of Passenger Air Transportation (Readopting and Amending).	3/1.
R-10	070u	North and Central Pacific 21 Day Excursion Fares (Readopting and Amending).	3/1.
R-11	076j	North and Central Pacific Own Use and Affinity Group Fares (Readopting and Amending).	3/1.
R-12	083c	North and Central Pacific 35 Day Individual Inclusive Tour Fares (Readopting and Amending).	3/1.
R-15	007	North and Central Pacific Special One Way Fares (Readopting and Amending).	3/1.

2. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act provided that approval is subject to the conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
26964:			
R-13	084b	North and Central Pacific Group Inclusive Tour Fares (Readopting and Amending). Provided with respect to Resolution 084b, Subparagraph (10)(b): Passengers shall be required to travel together from the last point of embarkation in TC3 to the point of origin in TC1.	3/1.

3. It is not found that the following resolution, incorporated in the agreement as indicated and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26964:			
R-9	070qq	North and Central Pacific 120 Day Excursion Fares (Westbound) (New)	3/1.

* Were the "space-method" approach applied, the resulting composite ROI would be 5.59 percent.

* See Orders 76–6–162, June 24, 1976 and 76–10–25, October 5, 1976.

[10] Order 76–2–74, February 20, 1976.

[11] See Order 75–3–100, March 26, 1975, 76–2–74, February 20, 1976 and 76–5–158, May 28, 1976.

[12] See Order 76–12–85, December 15, 1976, which set procedural dates for handling the April 1 agreement.

4. It is found that the following resolutions, incorporated in the agreement as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
26064:			
R-6	056	North and Central Pacific First Class Fares	3/1.
R-7	066	North and Central Pacific Economy Class Fares	3/1.
R-8	070pp	North and Central Pacific 120 Day Excursion Fares (Eastbound) (New)	3/1.

Accordingly, *it is ordered* That:

1. Those portions of Agreement C.A.B. 26064, set forth in finding paragraphs 1 and 3 above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 26064 set forth in finding paragraph 2 above be and hereby is approved subject to the condition imposed therein;

3. Those portions of Agreement C.A.B. 26064, set forth in finding paragraph 4 above be and hereby are disapproved; and

4. Tariffs implementing the approved portions of Agreement C.A.B. 26064 may be filed on not less than one day's notice for effectiveness not earlier than January 23, 1977 and shall be marked to expire March 31, 1977. The authority in this paragraph expires February 22, 1977.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1447 Filed 1-17-77;8:45 am]

[Order 77-1-64; Docket 29968]

LOUISVILLE SERVICE CASE

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of January, 1977.

By Order 76-10-113, October 26, 1976, the Board instituted the Louisville Service Case, Docket 29968. The issues in the Louisville Service Case are as follows:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in new or additional nonstop air transportation between:

(i) Louisville, Kentucky, on the one hand, and Baltimore, Maryland, Washington, D.C., or the hyphenated point Washington/Baltimore, on the other hand;

(ii) Louisville, Kentucky, on the one hand, and Los Angeles, California, Memphis, Tennessee, and/or Nashville, Tennessee, on the other hand; and/or

(iii) Houston, Texas, on the one hand, and Cincinnati, Ohio, and/or Louisville, Kentucky, on the other hand?

(b) Is the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service? and

(c) What conditions, if any, should be placed on the operations of such carrier(s)?

Petitions for reconsideration of Order 73-10-113, October 26, 1976, were filed by Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; and the Louisville Parties.[1]

The various petitions urge expansion of the issues to include nine markets in addition to the seven markets already in issue herein.

Braniff urges that the case should include the Dallas/Ft. Worth-Louisville, Dallas/Ft. Worth-Cincinnati, and Cincinnati-Washington/Baltimore markets. Braniff argues in pertinent part that the Dallas/Ft. Worth-Louisville market is substantially larger than several of the markets which the Board has already placed in issue; that since Cincinnati-Houston nonstop service is already being considered herein, enlargement of the issues to include the Cincinnati-Dallas/Ft. Worth market which is a larger market than Cincinnati-Houston, would not affect the size of the proceeding; and finally that inclusion of the Cincinnati-Washington/Baltimore market would not substantially enlarge the proceeding since Louisville-Washington/Baltimore is already in issue.

In its petition Delta notes that the Board indicated in the text of Order 76-10-113 its intention to consider in the investigation the deletion of the nonstop authority of Eastern in the Louisville-Baltimore and Louisville-Nashville markets but that the ordering paragraphs fail to mention those issues.

Eastern asks the Board to expand the issues to consider the Louisville-Minneapolis/St. Paul and Louisville-Milwaukee markets. Eastern also seeks elimination of its Route 5 restriction which prevents the carrier from operating single-plane service between Buffalo and Pittsburgh, on the one hand, and Houston, on the other hand. As an alternative to elimination of its own restriction Eastern seeks a pretrial restriction which would preclude single-plane service by Allegheny in the Buffalo/Pittsburgh-Houston markets via Louisville or Cincinnati. Finally, Eastern asks the Board specifically to focus on the question of which airport or airports in the Washington/Baltimore area would be served under an authorization of additional service between Louisville, on the one hand, and Washington, Baltimore, or the hyphenated point Washington/Baltimore, on the other hand.

Frontier asks the Board to reconsider and include the Louisville-St. Louis and Louisville-Kansas City markets in the case. Frontier argues that TWA now provides no service at all in the Louisville-Kansas City market which is larger than several of the markets which the Board has included herein; that Louisville-St. Louis is larger than the Louisville-Washington market which the Board has included for consideration herein; and that Frontier has available to it a strong traffic flow to support Louisville-Kansas City and Louisville-St. Louis service.

Piedmont seeks expansion of the issues to include Nashville-Houston service. According to Piedmont, the Nashville-Houston market could support new service when combined with other markets involved in this proceeding and it is comparable in size to markets already consolidated herein.

Southern seeks inclusion of the Louisville-Detroit market. According to Southern, the Louisville-Detroit market compares favorably in size with markets already consolidated herein and the quality and quantity of Delta's Louisville-Detroit service has declined in the past year.

The Louisville Parties ask for reconsideration to the extent that the issues do not include the Louisville-St. Louis and Louisville-Kansas City markets. According to the Louisville Parties, the Louisville-St. Louis market will soon be Louisville's largest remaining monopoly market and it is larger than numerous other markets where the Board has recently investigated and in most cases actually authorized competitive nonstop service. The Louisville Parties also state that Eastern holds nonstop authority in the Louisville-St. Louis market and has not operated nonstop service since 1972. With respect to the Louisville-Kansas City market, the Louisville Parties contend that TWA actually pulled out of the Louisville-Kansas City market on October 1, 1976, and that the statement in Order 76-10-113 that TWA operates one daily nonstop round trip is therefore erroneous.

Answers to the petitions for reconsideration were filed by Allegheny Airlines, Inc.;[2] American; Delta; Eastern; Piedmont; TWA; the Cincinnati Parties, the Louisville Parties, the St. Louis Parties, and the Bureau of Operating Rights. In addition, American and Delta both filed motions to file late documents, in the case of Delta an answer to Southern's petition for reconsideration, and in the

[1] Additional applications and motions to consolidate applications were filed by American Airlines, Inc.; Braniff; Delta; Hughes Airwest; Ozark Air Lines, Inc.; Piedmont; Southern; and Trans World Airlines, Inc. The motions seek consolidation of applications which conform to the issues as presently constituted although in certain instances, the applications involve markets not presently in issue.

[2] In addition, Allegheny filed an answer to the motions to consolidate.

Moreover, the Louisville Parties filed a motion for leave to file an unauthorized document, a reply to the Bureau's answer. The Louisville Parties have not established good cause for filing a reply which would represent a third round of pleadings, and, hence, we will deny the motion.

case of American, an answer to Braniff's petition for reconsideration.[3]

Allegheny opposes any expansion of the proceeding. American opposes Piedmont's request to include the additional issue of Nashville-Houston service and Braniff's request to include Louisville-Dallas/Ft. Worth, Cincinnati-Dallas/Ft. Worth, and Cincinnati-Washington/Baltimore issues. Delta opposes inclusion of the Louisville-Detroit market and also opposes Eastern's request to limit new authorizations in the Washington/Baltimore area to a specific airport or airports. Eastern opposes the petitions for reconsideration which seek inclusion of the Louisville-St. Louis market in the case; and Piedmont opposes Braniff's request to expand the issues to include the Cincinnati-Washington/Baltimore markets. TWA opposes the petitions of Louisville and Frontier insofar as they seek consideration of Louisville-St. Louis/Kansas City issues and TWA also opposes the petition of Braniff insofar as it seeks addition of a Cincinnati-Washington issue to the case. The Cincinnati Parties support Braniff's petition insofar as it relates to the Cincinnati-Dallas/Ft. Worth market. The St. Louis Parties urge the Board to expand the issues to include the St. Louis-Louisville market, and, finally, the Louisville Parties state that the Board should not consider the addition of other Louisville markets unless Louisville-St. Louis and Louisville-Kansas City are first placed in issue.

The Bureau of Operating Rights opposes all of the requests to change the issues.

Upon consideration of the pleadings and all of the relevant facts we have decided to deny the various petitions for reconsideration.[4]

In our Order of Investigation, we considered the traffic and service in the Louisville-St. Louis, Louisville-Kansas City and Louisville-Dallas/Ft. Worth markets. The petitions have not persuaded us that we should alter our previous determination not to include those markets in the instant proceeding.[5]

Several parties seek expansion of the issues to include certain markets not considered by the Board in its Order of Investigation.

A number of the suggested additional markets are non-Louisville markets and there is no sound basis for including them in a case designed to consider the service needs of Louisville. The non-Louisville markets for which inclusion is sought are: Cincinnati-Dallas/Ft. Worth, Cincinnati-Washington/Baltimore, Buffalo/Pittsburgh-Houston, and Nashville-Houston. The Cincinnati-Washington market is clearly not appropriate for consideration herein because that service issue is being considered by the Board in the *Allegheny-Piedmont Subpart M Proceeding*, Docket 29132.[6]

With respect to the Cincinnati-Dallas/Ft. Worth market, Braniff seeks inclusion of this market essentially because the Board included the Cincinnati-Houston market. Inclusion of the latter market, however, was predicated on an interrelationship between the Cincinnati-Houston market and the Louisville-Houston market and the lack of nonstop service in the Cincinnati-Houston market. These considerations are not applicable to the Cincinnati-Dallas/Ft. Worth market.

With respect to the Nashville-Houston market for which Piedmont seeks inclusion, American correctly points out that there is no relationship between the Nashville-Houston market and the instant proceeding which would require or warrant hearing Nashville-Houston in the *Louisville Service Case*. Moreover, both American and Braniff provide single-plane service in the Nashville-Houston market and American provides nonstop service.

Expansion of the issues to include the Louisville-Detroit, Louisville-Minneapolis-St. Paul, and Louisville-Milwaukee markets is sought by Southern in the case of the Detroit market and by Eastern in the case of the Twin Cities and Milwaukee markets.

Delta opposes consolidation of Southern's Louisville-Detroit application and points out that it presently provides three daily round trips in the market. Although the market is sizeable (65,000 annual passengers), it is smaller than the Louisville-St. Louis market which the Board has excluded from the instant proceeding and like the Louisville-St. Louis market, Louisville-Detroit has single-plane service.

The Louisville-Milwaukee and Louisville-Twin Cities markets are both small (13,000 in the Milwaukee market and 18,000 in the Twin Cities market) and it does not apear that there is any persuasive basis for hearing these two markets and excluding other larger Louisville markets.

Eastern has requested removal of the certificate restriction which prohibits it from providing Buffalo/Pittsburgh-Houston single-plane service on the grounds that Allegheny could receive such authority via Louisville as the result of this proceeding. In the alternative, Eastern seeks imposition of a pretrial restriction to preclude single-plane service via Allegheny in the Buffalo/Pittsburgh-Houston markets. We will deny Eastern's request. The Board's customary practice is not to impose pretrail restrictions to bar tacking. Eastern, of course, will be free to argue that such a restriction should be imposed on Allegheny if Allegheny receives an award in this proceeding.

Finally, Eastern suggests that the Board include in the issues the following: "If additional service is authorized between Louisville and the Washington/Baltimore area should the new authorization be limited to a particular airport or airports?" The Bureau correctly points out, however, that there is no need to recite the particular language suggested by Eastern, since the issues expressed in the Order of Investigation are clearly broad enough to encompass the question of whether a Washington/Baltimore award should be limited to a particular airport or airports.

Accordingly, it is ordered That: 1. The motions of American Airlines and Delta Air Lines to file late documents, be and they hereby are granted;

2. The applications of American Airlines, Docket 30075; Braniff Airways, Docket 27812 (Amendment No. 2); Delta Air Lines, Docket 27814 (Amendment No. 2); Hughes Airwest, Docket 29690; Ozark Air Lines, Docket 30078; Piedmont Aviation, Docket 30077; Southern Airways, Docket 30071; and Trans World Airlines, Docket 30074, be and they hereby are consolidated for hearing and decision with the *Louisville Service Case*, Docket 29968 to the extent that they conform to the issues in that proceeding;

3. The issues in the *Louisville Service Case*, Docket 29968, shall include the following:

Do the public convenience and necessity require, the alteration, amendment, modification or suspension of the certificates of Eastern Air Lines, Inc., so as to delete Eastern's nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets?

4. The motion of the Louisville Parties for leave to file an unauthorized document, be and it hereby is denied; and

5. Except to the extent granted herein, the petitions for reconsideration of Order 76-10-113, be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-1582 Filed 1-17-77;8:45 am]

[3] Delta states that it was never served with Southern's petition in the instant proceeding, and, therefore, did not have an opportunity to respond to Southern's petition in a timely fashion. American states that it did not actually see Braniff's petition until after the answers were due.

[4] As several parties have noted, we inadvertently omitted from the ordering paragraphs of Order 76-10-113, issues relating to the deletion of Eastern's nonstop authority in the Louisville-Baltimore and Louisville-Nashville markets. These issues are included in the ordering paragraphs herein.

[5] We recognize, as Frontier has pointed out, that TWA does not now provide any nonstop service in the Louisville-Kansas City market. However, we are not convinced that the fact that TWA does not now operate nonstop service in this market is a sufficient justification in the light of the size of the market to warrant inclusion of a Louisville-Kansas City issue.

[6] Although the Cincinnati-Baltimore market is not being directly considered in the Subpart M Proceeding, there is no logical basis for hearing Cincinnati-Baltimore in the instant proceeding and Cincinnati-Washington in some other case.

[7] Minetti and West, Members, Concurring and Dissenting statement filed as part of original.

[Docket 29882]

PACIFIC WESTERN AIRLINES, LTD.

Foreign Air Carrier Permit; Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Stephen J. Gross to Administrative Law Judge Ralph L. Wiser. Future communications should be addressed to Judge Wiser.

Dated at Washington, D.C., January 13, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-1581 Filed 1-17-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

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 Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Administrator for Agricultural Attaches, Agricultural Attaches, Foreign Agricultural Service.

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

[FR Doc.77-1384 Filed 1-17-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PURDUE UNIVERSITY, ET AL.

Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 56875 in the FEDERAL REGISTER of Thursday, December 30, 1976, the following correction should be made:

Docket Number: 77-00057 should be corrected to read:

Docket Number: 77-00057. Applicant: University of Utah, College of Pharmacy, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model MAT 731 and accessories. * * *

(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.77-1504 Filed 1-17-77;8:45 am]

VANDERBILT UNIVERSITY, 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 February 7, 1977.

Amended regulations issued under cited Act, (15 CFR 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: 77-00062. Applicant: Vanderbilt University, Department of Molecular Biology, P.O. Box 1820, Station B., Nashville, Tennessee. Article: High Vacuum Freeze Etch Unit. Manufacturer: Balzers Liechtenstein, Germany. Intended use of article: The article is intended to be used for fundamental studies on membrane arrangement by reconstituting membrane in the test tube with different proteins and lipids and looking at the freeze-fracture ultrastructures, arrangements, and density of particles in fracture faces and on freeze-etched surface. A variety of biological membranes will be studied especially from liver and muscle spermatozoans and protozoans. The article will also be used in the following courses: Molecular Biology 390, Molecular Biology 369, and Molecular Biology Ph.D. Dissertation Research.

Students will be instructed individually in the use of the equipment to provide familarity with modern laboratory techniques and to permit the student to pursue a research problem as part of undergraduate or graduate education. Application received by Commissioner of Customs: December 10, 1976.

Docket Number: 77-00063. Applicant: Emory University, Chemistry Dept. 1515 Pierce Ave., Atlanta, Ga. 30322. Article: NMR Coherent Pulse Spectrometer, CPS-2. Manufacturer: Spin Lock Ltd., Canada. Intended use of article: The article is intended to be used to measure water proton relaxation times (T_1, $T_{1\rho}$, and T_2) of suspensions of red and white blood cells for the purpose of more fully characterizing disease processes in blood (particularly sickle cell anemia, hereditary spherocytosis, leukemia and drug resistant cell lines). Measurements of water proton exchange across the membranes of blood cells can be made by utilizing these relaxation parameters. Application received by Commissioner or Customs: December 10, 1976.

Docket Number: 77-00065. Applicant: ITT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Mass Spectrometer, Model MAT 311A. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used in the following mass spectral studies:

(a) Characterization of the species present in air comprising the following environments: ambient air; stationary source emisions; occupied spaces; worker environments, indoor and outdoor; fire generated atmosphere; aircraft-generated events, aircraft-range sampling.

(b) Characterization of laboratory generated atmospheres: combustion/degradation emissions; product effluents; laboratory simulated process operations; explosives effluents.

(c) Characterization of organic species in water: industrial wastewaters; receiving waters; drinking water.

(d) Characterization of organic species adsorbed on environmental particulate samples.

(e) Characterization of species present in lung effluents.

(f) Detection and quantification of specific analytes in environmental samples: air; water; biota.

(g) Detection and quantification of specific analytes for chronic bioassays in animal tests designed to establish their carcinogenic potential.

(h) Identification and characterization of organic compounds synthesized for study as potential therapeutic agents.

(i) Identification and characterization of toxic environmental contaminants synthesized for toxicologic study and for investigation of their potential carcinogenic properties.

(j) Identification and characterization of mass isotope-labeled compounds synthesized for metabolism studies and the detection, identification and characterization of metabolites obtained in these studies.

(k) Characterization and monitoring of very low levels of vapor pressure ($<10^{-9}$ mm Hg).

(l) Characterization of the sphingomyelins, cerebrosides, sulfatides and gangliosides in relation to genetically transmitted neurological diseases.

(m) Identification of the mycolic acids associated with various strains of *Mycobacteria* smegmatis.

(n) Structural alterations in the pulmonary surfactant phospholopids due to oxygen toxicity, proteinosis, and air pollutant oxidants.

(o) Studying the possible role of folic acid in the formation of cyclopropanoid fatty acids in L. *casei* using $S^{-13}C=$ methyladenosyl-methionine.

(p) Screening studies of the nucleoside distribution in normal tissue and "hard mass" carcinomas.

Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77-00066. Applicant: Associated Universities, Inc., Brookhaven National Laboratory, Upton, New York 11973. Article: NMR Spectrometer, Model WH-360 with High-Resolution Electromagnet System. Manufacturer: Bruker Instruments, Inc., West Germany. Intended use of article: The article is intended to be used in a NMR laboratory

for detection of ^{1}H and ^{13}C and other nuclear resonances. Emphasis will be placed on membrane structure, the function of enzymes, and other biological problems. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77-00067. Applicant: Lehigh University, Metallurgy & Materials Science Dept., Whitaker Laboratory Bld. No. 5, Bethlehem, Pa. 18015. Article: PW6570/00C Scanning Attachment for EM 300, Adaptor; and accompanying accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is an attachment to an existing electron microscope that provides the facility to scan the electron beam across the specimen with a beam diameter from 250 to 2.5 nm. The STEM facility will be used to investigate the following materials problems:

(1) Solute redistribution occurring during selected phase transformations,

(2) Solute profiles occurring in meteorites,

(3) The fine scale structure of iron meteorites which have been shocked and cosmically reheated.

(4) The fine structure of hot-pressed and as-crept specimens of SiC and Si_3N_4 manufactured from the powder.

(5) The identification of particles in the Bi-MnBi directionally solidified eutectic.

(6) The crystalline structure of polyethylene.

The equipment will also be used in a course in Electron Metallography to introduce students to the most recent advances in electron optical applications. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77-00068. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Automatic Bar Machine, Model AR7 and accessories. Manufacturer: Andre Bechler, Ltd., Switzerland. Intended use of article: The article is intended to be used in the fabrication of meteorized detonator components needed and requested for the Laboratory weapons program. Application received by Commissioner of Customs: December 19, 1976.

Docket Number: 77-00069. Applicant: University of Montana, Missoula, Montana 59801. Article: Reaction Coulometer Mark IIA with accessories for Gas Chromatography. Manufacturer: Reaction Coulometers Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of cellulose, raw wood and foliage in which the heat of combustion of volatile pyrolysis products will be investigated to determine the available heat content of forest fuels. Application received by Commissioner of Customs: Demember 19, 1976.

Docket Number: 77-00070. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Laser System, Pulsed CO_2. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for the study of laser induced fusion of cryogenic targets. Typical targets would include various hydrocarbon and materials such as carbon dideuterium. The system will be used to investigate radiation damage in materials and the feasibility of controlled thermonuclear fusion. Application received by Commissioner of Customs: December 22, 1976.

Docket Number 77-00071: Applicant: University of Wisconsin, Department of Physics, 1150 University Avenue, Madison, WI 53706. Article: Polarized Neutral Atomic Beam Source. Manufacturer: ANAC Ltd., New Zealand. Intended use of article: The article is intended to be used to provide a directed beam of polarized hydrogen or deuterium atoms of high intensity. The ultimate purpose of the device is to bombard the polarized atoms with an intense beam of fast neutral cesium atoms to study the transformation of polarized hydrogen atoms into polarized negative ions. The objective pursued in this investigation is to determine whether in atomic collisions of this type the atoms maintain a state of polarization or whether the polarization is disturbed by the collision process. If it develops that the atoms maintain polarization, the article will be used for a second purpose—to inject the polarized negative ions into the University of Wisconsin Tandem Accelerator in order to study nuclear reactions with polarized beams. The work described above will constitute part of the Ph. D. thesis of two graduate students in the course: Physics 990. Application received by Commissioner of Customs: December 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.77-1503 Filed 1-17-77;8:45 am]

National Oceanic and Atmospheric Administration

CHARLES F. McALPINE

Endangered Species Certificate of Exemption; Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Charles F. McAlpine, McAlpine Fur Trading Co., 819 West Fourth Avenue, Anchorage, Alaska 99501.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (1) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(2) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(3) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Finished scrimshaw products to be made from approximately 34,400 pounds of whale bone and 2,500 pounds of baleen.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before February 17, 1977.

Dated: January 10, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-1484 Filed 1-17-77;8:45 am]

MORGAN J. LEVINE

Endangered Species Certificate of Exemption; Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Morgan J. Levine d/b/a The Four Winds, Straight Wharf, Nantucket, Massachusetts 02554.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (1) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(2) The prohibition, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Finished scrimshaw products to be made from approximately 2,079 pounds of sperm whale teeth and six sperm whale pan bones.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 17, 1977.

Dated: January 12, 1977.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc.77-1483 Filed 1-18-77;8:45 am]

National Oceanic and Atmospheric Administration

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL

Public Meeting

Correction

In FR Doc. 77-1265, appearing on page 3012 in the issue for Friday, January 14, 1977, the following changes should be made:

1. The first five lines of small print in the third paragraph should be replaced with:

January 21, 1977, at 9 a.m. at the State Capital Building, 1151 Punchbowl Street, Honolulu, Hawaii.
January 21, 1977, at 9 a.m. at the Office.

2. The first line of small print in the second column should read:

January 21, 1977, at 9 a.m. at the offices.

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Extension of Time

The purpose of this notice is to announce that the Consumer Product Safety Commission has extended the time period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop such a standard.

BACKGROUND

On November 4, 1975, the Commission published in the FEDERAL REGISTER (40 FR 51218) a notice under section 7 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056) commencing a proceeding to develop a consumer product safety standard applicable to the aluminum wire system used in 15 and 20 ampere electrical circuits.

In that notice, the Commission, on the basis of various injury data and technical information, preliminarily determined that the aluminum wire system presents an unreasonable risk of injury and that a consumer product safety standard is necessary. In the notice of proceeding, the Commission identified the ultimate risk of injury it believed to be associated with the aluminum wire system as death or injury due to fire. The Commission also solicited offers to develop a standard and the submission of existing standards to address the hazard. In response to the notice, the Commission received one offer to develop a standard and the submission of an existing standard. On December 30, 1975, the Commission determined that the submissions were not acceptable because they failed to comply with the regulations of the Commission and were not fully responsive to the notice of proceeding. The Commission directed its staff to develop a plan under which the Commission would develop the standard itself.

The Commission staff on February 20, 1976, submitted a plan to the Commission for developing a standard for the aluminum wire system. This plan involved technical work by the staff with subsequent public participation in the development of a standard.

On March 25, 1976, the staff submitted to the Commission for its consideration an unsolicited proposal from Battelle Columbus Laboratories to undertake and manage the development of a consumer product safety standard for the aluminum wire system. By notice in the FEDERAL REGISTER of June 10, 1976 (41 FR 23450), the Commission extended the period within which it would publish either a proposed rule or a notice withdrawing the notice of proceeding to develop a rule until August 30, 1976.

In a briefing package dated June 11, 1976, the staff, at the Commission's request, submitted to the Commission a plan of the Commission's Bureau of Engineering Sciences for developing a design standard to address the problems associated with the aluminum wire system.

After considerable deliberation of the issues emerging from the earlier briefing packages, the Commission requested and the staff submitted another briefing package dated September 14, 1976, which contained a plan for resolving the problems associated with the aluminum wire system through modification of the National Electric Code (NEC) as it applies to aluminum wire. The National Electric Code, which is administered by the National Fire Protection Association states as one of its purposes the practical safeguarding of persons and property from hazards arising from the use of electricity.

RECENT DEVELOPMENTS

The Commission has been studying the available technical information on the nature of the aluminum wire problem in terms of the various alternatives available to it in regard to the development of a standard for the aluminum wire system. The Commission recognizes that the method of termination of an aluminum wire system, that is, the method in which electrical conductors are connected, joined, or terminated, with various products, devices and assemblies (convenience outlets, wall switches, circuit breakers and the like) to may be capable of resolution in an expeditious and cost-effective manner through modification of the National Electric Code. Thus, the Commission on December 16, 1976, approved the staff plan included in the Briefing Package of September 14, 1976, which suggested a method of resolving the problems associated with the aluminum wire system through a modification of the National Electric Code. A copy of the Briefing Package is available in the Commission's Office of the Secretary, 1111 18th Street, NW., Washington, D.C.

Recognizing the ability and technical expertise of organizations such as the National Fire Protection Association, (NFPA), the Commission has instructed its staff to contact the NFPA and other appropriate organizations to determine their interest in implementing a modification of the NEC.

In this regard, the Commission notes that the National Electric Code has been adopted and is enforced by building code authorities that have authority over the vast majority of residences in the United States. It is anticipated that this independent local governmental enforcement of the NEC can be expected to result in a high degree of compliance with the code, possibly approaching that which might be expected for a federal mandatory standard enforced by the Commission. Morover, the availability of a large, local inspectional force is of great importance in a situation such as this where the aluminum wire conections that would be the subject of the NEC modifications are assembled on site. This local inspectional capability far exceeds that available to the Commission through the use of its own resources.

Consequently, revisions to the NEC that address the risk of injury that the Commission has preliminarily determined to be associated with the aluminum wire system might reduce or eliminate that risk. Reduction to a sufficient degree, or elimination, of the risk of injury through revisions to the NEC might lead to Commission withdrawal of its notice of proceeding for the development of a mandatory safety standard for the aluminum wire system used in 15 and 20 ampere electrical circuits.

EXTENSION OF TIME

In order to provide the staff and organizations contacted an opportunity to develop appropriate requirements for the aluminum wire system, the Commission, pursuant to section 7(f) of the CPSA, as amended, is extending the period within which it must propose a consumer product safety standard for the aluminum wire system or withdraw the notice of proceeding until May 1, 1977. If, in the Commission's opinion, demonstrable progress is not being made, the Commission will then complete the development of and propose a mandatory Federal standard.

This decision does not affect the Commission's activities under section 15 of the CPSA and those activities are to continue.

Dated: January 13, 1977.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.77-1574 Filed 1-17-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 10, 1977.

The USAF Scientific Advisory Board, Science and Technology Advisory Group, Air Force Systems Command, will hold a meeting on February 9, 1977 at HQ SAC, Offutt AFB, Nebraska and on February 10-11, 1977 at Minot AFB, North Dakota.

The Group will receive classified briefings on the mission of the Air Force Strategic Air Command and will conduct classified discussions on the sole of basic research in the Air Force community.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4648.

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

[FR Doc.77-1462 Filed 1-17-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 10, 1977.

The USAF Scientific Advisory Board C-141 Independent Review Team will hold a meeting on 17-18 February 1977 from 8:30 a.m. to 5 p.m. each day at the Lockheed Georgia Company, Marietta, Georgia.

The Team will review results of the Durability and Damage Tolerance Analysis Program.

The meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

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

[FR Doc.77-1468 Filed 1-17-77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 3, 1977.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group, Air Force Systems Command, will hold meetings on February 28, 1977 from 8 a.m. to 5 p.m. and on March 1, 1977 from 8 a.m. to 1 p.m. at Wright-Patterson Air Force Base, Ohio in Room 276, Building 828.

The Group will receive classified briefings and participate in classified discussions relative to the Foreign Technology Division's assessments of foreign command and control systems and electronic warfare.

The meetings concern matters listed in section 552(b) and Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings are closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

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

[FR Doc.77-1469 Filed 1-17-77;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Tuesday, 15 February 1977

The entire meeting commencing at 0845 hours is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foreign military equipment, operations, and capabilities.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 13, 1977.

[FR Doc.77-1579 Filed 1-17-77;8:45 am]

[DOD Directive 5120.46, 1/8/77]

DEPARTMENT OF DEFENSE AFFIRMATIVE ACTION BOARD

Establishment

The Secretary of Defense has approved the following:

I. *Purpose.* This Directive establishes the Department of Defense Affirmative Action Board, and prescribes its missions, functions, responsibilities, policies, and management arrangements.

II. *Applicability.* The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereinafter referred to collectively as "DOD Components").

III. *Mission.* The mission of the DOD Affirmative Action Board is to:

A. Emphasize and coordinate efforts throughout the Department of Defense to increase the employment and promotional opportunities of minorities and women in executive positions, GS-15 and above.

B. Provide policy and operational guidance and direction to an Executive Search Group on Equal Employment Opportunity (EEO) matters relating to staffing executive positions.

C. Eliminate barriers or problems which hinder progress in attaining the numerical goals of the Affirmative Action Plans of DOD Components and in implementing established policies of the Department of Defense.

IV. *Policy.* The Department of Defense will pursue an affirmative course of action for purposes of providing increased representation of minorities and women in executive positions, GS-15 and above. All actions to achieve this policy will be in full compliance with merit system requirements.

V. *Functions.* The DOD Affirmative Action Board will:

A. Establish equal employment opportunity policies and procedures for staffing executive positions in DOD, in accordance with DOD Directive 1100.15, "The Department of Defense Equal Opportunity Program," June 3, 1976[1] and DOD Directive 1400.19, "Staffing of Executive Level Positions," June 20, 1968.[1]

B. Assess the efforts made by all DOD Components to ensure compliance with the equal employment opportunity provisions of DOD Directive 1100.15[1] as they relate to staffing executive positions throughout the DOD.

C. Monitor the progress of the Executive Search Group in its efforts to enhance equal employment opportunities for all minority group members and women in staffing executive positions.

D. Review and approve specific numerical goals and timetables for the hiring of minorities and women in executive positions by all DOD Components.

E. Periodically advise the Secretary of Defense on the status and progress made by all DOD Components in placing minorities and women in executive positions.

VI. *Responsibilities.* A. *The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD (M&RA))* shall:

1. Serve as Chairman of the DOD Affirmative Action Board with representatives from the Army, Navy, Air Force, DSA, DASD (Administration), OASD (C); and the DASDs (Equal Opportunity) and (Civilian Personnel Policy), OASD (M&RA).

2. Establish an Executive Search Group which shall receive policy and operational guidance from the DOD Affirmative Action Board.

3. Review and approve the Executive Search Group's program plans and operational requirements.

4. Coordinate the interchange of statistical and related data between and among the DOD Components.

B. Under the direction of the ASD (M&RA), the Director of Personnel, in the Office of the Deputy Assistant Secretary of Defense (Administration), Office of the Assistant Secretary of Defense (Comptroller), shall:

1. Serve as Executive Secretary of the DOD Affirmative Action Board.

2. Provide advisory assistance to the Executive Search Group.

3. Assist in the coordination of the Executive Search Group activities within the DOD Components.

4. Provide to the Chairman analyses of the Executive Search Group activities, suggestions, and recommendations for the operation of the Group, including use of consultants with expertise in the field of minority recruiting.

[1] Filed as part of original. Copies available at U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

C. The Executive Search Group shall:

1. Establish guidelines and review procedures established by DOD Components by which minorities and female executive candidates are identified and considered for employment by DOD managers. Guidelines developed will be coordinated with DOD Components before being implemented.

2. Oversee recruitment undertaken by the DOD Components to ensure they have widely publicized executive position vacancies to all sources, including women and minority group members.

3. Use data bases consisting of extracts from automated files developed and maintained by DOD Components for their own use.

4. Make analyses and provide the DOD Affirmative Action Board with recommendations and/or reports as may be required.

5. As requested by the Secretary of Defense, the Affirmative Action Board will assist in search for personnel/nominees to fill Schedule C and other noncareer executive positions.

VII. *Authority.* The Executive Secretary, DOD Affirmative Action Board, is delegated authority to:

A. Manage and operate the Executive Search Group.

B. Communicate directly with DOD Components relative to employment programs as they relate to minority groups and women.

C. Obtain such information, data, analyses, reports, and assistance from DOD Components as is necessary for the performance of responsibilities assigned by the DOD Affirmative Action Board.

VIII. *Effective date.* This Directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 12, 1977.

[FR Doc.77-1578 Filed 1-17-77;8:45 am]

DEFENSE NUCLEAR AGENCY

SCIENTIFIC ADVISORY GROUP ON EFFECTS (SAGE)

Meeting

A meeting of the Scientific Advisory Group on Effects (SAGE), Defense Nuclear Agency (DNA), will be held during the period 1-4 March 1977 at the USAF Conference Center, Homestead AFB, Florida. The principal purpose of the meeting will be an examination of research programs sponsored by DNA with specific interest concerning nuclear effects on inter-theater communications and weapons systems. Since presentations and ensuing review will contain classified information, it has been determined that the meeting will be closed to the public under the provisions of section 10(d) of the Federal Advisory Committee Act and sections 552(b) (1) and (3) of Title 5, United States Code.

W. A. HUGHES,
LCDR, USN,
Executive Secretary, SAGE.

JANUARY 12, 1977.

[FR Doc.77-1505 Filed 1-17-77; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 672-2; OPP-240010A]

CONNECTICUT

Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the State of Connecticut submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on April 20, 1976. Notice of approval of this Request was published in the FEDERAL REGISTER on May 24, 1976 (41 FR 21219). This initial Request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On October 22, 1976, the State of Connecticut sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the Connecticut Request, in that Connecticut's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Connecticut for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the Connecticut Department of Environmental Protection, was notified on December 16, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Connecticut, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Rm. 2303, Boston, Massachusetts 02203.

Dated: January 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1454 Filed 1-17-77;8:45 am]

[FRL 672-1; PW8]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Pesticide and Food Additive Petitions; Withdrawal

Notice is given that Nor-Am Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, Ill. 60098, has withdrawn the following petitions without prejudice:

PP 3F1351 proposed the establishment of tolerances (40 CFR Part 180) for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in or on grapes at 5 parts per million (ppm); liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs at 0.05 ppm. Notice of Filing was published in the FEDERAL REGISTER of March 23, 1973 (38 FR 7488).

FAP 3H5025 proposed the establishment of food additive tolerances (21 CFR Part 121) for residues of the above insecticide in or on dried grape pomace and raisin waste at 45 ppm and raisins at 20 ppm resulting from application of the insecticide to growing grapes. (38 FR 7488)

PP 4F1419 proposed the establishment of tolerances (40 CFR Part 180) for combined residues of the above insecticide in or on the raw agricultural commodities almond hulls at 35 ppm; almonds at 0.5 ppm; and liver and kidney of cattle, goats, hogs, horses, sheep, and poultry at 0.3 ppm. Notice of Filing was published in the FEDERAL REGISTER of August 15, 1973 (38 FR 22182).

FAP 3H5029 proposed the establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the above insecticide in dried apple pomace at 30 ppm resulting from application of the insecticide to the growing raw agricultural commodity apples. (38 FR 22182)

Dated: January 10, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-1456 Filed 1-17-77;8:45 am]

[FRL 672-3; OPP—240011A]

WEST VIRGINIA

Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenti-

cide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the State of West Virginia submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on May 7, 1976. Notice of approval of this request was published in the FEDERAL REGISTER on June 3, 1976 (41 FR 22412). This initial request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On November 17, 1976, the State of West Virginia sought to amend its Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the West Virginia Request, in that West Virginia's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of West Virginia for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the West Virginia Department of Agriculture, was notified on December 16, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from West Virginia, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW, Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Dated: January 11, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-1455 Filed 1-17-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1025]

RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration of Actions

JANUARY 10, 1977.

Docket or RM No.	Rule No.	Subject	Date received
RM-2608	Sec. 95.41	Request amendment of sec. 95.41 to reserve channel 19 as a moving vehicle channel in the Citizens Radio Service. Filed by C. L. Chingara, KKG-0106, national director for Highway Assistance Modulators.	Dec. 3, 1976
RM-2676	Pts. 0 and 1	Request amendment of pts. 0 and 1 of the Commission rules to facilitate participation of indigent interested persons in Commission proceedings. Filed by Carl L. Shipley, attorney for Radio Station WFAR	Dec. 6, 1976
18875		Inquiry into policy to be followed in future licensing of facilities for overseas communications. Filed by Howard A. White, senior vice president and general counsel for ITT World Communications, Inc.	Dec. 29, 1976

NOTE.—Oppositions to petitions for reconsideration must be filed on or before February 2, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-1406 Filed 1-17-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ES77-10]

CITIZENS UTILITIES CO.

Application

JANUARY 13, 1977.

Take notice that on January 5, 1977, Citizens Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act, authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $18,000,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho and Vermont.

The Notes are to be issued pursuant to a credit arrangement with a bank or banks, or, in the alternative, in the form of commercial paper. All notes are to have a final maturity on or before a date which shall be less than one year after the issuance of the first notes issued under such arrangements. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate of the banks concerned for short-term borrowings. The maximum principal amount of all notes to be issued pursuant to the application shall not exceed $18,000,000 outstanding at any one time.

The net proceeds from the sale of the Notes will be used, together with other funds of the Applicant, for replenishment of the treasury for expenditures for current transactions, for repayment of indebtedness and for the construction, extension and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1688 Filed 1-14-77;11:35 am]

[Docket No. ER77-102]

PENNSYLVANIA POWER CO.

Initial Interim Transmission Rate

JANUARY 13, 1977.

Take notice that the Pennsylvania Power Company (Company), on December 23, 1976, tendered for filing an initial interim transmission rate schedule in its FPC Electric Service Tariff, Municipal Resale—Primary Voltage Schedule. This primary rate schedule has had an additional provision added to provide for Transmission Voltage utilizing the existing primary rate with a discount for 69 kv service and was filed in compliance with the Federal Power Commission Order issued August 20, 1975 at Docket No. E-8159.

The reason for this additional transmission voltage provision arises from the fact that Ellwood City Borough, one of five municipalities served by the Company, has either purchased, or leased, a customer-owned 69 kv substation located in the borough that is presently serving Ellwood Steel Casting Company. The Company has received notice from the Ellwood Steel Casting Company that service will no longer be required from the Pennsylvania Power Company at that station effective February 1, 1977. Ellwood City Borough is apparently of the view that all service to the borough and Ellwood Steel Casting Company can be served through this purchased or leased 69 kv substation. The interim rate schedule does not provide that a municipality can receive both primary and transmission service simultaneously.

Copies of the filing were served upon the borough secretaries of Ellwood City, Grove City, New Wilmington, Wampum and Zelienople.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such

petitions or protests should be filed on or before January 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-1687 Filed 1-14-77;11:35 am]

FEDERAL POWER COMMISSION

[Docket No. G-18441, et al.]

SHELL OIL COMPANY, ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JANUARY 5, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accord with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [2]	Pressure base
G-18441 [3] 7-14-76	Shell Oil Co. (successor to T. F. Hodge, (operator), et al.), 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	.....	.....
G-19189 [3] 7-14-76	Shell Oil Co. (successor to L. D. Crumley, Jr. (operator), et al.).	El Paso Natural Gas Co., Scarborough Field, Winkler County, Tex.	.....	.....
G-19672 [3] 7-14-76	Shell Oil Co. (successor to the Carter Oil Co.).	Colorado Interstate Gas Co., Southwest Camp Creek Field, Beaver County, Okla.	.....	.....
CI60-466..... C F 11-29-76	Cabot Corp. (successor to Apexco, Inc.), P.O. Box 1101, Pampa, Tex 79065.	Northern Natural Gas Co., Barby Ranch No. 1-41 Unit Well in sec. 8, township 2 North, range 27 ECM, Beaver County, Okla.	[4] [5] 27.3060¢	14.65
CI61-323..... D 12-14-76	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Transwestern Pipeline Co., lease No. LOG-BEA-7, SE/4 of sec. 25-1N-24ECM, Beaver County, Okla.	[6]	.....
CI61-1621 [7] 11-22-76	Hunt Industries, 2500 1st National Bank Bldg., Dallas, Tex. 75202.	Montana-Dakota Utilities Co., North Tioga area, Burke County, N.Dak.	18.0¢	14.73
CI62-286..... B 4-14-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Cities Service Gas Co., Hugoton Field, Kearny and Finney Counties, Okla.	[8]	.....
CI65-323..... B 6-23-76	Louisiana Crude Oil & Gas Co., Inc. (successor to Consolidated Gas Supply Corp.,) 922 Richards Bldg., New Orleans, La. 70112.	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	15.0¢	15.025
CI65-624..... CI72-169 CI72-597 [9] 11-23-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Ector plant tailgate, located in Ector County, Tex.	[10]	14.65
CI77-125..... (CI66-154) B 11-18-76	Sun Oil Co.....	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	[11]	.....
CI74-63 [7] 11-22-76	Hunt Industries.....	Montana-Dakota Utilities Co., North Tioga Area, Burke County, N.Dak.	[12] [13] 103.6128¢	15.025
CI75-13 [14] ..... C 6-29-76	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79105.	Trunkline Gas Co., Block 639, West Cameron area (South addition), offshore Louisiana.	[5] 182.72¢	15.025
CI76-90 [14] ..... B 12-2-76	Hurley Petroleum Corp., 400 Petroleum Bldg., Shreveport, La. 71101.	Mississippi River Transmission Corp., Cocke-Jobe lease and the Ella V. Armstrong lease, Waskom Field, Harrison County, Tex.	[14]	[14]
CI76-178..... C 12-6-76	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Caddo and Canadian Counties, Okla.	[15] [17] [18] 160.7218¢	14.65
CI76-792..... (G-15810) F 12-15-76	Gulf Oil Corp. (successor to Union Oil Co. of California), P.O. Box 2100, Houston, Tex. 77001.	Transwestern Pipeline Co., White City Penn Field, Eddy County, N.Mex.	[19] 94.9628¢ [20] [21] [22] 145.8643¢	15.025 .....
CI77-129..... (G-10823) B 12-6-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Glendive Plant, Wilbaux County, Mont.	[23]	.....
CI77-140..... A 12-9-76	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Transcontinental Gas Pipe Line Corp., Terrebonne Parish, La.	[5] [24] [25] 164.0743¢	15.025
CI77-141..... (G-7207) B 12-9-76	Chevron Oil Co., western division, P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., various fields, Lockhart B No. 8 well, SE¼ SE¼ of sec. 14, T-21-S, R-27-E, Lea County, N. Mex.	[26]	[26]
CI77-142..... (G-15082) B 12-9-76	Austral Oil Co., Inc., 2700 Exxon Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Holly Beach Field, Cameron Parish, La.	[26]	[26]
CI77-143..... (CI67-1082) B 12-9-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Lone Star Gas Co., Raloh R. Ford unit, W/2 sec. 30-2N-8W, Stephens County, Okla.	[27]	.....
CI77-144..... (CI75-316) B 12-10-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Northern Natural Has Co., Sherard Field, Blaine and Chouteau Counties, Mont.	[26]	.....
CI77-145..... A 12-13-76	Freeport Minerals Co., P.O. Box 3038, Midland, Tex. 79701.	Transcontinental Gas Pipe Line Corp., Block 22, Vermilion area, offshore Louisiana.	[5] [28] 155.179¢	15.025
CI77-146..... A 12-13-76	Monsanto Co., 5051 Westheimer, 1300 Post Oak Tower, Houston, Tex. 77056	Kansas-Nebraska Natural Gas Co., Inc., Madden unit, Fremont and Natrona Counties, Wyo.	[29] [30] 0.53, [5] $1.43	14.73
CI77-147..... (CI76-71) B12-13-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla.	El Paso Natural Gas Co., Hemphill County, Tex.	[31]	[31]

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
CI77-148..... A 12-12-76	Freeport Minerals Co.....	Florida Gas Transmission Co., block 22, Vermilion area, offshore Louisiana.	[3 19] 155.179¢	15.025
CI77-150..... (CS67-82) B 12-17-76	Mesa Petroleum Co. et al., P.O. Box 2009, Amarillo, Tex. 79105.	Northern Natural Gas Co., Lovedale Field, Harper County, Okla.	(39)	(39)
CI77-151..... A 12-9-76	Tricentrol United States, Inc., 1701 Pennsylvania Ave. NW., Washington, D.C. 20006.	Northern Natural Gas Co., 7 wells in Blaine and Hill Counties, Mont.	[3 13 33] $1.425	14.73
CI77-152..... A 12-15-76	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., South Newmill area, Chaves County, N. Mex.	[3 22 32 34] 154.6335¢	14.65
CI77-153..... A 12-17-76	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Delta Block 117 Field, offshore Louisiana.	[3 22 24 32] $1.76	15.025
CI77-154..... A 12-17-76	Southland Royalty Co., 1600 1st National Bldg., Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Atoka/Morrow formations, sec. 22, T24S, R28E, Eddy County, N. Mex.	[3 22 24 32] 169.884¢	14.73
CI77-155..... A 12-20-76	Kerr-McGee Corp.....	Montana-Dakota Utilities Co., Boxcar Butte Field, McKenzie County, N. Dak.	[3 12 32 36] 167.7367¢	14.73
CI77-156..... A 12-20-76	Placid Oil Co., 1600 1st National Bank Bldg., Dallas, Tex. 75202.	Transcontinental Gas Pipe Line Corp., Bassfield Field, Jefferson Davis County, Miss.	[3 14 32 37] 52.0¢	15.025
CI77-157..... A 12-20-76	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Willow Lake Atoka Field, Eddy County, N. Mex.	[3 24 32] $1.5617	14.73
CI77-158..... A 12-20-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., block 64 field, West Delta area, offshore Louisiana.	[3 28] $1.75 [42] 54.0614¢	15.025 .....
CI77-159..... A 12-14-76	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.[41]	Texas Gas Transmission Corp., block 248, Vermilion area, offshore Louisiana.	[3 12 32 42] $1.90	14.73
CI77-160..... A 12-13-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Cabana No. 1 Well, Eddy County, N. Mex.	[3 16] 93.0¢	14.73
CI77-161..... A 12-14-76	Texas Gas Exploration Corp.[41].....	Texas Gas Transmission Corp., block 315, Eugene Island area, offshore Louisiana.	[3 12 32 42] $1.90	14.73

[1] Applicant requests termination of certificate and rate schedule No. 302, effective as of May 1, 1970.
[2] Applicant requests termination of certificate and rate schedule No. 313, effective as of May 1, 1970.
[3] Applicant requests termination of certificate and rate schedule No. 218, effective as of Oct. 1, 1969.
[4] Includes 24¢ base rate, 2.88¢ Btu adjustment and 0.4260¢ tax reimbursement.
[5] Subject to upward and downward Btu adjustment.
[6] Applicant states that the deletion is a result of a sale of Union's 25 pct working interest in the Sun-Meier No. 1 gas well and the assignment of certain acreage to Texas Energies, Inc.
[7] Filing to reflect the closing of North Tioga plant and arranging for Burmah Oil & Gas Co. to process the gas in Burmah's Tioga plant located in Williams County, N. Dak.
[8] Applicant requests termination of the certificate issued in docket No. CI62-286 and of its rate schedule No. 401 due to assignment of leases to W. B. Osborn.
[9] Amendment to change delivery point from Ector plant to Goldsmith plant, both located in Ector County, Tex.
[10] CI65-624, rate schedule No. 410, 20.0¢; CI72-169, rate schedule No. 488, 37.5¢; CI72-597, rate schedule No. 504, 53.5¢. CI72-597, rate schedule No. 504, 143.5¢.
[11] The Thomas No. 1-8 well, which was assigned to David A. Chambers effective Feb. 28, 1975, was plugged and abandoned on Mar. 27, 1975.
[12] Includes 1.02¢ gathering allowance.
[13] Subject to upward Btu adjustment.
[14] Amendment authorizing initial service from reserved 10 pct of Diamond Shamrock's interest in the gas reserves.
[15] Applicant requests permission to abandon only sales from the 2 leasehold interests which have expired and does not seek to abandon sales to MRT from any interest which Hurley now holds or may hold for the remaining term of the Apr. 23, 1951, contract, as amended.
[16] Leases expired.
[17] Includes 10.8440¢ tax reimbursement.
[18] Applicant is willing to collect the national rate in accordance with opinion No. 770, as amended.
[19] Base price for wells commenced on or after Jan. 1, 1973, and before Jan. 1, 1975 per opinion No. 770, as amended (plus 7.8129¢ State taxes, and upward and downward Btu adjustment from 1,000 Btu per cubic foot).
[20] Base price for wells commenced on or after Jan. 1, 1975 per opinion No. 770, as amended (plus 12.0134¢ State taxes and upward and downward Btu adjustment from 1,000 Btu per cubic foot).
[21] Includes reimbursement of 100 pct of all State or Federal production, severance or similar taxes imposed on seller.
[22] Applicant is willing to accept a permanent certificate in accordance with opinion No. 770, as amended.
[23] Shell Oil Co. is the producer for all gas being supplied to the Glendive plant. Shell has given notice of termination of the casinghead gas contract, and there will accordingly be no gas supply for the Glendive plant.
[24] Plus 1¢ escalation per quarter.
[25] Reclassification of well.
[26] Wells have been plugged and abandoned.
[27] Atlantic no longer has any interest in acreage covered by the contract of Jan. 20, 1965. Acreage was totally assigned to C. & Y. Casing Pulling Co. by assignment dated Sept. 26, 1972.
[28] Applicant has transferred and assigned all interests in such acreage to purchaser.
[29] Base price provided in sec. 2.56a, plus 7.785¢ per 1,000 ft³ Btu adjustment based on Btu content of 1053, plus 0.51¢ per 1,000 ft³ gathering allowance.
[30] Base price for MDU No. 1 spudded Feb. 13, 1973. (Within the limits prescribed by opinion No. 770, as amended.)
[31] Base price for Okie 1-9 No. 1 spudded Dec. 20, 1975. (Within the limits prescribed by opinion No. 770, as amended.
[32] Well plugged and abandoned.
[33] Includes 100 pct tax reimbursement.
[34] Inclusive of 1.4919¢ gathering allowance, New Mexico severance, conservation, and emergency school taxes but subject to variable school district ad valorem tax adjusted annually, and subject to Btu adjustment.
[35] Includes estimated Btu adjustment of 15.1578¢ per 1,000 ft³.
[36] Plus quarterly increases.
[37] At 14.73 lb/in²a.
[38] Includes tax reimbursement.
[39] Contract price.
[40] Applicant is willing to accept a permanent certificate at the national rate in accordance with opinion No. 770, as amended (subject to unknown Btu adjustment and 0.51¢ gathering).
[41] Applicant and purchaser are affiliated.
[42] Plus 1.5¢ per 1,000 ft³ escalation per quarter commencing on Apr. 1 of the year following the date of initial deliveries.

[FR Doc.77-1439 Filed 1-17-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and the FDA regulations, 21 CFR Part 2, Subpart D, relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Pathology Subcommittee of the Science Advisory Board.	Feb. 3, 8:30 a.m., Board Room, Holiday Inn, North Little Rock, Ark.	Open public hearing 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 1 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

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. Discussion of the update of pathology services project, personnel, equipment, problem areas, and general discussion and recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
2. Hepatoma Subcommittee of the Science Advisory Board.	Feb. 3, 1 p.m., Board Room, Holiday Inn, North Little Rock, Ark.	Open public hearing 1 p.m. to 2 p.m.; open committee discussion 2 p.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

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. Discussion of the report on the status of phenotypic lindane study, report on proposed National Cancer Institute/National Center for Toxicological Research Interagency Agreement, proposed hepatoma workshop, and general discussion and recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
3. Antiperspirant Panel.....	Feb. 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 3, 9 a.m. to 10 a.m.; open committee discussion Feb. 3, 10 a.m. to 4:30 p.m., Feb. 4, 9 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510) 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
4. Neurologic Drugs Advisory Committee.	Feb. 3 and 4, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 3, 9 a.m. to 10 a.m.; open committee discussion Feb. 3, 10 a.m. to 4:30 p.m.; open public hearing Feb. 4, 9 a.m. to 10 a.m.; open committee discussion Feb. 4, 10 a.m. to 4:30 p.m.; Stephen C. Groft, (HFD-120) 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

Agenda—Open public hearing. Any interested person may present information, data, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Use of amphetamines in the treatment of narcolepsy, seizure disorders, and minimal brain dysfunction; and appropriate indications for the use of antiemetics.

Because of the problem of continuing abuse in spite of Schedule II controls, the Food and Drug Administration is considering the removal of the anorectic indication for amphetamine and methamphetamine. In addition, these drugs have been used in the treatment of narcolepsy, minimal brain dysfunction (MBD), and seizure disorders. The Neurologic Drugs Advisory Committee, invited guests, and other participants are requested to advise on the following:

1. Are there alternative safe and effective treatments for these disorders?

2. Would a withdrawal of amphetamine and methamphetamine from the market have a deleterious effect on the treatment of patients with narcolepsy, MBD, or seizure disorders?

The recommendations of the advisory committee to the Division of Neuropharmacological Drug Products and the Bureau of Drugs will be considered in arriving at a decision whether amphetamines should be totally withdrawn from the market, or relabeled for the treatment only of narcolepsy, MBD, and/or seizure disorders. In either case, the investigational new drug application process would still be available for research purposes.

Committee name	Date, time, and place	Type of meeting and contact person
5. Ophthalmic Panel	Feb. 4 and 5; 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 4; Connecticut Room, Holiday Inn, Bethesda, Md., on Feb. 5.	Open public hearing Feb. 4, 9 a.m. to 10 a.m.; open committee discussion Feb. 4, 10 a.m. to 4:30 p.m., Feb. 5, 9 a.m. to 4:30 p.m., John T. cElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
6. General Hospital and Personal Use Panel.	Feb. 7 and 8, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 7, 9 a.m. to 10 a.m.; open committee discussion Feb. 7, 10 a.m. to 4:30 p.m., Feb. 8, 9 a.m. to 4:30 p.m.; William C. Dierksheide, Ph. D., (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Those desiring to make formal presentations should notify the executive secretary by February 1, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Devices to be classified are as follows: spinal venous pressure manometer, hypodermic needle, piston syringe, aneroid blood pressure manometer, mercury blood pressure manometer, nursery apnea monitor, battery-powered thermometer, disposable thermometer, mercurial thermometer, battery-powered infusion line monitor, oxygen depletion alarm, laminar airflow unit, aerator cabinet, sterilization indicators, sterilization wrap, gas sterilizer, steam sterilizer, prophylactic (condom), bactericidal floormat, surgical patient isolation unit, AC-powered operating room table, manual operating room table, jet lavage, manual cardiac resuscitator, powered heart-lung resuscitator, manual resuscitator, surgical drape, surgeon glove, operating room gown, electric heating pad, chemotherapy perfusion unit, AC-powered chemotherapy perfusion unit, heat lamp, AC-powered bed, air flotation bed, hydraulic bed, ICU bed, manual bed, tiltable cradle bed, AC-powered water flotation bed, wheeled geriatric chair, patient care isolation chamber, electrically powered patient lift, manual patient lift, overhead boom patient lift, neonatal heated water mattress, patient rollers, AC-powered patient rollers, battery-powered metabolic scale, stopclock, silicone bed.

Committee name	Date, time, and place	Type of meeting and contact person
8. Matrix Approach to Carcinogenesis Bioassay Subcommittee to the Science Advisory Board	Feb. 11, 9 a.m., Conference Room 2-A-304, Chidlaw Bldg., 2221 East Bijou St., Colorado Springs, Colo.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

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. Discussion of approaches to evaluation of hepatotoxicity in animals and man and discussion of pharmacogenetics and drug interaction.

Committee name	Date, time, and place	Type of meeting and contact person
7. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Feb. 7 and 8, 9 a.m., Conference Rooms J and K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 7, 9 a.m. to 10 a.m.; open committee discussion Feb. 7, 10 a.m. to 5 p.m., Feb. 8, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

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. Discussion and definition of the conceptual basis of the Matrix Approach Program.

Committee name	Date, time, and place	Type of meeting and contact person
9. Mutagenesis Subcommittee of the Science Advisory Board.	Feb. 12, 9 a.m., Conference Room 2-A-304, Chidlaw Bldg., 2221 East Bijou St., Colorado Springs, Colo.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-541-4528.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

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. Discussion of the implementation of the Dosimetry/Pharmacokinetics Program.

Committee name	Date, time, and place	Type of meeting and contact person
10. Vitamin, Mineral, and Hematinic Panel.	Feb. 14 and 15, 9 a.m., Room 1409, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 14, 9 a.m. to 10 a.m.; open committee discussion Feb. 14, 10 a.m. to 4:30 p.m., Feb. 15, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
11. Dental Panel	Feb. 16 and 17, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 16, 9 a.m. to 10 a.m.; open committee discussion Feb. 16, 10 a.m. to 4:30 p.m., Feb. 17, 9 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
12. Endocrinology and Metabolism Advisory Committee.	Feb. 17 and 18, 9 a.m., Conference Rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 17, 9 a.m. to 10 a.m.; open committee discussion Feb. 17, 10 a.m. to 5 p.m.; open public hearing Feb. 18, 9 a.m. to 10 a.m.; open committee discussion Feb. 18, 10 a.m. to 5 p.m.; A. T. Gregoire, Ph. D., (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

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. Discussion of new drug applications—NDA 17-783 (Glibenese), NDA 17-498 (Micronase), and NDA 17-532 (Dia-Beta); report to committee on antiosteoporosis guidelines workshop; and estrogen for treatment of osteoporosis.

Committee name	Date, time, and place	Type of meeting and contact person
13. Antimicrobial Panel.....	Feb. 18 and 19; 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 18; Connecticut Room, Holiday Inn, Bethesda, Md., on Feb. 19.	Open public hearing Feb. 18, 9 a.m. to 10 a.m.; open committee discussion Feb. 18, 10 a.m. to 4:30 p.m., Feb. 19, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4300.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
14. Gastroenterological and Urological Panel.	Feb. 20 and 21, 8 a.m., Captain's Room, Channel Inn Motel, 650 Water St. SW., Washington, D.C.	Open public hearing Feb. 20, 8 a.m. to 9 a.m., Feb. 21, 8 a.m. to 9 a.m.; open committee discussion Feb. 20, 9 a.m. to 5 p.m., Feb. 21, 9 a.m. to 5 p.m.; Thomas L. Anderson, M.D., (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to dialysis devices and endoscopes/surgical devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 7, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Discussion of the following dialysis devices: A-V shunt accessories: Cannula clamp; vessel dilator; disconnect forcep; shunt guard; infusion "T" heparin; crimp plier; tube plier; crimp ring; joint ring; shunt stabilizer; declotting tray (including contents); blood circuit components; blood filter; blood pump inserts; line clamp; shunt connector; fistula adaptors; extraluminal blood pump; infusion extraluminal or syringe pump (heparin); shunt adaptor; clamps blood automatic tubing; vessel tip; "Y" adaptors; dialysate circuit components: Dialysis control station negative press type; water purification subsystem; reverse osmosis water purification system; holding tank; dialysate tubing connectors; dialysate tubing; dialysate delivery systems; coil canister; miscellaneous accessories; powered dialysis chair (with or without scales); unpowered dialysis chair (with or without scales); line clamp; dialyzer holder sets; protector transducer; solution-test standard-conductivity; start/stop tray (including contents); free-standing dialysis concentrate tank; tie gun; ties; declotting tray (including contents); monitors: arterial blood pressure alarm; pillow pressure alarm; venous blood pressure alarm; type remote induction conductivity meter; nonremote conductivity meter; air bubble detector; comparative inflow-outflow blood leak detector; noncomparative detector; blood level detector; dialysate level detector; blood flowmeter; dialysate flowmeter; water manometer; temperature monitor.

Endoscopes/surgical devices—biopsy instruments: Biopsy forcep covers; electric cautery biopsy forceps; nonelectric biopsy forceps; suction biopsy instrument; biopsy needle set; biopsy needles; biopsy punch; biopsy tray; gastrointestinal instrument set biopsy; diagnostic catheters: Barium enema retention catheter with bag; biliary catheter; ureteral disposable catheter (X-ray); double lumen female urethrographic catheter; positive pressure urethrographic X-ray catheter; urethrographic catheter; diagnostic light sources: Diagnostic lamps; fiberoptic focusing headlight; fiberoptic ureteral light catheter; photographic light source; pocket battery box; rechargeable battery box.

Endoscopes/surgical devices (February 21)—endoscopic equipment nonmanual air pump; nonpowered anoscope; binocular attachment for endoscope; cannula; choledochoscope; cleaning accessories for endoscopes; colonoscope; coloscope; cystourethroscope; cytology brush; electric cord for endoscopes; enteroscope; esophago - gastro - duodenoscope; esophagoscope; eyepiece attachment for insertion of prescription lens; fiberoptic illuminators; flexible fiberoptic teaching attachment; gastroscope; endoscopic inflation bulb; automatic C02 insufflator; laparoscope; measuring device for panendoscope; miscellaneous adaptor bulbs; nephroscope; obturators; peritoneoscope (fiberoptic); photo accessories for endoscope; sheaths, flexible sigmoidoscope; rigid sigmoidoscope; endoscopic smoke removal tube; special lens instruments; sphyncteroscope trocar; ureteroscope; urethroscope; enema kits: disposable barium enema kit; kit enema for cleaning purpose; gastrointestinal intraluminal diagnostic devices: electrode PH stomach; electrogastrograph; gastrointestinal motility system (electrical); GI string and tubes to locate internal bleeding; pressure and flow rate measuring devices: Hydraulic cystometric device; urine flow rate measuring devices; specimen collectors: Kit urinary drainage collection; pediatric urine collector; sterile urethral catheterization trays; monitoring devices—physiologic function monitors: Closed circuit TV and video tape; external pressure recorders, amplifiers, and transducers; photographic equipment; nonpowered rectal probe; radio pill, urine flow meter; electrical urinometer; prosthetic devices—bile collecting device: Bile collecting bag; colostomy appliances: Colostomy cup; colostomy dome; colostomy pouch; colostomy

protector; colostomy rod; disposable colostomy appliance; ostomy collector; ostomy irrigator; ostomy sleeve selector; surgical appliance cement; external supporting devices: Abdominal belt; hernia supports; pendulous abdominal support; scrotal support; scrotal truss; umbilical truss.

Committee name	Date, time, and place	Type of meeting and contact person
15. Miscellaneous Internal Drug Products Panel.	Feb. 20 and 21, 9 a.m., Connecticut Room, Holiday Inn, Bethesda, Md.	Open public hearing Feb. 20, 9 a.m. to 10 a.m.; open committee discussion Feb. 20, 10 a.m. to 4:30 p.m.; Feb. 21, 9 a.m. to 4:30 p.m.; Armond M. Welch, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
16. Oral Cavity Panel	Feb. 23 and 24, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 4:30 p.m., Feb. 24, 9 a.m. to 4:30 p.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
17. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Feb. 23 and 24, 9 a.m., Conference Rooms I and L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 5 p.m., Feb. 24, 9 a.m. to 5 p.m.; Joan C. Standaert, (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4750.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

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. Discussion on the value of various special techniques and approaches for evaluating human hepatotoxicity, drug interaction and liver toxicity, and functional evaluation of hepatotoxicity in animals and man.

Committee name	Date, time, and place	Type of meeting and contact person
18. Topical Analgesic Panel	Feb. 23 and 24, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 23, 9 a.m. to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 4:30 p.m.; Feb. 24, 9 a.m. to 4:30 p.m.; Lee Geismar, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a)(2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
19. Toxicology Advisory Committee.	Feb. 23 and 24, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Feb. 23, 9 a.m. to 12 m.; open public hearing Feb. 23, 1 p.m. to 2 p.m.; open committee discussion Feb. 23, 2 p.m. to 4:30 p.m., Feb. 24, 9 a.m. to 12 m.; open public hearing Feb. 24, 1 p.m. to 2 p.m.; open committee discussion Feb. 24, 2 p.m. to 3 p.m.; Jeffrey A. Staffa, Ph. D., (HFS-30), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4490.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity testing of such materials.

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. Discussion on animal drug subgroup status report; increased prolactin levels in animals on psychotropic drugs; and toxicology guidelines.

Committee name	Date, time, and place	Type of meeting and contact person
20. General and Plastic Surgery Panel.	Feb. 24, 8 a.m., Room 4131, HEW-N., 330 Independence Ave. SW., Washington, D.C.	Open public hearing 8 a.m. to 9 a.m.; open committee discussion 9 a.m. to 3:30 p.m.; Mark F. Parrish, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 17, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. A presentation will be made on Proplast™ by Charles A. Homsy, Sc.D.

The panel will form its recommendations for the content of safety and performance standards for cryosurgical devices.

The following devices will be classified: tissue adhesives; apparel—apron, cap, dress, exhaust apparatus, gown (isolation, patient, and surgical), helmet, hood, mask, shoe covers, shoes, suit; suture bolster and retention bridge; surgical cameras and accessories; burn and wound dressings; surgical gloving cream; nonremote and remote illumination devices; light/illuminators and accessories—lamp (fluorescent, incandescent, ultraviolet, xenon), light (accessories, carriers, ceiling mounted, connectors, endoscopic, fiberoptic, floor standing, headband, instrument); loupe; surgical microscope; monitors—continuous blood gas, blood pressure (arterial, cardiac, pulmonary artery, venous, powered and nonpowered, invasive and noninvasive), cardiac output, EEG, respiratory, temperature; direct and electronic stethoscopes; fluid column and liquid crystals thermometer; vein fulgurator.

The panel's previous classification of colonic irrigator will be reviewed.

The panel will discuss high-frequency tweezer epilators.

Committee name	Date, time, and place	Type of meeting and contact person
21. Radiological Panel	Feb. 24 and 25, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 24, 9 a.m. to 10 a.m.; open committee discussion Feb. 24, 10 a.m. to 4 p.m., Feb. 25, 9 a.m. to 3 p.m.; Lillian Yin, Ph. D., (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by February 11, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review classification of the following devices: tube housing; cathode ray tube; image amplifier tube; mammographic tube; orthicon tube; plumbicon tube; vidicon tube; field emission X-ray tube; grid bias X-ray tube; rotating

anode X-ray tube; stationary anode X-ray tube; laminographic stand; ultrasound high voltage pulser; ultrasound signal analysis and display components; ultrasonic signal amplifier; oscilloscope camera; scan converter; gray scale display; oscilloscope; electronic image processor; strip chart recorder; ultrasound systems: echocardiographic system; echoencephalographic system; continuous wave ultrasonic scanner; pulsed ultrasonic scanner; ultrasound transducers: ultrasound coupling apparatus; coupling media; multiple probe; single probe; radiation alarm; dosimeter charger; condenser ionization dosimeter; film badge dosimeter; semiconductor dosimeter; thermoluminescent dosimeter; radiation monitor; thermoluminescent dosimeter reader; gamma survey meter; X-ray survey meter; measurement cassette (Ardan-Crookes); current-measuring equipment; high voltage measuring equipment; timer measuring equipment; step wedge; protective apron; gamma ray control panel barriers; X-ray control panel barriers; positioning block; lead brick; X-ray caliper; X-ray protective curtain; protective glove; examination gown; lead syringe holder; radiographic marker; lead lined panties; isotope safe; positioning sandbag, eye shield; gonadal shield; vial shield; isotope dose calibrator; lead examination cape; sample changer; bone densitometer; isotope generator; source holder; flood/source phantom; neck phantom; source plantom; radiation dose plotter; sealed calibration source; quenched standard; decontamination supplies; focal spot camera; hoods and exhausts; anthropomorphic phantom; radionuclide test pattern; T.V. test pattern; X-ray test pattern; cabinet X-ray unit.

Committee name	Date, time, and place	Type of meeting and contact person
22. Training and Medical Applications Subcommittee of the Medical Radiation Advisory Committee.	Feb. 27, 2 p.m., Room 400, Twinbrook Bldg. 4, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing Feb. 27, 2 p.m. to 3 p.m.; open committee discussion Feb. 27, 3 p.m. to 6 p.m.; Norman C. Tellers, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

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. Discussion on medical radiation recommendations, consumer education activities, radiologic technologist activities, and quality assurance activities.

Committee name	Date, time, and place	Type of meeting and contact person
23. Radioactive Materials and Nuclear Medicine Subcommittee of the Medical Radiation Advisory Committee.	Feb. 27, 1:30 p.m., Room 316, Chapman Bldg., 1901 Chapman Ave., Rockville, Md.	Open public hearing Feb. 27, 1:30 p.m. to 2:30 p.m.; open committee discussion Feb. 27, 2:30 p.m. to 6:30 p.m.; Norman C. Tellers, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

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. Discussion on the report on nuclear medicine and medical radiation, report of task force on short-lived radionuclides, radionuclide dosimetry, and quality control for nuclear medicine instrumentation.

Committee name	Date, time, and place	Type of meeting and contact person
24. Miscellaneous External Drug Products Panel.	Feb. 27 and 28; 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., on Feb. 27; Georgia Room, Holiday Inn, Bethesda, Md., on Feb. 28.	Open public hearing Feb. 28, 9 a.m. to 10 a.m.; open committee discussion Feb. 27, 9 a.m. to 4:30 p.m., Feb. 28, 10 a.m. to 4:30 p.m.; Michael D. Kennedy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

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. The panel will review data pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10 (a) (2)).

The panel will be reviewing, voting upon, and modifying the content of the summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

Committee name	Date, time, and place	Type of meeting and contact person
25. Geriatric Neuropsychopharmacology Subcommittee of the Neurologic Drugs Advisory Committee.	Feb. 28, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4:30 p.m.; Stephen C. Groft, (HFD-120), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3800.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

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. Discussion of utilization of computerized tomography (CT) scan as basis for exclusion/inclusion in clinical trials of dementia and depression in elderly; guidelines for research in geropsychopharmacology; and discussion of depression in the geriatric and nongeriatric populations.

Committee name	Date, time, and place	Type of meeting and contact person
26. Medical Radiation Advisory Committee.	Feb. 28 and Mar. 1, 9 a.m., Room 400, Twinbrook Bldg. 4, 12720 Twinbrook Parkway, Rockville, Md.	Open public hearing Feb. 28, 9 a.m. to 10 a.m.; open committee discussion Feb. 28, 10 a.m. to 4:30 p.m., Mar. 1, 9 a.m. to 12 m.; Norman C. Teles, M.D., (HFX-4), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6220.

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. Discussion of mamography, computerized tomography, radioactive materials and nuclear medicine, training and medical applications, and radiation therapy.

Committee name	Date, time, and place	Type of meeting and contact person
27. Subcommittee on Development of Guidelines for Evaluation of Hepatotoxicity of the Gastrointestinal Drugs Advisory Committee.	Mar. 7 and 8, 9 a.m., Conference Rooms K and L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Mar. 7, 9 a.m. to 10 a.m.; open committee discussion Mar. 7, 10 a.m. to 5 p.m., Mar. 8, 9 a.m. to 5 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in gastrointestinal diseases.

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. Discussion of histopathology of hepatotoxicity, diagnostic criteria for liver injury, and followup of patients exposed to hepatotoxic drugs.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 2, Subpart D, published in the FEDERAL REGISTER of November 26, 1976 (41 FR 52148).

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 (21 CFR 2.307) of FDA's regulations relating to public advisory committees.

Dated: January 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1486 Filed 1-17-77;8:45 am]

EXPERIMENTAL PATHOLOGISTS TRAINING

Meeting

The Food and Drug Administration announces a public meeting to be sponsored by the National Center for Toxicological Research to discuss training of experimental pathologists to meet the needs of the scientific community. Principal speaker will be Dr. Henry C. Pitot, University of Wisconsin Medical School, and incoming president of the Society of Experimental Pathology.

The meeting will be held at the Holiday Inn, North Little Rock, Arkansas, on February 2, 1977, beginning at 9 a.m.

For further information, contact Ruth S. Magee, National Center for Toxicological Research, Jefferson, AR 72079, 501-541-4528.

Dated: January 13, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1700 Filed 1-17-77;8:45 am]

PUBLIC ADVISORY COMMITTEE

Request for Nomination of Members

The Food and Drug Administration requests nominations for membership on the Science Advisory Board of the National Center for Toxicological Research at Jefferson, AR. Nine vacancies will occur on the Board as of June 30, 1977; nominations must be submitted no later than February 28, 1977.

The function of the Science Advisory Board is to advise the Director, National Center for Toxicological Research in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator of the Environmental Protection Agency in fulfilling their regulatory responsibilities. The Board provides the extra-agency review to assure that research programs and methodology development at the National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Terms of office are 3 years. Members shall have diversified experience in biomedical research and be recognized experts in at least one discipline directly related to carcinogenesis, mutagenesis, or teratogenesis. Current needs are in pathology, food technology, immunology, biochemistry, pharmacology, teratology, endocrinology, hormones, genetics, chemistry, and biometry.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the Board, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to the Executive Secretary, Science Advisory Board, National Center for Toxicological Research, Jefferson, AR 72079, no later than February 28, 1977.

Dated: January 11, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-1485 Filed 1-17-77;8:45 am]

Office of Education

EMERGENCY SCHOOL AID ACT

Closing Date for Receipt of Proposals for Educational Television Projects

The Commissioner of Education hereby gives notice that pursuant to sections 711 and 704(b) of the Emergency School Aid Act (20 U.S.C. 1610 and 1603(b)), proposals are being accepted from public and private nonprofit agencies, institutions, and organizations for Educational Television projects.

Proposals for assistance must be received by the U.S. Office of Education Application Control Center on or before April 11, 1977.

A. *Proposals sent by mail.*—A proposal sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.530. A proposal sent by mail will be considered to be received on time by the Application Control Center if:

(1) The proposal was sent by registered or certified mail not later than April 6, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The proposal is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered proposals.*—A proposal to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered proposals will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Proposals will not be accepted after 4 p.m. on the closing date.

C. *Program Information.*—(1) Projects will be considered for funding this year in the following categories as listed and described in the Notice of Proposed Rulemaking, (45 CFR Part 185) on October 20, 1976, at 41 FR 46317:

(a) 45 CFR 185.72(a)(1)—Additional programs of a national series (i.e., intended for national distribution) previously assisted under the Act (other than a series described in subparagraph (a)(6) of this section);

(b) 45 CFR 185.72(a)(5)—A national series (i.e., intended for national distribution) other than a series described in subparagraphs (a)(1) and (a)(6) of this section, to foster interracial and interethnic understanding among secondary school age children;

(c) 45 CFR 185.72(a)(6)—A national bilingual series (i.e., intended for national distribution) of cognitive and/or affective education value. A bilingual series is a series consisting of programs which contain no more than 60 percent of its content in one of the two languages it offers;

(d) 45 CFR 185.72(a)(7)—Up to three new "regional" series intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in section 185.02(f) which may be unique to a particular geographic region; or

(e) 45 CFR 185.72(a)(8)—Additional programs from up to two "regional" series previously funded under the Act intended for less than nationwide utilization meeting the special needs of subgroups of minority groups as defined in section 185.02(f) which may be unique to a particular geographic region.

Because of the small number of programs directed specifically at Black Americans which have previously been produced under the Emergency School Aid Act, Educational Television, the Office of Education is particularly desirous of receiving proposals whose primary target audience is Black and non-minority children under the "National Secondary and Interracial, Inter-ethnic" (affective) and the new "regional" categories. However, proposals submitted which address this primary target audience will be evaluated in the same manner and under the same criteria as proposals which address other primary target audiences designated in the Emergency School Aid Act.

(2) The ESAA appropriation for FY 77 sets aside $6,450,000 for support of Educational Television. Additional funds, up to $2,150,000, may be provided from funds appropriated for special projects (section 708(a)) of the statute.

(3) In fiscal 1976:

(a) Four "regional" awards at the then allowable maximum of $250,000 each, were made; and

(b) Three national category awards at an average of $2,488,623 were also made.

D. *Project periods.*—Awards of assistance will be made pursuant to this notice for activities commencing no earlier than May 1, 1977.

E. *Applicable regulation.*—Awards of assistance made pursuant to this notice will be subject to (1) the regulations contained in 45 CFR Part 185, and, (2) upon their becoming effective, the amendments thereto published as a notice of proposed rulemaking on October 20, 1976, at 41 FR 46317, (3) except where inconsistent with Part 185, the Office of Education General Provisions Regulations relating to direct project assistance programs (45 CFR Parts 100 and 100a). Proposers' attention is directed in particular to subpart H, Educational Television, of 45 CFR 185.

(20 U.S.C. 1610 and 1603(b))

(Catalog of Federal Domestic Assistance Number 13.530, Emergency School Aid—Educational Television)

Dated: December 28, 1976.

JOHN W. EVANS,
Acting U.S. Commissioner of Education.

[FR Doc.77-1699 Filed 1-17-77;8:45 am]

RIGHT TO READ READING ACADEMIES PROGRAM

Closing Date for Receipt of Noncompeting Continuation Applications for Fiscal Year 1977

Notice is hereby given that, pursuant to the authority contained in section 723 of Title VII of the Education Amendments of 1974, Pub. L. 93-380, as amended (20 U.S.C. 1963) applications are being accepted for non-competing continuation grants under the Right To Read Reading Academies Program (45 CFR Part 162, Subpart E). It is not expected that funds will be available in FY 1977 for new grants under the Reading Academy Program. Therefore, applications for new projects will not be accepted. Applications should be received by the U.S. Office of Education Application Control Center on or before March 18, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13:533E. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 14, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand Delivered Applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays.

C. *Program Information.* It is anticipated that $4,800,000 will be available for funding of the Reading Academies Program. This is $800,000 less than the FY 1976 level of funding and will not permit the Commissioner to fund existing projects at their current level for a full twelve-month period.

Grantees may request a project period for a twelve-month cycle; however, it is expected that the award amount will not exceed 5/6 of the current grant award.

In order to absorb this reduction in funds and to maintain the current level of reading assistance and instruction grantees have the alternative option of reducing the project period from a twelve-month cycle to a ten-month cycle. This means that applicants may propose a work statement for a period of ten months from the end of the FY 1976 project period and a supporting budget of only 5/6 of the current grant amount. For the nineteen projects initially funded in FY 1975, that period will be from July 1, 1977 to April 30, 1978. For the sixty-three projects initially funded in FY 1976, that period will be from September 1, 1977 to June 30, 1978.

D. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Regulations governing the Reading Academies Program were published in the FEDERAL REGISTER on May 26, 1976 (General Provisions, 45 CFR Part 162, Subpart A, and Reading Academies Program, 45 CFR 162, Subpart E) and will govern the operation of this program.

E. *Application Instructions and Forms.* Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Office of Right to Read, U.S. Office of Education, Room 2108, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 1963.)

Dated: January 12, 1977.

(Catalog of Federal Domestic Assistance Number 13.538, Right to Read Elimination of Illiteracy.)

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.77-1573 Filed 1-17-77;8:45 am]

FEDERAL RESERVE SYSTEM

NL INDUSTRIES, INC.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(3)) ("the Act"), by NL Industries, Inc., New York, New York ("NL"), for a determination that, after the transfer of all its shareholdings in Lake View Trust and Savings Bank, Chicago, Illinois ("Lake View Bank"), to Mr. William N. Lane, NL will cease to be a bank holding company as it is not nor will be in fact capable of controlling Mr. Lane, and, thereby, Lake View Bank, notwithstanding the indebtedness incurred by Mr. Lane to NL in connection with his purchase of NL's shareholdings in Lake View Bank.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 2, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board will subsequently designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, January 13, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-1665 Filed 1-17-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-77-677; OILSR No. 0-1380-07-2]

BETHANY WEST

Hearing

In the matter of: Bethany West, A and B, East Coast Resorts, Inc. and Ernest C. Raskauskas, President, 76-345-IS, OILSR No. 0-1038-07-2 (A and B).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Bethany West, A and B, East Coast Resorts, Inc. and Ernest C. Raskauskas, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued November 8, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Bethany West located in Sussex County, Delaware, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 22, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 11, 1977, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 11, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: December 1, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1494 Filed 1-17-77;8:45 am]

[Docket No. N-77-674; OILSR No. 0-1506-58-32]

BLUE RIDGE MANOR, ASH LAKE SECTION

Hearing

In the matter of: Blue Ridge Manor, Ash Lake Section, Cross State Develop-

ment Company and Richard A. Howard, Vice President, 76-301-IS, OILSR No. 0-1506-38-32.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b),

Notice is hereby given that: 1. Blue Ridge Manor, Ash Lake Section, Cross State Development Company and Richard A. Howard, Vice President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 5, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45 (b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Blue Ridge Manor, Ash Lake Section, located in Ashe and Wilkes Counties, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received October 18, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 4, 1977, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 14, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45 (b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1496 Filed 1-17-77;8:45 a.m.]

[Docket No. N-77-673; OILSR No. 0-1163-38-15]

BLUE RIDGE MANOR

Hearing

In the matter of: Blue Ridge Manor, Cross State Development Company and Richard A. Howard, Vice President, 76-313-IS OILSR No. 0-1163-38-15.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b),

Notice is hereby given that: 1. Blue Ridge Manor, Cross State Development Company and Richard A. Howard, Vice President, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Blue Ridge Manor, located in Ashe County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 8, 1976; in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 4, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before January 12, 1976.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1495 Filed 1-17-77;8:45 am]

[Docket No. N-77-675; OILSR No. 0-1498-38-30]

GRANDFATHER GOLF AND COUNTRY CLUB

Hearing

In the matter of: Grandfather Golf and Country Club, G. F. Company, Hugh M. Morton, President, 76-318-IS, OILSR No. 0-1498-38-30.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b),

Notice is hereby given that: 1. Grandfather Golf and Country Club, G.F. Company, Hugh M. Morton, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 21, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Grandfather Golf and Country Club, located in Avery County, North Carolina, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 8, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 10, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 19, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1497 Filed 1-17-77;8:45 am]

[Docket No. N-77-678; OILSR No. 0-0226-09-62]

SUNSET GROVES

Hearing

In the matter of: Sunset Groves, Section Four, Martin County, Florida, Citrus Groves Investment Corporation, Respondent.

Land Sales Enforcement Division No. 76-265.

Notice of Proceedings and Opportunity for Hearing (Pursuant to 15 USC 1706 (d), 24 CFR 1710.45(b)(1) and 24 CFR 1710.125).

Notice is hereby given that: On or about October 15, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon the Respondent at its last known mailing address, 1450 N.E. 123rd Street, North Miami, Florida, 33161, a Notice of Proceedings and Opportunity for Hearing. Service was not achieved because no agent or officer of Citrus Groves Investment Corporation would be located at said address. Therefore, pursuant to 15 USC 1706(d), 24 CFR 1710.45(b)(1) and 24 CFR 1710.125, this Notice of Proceedings and Opportunity for Hearing is published as follows:

I. The Secretary's public files disclose that:

A. The Respondent, Citrus Groves Investment Corporation, is a corporation organized under the laws of Florida.

B. J. Arthur Elliot is the president of the Respondent corporation.

C. The mailing address of the last known principal place of business of the Respondent is 1405 N.E. 123rd Street, North Miami, Florida.

D. Respondent filed a Statement of Record and a Property Report for Sunset Groves, Section Four, situated in Martin County, Florida, which became effective on June 10, 1969, and which remains in effect.

E. The Statement of Record and Property Report pertaining to the said subdivision include untrue statements of material fact and omit to state material facts required to be stated therein and which are necessary to make the statements therein true and correct.

(1) Respondent has failed to file a revised first page of the Property Report and a revised form of purchase contract conforming to the language as required by Departmental Regulations 24 CFR 1710.110, Part B, 2, 4, 5 and 6; 24 CFR 1710.105, Part VI C 1 or 24 CFR 1710.120, II B, as amended, to conform with the amendments made to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) by subsection 812(c)(1) if the Housing and Community Development Act of 1974 (Pub. L. 93-383), effective October 21, 1974.

(2) Respondent has failed to amend the said Statement of Record and Property Report so as to conform to the Departmental Rules and Regulations which became effective on December 1, 1973, 24 CFR 1710 et seq., as required by the effective date provision thereof.

II. In view of the allegations shown in Part I above, the Secretary will provide an opportunity for a public hearing in order that it can be determined:

A. Whether those allegations are true and, in connection therewith, to afford the Respondent an opportunity to establish adequate defenses to such allegations, and

B. Whether remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the provisions of the Interstate Land Sales Full Disclosure Act.

III. If the Respondent desires a hearing he must file a notice of desire for a hearing accompanied by an answer within 15 days after service of this Notice of Proceedings. Respondent is notified that if it shall fail to file a response pursuant to 24 CFR 1710.140 and 1720.145 within 15 days after service of this Notice of Proceedings, Respondent shall be deemed to be in default, and the proceedings be assumed to be true, and an Order suspending said Statement of Record will be entered. The said Order shall remain in effect until such time as the Statement of Record and the Property Report have been amended in accordance therewith, and thereupon the Order shall cease to be in effect.

IV. Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10278, HUD Building, 451 Seventh Street, SW, Washington, D.C. 20410. All such papers shall be clearly identified according to the type of matter and the docket number as set forth in this Notice of Proceedings.

V. Upon timely request of the Respondent a public hearing shall be held for the purpose of taking evidence on the allegations set forth herein, such hearing to be held before Administrative Law Judge James W. Mast, or before such other Administrative Law Judge as might be designated, in Room 7146, HUD Building, 451 Seventh Street SW, Washington, D.C. 20410, at 10 a.m. on the 30th day after receipt of the answer or at such other time as may be fixed by further order.

This Notice of Proceedings shall be served on the Respondent pursuant to 44 USC 1508.

Issued at Washington, D.C., this 29th day of December, 1976.

CONSTANCE NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.77-1493 Filed 1-17-77;8:45 am]

[Doc. No. N-77-676; OILSR No. 0-2828-44-185]

TIMBER HILL

Hearing

In the matter of: Timber Hill, Timber Hill, Inc. and Joseph R. Mattioli, President, 76-309-IS, OILSR No. 0-2828-44-185 and (A).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b).

Notice is hereby given that: 1. Timber Hill, Timber Hill, Inc. and Joseph R. Mattioli, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued October 18, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Timber Hill, Timber Hill, Inc., located in Canadensis, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received November 4, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW, Washington, D.C., on February 14, 1977 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before January 17, 1977.

6. The Respondent is *hereby notified* That failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.-45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: November 23, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.77-1498 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 34075]

MONTANA

Application

JANUARY 11, 1977.

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), The Montana Power Company has applied for a natural gas pipeline right-of-way for a 4-inch line across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 26 N., R. 20 E.,
Sec. 2, Lots 2 and 3.
T. 27 N., R. 20 E.,
Sec. 35, SW¼SE¼.

This pipeline will convey natural gas across 0.61 miles of national resource lands in Blaine County, Montana.

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 names and addresses to the District Manager, Bureau of Land Management, Bank Electric Building, Drawer 1160, Lewiston Montana 59457.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1507 Filed 1-17-77;8:45 am]

[Wyoming 57619]

WYOMING

Application

JANUARY 10, 1977.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Marathon Pipe Line Company of Casper, Wyoming, filed an application for a right-of-way to construct four 3 inch pipelines for the purpose of transporting oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 91 W.,
Sec. 29, N½SW¼, SW¼SW¼;
Sec. 30, lots 8, 9, SE¼NW¼.
T. 47 N., R. 92 W.,
Sec. 1, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 12, NE¼NW¼.

The pipelines will transport oil to connect producing leases into existing pipelines in Washakie County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1506 Filed 1-17-77;8:45 am]

[Wyoming 57861]

WYOMING

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation of Salt Lake City, Utah, filed an application for a right-of-way to construct a cathodic protection station for the protection and safe operation of their natural gas pipeline system across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 114 W.,
sec. 25, S½NE¼.

The cathodic protection station will be used for the protection and safe operation of Northwest Pipeline's existing natural gas pipeline system located in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-1508 Filed 1-17-77;8:45 am]

Geological Survey

KNOWN RECOVERABLE COAL RESOURCE AREA

Knowlton, Montana

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Knowlton (Montana) Known Recoverable Coal Resource Area; March 3, 1975; 20,125 acres.

A diagram showing the boundaries of the area classified has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Stop 609, Box 25046, Denver Federal Center, Denver, Colorado 80225.

Dated: January 10, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 77-1461 Filed 1-17-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Niobe, North Dakota

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Department Manual No. 1, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Niobe (North Dakota) Known Recoverable Coal Resource Area; March 5, 1976; 16,097 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, Central Region, Mail Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: January 10, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 77-1460 Filed 1-17-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Powder River Basin, Wyoming; Revision

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and section 8A of the

Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Wyoming have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acres involved (including revision) are as follows:

(50) WYOMING

Powder River Basin (Wyoming) Known Recoverable Coal Resource Area; August 1, 1975; 3,437 acres previously within the KRCRA were deleted, and 20,577 acres were added, resulting in a net addition of 17,140 acres. Total area now classified is 3,968,626 acres.

A letter size plat with the revised boundary and acreage, and a map showing the additions and deletions in detail have been filed with the appropriate land office of the Bureau of Land Management. Copies of the plat and map and land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Central Region, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

W. A. RADLINSKI,
Acting Director.

JANUARY 10, 1977.

[FR Doc.77-1459 Filed 1-17-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 10, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by January 28, 1977.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ARIZONA

Maricopa County

Glendale vicinity, *Cave Creek Dam Archeological District*, N of Glendale off I-17.

CALIFORNIA

Tulare County

Three Rivers vicinity, *Cattle Cabin*, NE of Three Rivers on Sequoia National Park.

CONNECTICUT

Fairfield County

Greenwich, *Knapp Tavern*, 243 E. Putnam Ave.

Greenwich, *Lyon, Thomas, House*, W. Putnam Ave. and Byram Rd.

Hartford County

Plantsville, *Smith, H. D., Company Building*, 24 West St.

South Glastonbury, *Welles-Shipman-Ward House*, 972 Main St.

Windsor, *Moore, Deacon John, House*, 37 Elm St.

Litchfield County

Torrington vicinity, *Gillette's Grist Mill*, E of Torrington on Maple Hollow Rd.

New Haven County

Middlebury vicinity, *Richardson, Nathaniel, House*, NE of Middlebury on Kelly Rd.

Milford, *Eells-Stow House*, 34 High St.

DELAWARE

Kent County

Dover vicinity, *Hughes-Willis Site*, E of Dover.

KENTUCKY

Casey County

Liberty, *Casey County Courthouse*, Courthouse Sq.

LOUISIANA

Assumption Parish

Napoleonville, *Christ Episcopal Church and Cemetery*, LA 1 and Courthouse St.

Iberia Parish

New Iberia, *Episcopal Church of the Epiphany*, 808 W. Main St.

Rapides Parish

Cheneyville vicinity, *Loyd Hall Plantation*, NW of Cheneyville on Loyd Bridge Rd.

MINNESOTA

Koochiching County

Island View vicinity, *Gold Mine Sites*, NE of Island View.

Pipestone County

Pipestone, *Pipestone Architectural District*, Main St.

MISSISSIPPI

Warren County

Vicksburg, *Sprague*, Vicksburg Harbor

NORTH DAKOTA

Richland County

Christine, *Nelson's Grocery*, Main and 3rd Sts.

Traill County

Mayville, *Goose River Heritage Center*, Front St.

OREGON

Clackamas County

Canby vicinity, *Barlow, William, House*, SW of Canby at 24670 U.S. 99E.

Oregon City, *Ermatinger, Francis, House*, 1018 Center St.

Jackson County

Medford vicinity, *Bybee, William, House*, W of Medford at 883 Old Stage Rd.

Lake County

Lakeview, *Post and King Saloon*, N. 2nd and E Sts.

Multnomah County

Portland, *American Freedom Train Locomotive*, Oaks Amusement Park, SE Spokane St.

Portland, *Barber Block*, 532-538 SE Brand Ave.

Portland, *Hamilton Building*, 529 S.W. 3rd Ave.

Portland, *Poulsen, Johan, House*, 3040 SE McLoughlin Blvd.

Portland, *West Hall*, 5000 N. Willamette Blvd.

Washington County

Hillsboro vicinity, *Imbrie Farm*, NE of Hillsboro off U.S. 26.

Yamhill County

Lafayette vicinity, *Mattey, Joseph, House*, W of Lafayette at jct. of Mattey Lane and Rutherford Rd.

PENNSYLVANIA

Delaware County

Glen Mills, *Glen Mills School*, Glenn Mills Rd.

RHODE ISLAND

Providence County

Providence vicinity, Mt. Hygeia (*Solomon Drown House*), W of Providence on RI 94.

Washington County

Exeter vicinity, *Austin Farm Road Agricultural Area*, 6 mi. W of Exeter on I-95.

TEXAS

Panola County

Deadwood vicinity, *Republic of Texas Granite Marker*, SE of Deadwood off SR 31 on Louisiana border.

WISCONSIN

Ashland County

La Pointe vicinity, *Hadland Fishing Camp*, N of La Pointe on Rocky Island.

[FR Doc.77-1226 Filed 1-17-77;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. CIV. 75-334]

UNITED STATES v. GREATER BUFFALO ROOFING & SHEET METAL CONTRACTORS' ASSOCIATION, INC.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Western District of New York in *United States of America v. Greater Buffalo Roofing & Sheet Metal Contractors' Association, Inc.*, Civil No. 75-334. The complaint in this case alleges that the defendant conspired to limit the length of guarantee on roofing work performed by its members. The proposed judgment enjoins the defendant from fixing the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs. It also requires the defendant to send letters to some 180 architects, general contractors and other interested parties informing them of the settlement of this action and the discontinuance of the association's guarantee program. Public comment is invited on or before March 7, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Bernard Whermann, Chief, New York Office, Antitrust Divi-

sion, Department of Justice, 26 Federal Plaza, New York, New York 10007.

Dated: January 6, 1977.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

STIPULATION

Filed: January 6, 1977.

UNITED STATES DISTRICT COURT, FOR THE WESTERN DISTRICT OF NEW YORK

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: January 6, 1977.

For the Plaintiff: Donald I. Baker, *Assistant Attorney General;* John Sirignano, Jr., William E. Swope, Melvin Lublinski, Richard J. Favretto, Erwin L. Atkins, Charles F.B. McAleer, Rebecca Melklejohn, Bernard Wehrmann, *Attorneys, Department of Justice.*

For the Defendant: Latona, Worthington, Srebro & Nitterauer, *Attorneys for Greater Buffalo Roofing and Sheet Metal Contractors' Association, Inc.,* by Salvatore M. Latona, *Member of the Firm.*

Filed: January 6, 1977.

FINAL JUDGMENT

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK.

Plaintiff, United States of America, having filed its Complaint herein on August 8, 1975; Defendant, Greater Buffalo Roofing and Sheet Metal Contractors' Association, Inc., having appeared and filed its Answer to the Complaint denying the material allegations thereof and raising certain affirmative defenses; and Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by either party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by either party with respect to any such issue and upon the consent of the parties, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the Defendant under Section 1 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. 1), commonly known as the Sherman Act.

II

As used in this Final Judgment: (A) "Person" means any individual, individual proprietorship, partnership, firm, corporation or any other legal entity; and

(B) "Installation of roofs" means the construction of new and replacement roofs and the fabrication of sheet metal in conjunction with such construction, and includes such other related services as waterproofing, dampproofing, repairing of roofs, inspecting of roofs, and estimating the cost of repair or installation of roofs.

III

The provisions of this Final Judgment applicable to the Defendant shall also apply to its successors and assigns; to its directors, officers, agents, and employees; and to all persons, including members, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

The Defendant is enjoined and restrained from, unilaterally or in concert with any person: (A) Fixing, establishing, stabilizing or maintaining the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs;

(B) Urging, recommending, or suggesting that any of its members or any other person adopt or adhere to the terms or length of any guarantee, or any price, in connection with the installation of roofs;

(C) Advertising, publishing or distributing information relating to the terms or length of any guarantee, or any price, in connection with the installation of roofs;

(D) Adopting, publishing, distributing or recommending any printed form of contract or guarantee containing provisions relating to the terms or length of any guarantee, or any price, for use in connection with the installation of roofs, provided, however, that neither Defendant nor any of its members shall be prohibited from recommending any bonds which are sold by national roofing manufacturers in conection with the installation of roofs purchased from them;

(E) Adopting, adhering to, maintaining, enforcing or claiming any rights under any bylaw, rule, regulation, plan or program which restricts or limits the right of any member to give or offer, in accordance with his own business judgment, any terms or length of guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs; and

(F) Taking any punitive action against any of its members for such member's failure or refusal to adhere to any agreements with any other member or other competitor concerning the terms or length of guarantee, the price, or any other term or condition of sale, in connection with the installation of roofs.

V

The Defendant is ordered and directed within ninety (90) days after the entry of this Final Judgment to eliminate from its charter, constitution and bylaws, code of ethics, rules and regulations, and other documents governing its operations, any provision which is contrary to or inconsistent with any of the provisions of this Final Judgment.

VI

The Defendant is ordered and directed to mail, within ninety (90) days after the date of entry of this Final Judgment, a letter in the form attached hereto as Exhibit A, addressed to each person who was notified of the adoption of Defendant's guarantee program in form letters mailed on or about September 1, 1970 and February 3, 1973.

VII

The Defendant is ordered and directed: (A) To mail, within ninety (90) days after the date of entry of this Final Judgment, a copy of this Final Judgment to each of its members and to each person who was a member at any time from January 1, 1970 to the date of entry of this Final Judgment; and

(B) To furnish a copy of this Final Judgment to each person who becomes a member of Defendant within five years after the date of the entry of this Final Judgment.

VIII

Within one hundred and twenty (120) days from the date of the entry of this Final Judgment, the Defendant is ordered and directed to file with the Clerk of this Court an affidavit setting forth the fact and manner of compliance with Sections V, VI and VII (A) of this Decree.

IX

For a period of ten (10) years from the date of entry of this Final Judgment the Defendant is ordered to file with the Plaintiff, on each anniversary date of such entry, a report setting forth the steps which it has taken during the prior year to advise the Defendant's directors, officers, agents, members, and employees of its and their obligations under this Final Judgment.

X

(A) For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the Defendant made to its principal office, be permitted, subject to any legally recognized privilege, and subject to the right of Defendant, if it so desires, to have counsel present:

1. Access during its office hours to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the Defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the Defendant, and without restraint or interference from it, to interview directors, officers, agents or employees of the Defendant, which persons if they wish may have counsel of their choosing present, relating to any matters contained in this Final Judgment.

(B) Upon such written request, the Defendant shall submit such reports in writing, under oath if so requested, to the Plaintiff, with respect to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person, other than a duly authorized representative of the Executive Branch of Plaintiff, except in the course of legal proceedings to which the United States of America is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of any of the provisions hereof, for the enforcement of compliance

therewith, and for the punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.
Date:

United States District Judge.

EXHIBIT A

GREATER BUFFALO ROOFING AND SHEET METAL CONTRACTORS' ASSOCIATION, INC.

To: Architects, engineers, general contractors, commercial, industrial and institutional users.

Gentlemen:

On August 8, 1975, the Department of Justice filed a civil antitrust action under Section 7 of the Sherman Act, *United States* v. *Greater Buffalo Roofing & Sheet Metal Contractors Asosciation, Inc.*, alleging that the Association had entered into an agreement to eliminate competition in the offer of guarantees on roofing installations. Prior to the taking of any testimony and without admission by any party in respect to any issue, the Association consented to the entry of a Final Judgment terminating the lawsuit. The Court found that the settlement was in the public interest and entered a Final Judgment on ---------- 1976. A copy of that Final Judgment is available for inspection at the offices of the Association.

In accordance with the provisions of the Final Judgment, we are informing all interested parties that any previous announcements made by the undersigned respecting the duration or terms of roofing and sheet metal guarantees are hereby rescinded. Each of our members may give or offer guarantees of whatever length of time or upon such terms as he may wish. He is free to charge, give or offer whatever prices and other terms and conditions of sale for his services he may wish, in accordance with his own business judgment and which may be acceptable to his customers.

(Names of members as of date of Final Judgment who are engaged in roofing installation.)

PROPOSED CONSENT DECREE: COMPETITIVE IMPACT STATEMENT

Filed: January 6, 1977.

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK.

Pursuant to Section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

NATURE AND PURPOSE OF THE ACTION

On August 8, 1975, the Department of Justice filed a civil antitrust action charging that the Greater Buffalo Roofing & Sheet Metal Contractors' Association, Inc. had combined and conspired to limit the length of guarantees on roofing work performed by members of the association. The suit, brought under Section 1 of the Sherman Act, charged that the association and its members had conspired to fix, stabilize and maintain guarantees on roofing installation at two years; to fix, stabilize and maintain guarantees on sheet metal fabrication in conjunction with roofing installation at one year and to refuse to grant guarantees on waterproofing and dampproofing. It was alleged that, as a result of the conspiracy, guarantees by members of the defendant on roofing installation and sheet metal fabrication had been fixed, stabilized, and maintained at artificial and noncompetitive levels, depriving customers of free and open competition.

The Court was requested to enjoin the defendant from continuing the alleged conspiracy and from entering into any other conspiracy to fix the terms, prices, or conditions of sale for the installation of roofs or for other services offered by its members.

DESCRIPTION OF THE PRACTICES GIVING RISE TO THE ALLEGED VIOLATION

The Greater Buffalo Roofing & Sheet Metal Contractors' Asosciation, Inc. is a trade association of some 30 companies primarily engaged in roofing construction, both original installation and replacement, and sheet metal fabrication in connection therewith. Customers include private homeowners, commercial, industrial and institutional establishments, and government agencies located in Buffalo, New York and in adjacent counties of western New York State. Members of the association normally provide customers a guarantee on both labor and materials as part of the contract for roofing installation.

On April 13, 1970, the Association adopted a resolution stating that:

1. The maximum guarantee on roofing installations for both materials and workmanship would be limited to a period of two years from the date of the completed installation;

2. The maximum guarantee for sheet metal work done in conjunction with roofing would not exceed one year; and

3. No guarantee would be made on waterproofing and dampproofing.

In September 1970, the association sent a form letter to some 180 architects, general contractors, school districts and other interested parties informing them of the adoption of the resolution. A similar letter was sent to some 116 persons and companies in February 1973. The association also adopted, for use by its members, a printed form incorporating the terms of the resolution.

The association's guarantee program was still in effect at the time of the filing of this action.

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment provides a combination of specific measures to dispel the anticompetitive effects alleged by the Complaint. Defendant is enjoined and restrained from fixing, establishing, stabilizing or maintaining the terms or length of any guarantee, or any price, or any other term or condition of sale, in connection with the installation of roofs. It is prohibited from advertising, publishing or distributing information relating to the terms or length of any guarantee, or any price, in connection with the installation of roofs. Defendant is also barred from adopting, publishing, distributing or recommending any printed form of contract or guarantee containing provisions relating to the terms or length of any guarantee, or any price, for use in connection with the installation of roofs. However, neither Defendant nor any of its members is barred from recommending any manufacturers' or related bonds which are sold by national roofing manufacturers in connection with the installation of roofs purchased from them.

The defendant is ordered to mail, within ninety (90) days after the entry of the proposed consent judgment, a letter (the form of which is attached to the judgment as Exhibit A) addressed to each recipient of the September 1970 and February 1973 form letters. The letter informs each recipient of the institution and settlement of this action and of the discontinuance of the association's guarantee program.

COMPETITIVE EFFECTS OF THE PROPOSED CONSENT JUDGMENT

It is anticipated that by eliminating the conspiracy which restrained competition respecting guarantees, the proposed consent judgment will have the effect of restoring such competition among members of the defendant.

ALTERNATIVE REMEDIES CONSIDERED BY THE DEPARTMENT OF JUSTICE

The proposed consent judgment provides substantially all the relief prayed for in the complaint. No alternative to the judgment has been considered by the Department of Justice.

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act as amended, (15 U.S.C. 16(a)).

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation by and between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed consent judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any persons believing that the proposed judgment should be modified may, for a 60-day period, submit written comments to the United States Department of Justice, Antitrust Division, 26 Federal Plaza, New York, New York 10007, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Department of Justice considered determinative in formulating this proposed consent judgment. Therefore, none are being filed with this Competition Impact Statement.

JOHN SHEIGNANO, JR.,
MELVIN LUBINSKI,
ERWIN L. ATKINS,
REBECCA MERKLEJOHN,
Department of Justice
Attorneys.

[FR Doc.77-1465 Filed 1-17-77;8:45 am]

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated October 7, 1976 and November 8, 1976, and published in the FEDERAL REGISTER on October 18, 1976 and November 16, 1976; (41 FR 45855

and 41 FR 50473), Hoffman LaRoche, Inc., Kingland Road and Bloomfield Avenue, Nutley, N.J. 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Alphaprodine	II
Levorphanol	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: January 11, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-1601 Filed 1-17-77;8:45 am]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) the January 11, 1977 meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will reconvene at 9:00 a.m. on Friday, February 4, 1977, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue, NW, Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss proposed amendments to the Employee Retirement Income Security Act of 1974, in accordance with Council discussion at the meeting held on January 11, 1977.

Any member of the public may file a written statement concerning proposed amendments to the Employee Retirement Income Security Act of 1974 by submitting 30 copies on or before the close of business Thursday, February 3, 1977, to William J. Chadwick, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, Third Street and Constitution Avenue, NW, Room N4629, Washington, D.C. 20216.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, Third Street and Constitution Avenue, NW, Room N4629, Washington, D.C., 20216, or may call Area Code 202-523-8753.

Signed at Washington, D.C., this 14th day of January 1977.

WILLIAM J. CHADWICK,
Administrator of Pension
and Welfare Benefit Programs.

[FR Doc.77-1819 Filed 1-17-77; 8:45 am]

Office of the Secretary

[TA-W-1168]

ABRAHAM ECKHAUS

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-1168: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 14, 1976 in response to a worker petition received on that date which was filed on behalf of former workers engaged in the production of men's tailored pants, a component of men's suits at Abraham Eckhaus, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the New York Clothing Unemployment Fund Agency, the customers of Abraham Eckhaus, 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 appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers declined 11 percent in 1975 compared to 1974. All employees of Abraham Eckhaus were separated from employment on or before December 11, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production ceased in December 1975 when the company went out of business. Sales fell 76 percent in 1974 compared to 1973 and increased 94 percent in 1975 compared to 1974. Sales declined 54 percent in 1975 compared to 1973.

Production decreased 85 percent in 1974 compared to 1973 and rose 150 percent in 1975 compared to 1974. Production fell 63 percent in 1975 compared to 1973.

INCREASED IMPORTS

Imports of men's and boys' tailored suits increased every year from 1971 through 1975, rose 27 percent in 1975 compared to 1974 and increased 7 percent in the first nine months of 1976 compared to the like period of 1975. The ratio of imports to domestic production increased from 12.3 percent in 1974 to 17.4 percent in 1975 and decreased from 19.9 percent in the first half of 1975 to 17.3 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that one customer accounting for approximately 75 percent of Abraham Eckhaus' sales in 1975, increased its purchases of imported men's suits approximately 100 percent in 1975 compared to 1974. The customer reduced its purchases from Abraham Eckhaus approximately 40 percent in 1975 compared to 1973.

The lower prices of imports influenced the customer to reduce all domestic purchases and substitute imported men's suits.

In terms of sales and production, 1974 was the worst in a series of bad years for Abraham Eckhaus. Although 1975 showed some recovery, it was not enough to offset the previous years of unusually low production and sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with articles produced at Abraham Eckhaus, New York, New York contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's tailored pants at Abraham Eckhaus, New York, New York who became totally or partially separated from employment on or after September 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-1521; Filed 1-17-77;8:45 am]

[TA-W-1,533]

ARA SERVICES OF SOUTHERN WISCONSIN

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 9, 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 ARA Services of Southern Wisconsin, Kenosha, Wisconsin, a Division of ARA Food Services Company, Philadelphia, Pennsylvania (TA-W-1,533). 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 wether absolute or relative increases of imports of articles like or directly competitive with the providing of vended food services by ARA Services of Southern Wisconsin 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1526 Filed 1-17-77;8:45 am]

[TA-W-1,531]

AIRCO ALLOYS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated November 30, 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 Theodore, Alabama plant of Airco Alloys, Niagara Falls, New York, a Division of Airco, Inc., Montvale, New Jersey (TA-W-1,531). 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 ferro, and silicon manganese produced by Airco Alloys 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1522 Filed 1-17-77;8:45 am]

[TA-W-1,514]

ALABAMA BY-PRODUCTS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworks of America on behalf of the workers and former workers of Coke Oven & By-Products Div., Tarrant, Alabama of Alabama By-Products Corp., Birmingham, Alabama (TA-W-1,514). 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 furnace coke produced by Alabama By-Products 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 January 28, 1977.

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 January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1523 Filed 1-17-77;8:45 am]

[TA-W-1,151]

ALUMINUM CO. OF AMERICA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-31729 appearing at page 47616 in the FEDERAL REGISTER of October 29, 1976, the date of the petition, appearing on page 47616 is corrected in

the 2nd column, 1st line, to read "September 1."

Signed at Washington, D.C. this 5th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1524 Filed 1-17-77;8:45 am]

[TA-W-1327]

AMERICAN VALVE MANUFACTURING CORP., COXSACKIE, N.Y.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1327: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel, alloy, copper, and brass fittings, valves, couplings, flanges, etc. at the Coxsackie, New York plant of American Valve Manufacturing Corporation.

The notice of investigation was published in the Federal Register on December 14, 1976 (41 FR 54553). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America and American Valve Manufacturing Corporation.

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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The Coxsackie, New York plant of America Valve Manufacturing Corporation produced bronze and iron valves for industrial and residential uses.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from November 1, 1975, one year prior to the signature date of the petition, to the present.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Coxsackie, New York plant of American Valve Manufacturing Corporation have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1525 Filed 1-17-77;8:45 am]

[TA-W-1,544]

ARTVOGUE OF CALIFORNIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 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 Artvogue of California, San Francisco, California (TA-W-1,544). 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 sportshirts produced by Artvogue of California 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 January 28, 1977.

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 January 28, 1977.

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 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1527 Filed 1-17-77;8:45 am]

[TA-W-1,497]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Steelton, Pennsylvania plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,497). 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 welded pipes, reinforcement bars & other iron and steel products produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1528 Filed 1-17-77;8:45 am]

[TA-W-1,499]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Chesterton, Indiana, Burns Harbor plant of Bethlehem Steel Corp., Bethlehem, Pa. (TA-W-1,499). 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 sheet, strips, plates and tin products; also other products of steel, iron and chrome produced by Bethlehem Steel 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 January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1589 Filed 1-17-77;8:45 am]

[TA-W-1,500]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated December 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 Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania (TA-W-1,500). 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 determine whether absolute or relative increases of imports of articles like or directly competitive with reinforcement bars, and spikes & industrial fasteners produced by Bethelehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to 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 January 28, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adustment Assistance, at the address shown below, not later than January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U. S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade, Adjustment Assistance.

[FR Doc.77-1530 Filed 1-17-77;8:46 am]

[TA-W-1,501]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Johnstown, Pennsylvania plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,501). 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 wire & wire products, axles, wheels & other products of carbon & speciality, steels, iron & brass produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment As-

sistance, 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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1531 Filed 1-17-77;8:45 am]

[TA-W-1,534]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Sparrows Point, Maryland plant of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-1,534). 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 carbon steel sheets, pins, wires and nails produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 28, 1977.

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 January 28, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1532 Filed 1-17-77;8:45 am]

[TA-W-1,521]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 1, 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 Union City, Tennessee plant of Brown Shoe Company, St. Louis, Missouri (TA-W-1,521). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's and women's shoes produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1533 Filed 1-17-77;8:45 am]

[TA-W-1,535]

BURROUGHS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 7, 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 Piscataway, New Jersey plant of Burroughs, Inc. Detroit, Michigan (TA-W-1,535). 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 memory units for computers produced by Burroughs, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1534 Filed 1-17-77;8:45 am]

[TA-W-1,539]

CANTEEN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 3, 1977 the Department of Labor received a petition dated December 7, 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 Edison, New Jersey plant of Canteen Corporation, Chicago, Ill., a wholly owned subsidiary of TWA, New York, New York (TA-W-1,539). 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 serving of food provided by Canteen 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 January 28, 1977.

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 January 28, 1977.

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 3rd day of January, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1535 Filed 1-17-77;8:45 am]

[TA-W-1140]

CENTURY GLOVE 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-1140: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 5, 1976 in response to a worker petition received on October 5, 1976 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing textile work gloves used for product protection at the Newark, New Jersey plant of Century Glove Incorporated, Newark, New Jersey.

No notice of investigation was published in the FEDERAL REGISTER. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Century Glove 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 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, production, or both, of the firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the third criterion has been met, the first, second and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

In the first three quarters of 1976, employment at the Newark plant rose 13.2 percent compared to the same period in 1975. Employment in the fourth quarter of 1975 and in the first three quarters of 1976 was higher than in respective quarters of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of textile work gloves produced at the Newark plant increased in value by 38.3 percent from the first three quarters of 1975 to the first three quarters of 1976. Plant production increased in volume by 30.1 percent from the first three quarters of 1975 to the first three quarters of 1976. Production levels in the fourth quarter of 1975 and in the first three quarters of 1976 were higher than in the respective quarters of the previous year.

INCREASED IMPORTS

Imports of textile and textile/leather work gloves and mittens increased from 599 thousand dozen pairs in 1971 to 2.6 million dozen pairs in 1974 and declined to 2.5 million dozen pairs in 1975. In the first half of 1976, 2.1 million dozen pairs of textile and textile/leather work gloves were imported compared to 1.2 million dozen pairs in the same period in 1975. The ratio of imports to domestic gloves production increased in each year from 1971 through 1975. The ratio of imports to domestic production increased from 8.4 percent in 1974 to 11.0 percent in 1975 and rose from 10.4 percent in the first half of 1975 to 15.4 percent in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the textile work gloves produced by the Standard Glove Company are designed for product protection rather than for hand protection. Customers who bought textile work gloves from Newark plant did not buy imported textile work gloves that are used for product protection.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the textile work gloves produced at the Newark, New Jersey plant of Century Glove Incorporated did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1536 Filed 1-17-77;8:45 am]

[TA-W-1,524]

COCA COLA BOTTLING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated De-

cember 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 Tenco Division, Linden, New Jersey of Coca Cola Bottling Company, Atlanta, Ga. (TA-W-1,524). 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 instant, decafinated and freeze-dried coffee produced by Coca Cola Bottling 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 January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1537 Filed 1-17-77;8:45 am]

[TA-W-1,515]

COPPERWELD STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Copperweld Steel Co., Warren Ohio, a wholly-owned subsidiary of Copperweld Corp., Pittsburgh, Pa. (TA-W-1,515). 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 carbon and alloy steel, bars, and billets produced by Copperweld Steel 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 January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1538 Filed 1-17-77;8:45 am]

[TA-W-1,516]

COPPERWELD CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Copperweld Metallic Division, Glassport, Pennsylvania of Copperweld Corporation, Pittsburgh, Pennsylvania (TA-W-1,516). 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 wires and cables produced by Copperweld Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1539 Filed 1-17-77;8:45 am]

[TA-W-1,513]

CRANE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 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 Crane Company, Pueblo, Colorado, a division of CF & I Steel Corporation, Pueblo, Colorado (TA-W-1,513). Accordingly, the Acting 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 carbon steel wire produced by Crane 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 January 28, 1977.

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 January 28, 1977.

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 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1540 Filed 1-17-77;8:45 am]

[TA-W-1272]

DAVAL MANUFACTURING CO.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 15, 1976 in response to a worker petition dated October 20, 1976, which was filed by the International Leather Goods, Plastics and Novelty Workers' Union on behalf of workers and former workers producing sporting goods at Daval Manufacturing Company, Kansas City, Missouri.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53087). No public hearing was requested and none was held.

During the course of the investigation, it was established that all employment at Daval Manufacturing Company was terminated in October 1974. Section 223 (b)(1) of the Trade Act of 1974 states that a certification under this 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 the filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is October 20, 1976 and, thus, workers terminated prior to October 20, 1975 are ineligible for program benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 7th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1541 Filed 1-17-77;8:45 am]

[TA-W-1,529]

EASTERN PLASTICS OF MAINE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 6, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers of America on behalf of the workers and former workers of Eastern Plastics of Maine, Inc., Sanford, Maine, a Division of Eastern York, Inc., Sanford, Maine (TA-W-1,529). 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 component bottoms (heels) for shoes produced by Eastern Plastics of Maine, 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1542 Filed 1-17-77;8:45 am]

[TA-W-1,526]

ELECTRO MOTIVE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 2, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Communication Workers of America on behalf of the workers and former workers of Electro Motive Corporation, Florence, S.C., a wholly-owned subsidiary of International Electronics Corporation, Florence, S.C. (TA-W-1,526). 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 film capacitors, trimmer capacitors & mica capacitors produced by Electro Motive Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply

for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade, Adjustment Assistance.

[FR Doc.77-1543 Filed 1-17-77;8:45 am]

[TA-W-1,541]

HEAVENLY SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1976 the Department of Labor received a petition dated December 14, 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 Heavenly Shoe Company, Wilkes-Barre, Pennsylvania, a Division of Mallory Randall, Inc., New York, New York (TA-W-1,541). 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 women's dress and casual shoes produced by Heavenly Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with 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 January 28, 1977.

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 January 28, 1977.

The petition field 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 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1544 Filed 1-17-77;8:45 am]

[TA-W-1334]

ITT CORP., HOFFMAN SPECIALTY DIVISION

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-1334: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel, alloy, copper, and brass fittings, valves, couplings, flanges, etc. at the Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division.

The notice of investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54559). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the United Steelworkers of America and ITT Corporation, Hoffman Specialty Division.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of 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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division produces steam valves and temperature regulators.

Evidence developed in the Department's investigation reveals that no involuntary separations occurred from November 1, 1975, one year prior to the signature date of the petition, to the present.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employees at the Indianapolis, Indiana plant of ITT Corporation, Hoffman Specialty Division have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc.77-1545 Filed 1-17-77;8:45 am]

[TA-W-1543]

JACK SEBASTIAN SHOE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 14, 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 Jack Sebastian Shoe, Inc., Wilkes-Barre, Pennsylvania (TA-W-1543). 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 women's casual shoes produced by Jack Sebastian Shoe, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual

or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1546 Filed 1-17-77;8:45 am]

[TA-W-1511]

JONES & LAUGHLIN IND.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 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 Aliquippa, Pennsylvania plant of Jones & Laughlin Industries, Pittsburgh, Pennsylvania (TA-W-1511). Accordingly, the Acting 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 flat rolled products produced by Jones & Laughlin Industries 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 January 28, 1977.

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 January 28, 1977.

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 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1547 Filed 1-17-77;8:45 am]

[TA-W-1512]

JONES & LAUGHLIN IND.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 22, 1976 the Department of Labor received a petition dated December 3, 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 Pittsburgh, Pennsylvania plant of Jones & Laughlin Industries, Pittsburgh, Pennsylvania (TA-W-1512). Accordingly, the Acting 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 flat rolled products produced by Jones & Laughlin Industries 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 January 28, 1977.

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 January 28, 1977.

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 22nd day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1548 Filed 1-17-77;8:45 am]

[TA-W-1532]

JONES & LAUGHLIN STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Jones and Laughlin Steel Corporation, Pittsburgh, Pa. a wholly-owned subsidiary of LTV Corporation, Dallas, Texas (TA-W-1532). 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 carbon steel strip, galvanized, hot rolled bars and cold finished bars produced by Jones and Laughlin Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial

separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1549 Filed 1-17-77;8:45 am]

[TA-W-1528]

JUDSON STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 3, 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 Judson Steel Corporation, Emeryville, California (TA-W-1528). 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 steel reinforcing bar (rebar) produced by Judson Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1550 Filed 1-17-77;8:45 am]

[TA-W-1,522]

KENOSHA CARTAGE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 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 Kenosha Cartage Company, Inc., Kenosha, Wisconsin (TA-W-1,522). 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 deetrmine whether absolute or relative increases of imports of articles like or directly competitive with the transportation of materials to American Motors Corporation provided by Kenosha Cartage Company, Inc., or an appropriate subdvision 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 January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1551 Filed 1-17-77;8:45 am]

[TA-W-1,538]

LADY SUZANNE FOUNDATIONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 1, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workerrs and former workers of Lady Suzanne Foundations, Inc., Brooklyn, New York, a wholly-owned subsidiary of Duplan Corp., New York, New York (TA-W-1,538). 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 Lady Suzanne Foundations, 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1552 Filed 1-17-77;8:45 am]

[TA-W-1,530]

LIGGETT SPRING AND AXLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 6, 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 Liggett Spring and Axle Company, East Monongahela, Pennsylvania (TA-W-1,530). 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 springs and axles produced by Liggett Spring and Axle 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1553 Filed 1-17-77;8:45 am]

[TA-W-1,537]

LONE STAR STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 3, 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 Lone Star Steel Company, Lone Star, Texas (TA-W-1,537). 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 oil field pipes produced by Lone Star Steel 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 patrial 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 January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-1554 Filed 1-17-77;8:45 am]

[TA-W-1186]

MY OWN BLOUSE, 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-1186: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on October 19, 1976 which was filed by the International Ladies' Garment Workers on behalf of workers and former workers producing ladies' blouses at the Philadelphia, Pennsylania plant of My Own Blouse, Inc.

The Notice of Investigaton was published in the FEDERAL REGISTER (41 FR 48815) on November 5, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained from officials of My Own Blouse, Inc., the international Ladies' Garment Workers' Union, and the Pennsylvania State Employment Security Office.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regrad to whether any of the third criterion has been met, criteria (1), (2) and (4) have not been met.

My Own Blouse, Inc. is a one plant facility in Philadelphia, Pennsylvania. All workers at the plant are engaged in employment related to the production of ladies' blouses.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

During the course of the investigation it was determined that there have been no involuntary total or partial separations at the Philadelphia, Pennsylvania plant of My Own Blouse, Inc., since October 1, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production, in quantity, increased 11.3 percent in 1975 compared to 1974 and increased 13.4 percent in the first seven months of 1976 compared to the first seven months of 1975.

CONTRIBUTED IMPORTANTLY

The subject firm's only customer increased its purchases of ladies' blouses in 1976 compared to 1975 and in the fourth quarter of 1975 compared to the same period in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number of employees have not become partially or totally separated from the Philadelphia, Pennsylvania plant of My Own Blouse, Inc. as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1555 Filed 1-17-77;8:45 am]

[TA-W-1,517]

MUENCH-KREUZER CANDLE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 18, 1976 the Department of Labor received a petition dated November 18, 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 Muench-Kreuzer Candle Corporation, Liverpool, New York, a division of Rustcraft Greeting Cards, Dedham, Mass. (TA-W-1,517). 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 candles produced by Muench-Kreuzer Candle Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 18th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1556 Filed 1-17-77;8:45 am]

[TA-W-1,518]

MUENCH-KREUZER CANDLE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 18, 1976 the Department of Labor received a petition dated November 18, 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 Syracuse, New York plants of Muench-Kreuzer Candle Corp., Liverpool, N.Y., a division of Rustcraft Greeting Cards, Dedham, Mass. (TA-W-1,518). 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 candles produced by Muench-Kreuzer Candle Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 18th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1557 Filed 1-17-77;8:45 am]

[TA-W-1,502]

NATIONAL STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Granite City Steel Div., Granite City, Illinois of National Steel Corporation, Pittsburgh, Pennsylvania (TA-W-1,502). 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 flat rolled & corrugated sheet carbon, alloy and galvanized produced by National Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1556 Filed 1-17-77;8:45 am]

[TA-W-1295, 1296]

NU-CAR CARRIERS, INC. AND CENTRAL JERSEY REPAIR

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-1295 and 1296: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on November 22, 1976 in response to worker petitions received on that date which were filed by the Teamsters Union on behalf of workers and former workers providing transportation services at Nu-Car Carriers, Incorporated (TA-W-1295) and Central Jersey Repair (TA-W-1296), Edison, New Jersey.

The notices of investigation were published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53094, 53085). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nu-Car Carriers 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 and production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any one of the above criteria is not satisfied, a negative determination must be made.

Neither Nu-Car Carriers nor Central Jersey Repair produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services is not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-53, 40 FR 54639). The only question presented in this case is whether Ford Motor Company, i.e., a firm which produces an article, namely automobiles, and for whom the service is provided, can be considered the "workers' firm". The Department has also previously determined that an independent firm for which such services are provided cannot be considered the "workers' firm". See Notice of Determination in Nu-Car Driveaway, Inc. (TA-W-393, 41 FR 12749).

Nu-Car Carriers, Incorporated is a transport business licensed and regulated by the Interstate Commerce Commission. Central Jersey Repair is a subdivision of Nu-Car Carriers which provided mechanical maintenance services to Nu-Car at its Edison, New Jersey facility.

Neither Ford Motor Company, on one hand, nor Nu-Car Carriers, on the other is financially or otherwise involved in the business of the other. Nu-Car Carriers owns the facilities necessary to the operation of its business and owns its trucks and equipment. Central Jersey Repair has no association with the Ford Motor Company assembly plant.

The workers upon whose behalf these petitions were filed were hired and are paid by either Nu-Car Carriers or Central Jersey Repair. They are supervised by and subject to the control of Nu-Car Carriers or Central Jersey Repair personnel only. All employment benefits which they enjoy are provided and maintained by Nu-Car Carriers or Central Jersey Repair.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Nu-Car Carriers, Incorporated and Central Jersey Repair, Edison, New Jersey, are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that the Ford Motor Company cannot be considered the "workers' firm". The petitions for trade adjustment assistance are therefore denied.

Signed at Washington, D.C., this 11th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1559 Filed 1-17-77;8:45 am]

[TA-W-1,525]

OHIO FERRO ALLOYS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 6, 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 Brilliant, Ohio plant of Ohio Ferro Alloys Corporation, Canton, Ohio (TA-W-1,525). 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 ferro silicon produced by Ohio Ferro Alloys Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1560 Filed 1-17-77;8:45 am]

[TA-W-1223]

PERRY MANUFACTURING 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-1223: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1976 in response to a worker petition received on November 3, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing ladies' car coats and rain coats at the Perry Manufacturing Corporation, Perryopolis, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51144). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Perry 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.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed at Perry Manufacturing declined 4.2 percent from 1974 to 1975 but increased 48.1 percent in the last quarter of 1975 compared to the last quarter in 1974. Average employment of production workers increased 19.1 percent in the first ten months of 1976 compared to the like period in 1975 and then declined 22.2 percent in November 1976 compared to November 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at Perry Manufactuirng declined 15.0 percent in quantity from 1974 to 1975 but increased 43.6 percent in the last quarter of 1975 compared to the last quarter in 1974. Production increased 3.7 percent in the first ten months of 1976 compared to the like period in 1975 and then fell 60.0 percent in November 1976 compared to November 1975. All production ceased in November 1976 when the plant was shut down for an indefinite period due to lack of orders.

INCREASED IMPORTS

U.S. Imports of women's, misses' and children's coats and jackets increased from 1971 to 1973, declined from 1973 to 1974, and increased again from 1974 to 1975. The ratios of imports to productions and imports to consumption decreased from 1971 to 1974 and then increased from 1974 to 1975. Imports increased 51.5 percent in quantity in the first nine months of 1976 compared to the like period in 1975.

U.S. imports of women's, misses' and children's raincoats increased both absolutely and relative to domestic production and consumption from 1971 to 1972, declined from 1972 to 1974 and rose again from 1974 to 1975. Imports increased 28.2 percent in quantity in the first nine months of 1976 compared to the like period in 1975.

CONTRIBUTED IMPORTANTLY

Perry Manufacturing, an independent contractor, ceased production in November 1976 for an indefinite period due to lack of orders. One of the firm's two customers, which accounted for about 50 percent of sales, ceased all purchases from Perry and switched primarily to overseas contractors which could produce women's coats at a significantly lower cost than Perry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's coats and rain coats produced at Perry Manufacturing Corporation, Perryopolis, Pennsylvania, contributed importantly to the total or partial separation of the workers of such firm.

In accordance with the provisions of the Trade Act of 1974, I make the following certification:

"All workers of Perry Manufacturing Corporation, Perryopolis, Pennsylvania, who became or will become totally or partially separated from employment on or after October 25, 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 6th day of January 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-1561 Filed 1-17-77;8:45 am]

[TA-W-1,542]

PRESTIGE SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 4, 1977 the Department of Labor received a petition dated December 14, 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 Prestige Shoe Company, Wilkes-Barre, Pennsylvania, a Division of Frier Industries, Carlstadt, New Jersey (TA-W-1,542). 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 women's casual shoes produced by Prestige Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partical 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 January 28, 1977.

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 January 28, 1977.

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 4th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1562 Filed 1-17-77;8:45 am]

[TA-W-1,540]

REYNOLDSVILLE IND., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 3, 1977 the Department of Labor received a petition dated December 9, 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 Reynoldsville Industries, Incorporated, Reynoldsville, Pennsylvania (TA-W-1,540). 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 boys' knit shirts produced by Reynoldsville Industries, 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 January 28, 1977.

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 January 28, 1977.

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 3rd day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1563 Filed 1-17-77;8:45 a.m.]

[TA-W-1,520]

RUBBER CORP. OF ARKANSAS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor received a petition dated December 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 Rubber Corporation of Arkansas, DeQueen, Arkansas (TA-W-1,520). 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 athletic and casual footwear produced by Rubber Corporation of Arkansas 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 January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1564 Filed 1-17-77;8:45 am]

[TA-W-1,519]

STANDARD ALLIANCE IND., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976, the Department of Labor received a petition dated December 3, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers & Helpers on behalf of the workers and former workers of Transue & Williams Div., Alliance, Ohio of Standard Alliance Industries, Inc., Chicago, Illinois (TA-W-1,519). 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 rollers, connecting rods and hammers produced by Standard Alliance Industries, 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 January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1565 Filed 1-17-77;8:45 am]

[TA-W-1,523]

STANDEE MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 27, 1976 the Department of Labor receiver a petition dated November 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 Standee Manufacturing Corp., Perth Amboy, New Jersey (TA-W-1,523). 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 icreases of imports of articles like or directly competitive with girls' dresses produced by Standee Manufacturing Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 27th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1566 Filed 1-17-77;8:45 am]

[TA-W-1,148]

TRUE TEMPER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 76-31769 appearing at page 47632 in the FEDERAL REGISTER of October 29, 1976, the date of the petition, appearing on page 47632 is corrected in 1st column, 3rd line, to read "September 26."

Signed at Washington, D.C. this 6th day of January 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1567 Filed 1-17-77;8:45 am]

[TA-W-1343]

U-BRAND CORP.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 1, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of Americea on behalf of former workers distributing iron pipe fittings at the Vernon, California warehouse of U-Brand.

Notice of the investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55609). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of U-Brand's Ashland, Ohio plant (Machine Division) and Shelby, Ohio warehouse were previously certified eligible to apply for adjustment assistance on October 18, 1976 (See TA-W-918).

It was the intent of the existing certification to cover all employees of U-Brand engaged in employment related to the production of iron pipe fittings. The employees at the Vernon, California warehouse perform the same distribution functions for iron pipe fittings as employees in the Shelby, Ohio warehouse and are covered by the existing certification. The current investigation has therefore been terminated.

Signed at Washington, D.C. this 6th day of January, 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1568 Filed 1-17-77;8:45 am]

[TA-W-1,450]

U.S. STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 15, 1976 the Department of Labor received a petition dated November 15, 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 Youngstown, Ohio plant of U.S. Steel Corporation, Pittsburgh, Pa. (TA-W-1,450). Accordingly, the Acting 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 iron and steel products produced by U.S. Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 15th day of December 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1569 Filed 1-17-77;8:45 a.m.]

[TA-W-1,527]

WELLINGTON LEATHER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 28, 1976 the Department of Labor received a petition dated December 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 Wellington Leather, Inc., Peabody, Mass., a wholly-owned subsidiary of Sirois Leather, Inc., Peabody, Mass. (TA-W-1,527). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather outer garments produced by Wellington Leather, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 28th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1570 Filed 1-17-77;8:45 am]

[TA-W-1,536]

WILTON CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On December 30, 1976 the Department of Labor received a petition dated December 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 Winchester, Tennessee plant of Wilton Corporation, Des Plaines, Illinois (TA-W-1,536). 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 consumer and workbench vises produced by Wilton Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 28, 1977.

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 January 28, 1977.

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 30th day of December 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-1571 Filed 1-17-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Advisory Committee for Minority Programs in Science Education is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group:* Advisory Committee for Minority Programs in Science Education.

2. *Purpose:* Section 7 of the Joint Explanatory Statement of the Committee of Conference of the House and Senate on H.R. 12566 strongly urges the appointment of an advisory committee, including minority scientists, to participate in the evaluation and assessment of activities related to the Minority Centers for Graduate Education Program. The Committee will also provide advice on other Foundation programs specifically designed to promote increased participation by disadvantaged ethnic minorities in science and engineering careers.

3. *Effective Date of Establishment and Duration:* The establishment of the Advisory Committee for Minority Programs in Science Education is effective upon filing the charter with the Director, NSF, and with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The Advisory Committee for Minority Programs in Science Education will continue for two years from the effective date.

4. *Membership:* Membership of the Advisory Committee for Minority Programs in Science Education will consist of 12 members, not less than 7 of whom are representative of minority scientists, institutions with substantial minority enrollment and groups which serve important functions within the minority community. Not less than 3 of the 12 members are to be nonscientists. There will be no discrimination on the basis of race, color, national origin, religion or sex in the appointment of committee members.

5. *Advisory Group Operation:* The Advisory Committee for Minority Programs in Science Education will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions in implementation of the Act.

RICHARD C. ATKINSON,
Acting Director.

[FR Doc.77-1576 Filed 1-17-77;8:45 am]

TASK GROUP NO. 14, ADVISORY COMMITTEE FOR RESEARCH

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 14 of the Advisory Committee for Research.
Place: Room 421, National Science Foundation, 1800 G Street NW, Washington, D.C. 20550.
Date: February 3-4, 1977.
Time: 9 a.m. each day.
Type of meeting: Open.
Contact person: Mr. Leonard F. Gardner, Executive Secretary, Advisory Committee for Research, National Science Foundation, Room 307, Washington, D.C. 20550 Telephone: 202-632-4278.
Purpose of the task group: The purpose of the Task Group, composed of members of the Advisory Committee for Research, is to provide the full Committee with a mechanism to consider numerous issues of interest to the Committee that have been assigned by the National Science Foundation.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.
Tentative agenda: February 3-4. To review draft material for the revised NSF Grant Policy Manual.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77-1575 Filed 1-17-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13152; File Nos. SR-MCC-76-4 and SR-MSTC-76-13]

MIDWEST CLEARING CORP. AND MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 22, 1976, the above-mentioned self-regulatory organizations filed with the Securities Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Institutional Pledge Account, a central depository service for book entry pledge of securities underlying option writing programs, allows Institutional Participants to pledge deposited securities to the benefit of Options Clearing Corporation (OCC) to collateralize short option positions.

Previously, Institutional Participants wishing to collateralize a short position usually issued an Escrow Receipt which was delivered to the OCC member in lieu of the securities and satisfied the collateral requirements of both the broker/dealer and OCC. An Escrow Receipt, however, may only be issued by a bank with a minimum of $20 million in stockholders' equity and an institution may only issue escrow receipts for securities having a market value not exceeding 10% of the bank's stockholders' equity. In addition, Escrow Receipts necessitate extensive bookkeeping and create timing and coordination difficulties.

Through the Institutional Pledge Account, the Institutional Participant submits a Pledge of Collateral Form which initiates a book entry movement of the security position from the Depository Free Positon of the Institution's Regular Account to the Depository Free Positon of the Institution's Pledge Account. The book entry movement can be processed either versus free or "for payment". If "for payment" a cash adjustment is made within the system debiting the OCC member's (broker's) account and crediting the Institution's Pledge Account with the corresponding net premium monies. Release of Collateral, either upon expiration, closing purchase transaction, or assignment of the option, is also within the system after approval by OCC and the OCC member. If the transaction is "for payment", net exercise value funds move from the OCC member to the Institution's Pledge Account.

SCHEDULE OF CHARGES
MIDWEST INSTITUTIONAL PLEDGE ACCOUNTS

Account charges

Pledge Account—symbol maintenance fee (in addition to monthly charges for regular MSTC/MCC Account): $50 per month.

Activity charges

(a) Pledge of Collateral movement from participant's regular account to participant's pledge account: $.65 per position to both accounts.

Premium monies credited to participant's pledge account from OCC member's account: No charge.

(b) Release of Collateral movement from participant's pledge account to participant's regular account (expiration) or from participant's pledge account to OCC member's account (assignment) or from participant's pledge account to participant's regular account (closing purchase transaction): $.65 per position to both accounts.

Exercise monies (assignment) credited to participant's pledge account and debited from OCC member's account: No charge.

Premium monies (closing purchase transaction) credited to OCC member's account and debited from participant's pledge account: No charge.

Safekeeping charges

The new Pledge account will establish positions separate from the regular MSTC/MCC Account.

Safekeeping (maximum charge $3,000/month: $.45/position/month; $.015/1,000 shares month.

Dividend credit: $.25 per position credited.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

The purpose of the proposed rule changes is to establish an Institutional Pledge Account, a central depository service for book entry pledge of securities underlying option writing programs, which allows institutional participants to pledge deposited securities to the benefit of Options Clearing Corporation (OCC) to collateralize short option positions. The proposed rules also provide for attendant fees.

The proposed rule changes remove impediments to the prefection of a national market system by allowing such institutional participation, and represent an equitable allocation of reasonable fees among participants.

Comments have not been received.

The Midwest Clearing Corporation and the Midwest Securities Trust Company believe that no burden has been placed on competition. On or before February 22, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organizations consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing rule changes. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before February 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 11, 1977.

[FR Doc.77-1604 Filed 1-17-77;8:45 am]

[Release No. 34-13154; File No. SR-MSTC-76-15]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 20, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commisison a proposed rule change as follows:

Brackets indicate deletions and *italics* indicate new material

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE, RULE 3, SECTION 6, MIDWEST SECURITIES TRUST COMPANY

PLEDGEE POSITION REPORT

Sec. 6 [Each business day] There shall be made available to each Pledgee Participant a Pledgee Position Report *as frequently as the Corporation from time to time may determine* for each pledgee account of such Participant, showing, among other things, in respect of each security credited to such account:

(1) The quantity of such security credited to such account as the close of business on the business day preceding the date of the report.

(2) The identity of the Participant or Participants credited with corresponding pledged positions.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to allow the Midwest Securities Trust Company the discretion to determine how often Pledge Position Reports are generated, while requiring that such reports reflect the account as of the close of business preceding the date of the report. Such discretion is required to provide flexibility based on activity, so that an unnecessary and costly amount of reports are not generated.

The proposed rule change promotes the prompt and accurate settlement of securities transactions as a result of eliminating unnecessary generation of reports and unnecessary and time-consuming review by participants.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burden has been placed on competition.

On or before February 22, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 8, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1977.

[FR Doc. 77-1602 Filed 1-17-77;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 Secuirties 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]

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]

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[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).

[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 Schedules 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.77-1606 Filed 1-17-77;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-7/16]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on February 15, 1977 in the Forum Room, Office of Telecommunications, U.S. Department of Commerce, 1325 G Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with: matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The agenda for the meeting will include the following:

1. Review status of work under way.
2. Review of documents ready for U.S. Study Group 1 consideration and approval.
3. Discussion and recommendations for Study Group 1 working arrangements.
4. Future meeting schedule.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Admittance of public members will be limited to the seating available.

Dated: January 7, 1977.

JOHN J. O'NEILL, Jr.,
Director, Office of International Communications Policy.

[FR Doc.77-1463 Filed 1-17-77;8:45 am]

DEPARTMENT OF THE TREASURY

[Treasury Department Order No. 246]

INSPECTOR GENERAL FOR INTERNATIONAL FINANCE, ET AL.

Authority Delegation Implementing of Executive Order 11905

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by Reorganization Plan No. 26 of 1950 and pursuant to Executive Order 1195, it is ordered as follows:

1. *The Inspector General for International Finance* (hereinafter the Inspector General) shall assume for the Treasury Department the duties and responsibilities established under Executive Order 11905 (hereinafter Executive Order) for Inspectors General within the Intelligence Community.

2. *The General Counsel* shall assume for the Treasury Department the duties and responsibilities established under the Executive Order for General Counsels within the Intelligence Community.

3. *The Inspector General* shall inform in writing all employees in the Office of the Assistant Secretary for International Affairs (OASIA) and in the Office for National Security (ONS) of the restrictions on intelligence activities contained in Section 5 of the Executive Order and obtain a written acknowledgment from each such employee that he has read the materials provided by the Inspector General. Heads of inspection services of Treasury Department Bureaus shall provide a copy of Section 5 of the Executive Order to each employee within their bureau.

4. *Treasury Department employees* shall report in confidence to the Inspector General, the General Counsel, or the head of the inspection service of their bureau any matters which they feel raise questions of propriety or legality under the Executive Order.

5. *The Inspector General* shall review at appropriate intervals intelligence activities of OASIA and ONS to determine whether any such activities raise questions of propriety under the Executive Order. Any questions arising from this review as to the legality of such activities shall be referred by the Inspector General to the General Counsel. In connection with the activities of the OASIA representatives stationed overseas, the Inspector General shall seek to make appropriate arrangements with the State Department to provide for adequate inspection while avoiding duplication of inspection activities by the State and Treasury Departments.

6. *The inspection service within a bureau* shall review at appropriate intervals the activities of the bureau in its relations with U.S. foreign intelligence agencies to determine whether such activities raise questions of legality or propriety. Any questions of legality or propriety arising from this review shall be referred to the General Counsel. The procedures established by Treasury Department Order No. 24, which provides for coordination and review of support arrangements between the Treasury Department and U.S. foreign intelligence agencies, shall remain in full force and effect.

7. *Treasury Department employees* shall cooperate with the Inspector General, the General Counsel, and the inspection service within their bureau and shall make available all necessary data to allow those officials to perform their duties and responsibilities under this Order.

Dated: January 10, 1977.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.77-1488 Filed 1-17-77;8:45 am]

Office of the Secretary

TREASURY NOTES OF JANUARY 31, 1979

Series L-1979

[Public Debt Series, No. 1-77]

JANUARY 13, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $2,500,000,000, or thereabouts, of securities of the United States, designated Treasury Notes of January 31, 1979, Series L-1979 (CUSIP No. 912827 GJ 5). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined as set forth below. Additional amounts of these securities may be issued to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 3, 1977, and will bear interest from that date, payable on a semiannual basis on July 31, 1977, and each 6 months thereafter on January 31 and July 31 until the principal amount becomes payable. They will mature January 31, 1979, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The securities will be subject to the general regulations of the Department of the Treasury governing United

States securities, now or hereafter prescribed.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, January 19, 1977. Noncompetitive tenders, as defined below, will be considered timely if postmarked no later than Tuesday, January 18, 1977.

3.2. Each tender must state the face amount of securities bid for, which must be $5,000 or a multiple thereof. Competitive tenders must show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers, provided the names of the customers and the amount for each customer are furnished. Others will not be permitted to submit tenders except for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and political subdivisions or instrumentalities thereof; public pension and retirement and other public funds; international organizations in which the United States holds membership, foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediatly after the closing hour, tenders will be opened, following which public announcement will be made of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the average price of accepted competitive tenders.

3.6. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. Those submitting noncompetitive tenders will not be notified except when the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of aplicants when he deems it to be in the public interest, and the Secretary's action in any such respect shall be final.

5. PAYMENT AND DELIVERY

5.1. Settlement for securities allotted hereunder must be made or completed on or before Thursday, February 3, 1977, at the Federal Reserve Bank or Branch, or the Bureau of the Public Debt, Wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, January 31, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, January 28, 1977, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be deemed to have been completed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for securities allotted hereunder are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the presented securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered herein) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered herein) to be delivered to (name and address)." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for the securities offered herein, when such securities are available, at any Federal Reserve Bank or Branch, or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive ten-

ders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.77-1648 Filed 1-17-77; 10:35 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 306]

ASSIGNMENT OF HEARINGS

JANUARY 13, 1977.

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 13250 (Sub-132), J. H. Rose Truck Line, Inc., now assigned February 23, 1977 at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 124154 (Sub-57), Wingate Trucking Company, Inc., Extension—Agricultural Chemicals; MC 124154 (Sub-59), Wingate Trucking Co., Extension—Georgia Ground Clay; MC 124154 (Sub-63), Wingate Trucking Company, Inc., Extension—Dale County, Alabama and

MC 124154 (Sub-68), Wingate Trucking Company, Inc., now assigned February 24, 1977 at Atlanta, Ga., will be held in Room 305 1252 West Peachtree St. NW.

MC 59150 (Sub-90), Ploof Truck Lines, Inc., now assigned February 28, 1977 at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St. NW.

MC 119641 (Sub-134), Ringle Express, Inc., now assigned March 2, 1977 at Atlanta, Ga., will be held in Room 305 1252 West Peachtree St. NW.

No. MC 142107 (Sub-No. 1), H & M Trucking Co., now assigned January 25, 1977, at Chicago, Ill. will be held in Room 1119, Everett McKinley Dirksen Bldg., 219 South Dearborn St., instead of Room 1944C.

No. MC 82841 (Sub-No. 170), Hunt Transportation, Inc., now assigned January 27, 1977, at Chicago, Ill. will be held in Room 1119, Everett McKinley Dirksen Building, 219 South Dearborn St., instead of Room 1944C.

MC 140829 (Sub-No. 10), Cargo Contract Carrier, Corp., now assigned January 28, 1977, at Omaha, Neb. is canceled and application dismissed.

MC 141956 (Sub-No. 1), Area Container Service, Inc., now assigned January 17, 1977, at Chicago, Ill. is canceled and application dismissed.

No. MC-F-12884, O'Boyle Tank Lines, Inc., Control and Merger—Shipley Transfer, Inc., et. al., now assigned February 22, 1977, at Washington, D.C., is postponed to March 1, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 28322, Chicago, South Shore and South Bend Railroad Discontinuance of All Passenger Train Service now being assigned January 24, 1977, for continued hearing and will be held in Room 1903, Everett Mckinley Dirksen Building, 219 South Dearborn St.

MC 142246, Van Wyk, Inc., now assigned February 23, 1977, at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 124211 (Sub-274), Hilt Truck Line, Inc., now assigned February 24, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 135007 (Sub-57), American Transport, Inc., now assigned February 28, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 1263 (Sub-21), McCarty Truck Line, Inc., now assigned March 1, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 138328 (Sub-30), Clarence L. Werner, d/b/a Werner Enterprises, now assigned March 3, 1977 at Omaha, Neb.; will be held in Room 616, Union Pacific Plaza, 110 North 14th St.

MC 119726 Sub 74, N.A.B. Trucking Co., Inc., now being assigned April 12, 1977 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 95540 (Sub-949), Watkins Motor Lines, Inc., now being assigned April 13, 1977 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 136315 (Sub-13), Olen Burrage Trucking, Inc., now being assigned April 20, 1977 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 113267 Sub 336, Central & Southern Truck Lines, Inc.; MC 118142 Sub 130, M. Bruenger & Co., Inc., and MC 127042 Sub 173, Hagen, Inc., now being assigned April 18, 1977 (2 days), at New Orleans, La., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1588 Filed 1-17-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 13, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 2, 1977.

FSA No. 43299—*Joint Rail-Water Container Rates—Great Lakes and European Lines, Inc.* Filed by Great Lakes and European Lines, Inc., (No. 1), for itself and interested rail carriers. Rates on general commodities, between rail and water carrier terminals on the U.S. Pacific Coast Seaboard, and ports and terminals in Europe.

Grounds for relief—Water competition.

Tariffs—Great Lakes and European Lines, Inc., tariffs I.C.C. No. 3, F.M.C. No. 5 (Westbound), and I.C.C. No. 4, F.M.C. No. 6 (Eastbound). Rates are published to become effective on February 10, 1977.

FSA No. 43300—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc., (No. 91), for itself and interested rail carriers. Rates on household goods, personal effects, and unaccompanied baggage, between ports in Japan, Korea, Hong Kong, Taiwan, Philippines, Singapore and Thailand, and rail carriers terminals at U.S. Atlantic and Gulf Seaport cities.

Grounds for relief—Water competition.

Tariff—Sea-land Service, Inc., tariff No. 266, I.C.C. No. 109, F.M.C. No. 147. Rates are published to become effective on February 10, 1977.

FSA No. 43301—*Beet or Cane Sugar from Points in California and Serape, Arizona.* Filed by Trans-Continental Freight Bureau, Agent, (No. 513), for interested rail carirers. Rates on sugar, beet or cane, other than liquid, in carloads, as described in the application, from specified points in California and Serape, Arizona, to specified points in Illinois, Indiana, Iowa, Kentucky, Missouri, and Wisconsin.

Grounds for relief—Rate relationship and returned shipments.

Tariff—Supplement 43 to Trans-Continental Freight Bureau, Agent, tariff 2-N, I.C.C. No. 1935. Rates are published to become effective on February 10, 1977.

FSA No. 43302—*Returned Shipments of Petroleum Residual Fuel Oil from Points in Southwestern Territory to Points in Official Territory.* Filed by Southwestern Freight Bureau Agent, (No. B-650), for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, as described in the application, from points in southerwestern territory, including Kansas and Missouri, to points in official territory; also returned shipments in the reverse direction.

Grounds for relief—Rate relationship, returned shipments.

Tariff—Supplement 84 to Southwestern Freight Bureau, Agent, tariff SW/E-133-K, I.C.C. No. 5106. Rates are published to become effective on February 17, 1977.

By the Commission,

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1589 Filed 1-17-77;8:45 am]

[Ex Parte No. 55 (Sub-No. 8A)]

GATEWAY ELIMINATION PROJECT

Investigation of Fuel, Time, and Cost Savings

JANUARY 12, 1977.

At a General Session of the Interstate Commerce Commission, held at its office

in Washington, D.C., on the 27th day of December, 1976.

It appearing, That this Commission's gateway elimination regulation (49 CFR 1065), as promulgated in *Gateway Elimination*, 119 M.C.C. 530 (1974), was adopted for the purpose of eliminating wasteful fuel practices in a manner consistent with the National Transportation Policy declared by the Congress; that by order of February 23, 1976, the Commission, acting pursuant to the provisions of section 204 of the Interstate Commerce Act, instituted an investigation in this proceeding for the purpose of assessing the fuel, cost, and time savings engendered by the Gateway Elimination Project; that the Commission's Bureau of Economics was authorized to undertake the investigation with the specific objective of determining annual savings respecting costs, manhours, mileage, and fuel; and that by the order of February 23, 1976 (referred to above), and by supplemental order of June 14, 1976, a total of 144 motor common carriers, each of which had received authority pursuant to the regulation, were authorized to comply with informational requests of the Bureau of Economics thereby enabling the Bureau to effectuate its task;

It further appearing, That the Bureau of Economics has issued a report containing findings on the issues noted in the preceding paragraph; that a copy of the report, entitled "Report of Gateway Elimination Savings Ex Parte No. 55 (Sub-No. 8A)" is annexed to this order; [1] and that a synopsis of the report's contents appears in the next paragraph below;

If further appearing, That the initial portion of the Bureau's report is devoted to a brief, general discussion of the history and nature of the Gateway Elimination Project, followed by a concise statement of the Bureau's objective in making this study; that the report then indicates the results of the Bureau's study and the method utilized in reaching these results; that inasmuch as its findings are based on information acquired from a sampling of all motor carriers affected by the regulation in 49 CFR 1065, the Bureau acknowledges that "there is a standard error associated with each," but that "one can state with a 90 percent confidence that the true savings lie between the lower and upper limits" delineated; that, specifically, the Bureau found that savings (for the year July 1, 1975 to June 30, 1976), were as follows: (1) *vehicle miles:* 63,270,006 (lower limit being 40,471,466 and upper limit being 86,068,546), (2) *gallons of fuel:* 13,936,396 (lower limit being 8,669,838 and upper limit being 19,202,954), (3) *dollars:* 37,156,044 (lower limit being 24,398,496 and upper limit being 49,913,595, and (4) *manhours:* 1,729,957 (lower limit being 1,085,256 and upper limit being 2,374,658); that the Bureau also indicated that actual annual savings would probably be somewhat higher upon final disposition of presently pending "gateway elimination" applications; that the Bureau estimates total annual savings will be as follows: (1) *vehicle miles:* 96,977,000 (lower limit being 74,179,000 and upper limit 119,776,000), (2) *gallons of fuel:* 21,329,000 (lower limit being 14,147,000 and upper limit being 28,510,000), (3) *dollars:* 58,506,000 (lower limit being 41,109,000 and upper limit being 75,902,000), and (4) *manhours:* 2,690,000 (lower limit being 1,811,000 and upper limit being 3,569,000); that, moreover, the Bureau has expressed its belief that these savings may increase in time as carriers take greater advantage of their newly acquired operating authorities; that the Bureau also made a general finding that the Gateway Elimination Project was beneficial to motor carriers in other areas including ecology, conservation, highway safety, and increased service availability; and that, the Bureau having completed its authorized task, this proceeding should be discontinued; and good cause appearing therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, discontinued.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1430 Filed 1-17-77;8:45 am]

[1] Filed as part of the original document.

[Notice No. 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the 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 2098 (Sub-No. 5 TA), filed December 30, 1976. Applicant: MERLIN D. BRAMMER AND GALEN R. BRAMMER, doing business as BRAMMER TRUCK LINE, 308 N. 9th St., Sabetha, Kans. 66534. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dust pollution control equipment*, from the plant facilities of MAC Equipment, Inc., at or near Sabetha, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MAC Equipment, Inc., P.O. Box 184, Sabetha, Kans. 66534. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 26396 (Sub-No. 138 TA), filed December 29, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: David Waggoner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Des Moines, Iowa, to points in California, Colorado, Idaho, Montana, Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard E. Schrick, Agricultural Transportation Supervisor, Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 53965 (Sub-No. 124 TA), filed December 29, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 S. Ohio, P.O. Box 1387, Salina, Kans. 67401. 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: *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facility utilized by Geo. A. Hormel & Co., at or near Fremont, Nebr., to points in Kansas and Missouri, restricted to product originating at named origin and destined to named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Company, Box 800, Austin, Minn. 55912.

Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 56244 (Sub-No. 51 TA), filed December 30, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third St., P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen commodities and commodities in bulk), from the facilities utilized by California Canners and Growers, at Chambersburg, Pa., and points in Adams County, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, for 180 days. Supporting shipper: California Canners and Growers, 3100 Ferry Blvd., San Francisco, Calif. 94106. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 106497 (Sub-No. 138TA), filed December 30, 1976. Applicant: PARK-HILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and mouldings*, from the plantsite of A & E Doron Plastics, at Union, Mo., to points in Arizona, California, Florida, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A & E Doron Plastics, Union Industrial Court, Union, Mo. 63084. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 107295 (Sub-No. 841TA), filed December 29, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic building materials, tile, flooring and moldings*, from the plantsite of A & E Doron Plastics, at Union, Mo., to points in Arizona, California, Florida, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dennis Allemann, Traffic Manager, A & E Doron Plastics, Union Industrial Court, Union, Mo. 63084. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 110525 (Sub-No. 1178TA), filed December 30, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boron trifluoride gas*, in manifold tube trailers, from Marcus Hook, Pa., to Port St. Joe, Fla., and Quapaw, Okla., for 180 days. Supporting shipper: Allied Chemical Corporation, P.O. Box 1087R, Morristown, N.J. 07960. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111274 (Sub-No. 16TA), filed December 29, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Benjamin G. Schmidgall, Rt. 98, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and components* used in the manufacturing of grain elevators. Restriction: All materials will have subsequent movement: (1) from Parsipanny, N.J.; Scottsdale, Ga.; Maysville, Ky.; Hazel Park, Mich.; Houston, Dallas and Ft. Worth, Tex.; Valley, Nebr.; St. Louis, Mo.; Waterloo and Muscatine, Iowa, to the facilities of Hunter Mfg., at or near Blair, Nebr., and Mackinaw, Ill.; and (2) between the facilities of Hunter Mfg., at or near Blair, Nebr., and Mackinaw, Ill., under a continuing contract with Hunter Mfg., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hunter Mfg., Inc., William E. Hunter, President, Box 707, 201 N. Main, Mackinaw, Ill. 61755. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 113678 (Sub-No. 646TA), filed December 30, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, carpets, rugs, and related articles and equipment* used in the installation of carpeting, from Winchester, Tenn., to points in Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Kansas, Washington, Oregon, California, Texas and points in Nebraska on and west of U.S. Highway 81, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E & B Carpet Mills, Inc., 901 Showalter Ave., Dalton, Ga. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 117940 (Sub-No. 205TA), filed December 22, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from Savannah, Ga., to the facilities of S.S. Kresge Company, in Illinois, Iowa, Minnesota, Missouri and Wisconsin, restricted to traffic originating at the named origin point and destined to the named facilities, for 180 days. Supporting shipper: S. S. Kresge Company, 3100 W. Big Beaver, Troy, Mich. 48084. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U. S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 193TA), filed December 30, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Picture frames, plastic products, and related advertising materials and supplies*, from Worcester, Mass., to points in Alabama, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin and the District of Columbia, for 180 days. Supporting shipper: Frem Corporation, P.O. Box 4, Webster Square Station, Worcester, Mass. 01603. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 118202 (Sub-No. 66TA), filed December 29, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. 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 (except commodities in bulk, in tank vehicles, and hides), from the plant site and storage facilities of Royal Packing Company, Inc., located at or near National Stockyards, National City, Ill., to Danbury and Stamford, Conn.; Boston and Springfield, Mass.; Hawthorne and Patterson, N.J.; New York and Utica, N.Y.; and Philadelphia, Pa., for 180 days. Supporting shipper: Royal Packing Company, Inc., P.O. Box 156, St. Claire Ave., and Iceplant Road, National Stockyards, Ill. 62071. Send protests to:

Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119726 (Sub-No. 78TA), filed December 27, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road., Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and corrugated cartons*, from the plantsite of Owens-Illinois, located at Alton, Ill., and its warehouses, located within 40 miles of Alton, Ill., in the states of Missouri and Illinois, to Fort Smith, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 E. Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 123819 (Sub-No. 40 TA), filed December 29, 1976. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, Tenn. 38116. Applicant's representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags*, from Memphis, Tenn., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, New Mexico, Ohio, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McDowell Industries, Inc., P.O. Box 2087, 711 Linden Ave., Memphis, Tenn. 38101. Send protests to: Allan D. McConnell, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 100 N. Main St., Suite 2006, Memphis, Tenn. 38103.

No. MC 123872 (Sub-No. 62TA), filed December 28, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). 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 hides and commodities in bulk), from the plantsites and storage facilities of Swift & Company, at Des Moines, Glenwood, Marshalltown, Sioux City, Iowa and Omaha, Nebr.; to points in Virginia, North Carolina, South Carolina, Tennessee (except Memphis) and points in Georgia on and north of U.S. Highway 80, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Mart Office Bldg., 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 124328 (Sub-No. 110TA), filed December 30, 1976. Applicant: BRINK'S INCORPORATED, Suite 710, One Crossroads of Commerce, Algonquin Rd. and Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, securities, and other rare or valuable documents or items*, from Gorham, N.H., to Lewiston, Maine, under a continuing contract with White Mountain Trust Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: White Mountain Trust Co., Barbara Brynes, Treasurer, 10 Exchange St., Gorham, N.H. 03581. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 128685 (Sub-No. 23TA), filed December 30, 1976. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed animal feeds*, in bulk and in bags, from Morrill and Gering, Nebr., to points in Montana and Wyoming and that part of the state of South Dakota lying west of the Missouri River, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John R. Jirdon Industries, Inc., Morrill, Nebr. 69358. Send protests to: Paul A. Naughton, District Supervisor, Room 105 Federal Bldg., and U.S. Courthouse, 111 S. Wolcott St., Casper, Wyo. 82601.

No. MC 129613 (Sub-No. 23TA), filed January 3, 1977. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Paducah, Ky., and its commercial zone, to points in Virginia, North Carolina, and South Carolina, under a continuing contract with Cramer Veneers, Inc., for 180 days. Supporting shipper: Cramer Veneers, Inc., Box 1363, High Point, N.C. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 133095 (Sub-No. 126TA), filed December 29, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2210 S. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Kim G. Meyer, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications*, from the warehouse and storage facilities of Magazine Shipper Association, Inc., at or near Bridgeport, Conn., to points in Louisiana, Missouri, Illinois, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Texas, Colorado, Utah, New Mexico, Arizona, California, Oregon, Washington, Indiana, Kentucky, Tennessee, and Michigan, for 180 days. Supporting shipper: Magazine Shippers Association, Inc., 955 Union Ave., Bridgeport, Conn. 06607. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133689 (Sub-No. 96TA), filed December 29, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. 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: *Pallets and pallet parts, wooden*, from the plantsite and storage facilities of Atlanta Southern Corporation, located at or near Loganville, Ga., to Fremont, Nebr.; Austin, Minn.; and Fort Dodge and Ottumwa, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Atlanta Southern Corporation, 7200 Washington St., Covington, Ga. 30209. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133689 (Sub-No. 97TA), filed December 27, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. 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 commodites in bulk), from the plantsite and storage facilities of Landy of Wisconsin, Inc., located at or near Eau Claire, Wis., to Raleigh, Durham, and Charlotte, N.C.; Columbia, S.C.; Atlanta and Tucket, Ga.; Detroit and Livonia, Mich.; North Baltimore and Cleveland, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landy of Wisconsin, Inc., Eau Claire, Wis. 54701. Send Protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commis-

sion, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 131TA), filed December 29, 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: *Fresh meats and packinghouses products* (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Foods Corporation, located at or near Albert Lea, Minn., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wilson Foods Corporation, P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 132TA), filed December 29, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mandota 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 the plantsite and storage facilities utilized by Landy of Wisconsin, Inc., at or near Eau Claire, Wis., to points in Connecticut, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Landy of Wisconsin, Inc., Eau Claire, Wis. 54701. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135874 (Sub-No. 64TA), filed December 29, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th St., South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen egg products*, from the facilities of Heying Foods, Inc., at West Union, Iowa, to points in Kansas, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to shipments originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunnytime Foods, Inc., 8405 Prairie Ave., Des Moines, Iowa 50322. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 136212 (Sub.No. 19TA), filed December 27, 1976. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, Nebr. 69138. Applicant's Reptresentative: Frederick J. Coffman, 521 S. 14th St., P.O. Box 81849, 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*, 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 a point at or near Darr, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Darold E. Mapes, Traffic Manager, Midwestern Beef, Inc., Platte Valley Division, P.O. Box 166, Cozad, Nebr. 69130. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136228 (Sub-No. 26TA), filed December 27, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway No. 1, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip Skofstad, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef carcasses, fresh, frozen meat, from* Wallula, Wash., to Portland, Clackamas, Sublimity, Eugene, and Medford, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138144 (Sub-No. 15TA), filed December 29, 1976. Applicant: FRED OLSON CO., INC., 6022 W. State St., Wilwaukee, Wis. 53213. 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: *Lumber, lumber products, lumber mill products, poles, posts and pilings* (except commodities in bulk), from Beardstown, Ill., to Milwaukee and Green Bay, Wis., for 180 days. Supporting shipper: Casswood Treated Products Company, R.R. 1, P.O. Box 193B, Beardstown, Ill. 62618. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 139193 (Sub-No. 51TA), filed December 28, 1976. Applicant: ROBERTS & OAKE, INC., 527 E. 52d St., North, P.O. Box 1356, Sioux Falls, S. Dak. 57101. Applicant's representative: Jacob P. Billig, Suite 300, 2033 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen sausage*, from Sioux Falls, S. Dak., to points in Iowa, Minnesota, Nebraska, North Dakota, Oregon and Washington, under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140010 (Sub-No. 8TA), filed December 27, 1976. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-cellular plastic sheeting*, in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to Selma, Ala., under a continuing contract with E. I. du Pont de Nemours and Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. du Pont de Nemours and Company, Transportation & Distribution Department, 1007 Market St., Wilmington, Del. 19898. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140484 (Sub-No. 21TA), filed December 28, 1976. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Ave., Fort Myers, Fla. 33901. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, electric gear motors, power transmission equipment and machinery and controllers or controller parts and parts and accessories therefor;* from Lawrenceburg, Ky., to points in Arizona,

California, Colorado, Nebraska, New Mexico, Oregon, Utah, Washington, Oklahoma, Louisiana and Texas, for 180 days. Supporting shipper: Reliance Electric Company, 24701 Euclid Ave., Cleveland, Ohio 44117. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53d Terrace, Miami, Fla. 33166.

No. MC 140743 (Sub-No. 14TA), filed December 20, 1976. Applicant: GORSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada, located in Michigan and New York, to Bardstown, Ky., restricted to traffic originating at the plant of Gilbey's Canada Limited in Toronto, Ontario, and destined to the plantsite of Barton Brands, Inc., in Bardstown, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilbey's Canada Limited Assistant Warehousing Manager, Anthony Dias, 400 Kipling Ave., Toronto, Ontario, Canada M8V 3L2. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 140829 (Sub-No. 37TA), filed December 27, 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 Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and 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 commodities in bulk), from the plantsite or storage facilities utilized by Mellman Food Industries, at or near Sioux Falls, S. Dak., to points in Massachusetts, New York and Pennsylvania. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the named origin and destined to points in the above-named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lester Pucik, Traffic Manager, Mellman Food Industries, P.O. Box 1465, Sioux Falls, S. Dak. 57101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140875 (Sub-No. 2TA), filed December 30, 1976. Applicant: LONGVIEW HAULING, INC., 2401 Cavitt, P.O. Box 3955, Bryan, Tex. 77801. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewers grain, liquid brewers yeast, liquid brewers grain concentrates and brewers grain mixtures*, in bulk, from Longview, Tex., to Olive Branch, Miss., under a continuing contract with Murphy Products Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Murphy Products Co., Inc., 124 Dodge St., Burlington, Wis. Send protests to: John P. Mensing, District Supervisor, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 142303 (Sub-No. 1TA), filed December 29, 1976. Applicant: CUTLER & LEE, INC., Route 73 & Regent Ave., Maple Shade, N.J. 08052. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles for salvage*, from points in New York, Connecticut, Pennsylvania, Delaware and Maryland, to South Plainfield, N.J., under a continuing contract with Fireman's Fund Insurance, dba Falcon Customer Service Center, Fireman's Fund Customer Service Center, South Plainfield, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fireman's Fund Insurance Co., 110 Sylvania Place, South Plainfield, N.J. 07080. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 E. State St., Room 204, Trenton, N.J. 08608.

No. MC 142320 (Sub-No. 1TA), filed December 30, 1976. Applicant: FLEMING TRANSPORT COMPANY, Box 337, Long Lake, Minn. 55356. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and parts and accessories*, from Long Lake, Minn., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wisconsin; and (2) *Parts, materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in Colorado, Connecticut, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Washington and Wisconsin, to Long Lake, Minn., both (1) and (2) above are under a continuing contract with Fleming Manufacturing Co., Inc., for 180 days. Supporting shipper: Fleming Manufacturing Co., Inc., Box 337, Long Lake, Minn. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142669 (Sub-No. 3TA), filed December 28, 1976. Applicant: GENE WALTERS AND CLARK WURTELE, doing business as, M & M TRUCKING, Buchanan, N. Dak. 58420. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in hopper bottom trailers, from Minneapolis, St. Paul, Savage and Pine Bend, Minn., to points in Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agro Supply, Box 20256, Billings, Mont. 59104. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142678TA, filed December 23, 1976. Applicant: BREWER'S CITY DOCK, INC., 24 Pine Ave., Box 901A, Holland, Mich. 49423. 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: *Industrial sand*, in bulk, from the facilities of the Nugent Sand Company, at Muskegon, Mich., and its commercial zone, to Defiance, Ohio, for 180 days. Supporting shipper: Central Foundry Division, GMC, 77 W. Center St., P.O. Box 1629, Saginaw, Mich. 48605. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142717 (Sub-No. 1 TA), filed December 30, 1976. Applicant: DAVID LUCAS AND ARTEMAS A. IRVIN, doing business as, I. L. C. TRUCKING, P.O. Box 286, Milesburg, Pa. 16853. Applicant's representative: John M. Musselman, 416 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Bald Eagle and Beech Creek Townships, Clinton County, Pa., to the facilities of New York Gas and Electric Power Company, at Johnson City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: I. L. Confer, P.O. Box 8, Milesburg, Pa. 16853. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 142761TA, filed December 20, 1976. Applicant: GERTRUDZ RODRIGUEZ, doing business as RODRIGUEZ DELIVERY, 19110 N.W. 42nd Ave., Miami, Fla. 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 the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement), between points in Dade County, lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean; all shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Torino, 8075 W. 20th Ave., Hialeah, Fla. 33014. Dolphin Freight Forwarders, Inc., 7372 N.W. 65th St., Miami, Fla. 33166. Ame International Co., 9925 S.W. 56th St., Miami, Fla. 33165. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142769TA, filed December 27, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, Tenn. 37922. Applicant's representative: David C. Venable, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesalers and retailers of fabrics and serving supply stores, between Amarillo, Tex., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico, under a continuing contract with Cloth World, Inc., for 180 days. Supporting shipper: Cloth World, Inc., 206 S. Western Ave., Amarillo, Tex. 79106. Send protests to: Jee J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142770 (Sub-No. 1TA), filed December 29, 1976. Applicant: ARTHUR L. KINDT & JOHN Y. KINDT, doing business as, KINDT'S MOVING & STORAGE, P.O. Box 1058, Vernal, Utah 84078. Applicant's representative: Arthur L. Kindt, 1144 S. Highway 40, Vernal, Utah 84078. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *New finished or unfinished furniture and components thereof;* (B) *Materials, equipment and supplies* used in the manufacture of furniture; (A) from Fort Duchesne, Utah, to points in the United States west of the Mississippi River (except Alaska and Hawaii); and (B) from points in the United States west of the Mississippi River, to Fort Duchesne, Utah, under a continuing contract with Ute Indian Tribe, dba Ute Fab, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ute Indian Tribe, dba, Ute Fab, Ltd., Fort Duchesne, Utah 84026. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 142772 (Sub-No. 1TA), filed December 29, 1976. Applicant: HRDLICKA ENTERPRISES, INC., Route #7, Box 59, Chippewa Falls, Wis. 54729. Applicant's representative: Roderick A. Cameron, 101 N. Broadway, Stanley, Wis. 54768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs, tile and panels and related materials, parts, supplies and accessories*, from Cornell, Wis., to points in Colorado, Kansas, Nebraska, North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cornell Corporation, 808 S. Third St., Cornell, Wis. 54732. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

PASSENGER APPLICATION

No. MC 142744 (Sub-No. 1TA), filed December 27, 1976. Applicant: PACIFIC BUILDING, 520 S.W. Yamhill St., Portland, Oreg. 97204. Applicant's representative: Robert R. Hillis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their hand baggage*, in commuter service between points in Multnomah, Wash., and Clackamas Counties, Oreg., and Clark County, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: City of Vancouver, Vancouver City Hall, 210 E. 13th St., Vancouver, Wash. 98660. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. Yamhill St., Portland, Oreg. 97204.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-1590 Filed 1-17-77;8:45 am]

federal register

TUESDAY, JANUARY 18, 1977

PART II



COMMODITY FUTURES TRADING COMMISSION

■

ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES CAUTIONARY LANGUAGE

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 180—ARBITRATION OR OTHER DISPUTE SETTLEMENT PROCEDURES

Cautionary Language Requirement

The Commodity Futures Trading Commission ("Commission") has amended regulation § 180.3(b)(4) under the Commodity Exchange Act, which requires certain cautionary language to be included in any agreement between a customer and a futures commission merchant, floor broker or associated person, in which the customer agrees to arbitrate any future claim or grievance.

As originally adopted, § 180.3(b)(4) was introduced by a clause which provided that such customer agreements must contain "the following" cautionary language, 41 FR 42946-47 (September 29, 1976). The amendment to § 180.3(b)(4) modifies the introductory clause to provide that the customer agreement must contain cautionary language "to the following effect." The purpose of this amendment is to facilitate incorporating the required cautionary language into the arbitration agreements presently used by futures commission merchants and other registrants without necessitating the use of the verbatim language.

Several commentators said that requiring futures commission merchants to use the exact language specified in § 180.3(b)(4) creates a number of practical problems. For example, one commentator said that some arbitration agreements presently used by futures commission merchants refer to the customer as "I," while in the cautionary language of § 180.3(b)(4) refers to the customer as "you." To comply with the regulation, one commentator said, some futures commission merchants might have to rewrite their customer agreements completely. One commentator also suggested that, in the case of a futures commission merchant that is also a securities broker, the cautionary language should apply only to a commodities account, rather than both commodities and securities accounts, if a single agreement is to be used for disputes involving both types of accounts.

The Commission is persuaded that technical, non-substantive deviations from the cautionary language required by § 180.3(b)(4) like those mentioned above would not undermine the basic purpose of § 180.3: to ensure that the use by commodity customers of contract market arbitration or other dispute settlement procedures is voluntary. Accordingly, that provision has been amended to permit registrants to make such minor changes in the cautionary language. However, the Commission wishes to emphasize that it does not intend by this amendment to authorize any deviations from the text of the cautionary language required by § 180.3(b)(4) which alters, in substance or effect, the plain meaning of the language in any material respect.

In consideration of the foregoing, the Commission hereby revises § 180.3(b)(4) of Chapter I, Title 17 of the Code of Federal Regulations, as follows:

§ 180.3 Voluntary procedure and compulsory payments.

* * * * *

(b) * * *

(4) The customer agreement must contain cautionary language, printed in large boldface type, to the following effect:

WHILE THE COMMODITY FUTURES TRADING COMMISSION (CFTC) RECOGNIZES THE BENEFITS OF SETTLING DISPUTES BY ARBITRATION, IT REQUIRES THAT YOUR CONSENT TO SUCH AN AGREEMENT BE VOLUNTARY. YOU NEED NOT SIGN THIS AGREEMENT TO OPEN AN ACCOUNT WITH [name]. See 17 CFR 180.1-180.6.

BY SIGNING THIS AGREEMENT, YOU MAY BE WAIVING YOUR RIGHT TO SUE IN A COURT OF LAW, BUT YOU ARE NOT WAIVING YOUR RIGHT TO ELECT AT A LATER DATE TO PROCEED PURSUANT TO SECTION 14 OF THE COMMODITY EXCHANGE ACT TO SEEK DAMAGES SUSTAINED AS A RESULT OF A VIOLATION OF THE ACT. IN THE EVENT A DISPUTE ARISES, YOU WILL BE NOTIFIED IF [name] INTENDS TO SUBMIT THE DISPUTE TO ARBITRATION. IF YOU BELIEVE A VIOLATION OF THE COMMODITY EXCHANGE ACT IS INVOLVED AND IF YOU PREFER TO REQUEST A SECTION 14 "REPARATIONS" PROCEEDING BEFORE THE CFTC, YOU WILL STILL HAVE 45 DAYS IN WHICH TO MAKE THAT ELECTION.

* * * * *

(Secs. 5a(11) and 8a Commodity Exchange Act, as amended, 7 U.S.C. §§ 7a(11), 12a (Supp. V, 1975).)

This amendment shall be effective immediately. The Commission finds that the notice and other public procedures called for by 5 U.S.C. 553 (1970) are not required. To begin with, the amendment relieves a restriction in that registrants are no longer required to adhere verbatim to the exact language contained in § 180.3(b)(4). The amendment will impose no additional duty of affirmative action on anyone, nor will immediate adoption impose a hardship. Second, the amendment is technical in nature and is similar in substance and effect to an interpretative rule.

Issued in Washington on January 13, 1977.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-1489 Filed 1-17-77;8:45 am]

federal register

TUESDAY, JANUARY 18, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS—HOUSING ASSISTANCE PLANS

Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R-77-292]

COMMUNITY DEVELOPMENT BLOCK GRANTS—HOUSING ASSISTANCE PLANS

Notice of Proposed Rulemaking

The Department is proposing to amend Chapter V, Part 570, to provide under § 570.303 (published on February 19, 1976, 41 FR 7503 and amended on March 16, 1976, 41 FR 11128) with respect to Housing Assistance Plans, an alternative methodology for reducing the estimates of housing assistance needs of lower-income families who may be expected to reside in an applicant community as a result of existing or planned employment, in those applicant communities whose proportion of lower-income families exceeds that of the metropolitan areas as a whole.

This proposed amendment does not affect the basic methodology for calculating expected-to-reside as prescribed in Paragraph (c)(2)(ii) of § 570.303, but only alters the method under Paragraph (c)(2)(ii)(A) by which a community may reduce its estimate because of an undue concentration of lower-income persons. The only cities affected by this proposed amendment are those whose percentage of lower-income families exceeds that of the metropolitan area as a whole.

Analysis by the Department of continuing public comments concerning the methodology prescribed in the March 16, 1976, regulations for reducing estimates of families with lower-income workers expected to reside has indicated that the current methodology does not adequately take into account the undue concentrations of lower-income families in certain communities.

The revised methodology established by this proposed amendment allows an applicant community whose percentage of lower-income families is at least 133 percent of the percentage of lower-income families in the metropolitan area as a whole, to reduce to zero its estimate of lower-income families with workers who could reasonably be expected to reside in the community. A community whose percentage of lower-income families is between 100 and 133 percent of the percentage of lower-income families in the metropolitan areas as a whole, may reduce its estimate of families expected to reside by three times the percentage by which its percentage of such lower-income families exceeds 100 percent of the metropolitan percentage.

This proposed revision is being published for a thirty day period for public comment. It is the Department's intention to publish a final rule as soon as possible after the expiration of the public comment period and following an analysis of all comments and suggestions.

Many communities have already prepared housing assistance plans to be submitted with fiscal year 1977 community development block grant applications. Others will have done so by the time a final rule is published for effect. In light of that fact, the Department will accept amendments to approved housing assistance plans, at any time during the year, from those communities that elect to follow the revised methodology for estimating housing assistance needs of lower-income families who may be expected to reside in the community as a result of existing or planned employment.

Use of the alternate methodology for reducing estimates of families expected to reside is optional rather than mandatory. If a community chooses to amend its approved housing assistance plan to use the alternate methodology, it must refer the amendment to State and areawide clearinghouses for review and comment pursuant to § 570.300(d), and shall otherwise comply with § 570.305(a) concerning program amendments.

Housing assistance plans which are approved using the revised methodology will not affect the fiscal year 1977 allocation or reallocation of housing assistance funds, but they will affect the fiscal year 1978 allocation. In other words, housing assistance plans approved with fiscal year 1977 community development block grant applications, or amended in fiscal year 1977, will serve as the basis for the allocation of housing assistance funds in fiscal year 1978.

The use of the revised ETR figure as the basis for a finding of inconsistency under Review of Applications for Housing Assistance is also limited during fiscal year 1977. If an invitation for applications or notification of fund availability has been issued prior to the effective date of this regulation, a community could not subsequently amend its housing assistance plan under this amendment and find the housing applications inconsistent on the basis of that revision.

It has been determined that this change will not have a substantial effect upon the quality of the environment, and a statement to that effect has been prepared and is available for inspection and copying in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C.

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

Interested persons may participate in this proposed rulemaking by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk at the address listed above. All comments received on or before February 21, 1977, will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

Accordingly, it is proposed that § 570.303(c)(2)(ii)(A) be revised as follows:

§ 570.303 Application requirements.

* * * * *

(c) *Housing assistance plan.* * * *

(2) * * *

(ii) * * *

(A) An applicant community, within a metropolitan area, may consider undue concentrations of lower-income persons in estimating the number of lower-income families with workers already employed in the community and living elsewhere that could be expected to reside in the community. Applicant communities shall consider the following in preparing such estimates:

(*1*) If the proportion of the community's percentage of lower-income families to the metropolitan area's percentage is less than 100 percent, the estimate of lower-income families expected to reside shall not be reduced.

Example: SMSA C Lower-income families percentage: 24 percent;
City CD Lower-income families percentage: 19 percent;
City CD percentage/SMSA C percentage = 79 percent.

(*2*) If the proportion of the community's percentage of lower-income families to the metropolitan area's percentage is greater than 100 percent but less than 133 percent, the estimate of lower-income families expected to reside may be reduced by three times the percentage amount over 100 percent.

Example: SMSA X Lower-income families percentage: 10 percent;
City XY Lower-income families percentage: 12 percent;
City XY percentage/SMSA × percentage = 120 percent;
Allowed reduction (120 percent − 100 percent = 20 percent × 3) = 60 percent.

(*3*) If the proportion of the community's percentage of lower-income families to the metropolitan area's percentage is greater than 133 percent, the estimate of lower-income families expected to reside may be reduced to zero.

The allocation or reallocation of contract authority for housing assistance, made in accordance with the procedures provided at Part 891, Review of Applications for Housing Assistance; Allocation of Housing Assistance Funds, Subpart D, will not be adjusted during Fiscal Year 1977, on the basis of housing assistance plans which have been approved or amended using this methodology. Furthermore, such amendments shall not be considered, by HUD or the community, as grounds for a determination of inconsistency pursuant to Part 891, Subpart B, for housing applications which were received in response to an invitation for applications or notification of fund availability issued prior to the effective date of this regulation.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., January 11, 1977.

ROOSEVELT JONES,
Acting Assistant Secretary for Community Planning and Development.

[FR Doc.77-1572; Filed 1-17-77;8:45 am]

federal register

TUESDAY, JANUARY 18, 1977

PART IV



DEPARTMENT OF LABOR

Office of the Secretary

Employment and Training Administration

■

EMPLOYMENT OF ALIENS IN THE UNITED STATES

Labor Certification Process

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 60—IMMIGRATION: IMMIGRANT LABOR CERTIFICATIONS

Deletion of Part; Transfer of Regulations to 20 CFR Part 656

Notice is hereby given that the Department of Labor, Employment and Training Administration, is revising its regulations, heretofore published as 29 CFR Part 60, on the granting of labor certifications on behalf of aliens who seek to work permanently within the United States. The revised regulations are published in this issue as a separate document which redesignates the regulations as 20 CFR Part 656. This document deletes the present 29 CFR Part 60—Immigration: Immigrant Labor Certifications, effective February 18, 1977.

Signed at Washington, D.C., this 13th day of January, 1977.

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

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CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 656—LABOR CERTIFICATION PROCESS FOR PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Notice is hereby given that the Department of Labor, Employment and Training Administration, is publishing new regulations governing the labor certification process for the permanent employment of aliens in the United States. The regulations, designated 20 CFR Part 656, replace the Department's previous regulations at 29 CFR Part 60—Immigration: Immigrant Labor Certifications, which are being rescinded in a separate document being published in today's FEDERAL REGISTER.

The regulations are being issued under section 212(a)(14) of the Immigration and Nationality Act, which provides that certain aliens may not obtain a visa for entry into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified, by granting a labor certification, that:

(1) There are not sufficient United States workers who are able, willing, qualified and available to perform the work; and

(2) The employment of the aliens will not adversely affect the wages and working conditions of United States workers similarly employed.

The regulations set forth the labor certification process in detail. They delineate the responsibilities of the public employment service in assisting employers to find available United States workers. They also set forth the responsibilities of employers who desire to employ aliens on a permanent basis. For example, such employers must recruit U.S. workers by advertising, through the public employment service, and by other reasonable means, in order to make a good faith test of U.S. worker availability. An employer's advertising, moreover, must offer prevailing wages and working conditions so as to avoid any potential adverse effect upon the wages and working conditions of U.S. workers.

The regulations implement the Immigration and Nationality Act Amendments of 1976 to the extent those amendments affect the labor certification process.

The regulations implement the amendments made to the Immigration and Nationality Act by Title VI of the Health Professions Educational Assistance Act of 1976 to the extent those amendments affect the labor certification process.

The regulations were published as proposed rule-making on November 5, 1976 at 41 FR 48938. Comments were invited until December 6, 1976. About seventy persons and organizations submitted comments. The most significant comments were as follows:

1. The proposed Schedule A included only physical therapists who had Ph. Ds or master's degrees. The comment process revealed that there is a shortage of U.S. workers who have bachelor's degrees in physical therapy. Schedule A has been revised to include physical therapists who have bachelor's degrees.

2. Some commenters requested a definition of the terms "science" and "art" for purposes of Group II of Schedule A. The final regulations include such a definition.

3. One comment requested that Group IV of Schedule A be expanded to include aliens who will be engaged in the United States in managerial or executive positions with the same international corporations or organizations which currently employ them. Such aliens have been added to Schedule A, Group IV. In addition, upon further discussion with the INS and the Department of State, the words "specialized knowledge" were deleted as they represented too broad a category of aliens for Schedule A predetermination purposes.

4. Some commenters suggested that the documentary requirements for household domestic service workers be clarified and simplified. This has been done.

5. Some commenters stated that the documentation required by the basic labor certification process put an unlawful burden on employers. The Department wishes to note that much of the documentation required of employers will be taken care of by the filling out of the Application for Alien Employment Certification form. The regulations have been revised to indicate that the form and its instructions will make clear to employers the extent of their documentation obligations. The Department also wishes to note that, under the statutory scheme, it is clear that Congress intended that employers make an effort to recruit U.S. workers before seeking to employ aliens and that the Department believes that the regulations, which require that these efforts be documented, do not impose an unreasonable burden on employers.

6. The House Subcommittee on Immigration, Citizenship, and International Law commented that the recent amendment, by Pub. L. 94-571, to sec. 212(a)(14) of the Immigration and Nationality Act with respect to members of the "teaching profession" was intended to apply only to educators at the college and university level, not to all members of the teaching profession. The final regulations have been revised in keeping with the Congressional intent.

7. Many commenters objected to the proposed requirement that the employer and the local employment service office recruit U.S. workers for 60 days. It was pointed out, for example, that State employment service agencies with Statewide computerized Job Banks could recruit Statewide rather quickly. The recruitment period has been reduced to 30 days.

8. Some commentators stated that it was contrary to sec. 212(a)(14) of the Immigration and Nationality Act, as amended by Pub. L. 94-571, for Certifying Officers to consider the availability of U.S. workers outside the area of intended employment who are willing to move to take the job. The Department, however, does not believe that it was Congress' intent to permit employers to recruit and import aliens to take jobs and to ignore or refuse to consider American workers who may live beyond commuting distance from the jobs but who are willing or will be reimbursed to move to take the jobs.

9. Many commentors from Texas objected to the removal of Nurses from Schedule A. Most of these commentors, however, seemed to believe that the removal of nurses from Schedule A would prohibit nurses from entering the country for work purposes. This, however, is not the case. Nurses may still enter the U.S. as immigrants through the regular labor certification route or as nonimmigrants through the temporary immigration procedures administered by the Immigration and Naturalization Service.

10. Some commentors objected to the exclusion from Schedule A, Group III, of persons with religious commitments who work in non-religious occupations such as nursing and teaching. Group III has been revised to include persons with a religious commitment who will work for non-profit religious organizations.

11. Some commenters objected to the definition of "agent" which, as proposed, included an attorney. The regulations have been revised to clarify this point. Attorneys may be agents, but need not necessarily be agents.

12. One commenter suggested that prior experience be required for aliens seeking certification for Schedule A Group III religious occupations. This suggestion has been accepted. The requirement for 2-years experience for these religious occupations is the same requirement as that for the "priest and minister" "special immigrant" set forth

at sec. 101(a)(27)(D)(i) of the Immigration and Nationality Act.

13. One commentator suggested that it was unlawful for the Department to require that professionals have a job offer before they may receive a labor certification. The Department, however, has always believed that it could require job offers of any alien seeking to become the beneficiary of a labor certification as a reasonable method of carrying out the Secretary's statutory obligation. Heretofore the Department, recognizing that professionals were not required to have prearranged employment in order to obtain a visa, had decided not to require a job offer for a labor certification. However, it has been the Department's experience, that it is very difficult to adequately determine the availability of U.S. workers without a job opportunity to which U.S. workers may be referred. Nor, absent a specific job opportunity, can the adverse effect of an alien's employment of similarly employed U.S. workers be adequately determined. It should be noted too that Pub. L. 94-571 recently amended the Immigration and Nationality Act and that the law now requires prearranged employment for professionals for purposes of obtaining an employment related preference status.

14. Some commenters requested that the Department set forth standards for determining whether or not an alien was of "exceptional ability" for Schedule A, Group II purposes. The Department has added detailed requirements for documentation for the purposes of showing exceptional ability. It is intended that such aliens have international recognition and other evidence of their exceptional ability. Such aliens should be so far above the average members of their field that they will clearly be an asset to the United States.

15. One commenters stated that, since there are a great many performing artists who are unemployed in the U.S. today, artists of exceptional ability should not be placed on Schedule A. The Department has taken this category of aliens off of Schedule A.

16. Some commenters objected to the statement in the preamble to the proposed regulations wherein the Department reasserted its belief that labor certification determinations were not judicially reviewable under the Administrative Procedure Act. Both the House and the Senate Reports on the 1976 amendments to the Administrative Procedure Act note favorably Professor Davis' testimony that the Congress never intended the Administrative Procedure Act to be jurisdictional. The Reports, however, note that several Courts of Appeals have held otherwise in an effort to avoid the harshness of the sovereign immunity doctrine. The 1976 amendments, in limiting sovereign immunity, leave the defense of "agency discretion" untouched (see p. 12 of H. Rpt. 94-1656). The labor certification determination under sec. 212(a)(14) of the Immigration and Nationality Act is clearly an action committed to agency discretion, and is clearly exempted from judicial review under the provisions of the Administrative Procedure Act.

The Department would like to note that regional Certifying Officers have been notified by telegraphic instruction to implement the amendments to sec. 212(a)(14) of the Immigration and Nationality Act made by Pub. L. 94-571 as of the effective date of those statutory amendments.

Accordingly, Title 20 of the Code of Federal Regulations is amended by adding a new Part 656, effective February 18, 1977 for all labor certifications filed pursuant to the requirements of these regulations at any Consular or Immigration office or at any local employment service office on or after the effective date of this Part (applications filed prior to Feb. 18, 1977 will be processed pursuant to the prior regulations at 29 CFR Part 60) to read as follows:

Subpart A—Purpose and Scope of Part 656

Sec.

656.1 Purpose and scope of Part 656.
656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.

Subpart B—Occupational Labor Certification Determinations

656.10 Schedule A.
656.11 Schedule B.

Subpart C—Labor Certification Process

656.20 Introduction.
656.21 Basic labor certification application process.
656.22 Applications for labor certifications for Schedule A occupations.
656.23 Applications for labor certifications for Schedule B occupations; requests for waivers from Schedule B.
656.24 Labor certification determinations.
656.25 Procedures following a labor certification determination.
656.26 Administrative-judicial review of denials of labor certification.
656.27 Hearings.
656.28 Document transmittal following the granting of a labor certification.
656.29 Filing of a new application after the denial of a labor certification.
656.30 Validity of and invalidation of labor certifications.
656.31 Labor certification applications involving fraud or willful misrepresentation.
656.32 Fees for services and documents.

Subpart D—Determination of Prevailing Wage

656.40 Determination of prevailing wage for labor certification purposes.

Subpart E—Definitions

656.50 Definitions, for purposes of this Part, of terms used in this Part.

Subpart F—Addresses of Department of Labor Regional Offices

656.60 Addresses of Department of Labor regional offices.

AUTHORITY: Sec. 212(a)(14) of the Immigration and Nationality Act, 8 U.S.C. 1101 et seq.; Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 et seq., unless otherwise noted.

Subpart A—Purpose and Scope of Part 656

§ 656.1 Purpose and scope of Part 656.

(a) Under section 212(a)(14) of the Immigration and Nationality Act (Act) certain aliens may not obtain a visa for entrance into the United States in order to engage in permanent employment unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that:

(1) There are not sufficient United States workers, who are able, willing, qualified and available at the time of application for a visa and admission into the United States and at the place where the alien is to perform the work, and

(2) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

(b) The regulations under this Part set forth the procedures whereby such immigrant labor certifications may be applied for, and given or denied.

§ 656.2 Description of the Immigration and Nationality Act and of the Department of Labor's role thereunder.

(a)(1) *Description of the Act.* The Immigration and Nationality Act (Act) regulates the admission of aliens into the United States. The Act designates the Attorney General and the Secretary of State as the principal administrators of its provisions.

(2) The Immigration and Naturalization Service (INS) performs most of the Attorney General's functions under the Act.

(3) The Consular offices of the Department of State throughout the world are generally the initial contact for aliens in foreign countries who wish to come to the United States. These offices determine the type of visa for which aliens may be eligible, obtain visa eligibility documentation, and issue visas.

(b) *Burden of proof under the Act.* Section 291 of the Act states, in pertinent part, that:

> Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act * * *

(c) *Numerical limitations on immigrant visas under the Act.* (1) Immigrant visas may be given only on an individual basis;

(2) Except for immediate relatives of U.S. citizens, to whom no numerical restriction applies, only 290,000 immigrant visas may be issued in each fiscal year, of which

(i) No more than 120,000 may be issued to immigrants born in the Western Hemisphere;

(ii) No more than 170,000 may be issued to immigrants born in the Eastern Hemisphere; and

(iii) No more than 20,000 may be issued to immigrants born in a single country.

(3) No numerical restriction exists on the number of labor certifications which may be issued by the Department of Labor in any year.

(d) *Visa preferences including nonpreference status.* (1) Under section 203 of the Act certain immigrants are eligible for preferences in obtaining visas. The INS has responsibility for determining whether such aliens qualify for preferences. The preferences for which an immigrant may be eligible are:

(i) First, second, fourth and fifth preferences, which require a close family relationship between the alien and a United States citizen or permanent resident alien of the United States;

(ii) Third preference, which requires that the alien's services be sought by an employer, and that the alien be a qualified member of a profession or a person who, because of exceptional ability in the sciences or the arts, will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States;

(iii) Sixth preference, which requires that the alien be capable of performing some specific kind of skilled or unskilled labor, which is not of a temporary or seasonal nature, and for which a shortage of employable and willing persons exists in the United States; and

(iv) Seventh preference, which requires that the alien have a refugee status as described at section 203(a)(7) of the Act.

(2) Under section 203(a)(8) of the Act aliens, who are not immediate relatives of U.S. citizens, and who are not eligible for one of the preferences described in paragraph (d)(1) of this section, may be eligible for a nonpreference status and obtain visas strictly in chronological order.

(e) *Role of the Department of Labor.* (1) The role of the Department of Labor under the Act derives from section 212(a)(14), which provides that certain aliens who seek to immigrate to the United States for the purpose of employment in the United States are not eligible for a visa and shall be excluded unless the Secretary of Labor has first certified to the Secretary of State and to the Attorney General that:

(i) There are not sufficient United States workers, who are able, willing, qualified and available at the time at application for a visa and admission into the United States and at the place where the alien is to perform the work, and

(ii) The employment of the alien will not adversely affect the wages and working conditions of United States workers similarly employed.

(2) This certification is referred to in this Part as a "labor certification".

(3) Aliens required to be a beneficiary of a labor certification by section 212(a)(14) of the Act are:

(i) Aliens who are eligible for a nonpreference status as described in paragraph (d)(2) of this section; and

(ii) Aliens who are eligible for third or sixth preferences described in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section.

(4) The Department of Labor issues labor certifications for both the temporary and permanent employment of aliens in the United States. The regulations under this Part apply only to labor certifications for permanent employment.

Subpart B—Occupational Labor Certification Determinations

§ 656.10 Schedule A.

The Administrator, United States Employment Service, (Administrator) has determined that there are not sufficient United States workers who are able, willing, qualified and available for the occupations listed below on Schedule A and that the wages and working conditions of the United States workers similarly employed will not be adversely affected by the employment of aliens in Schedule A occupations:

SCHEDULE A

(a) Group I:

(1) Persons who have received an advanced degree (equivalent to a Ph.D. or master's degree conferred by a United States college or university) in any of the following specialties from an institution of higher learning accredited in the country where the degree was obtained:

(i) Dietetics;

(2) Persons who have received a degree (equivalent to a bachelor's degree conferred by a United States college or university) in any of the following specialties from an institution of higher learning accredited in the country in which the degree was obtained:

(i) Physical Therapy.

(3) Definitions of Group I occupations:

(i) "Dietetics" means the occupation which involves the application of the principles of nutrition to plan menus and diets and direct the preparation and serving of meals. This occupation includes activities involved with service programs designed to feed individuals and groups with special nutritional requirements in schools, restaurants, and other institutions, and participation in research in the field of nutrition.

(ii) "Physical Therapy" means the occupation which involves the treatment of patients with disabilities, disorders and injuries to relieve pain, develop or restore function, and maintain performance, using physical means, such as exercise, massage, heat, water, light, and electricity, as prescribed by a medical doctor.

(b) Group II:

Aliens (except for aliens in the performing arts) of exceptional ability in the sciences or arts including college and university teachers of exceptional ability who have been practicing their science or art during the year prior to application and who intend to practice the same science or art in the United States. For purposes of this group, the term "science or art" means any field of knowledge and/or skill with respect to which colleges and universities commonly offer specialized courses leading to a degree in the knowledge and/or skill. An alien, however, need not have studied at a college or university in order to qualify for the Group II occupation.

(c) Group III:

(1) Aliens who seek admission to the United States in order to perform a religious occupation, such as the preaching or teaching of religion; and

(2) Aliens with a religious commitment who seek admission into the United States in order to work for a nonprofit religious organization.

(d) Group IV:

(1) Aliens who have been admitted to the United States in order to work, and who are currently working, in managerial or executive positions with the same international corporations or organizations with which they were continuously employed for one year before they were admitted; and

(2) Aliens who will be engaged in the United States in managerial or executive positions with the same international corporations or organizations with which they have been continuously employed for the immediately prior year.

§ 656.11 Schedule B.

(a) The Administrator has determined that there generally are sufficient United States workers who are able, willing, qualified and available for the occupations listed below on Schedule B and that the wages and working conditions of United States workers similarly employed will generally be adversely affected by the employment in the United States of aliens in Schedule B occupations:

SCHEDULE B

(1) Assemblers
(2) Attendants, Parking Lot
(3) Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)
(4) Automobile Service Station Attendants
(5) Bartenders
(6) Bookkeepers II
(7) Caretakers
(8) Cashiers
(9) Charworkers and Cleaners
(10) Chauffeurs and Taxicab Drivers
(11) Cleaners, Hotel and Motel
(12) Clerks, General
(13) Clerks, Hotel
(14) Clerks and Checkers, Grocery Stores
(15) Clerk Typists
(16) Cooks, Short Order
(17) Counter and Fountain Workers
(18) Dining Room Attendants
(19) Electric Truck Operators
(20) Elevator Operators
(21) Floorworkers
(22) Groundskeepers
(23) Guards
(24) Helpers, any industry
(25) Hotel Cleaners
(26) Household Domestic Service Workers
(27) Housekeepers
(28) Janitors
(29) Key Punch Operators
(30) Kitchen Workers
(31) Laborers, Common
(32) Laborers, Farm
(33) Laborers, Mine
(34) Loopers and Toppers
(35) Material Handlers
(36) Nurses' Aides and Orderlies
(37) Packers, Markers, Bottlers, and Related
(38) Porters
(39) Receptionists
(40) Sailors and Deck Hands
(41) Sales Clerks, General
(42) Sewing Machine Operators and Handstitchers
(43) Stock Room and Warehouse Workers
(44) Streetcar and Bus Conductors
(45) Telephone Operators
(46) Truck Drivers and Tractor Drivers
(47) Typists, Lesser Skilled
(48) Ushers, Recreation and Amusement
(49) Yard Workers

(b) *Descriptions of Schedule B occupations.* (1) *"Assemblers"* perform one or more repetitive tasks to assemble

components and subassemblies using hand or power tools to mass produce a variety of components, products or equipment. They perform such activities as riveting, drilling, filing, bolting, soldering, spot welding, cementing, gluing, cutting and fitting. They may use clamps or other work aids to hold parts during assembly, inspect or test components, or tend previously set-up or automatic machines.

(2) *"Attendants, Parking Lot"* park automobiles for customers in parking lots or garages and may collect fees based on time span of parking.

(3) *"Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants)"* perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms, including such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

(4) *"Automobile Service Station Attendants"* service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities; may also compute charges and collect fees from customers.

(5) *"Bartenders"* prepare, mix, and dispense alcoholic beverages for consumption by bar customers, and compute and collect charges for drinks.

(6) *"Bookkeepers II"* keep records of one facet of an establishment's financial transactions by maintaining one set of books; specialize in such areas as accounts-payable, accounts-receivable, or interest accrued rather than a complete set of records.

(7) *"Caretakers"* perform a combination of duties to keep a private home clean and in good condition such as cleaning and dusting furniture and furnishings, hallways and lavatories; beating, vacuuming, and scrubbing rugs; washing windows, waxing and polishing floors; removing and hanging draperies; cleaning and oiling furnaces and other equipment; repairing mechanical and electrical appliances; and painting.

(8) *"Cashiers"* receive payments made by customers for goods or services, make change, give receipts, operate cash registers, balance cash accounts, prepare bank deposits and perform other related duties.

(9) *"Charworkers and Cleaners"* keep the premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing, according to a set routine, such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs.

(10) *"Chauffeurs and Taxicab Drivers"* drive automobiles to convey passengers according to the passengers' instructions.

(11) *"Cleaners, Hotel and Motel"* clean hotel rooms and halls, sweep and mop floors, dust furniture, empty wastebaskets, and make beds.

(12) *"Clerks, General"* perform a variety of routine clerical tasks not requiring knowledge of systems or procedures such as copying and posting data, proofreading records or forms, counting, weighing, or measuring material, routing correspondence, answering telephones, conveying messages, and running errands.

(13) *"Clerks, Hotel"* perform a variety of routine tasks to serve hotel guests such as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

(14) *"Clerks and Checkers, Grocery Stores"* itemize, total, and receive payments for purchases in grocery stores, usually using cash registers; often assist customers in locating items, stock shelves, and keep stock-control and sales-transaction records.

(15) *"Clerk Typists"* perform general clerical work which, for the majority of duties, requires the use of typewriters; perform such activities as typing reports, bills, application forms, shipping tickets, and other matters from clerical records, filing records and reports, posting information to records, sorting and distributing mail, answering phones and similar duties.

(16) *"Cooks—Short Order"* prepare and cook to order all kinds of short-preparation-time foods; may perform such activities as carving meats, filling orders from a steamtable, preparing sandwiches, salads and beverages, and serving meals over a counter.

(17) *"Counter and Fountain Workers"* serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places; take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; clean work areas and equipment.

(18) *"Dining Room Attendants"* facilitate food service in eating places by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

(19) *"Electric Truck Operators"* drive gasoline- or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

(20) *"Elevator Operators"* operate elevators to transport passengers and freight between building floors.

(21) *"Floorworkers"* perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others; perform such tasks as cleaning floors, materials and equipment, distributing materials and tools to workers, running errands, delivering messages, emptying containers, and removing materials from work areas to storage or shipping areas.

(22) *"Groundskeepers"* maintain grounds of industrial, commercial, or public property in good condition by performing such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

(23) *"Guards"* guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

(24) *"Helpers (any industry)"* perform a variety of duties to assist other workers who are usually of a higher level of competency of expertness by furnishing such workers with materials, tools, and supplies, cleaning work areas, machines and equipment, feeding or offbearing machines, and/or holding materials or tools.

(25) *"Hotel Cleaners"* perform routine tasks to keep hotel premises neat and clean such as cleaning rugs, washing walls, ceilings and windows, moving furniture, mopping and waxing floors, and polishing metalwork.

(26) *"Household Domestic Service Workers"* perform a variety of tasks in private households, such as cleaning, dusting, washing, ironing, making beds, maintaining clothes, marketing, cooking, serving food, and caring for children or disabled persons. This definition, however, applies only to workers who have had less than one year of documented full-time paid experience in the tasks to be performed, working on a live-in or live-out basis in private households or in public or private institutions or establishments where the worker has performed tasks equivalent to tasks normally associated with the maintenance of a private household. This definition does not include household workers who primarily provide health or instructional services.

(27) *"Housekeepers"* supervise workers engaged in maintaining interiors of commercial residential buildings in a clean and orderly fashion, assign duties to cleaners (hotel and motel), charworkers, and hotel cleaners, inspect finished work, and maintain supplies of equipment and materials.

(28) *"Janitors"* keep hotels, office buildings, apartment houses, or similar buildings in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water; perform such tasks as sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs; often maintain their residence at their places of work.

(29) *"Keypunch Operators"*, using machines similar in action to typewriters, punch holes in cards in such a position that each hole can be identified as representing a specific item of information. These punched cards may be used with electronic computers or tabulating machines.

(30) *"Kitchen Workers"* perform routine tasks in the kitchens of restaurants. Their primary responsibility is to maintain work areas and equipment in a clean and orderly fashion by performing such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

(31) *"Laborers, Common"* perform routine tasks, upon instructions and according to set routine, in an industrial, construction or manufacturing environment such as loading and moving equip-

ment and supplies, cleaning work areas, and distributing tools.

(32) *"Laborers, Farm"* plant, cultivate, and harvest farm products, following the instructions of supervisors, often working as members of a team. Their typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

(33) *"Laborers, Mine"* perform routine tasks in underground or surface mines, pits, or quarries, or at tipples, mills, or preparation plants such as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working faces to haulage roads, and loading or sorting material onto wheelbarrows.

(34) *"Loopers and Toppers"* (i) tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture. (ii) operate looping machines to close openings in the toes of seamless hose or join knitted garment parts. (iii) loop stitches or ribbed garment parts on the points of transfer bars to facilitate the transfer of garment parts to the needles of knitting machines.

(35) *"Material Handlers"* load, unload, and convey materials within or near plants, yards, or worksites under specific instructions.

(36) *"Nurses' Aides and Orderlies"* assist in the care of hospital patients by performing such activities as bathing, dressing and undressing patients and giving alcohol rubs, serving and collecting food trays, cleaning and shaving hair from the skin areas of operative cases, lifting patients onto and from beds, transporting patients to treatment units, changing bed linens, running errands, and directing visitors.

(37) *"Packers, Markers, Bottlers, and Related"* pack products into containers, such as cartons or crates, mark identifying information on articles, insure that filled bottles are properly sealed and marked, often working in teams on or at end of assembly lines.

(38) *"Porters"* (i) carry baggage by hand or handtruck for airline, railroad or bus passengers, and perform related personal services in and around public transportation environments. (ii) Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly condition.

(39) *"Receptionists"* receive clients or customers coming into establishments, ascertain their wants, and direct them accordingly; perform such activities as arranging appointments, directing callers to their destinations, recording names, times, nature of business and persons seen and answering phones.

(40) *"Sailors and Deck Hands"* stand deck watches and perform a variety of tasks to preserve painted surfaces of ships and to maintain lines, running gear, and cargo handling gear in safe operating condition; perform such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

(41) *"Sales Clerks, General"* receive payment for merchandise in retail establishments, wrap or bag merchandise, and keep shelves stocked.

(42) *"Sewing Machine Operators and Hand-Stitchers"* (i) operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves; specialize in one type of sewing machine limited to joining operations; (ii) join and reinforce parts of articles such as garments and curtains, sew button-holes and attach fasteners to such articles, or sew decorative trimmings on such articles, using needles and threads.

(43) *"Stock Room and Warehouse Workers"* receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

(44) *"Streetcar and Bus Conductors"* collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operators to start or stop.

(45) *"Telephone Operators"* operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls; often take messages, supply information and keep records of calls and charges; often are involved primarily in establishing, or aiding telephone users in establishing, local or long distance telephone connections.

(46) *"Truck Drivers and Tractor Drivers"* (i) drive trucks to transport materials, merchandise, equipment or people to and from specified destinations, such as plants, railroad stations, and offices. (ii) Drive tractors to move materials, draw implements, pull out objects imbedded in the ground, or pull cables of winches to raise, lower, or load heavy materials or equipment.

(47) *"Typists, Lesser Skilled"* type straight-copy material, such as letters, reports, stencils, and addresses, from drafts or corrected copies. They are not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail or similar items. Their typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and their error rate is 12 or more errors per 5 minute typing period on representative business correspondence.

(48) *"Ushers (Recreation and Amusement)"* assist patrons at entertainment events to find seats, search for lost articles, and locate facilities.

(49) *"Yard Workers"* maintain the grounds of private residences in good order by performing such tasks as mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. They work on the instructions of private employers.

(c) *Requests for waivers from Schedule B.* Any employer who desires a labor certification involving a *Schedule B* occupation may request such a waiver by submitting a written request to the appropriate regional Certifying Officer pursuant to § 656.23 of this Part. (For the addresses of regional Certifying Officers see Subpart F of this Part.)

(d) The Administrator may revise *Schedule B* from time to time on the Administrator's own initiative, upon the request of a Regional Administrator, Employment and Training Administration, or upon the written request of any other person which sets forth reasonable grounds therefor. Such requests should be mailed to the Administrator, United States Employment Service, Room 8000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Subpart C—Labor Certification Process

§ 656.20 Introduction.

(a) A request for a labor certification on behalf of any alien who is required by the Act to become a beneficiary of a labor certification in order to obtain permanent employment within the United States may be filed as follows:

(1) An application for a labor certification, except for an application involving an occupation listed on *Schedule A*, must be filed pursuant to § 656.21 of this Part.

(2) An alien seeking labor certification for an occupation listed on *Schedule A* may apply for a labor certification pursuant to § 656.22 of this Part.

(3) An employer seeking a labor certification for an occupation listed on *Schedule B* may apply for a labor certification pursuant to § 656.23 of this Part.

(b) (1) Aliens and employers may have agents apply for labor certifications on their behalf.

(2) The alien and/or the employer shall sign a statement that the agent is representing the alien and/or employer and that the alien and/or employer takes full responsibility for the accuracy of any representations made by the agent.

(c) Aliens and employers may have attorneys represent them. Each attorney shall file a notice of appearance, naming the attorney's client. Whenever, under this Part, any notice or other document is required to be sent to an employer or alien, the document shall be sent to their attorneys or attorney if they have an attorney or attorneys.

(d) The forms required under this Part for applications for labor certification are available at U.S. Consular offices abroad, at INS offices in the United States, and at local offices of the State employment service agencies. The forms will contain instructions on how to comply with the documentation requirements for applying for a labor certification under this Part.

§ 656.21 Basic labor certification application process.

(a) Except as otherwise provided at § 656.22 of this Part (labor certifications for *Schedule A* occupations), an employer who desires to apply for a labor certification on behalf of an alien shall file, in duplicate, a Department of Labor *Application for Alien Employment Certification* form and any attachments re-

quired by this Part with the local employment service office serving the area where the alien proposes to be employed. The employer shall set forth on the *Application for Alien Employment Certification* form, as appropriate, or in attachments:

(1) A statement of the qualifications of the alien, signed by the alien;

(2) A description of the job offer for the alien employment, including the items required by paragraph (b) of this section;

(3) If the application involves a job offer as a college or university teacher or an alien represented to be of exceptional ability in the performing arts, documentation that the employer selected the alien pursuant to a competitive recruitment and selection process through which the alien was found to be more qualified than any of the U.S. workers who applied for the job;

(4) If the application is for an alien represented to have exceptional ability in the performing arts, documentation to show this exceptional ability such as:

(i) Documents testifying to the current widespread acclaim and international recognition accorded to the alien, receipt of internationally recognized prizes or awards for excellence;

(ii) Documents showing the alien's work experience during the past year did, and the alien's intended work in the United States will, require exceptional ability;

(iii) Published material by or about the alien such as critical reviews in major newspapers, periodicals and trade journals. The title, date and author of such material shall be indicated;

(iv) Documentary evidence of earnings commensurate with the claimed level of ability;

(v) Playbills and star billings;

(vi) Documents attesting to the outstanding reputation of theaters, concert halls, night clubs and other establishments in which the alien has appeared or is scheduled to appear; and/or

(vii) Documents attesting to the outstanding reputation of repertory companies, ballet groups, orchestras or other organizations with which the alien has performed during the past year in a leading or starring capacity;

(5) If the application involves a job offer as a live-in household domestic service worker:

(i) A statement describing the household living accommodations;

(ii) Two copies of the employment contract, each signed and dated by both the employer and the alien (not by their agents). The contract shall clearly state:

(A) The wages to be paid on an hourly and weekly basis;

(B) Total hours of employment per week, and exact hours of daily employment;

(C) That the alien is free to leave the employer's premises during all non-work hours except that the alien may work overtime if paid for the overtime at no less than the legally required hourly rate;

(D) That the alien will reside on the employer's premises;

(E) Complete details of the duties to be performed by the alien;

(F) The total amount of any money to be advanced by the employer with details of specific items, and the terms of repayment by the alien of any such advance by the employer;

(G) That in no event shall the alien be required to give more than two weeks' notice of intent to leave the employment contracted for and that the employer must give the alien at least two weeks' notice before terminating employment;

(H) That a duplicate contract has been furnished to the alien;

(I) That room and board will be provided at no cost to the worker; and

(J) Any other agreement or conditions not specified on the *Application for Alien Employment Certification* form; and

(iii) (A) Documentation of the alien's paid experience in the form of statements from past or present employers setting forth the dates (month and year) employment started and ended, hours of work per day, number of days worked per week, place where the alien worked, detailed statement of duties performed on the job, equipment and appliances used, and the amount of wages paid per week or month. The total paid experience must be equal to one full year's employment on a full-time basis. For example, two year's experience working half-days is the equivalent of one year's full time experience. Time spent in a household domestic service training course cannot be included in the required one year of paid experience.

(B) Each statement must contain the name and address of the person who signed it and show the date on which the statement was signed. A statement not in the English language shall be accompanied by a translation certified by the translator as to the accuracy of the translation, and as to the translator's competency to translate.

(b) Except for labor certification applications involving *Schedule A* occupations, the employer shall submit, as part of every labor certification application, on the *Application for Alien Employment Certification* form, as appropriate, or in attachments, documentation which shows clearly that:

(1) The employer has been recruiting at the prevailing wage, as described at § 656.40 of this Part, and at prevailing working conditions, and has reason to think it will continue to be unsuccessful in its recruiting of U.S. workers through the public employment system and/or through other labor referral and recruitment sources normal to the occupation;

(2) The employer has enough funds available to pay the wage or salary offered the alien;

(3) The wage offered equals or exceeds the prevailing wage as determined pursuant to § 656.40 of this Part, and that the employer guarantees that, if a labor certification is granted, the wage the employer will pay to the alien when the alien begins work will equal or exceed the prevailing wage which is applicable at the time the alien begins work;

(4) The wage offered is not based on commissions, bonuses or other incentives, unless the employer guarantees a wage paid on a weekly, bi-weekly or monthly basis;

(5) The employer will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States;

(6) The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship;

(7) The job opportunity has been and is clearly open to any qualified U.S. worker;

(8) The job opportunity has been and is being described without unduly restrictive job requirements:

(i) The job opportunity's requirements, unless adequately documented as arising from business necessity, shall be those normally required for the job in the United States, be those defined for the job in the Dictionary of Occupational Titles (DOT) including those for subclasses of jobs, and not include requirements for a language other than English.

(ii) If the job opportunity involves a combination of duties, for example engineer-pilot, the employer must document that it has normally employed persons for that combination of duties and/or workers customarily perform the combination of duties in the area of intended employment, and/or the combination job opportunity is based on a business necessity.

(9) (i) The employer has advertised and is still advertising the job opportunity without success in such media as newspapers of general circulation, and ethnic and professional publications;

(ii) The employer's advertising offers prevailing working conditions and requirements and the prevailing wage for the occupation calculated pursuant to § 656.40 of this Part, states the rate of pay, offers training if the job opportunity is the type for which the employer customarily provides training, and offers wages, terms and conditions of employment which are no less favorable than those offered to the alien;

(iii) The employer's advertising describes the job opportunity with particularity; the documentation shall include a copy of at least one advertisement placed by the employer;

(iv) The employer's advertising has produced no satisfactory results;

(10) The employer has posted within its organization notices of the job opportunity which contain the information required by paragraph (b) (9) (ii) of this section;

(11) The employer's job opportunity is not:

(i) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or

(ii) At issue in a labor dispute;

(12) The employer's other efforts to locate and employ U.S. workers for the job opportunity such as recruitment efforts by means of private employment agencies, labor unions, advertisements placed with radio or TV stations, recruitment at trade schools, colleges, and universities or attempts to fill the job opportunity by development or promotion from among its present employees, has been and continues to be unsuccessful;

(13) If unions are customarily used as a recruitment source in the area or industry, they were unable to refer U.S. workers;

(14) The employer's requirements for the job opportunity, as described, represent the employer's actual minimum requirements for the job opportunity, and the employer has not hired workers with less training or experience for jobs similar to that involved in the job opportunity or that it is not feasible to hire workers with less training or experience than that required by the employer's job offer;

(15) If U.S. workers have applied for the job opportunity, they were rejected solely for lawful job-related reasons; and

(16) The employer's job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.

(c) The local employment service office shall determine if the application is for a labor certification involving Schedule A. If the application is for a Schedule A labor certification, the local employment service office shall advise the employer that the forms must be filed with an INS or Consular Office pursuant to § 656.22 of this Part, and shall explain that the Administrator has determined that U.S. workers in the occupation are unavailable throughout the United States (unless a geographic limitation is applicable) and that the employment of the alien in the occupation will not adversely affect U.S. workers similarly employed.

(d) The local office shall date stamp the application (see § 656.30 for the significance of this date), and shall make sure that the Application for Alien Employment Certification form is complete. If it is not complete the local office shall return it to the employer and shall advise the employer to re-file it when it is completed.

(e) If the Application for Alien Employment Certification form is complete, the local office, using the information on the form, shall prepare and process an employment service job order. If this job order is discriminatory or otherwise unacceptable as a job order under employment service regulations, the local office shall, as appropriate either contact the employer to try to remedy the defect or return the Application for Alien Employment Certification form to the employer with instructions on how the defect can be remedied.

(f) The local office shall calculate, to the extent of its expertise using wage information available to it, the prevailing wage for the job opportunity pursuant to §656.40 of this Part and shall put its finding in writing. If the local office finds that the rate of wages offered is below the prevailing wage, it shall advise the employer to increase the amount offered. If the employer refuses to do so, the local office shall advise the employer that the application will have to be refiled at the local office if the labor certification is denied by the Certifying Officer because the rate of wages does not meet the prevailing wage.

(g) (1) The local office, in cooperation with the employer, shall then attempt to recruit United States workers for a period of 30 calendar days by placing the job order into the regular ES recruitment system, except that, if the employer has a previous job order for the same job on file with the same local office, the 30 days shall be reduced by the number of days which have elasped since the first job order was filed. As part of these efforts, the employer shall advertise the job in a newspaper of general circulation. This advertisement shall conform to the requirements at § 656.21(b)(9) of this Part, and shall direct applicants to report to the local office for referral to the employer.

(2) The regional Certifying Officer, at the request of a local office manager, may reduce the 30-day recruitment period for good cause shown.

(h) If, after the required recruitment period, the recruitment is not successful, the local office shall send the application, its prevailing wage finding and any appropriate additional information such as local labor market data, to the State office or, if authorized, to the regional Certifying Officer.

(i) A State office, which receives an application, may add appropriate data or comments and shall promptly transmit the application to the appropriate regional Certifying Officer.

§ 656.22 Applications for labor certifications for Schedule A occupations.

(a) An alien or agent of an alien shall apply for a labor certification for a Schedule A occupation by filing an Application for Alien Employment Certification form in duplicate with a U.S. Consular office abroad or with an INS office in the United States, not with the Department of Labor or a State employment service local office.

(b) An alien whose occupation is on Schedule A and who is seeking a third or sixth preference, as described in § 656.2 (d)(1)(ii) and (iii) of this Part, shall show evidence of prearranged employment by having an employer complete, and sign, the job offer description portion of the Application for Alien Employment Certification form. There is, however, no need for the employer to provide the other documentation required under this Part for non-Schedule A occupations.

(c) Aliens seeking labor certifications under Group I of Schedule A shall file as part of their labor certification applications documentary evidence of their degrees and of the equivalence of their degrees to United States granted Ph.D.s, master's or bachelor's degrees, as appropriate.

(d) Aliens who are applying for labor certifications under Group II of Schedule A shall file as part of their labor certification applications documentary evidence testifying to the current widespread acclaim and international recognition accorded them, receipt of internationally recognized prizes or awards for excellence, and documents testifying that they are members of international associations requiring outstanding achievements of their members as judged by recognized international experts in their disciplines or fields. They shall also submit additional documentation supporting their claim to have exceptional ability such as:

(1) Affidavits or published material testifying to their technical training or specialized experience;

(2) Published material by or about the alien. Such material shall identify the title, date and author of each publication or article;

(3) Documentary evidence of earnings commensurate with their claimed level of ability; and/or

(4) Documentation showing that their work experience during the past year did, and their intended work in the United States will, require exceptional ability.

(e) Aliens seeking a labor certification under Group III of Schedule A shall file as part of their labor certification applications documentary evidence showing that they have been primarily engaged in the regilious occupation or in working for the non-profit religious organization for the previous two years, and they will be principally engaged (more than 50 percent of working time) in the United States in performing the religious occupation or working for the non-profit religious organization.

(f) If the alien is requesting a preference described at § 656.2(d) of this Part, and if the alien has filed an Application for Alien Employment Certification form at a Consular office, the Consular Officer shall review the form as appropriate and shall then forward the application to the INS in accordance with the procedures of the Department of State and the INS.

(g) An Immigration Officer, or Consular Officer (except as provided in paragraph (f) of this section), shall determine whether the alien has met the applicable requirements of this section and of Schedule A (§ 656.10.) of this Part, shall review the application and shall determine whether or not the alien is qualified for and intends to pursue the Schedule A occupation.

(1) The Immigration or Consular Officer may request an advisory opinion as to whether the alien is qualified for the Schedule A occupation from the Division of Labor Certifications, United States Employment Service, Washington, D.C. 20213.

(2) The Schedule A determination of the INS or Department of State shall be conclusive and final. The alien, therefore, may not make use of the review

procedures set forth at § 656.26 of this Part.

(h) If the alien qualifies for the occupation, the Immigration or Consular Officer shall indicate the occupation on the Application for Alien Employment Certification form. The Consular or Immigration Officer shall then promptly forward a copy of the Application for Alien Employment Certification form, without attachments, to the Administrator, indicating thereon the occupation, the Immigration or Consular office which made the Schedule A determination and the date of the determination (see § 656.30 for the significance of this date).

§ 656.23 Applications for labor certifications for Schedule B occupations; requests for waivers from Schedule B.

(a) Occupations listed on Schedule B require little or no education or experience, and employees can be trained quickly to perform them satisfactorily. In addition, many of these occupations are entry jobs in their industries which offer opportunities for high school graduates and other U.S. workers who otherwise would have difficulty finding their first employment and gaining work experience. The Administrator has determined that there is generally a nationwide surplus of U.S. workers who are available for and who can qualify for Schedule B job opportunities which offer prevailing wages and working conditions.

(b) Some of the occupations on Schedule B are also often characterized by relatively low wages, long and irregular working hours, and poor working conditions which lead to excessive turnover. In most instances, the Administrator has determined through past experience that the employment of aliens has failed to resolve such employment problems since the aliens, like U.S. workers, often quickly move to other jobs. This results in an adverse effect upon the wages and working conditions of U.S. workers who are employed in occupations which require similar education and experience.

(c) Therefore, the Administrator has determined that for occupations listed on Schedule B, U.S. workers are generally available throughout the United States, and that the employment of aliens in Schedule B occupations will generally adversely affect the wages and working conditions of U.S. workers similarly employed.

(d) An individual employer or the employer's agent may petition the regional Certifying Officer for the geographic area in which the job opportunity is located for a Schedule B waiver on behalf of an alien with respect to a specific job opportunity. (For the addresses of regional Certifying Officers see Subpart F of this Part.) The petition shall include:

(1) The documentation required by § 656.21 of this Part;

(2) Documentary verification, which the employer has obtained from the local employment service office which contains the job opportunity in its administrative area, that the employer has had a job order for the same job on file with the same local office for a period of 30 calendar days and that the local office and the employer, using the job order, were not able to obtain a qualified U.S. worker.

(e) The regional Certifying Officer, using the procedures and standards set forth at § 656.24 of this Part, shall either grant or deny the waiver and shall inform the employer of the determination in writing.

(f) If the waiver is granted, the regional Certifying Officer shall issue a labor certification.

(g) If the waiver is denied, the regional Certifying Officer shall deny the labor certification and shall follow the procedures at § 656.25(f)(2) of this Part.

§ 656.24 Labor certification determinations.

(a) If the labor certification presents a special or unique problem, the regional Certifying Officer may refer the application to the national Certifying Officer for determination. If the Administrator has directed that certain types of applications or specific applications be handled in the USES national office, the regional Certifying Officer shall refer such applications to the National Certifying Officer.

(b) The regional or national Certifying Officer, as appropriate, shall make a determination either to grant the labor certification or to issue a Notice of Findings on the basis of whether or not:

(1) The employer has met the requirements of § 656.21 of this Part;

(2) There is in the United States a worker who is able, willing, qualified and available for and at the place of the job opportunity according to the following standards:

(i) The Certifying Officer, in judging whether a U.S. worker is willing to take the job opportunity, shall look at the documented results of the employer's and the employment service office's recruitment efforts, and shall determine if there are other appropriate sources of workers where the employer should have recruited or might be able to recruit U.S. workers.

(ii) The Certifying Officer shall consider a U.S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupation as customarily performed by other U.S. workers similarly employed, except that, if the application involves a job opportunity as a college or university teacher, or for an alien whom the Certifying Officer determines to be currently of exceptional ability in the performing arts, the U.S. worker must be at least as qualified as the alien;

(iii) In determining whether U.S. workers are available, the Certifying Officer shall consider as many sources as is appropriate and shall look to the public employment service system as one source.

(iv) In determining whether a U.S. worker is available at the place of the job opportunity, the Certifying Officer shall consider U.S. workers living or working in the area of intended employment, and may also consider U.S. workers who are willing to move from elsewhere to take the job at their own expense, or, if the prevailing practice among employers employing workers in the occupation in the area of intended employment is to pay such relocation expenses, at the employer's expense.

(3) The employment of the alien will have an adverse effect upon the wages and working conditions of U.S. workers similarly employed. In making this determination the Certifying Officer shall consider such things as labor market information, the special circumstances of the industry, organization, and/or occupation, the prevailing wage in the area of intended employment, and the prevailing working conditions, such as hours, in the occupation.

§ 656.25 Procedures following a labor certification determination.

(a) After making a labor certification determination, the Certifying Officer shall notify the employer in writing of the determination and shall send a copy of the notice to the alien.

(b) If a labor certification is granted, the Certifying Officer shall follow the document transmittal procedures set forth at § 656.28 of this Part.

(c) If a labor certification is not granted, the Certifying Officer shall issue to the employer, with a copy to the alien, a *Notice of Findings*, as defined in § 656.50 of this Part. The *Notice of Findings* shall:

(1) Contain the date on which the *Notice of Findings* was issued;

(2) State the specific bases on which the decision to issue the *Notice of Findings* was made;

(3) Specify a date, 35 calendar days from the date of the *Notice of Findings*, by which documentary evidence may be submitted to rebut the bases of the determination, and advise that, if the rebuttal evidence has not been mailed by certified mail by the date specified, the *Notice of Findings* shall automatically become the final decision of the Secretary, denying the labor certification; and

(4) Cite the rebuttal procedures set forth at paragraphs (d), (e) and (f) of this section.

(d) Rebuttal evidence may be submitted:

(1) By the employer; and

(2) By the alien, but only if the employer has also submitted rebuttal evidence.

(e) Documentary evidence to rebut the basis of a *Notice of Findings* shall be mailed by certified mail on or before the date specified in the *Notice of Findings* to the Certifying Officer who issued the *Notice of Findings*.

(f) If evidence rebutting the bases of the *Notice of Findings* is submitted on time, the Certifying Officer shall review that evidence in relation to the evidence in the file, and shall then either grant or deny the labor certification pursuant to the standards set forth in § 656.24(b) of this Part.

(g) The Certifying Officer shall send a *Determination and Transmittal* form

to the employer, and shall send a copy to the alien.

(1) If a labor certification is granted, the Certifying Officer shall follow the document transmittal procedures set forth at § 656.28 of this Part.

(2) If the labor certification is denied, the *Determination and Transmittal* form shall:

(i) Contain the date of the determination;

(ii) State the reasons for the determination;

(iii) Quote the request for review procedures at § 656.26 (a) and (b) of this Part; and

(iv) Advise that, if a request for review is not made within the specified time, the denial shall become the final determination of the Secretary.

§ 656.26 Administrative-judicial review of denials of labor certification.

(a) If a labor certification is denied, a request for an administrative-judicial review of the denial may be made:

(1) By the employer; and

(2) By the alien, but only if the employer also requests such a review.

(b) The request for review shall be in writing and shall be sent by certified mail to the Certifying Officer who denied the application within 35 calendar days of the date of the determination, that is, by the date specified on the *Determination and Transmittal* form, shall clearly identify the particular labor certification determination from which review is sought, shall set forth the particular grounds for the request, and include all the documents which accompanied the *Determination and Transmittal* form. If the labor certification denial involved an application as a college or university teacher or an application on behalf of an alien represented to be of exceptional ability in the performing arts, the employer may designate the names and addresses of persons or organizations of specialized competence which the employer has asked to submit amicus briefs.

(c) Upon the receipt of a request for review, the Certifying Officer shall immediately assemble an Appeal File, which shall be in chronological order and indexed, and which shall contain the request for review, the complete application file, and copies of all other written material such as pertinent parts and pages of surveys, reports, etc. upon which the denial was based. The Certifying Officer shall send the Appeal File to the Chief Administrative Law Judge of the Department of Labor, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036. If the certification was denied by the national Certifying Officer, the national Certifying Officer shall also send a copy of the Appeal File to the Solicitor of Labor, Attn: Associate Solicitor for Employment and Training Legal Services, Room N2101, 200 Constitution Avenue, NW., Washington, D.C. 20210. If the certification was denied by a regional Certifying Officer, the regional Certifying Officer shall send a copy of the Appeal File to the Administrator, and a copy to the Solicitor of Labor, Attn: Associate Solicitor for Employment and Training Legal Services. In the cases of denials involving the college and university teachers and aliens represented to be of exceptional ability in the performing arts, two additional copies of the Appeal File shall be sent to the Chief Administrative Law Judge.

(d) A hearing officer, designated by the Chief Administrative Law Judge, shall afford all parties, including the Solicitor, 30 days to submit or decline to submit any appropriate legal brief. In the cases of denials involving college and university teachers and aliens represented to be of exceptional ability in the performing arts, if the employer has designated a person or organization which the employer has asked to submit an amicus brief, the hearing officer shall also afford the person or organization 30 days to submit an amicus brief.

(e) The hearing officer shall review the denial of labor certification on the basis of the record upon which the denial of labor certification was made, the request for review and any legal briefs submitted and shall:

(1) Affirm the denial of the labor certification; or

(2) Direct the Certifying Officer to grant the certification; or

(3) Remand the matter to the Certifying Officer for further consideration or factfinding and determination; or

(4) Direct that a hearing be held on the case.

(f) The hearing officer shall notify the employer, the alien, the Certifying Officer, and the Solicitor of the determination, and shall return the record to the Certifying Officer unless the case has been set for hearing.

(g) If the case is remanded, the Certifying Officer shall do the additional factfinding or consideration, make a new determination, and issue a new *Determination and Transmittal* form.

(h) If the case has been set for hearing, the hearing officer shall notify the employer, the alien, the Certifying Officer and the Solicitor:

(1) Of the date, time, and place of the hearing; and

(2) That the hearing may be rescheduled upon written request and for good cause shown.

(i) If a labor certification has been ordered granted, the Certifying Officer shall grant the certification and shall follow the document transmittal procedures set forth at § 656.28 of this Part.

§ 656.27 Hearings.

(a) If a hearing has been ordered by the hearing officer pursuant to § 656.26 (e)(4) of this subpart, the hearing officer:

(1) May reschedule the hearing, as appropriate;

(2) Shall regulate the course of the hearing;

(3) Shall assure that all relevant issues are considered;

(4) Shall rule on the introduction of evidence and testimony;

(5) Shall rule on appropriate motions; and

(6) Shall take any other action, consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded and transcribed except to the extent the substance thereof is stipulated for the record.

(c) The Department of Labor shall be represented by the Solicitor of Labor.

(d) The parties shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(e) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(f) The hearing officer may receive and make part of the record documentary evidence offered by any party. Copies thereof shall be made available to the other interested parties by the party submitting the evidence.

(g) 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.

(h) The hearing shall be conducted in accordance with sections 5–8 of the Administrative Procedures Act, 5 U.S.C. 553 *et seq.*

(i) Technical rules of evidence shall not apply, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the hearing officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence.

(j) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the hearing officer concludes that their use would promote the efficient advancement of the hearing.

(k) When a public officer is a respondent in a hearing in the officer's official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and the officer's successor shall be automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(l) The hearing officer shall have jurisdiction to decide all issues of fact and related issues of law, but shall not have jurisdiction to decide upon the validity of Federal statutes or regulations.

(m) The hearing officer may rule:

(1) that the case is improperly before it, that is, that there is a lack of jurisdiction over the case;

(2) that the request for review has been withdrawn in writing;

(3) that reasonable cause exists to believe that the request for review has been abandoned or that repeated requests for re-scheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing; or

(4) render such other rulings as are appropriate to the issues in question.

(n) The hearing officer shal' prepare a written decision and order. The decision shall state its legal and/or factual bases. The hearing officer shall send a copy of the decision and order to the applicant, the Certifying Officer, the Administrator, and the Solicitor. The hearing officer may order the labor certification granted, affirm the denial of the certification, or remand the case to the Certifying Officer for further fact-finding.

(o) Except when a case is remanded to the Certifying Officer for further fact-finding, the decision of the hearing officer shall be the final decision of the Secretary of Labor.

§ 656.28 Document transmittal following the granting of a labor certification.

If a labor certification is granted, except for labor certifications granted for occupations listed on *Schedule A*, the Certifying Officer shall:

(a) If the employer has already indicated in writing that it will file a petition for a preference described at § 656.-2(d)(1) of this Part, send the certified application containing the official labor certification stamp, supporting documents, and complete *Determination and Transmittal* form to the employer or, if appropriate, to the employer's agent. The *Determination and Transmittal* form shall indicate that the employer should submit all the documents to the appropriate INS office.

(b) If the employer has not indicated in writing whether or not it will, or that it will not, file a petition for a preference described at § 656.2(d)(1) of this Part,

(1) If the alien is abroad and preference or non-preference numbers are currently available, send the certified application containing the official labor certification stamp, supporting documents, and complete *Determination and Transmittal* form to the appropriate Consular office;

(2) If the alien is in the U.S. and preference or non-preference numbers are currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete *Determination and Transmittal* form to the employer, or, if appropriate, to the employer's agent. The *Determination and Transmittal* form shall indicate that the employer should submit all the documents to the appropriate INS office; and

(3) Whether the alien is abroad or in the U.S., if preference or non-preference numbers are not currently available, send the certified application containing the official labor certification stamp, supporting documentation, and complete *Determination and Transmittal* form to the employer, or, if appropriate, to the employer's agent, indicating that the employer should file all the documents with the appropriate INS office;

§ 656.29 Filing of a new application after the denial of a labor certification.

(a) A new application for labor certification by the same employer involving the same occupation may be filed at any time after the expiration of 6 months from the date of a denial of certification, except that, if the certification was denied solely because the wage or salary offered was below the prevailing wage, the employer may reapply immediately pursuant to § 656.21 of this Part.

(b) An alien who is denied a labor certification for a Schedule A occupation may at any time have an employer file for a labor certification on the alien's behalf pursuant to § 656.21 of this Part.

§ 656.30 Validity of and invalidation of labor certifications.

(a) Except as provided in paragraph (d) of this section, a labor certification is valid indefinitely. Labor certifications for Household Domestic Service Workers and teachers which were granted under the previous regulations at 29 CFR Part 60 and which lapsed after one year, shall be deemed automatically revalidated on the effective date of this Part.

(b)(1) labor certifications involving job offers shall be deemed validated as of the date the local employment service office date stamped the application; and

(2) labor certifications for Schedule A occupations shall be deemed validated as of the date the applications were dated by the Immigration or Consular Officer.

(c)(1) A labor certification for a Schedule A occupation is valid only for the occupation set forth on the Application for Alien Employment Certification form and throughout the United States unless the certification contains a geographic limitation.

(2) A labor certification involving a specific job offer is valid only for the particular job opportunity and for the area of intended employment stated on the Application for Alien Employment Certification form.

(d) After issuance labor certifications are subject to invalidation by the INS or by a Consul of the Department of State upon a determination, made in accordance with those agencies' procedures or by a Court, of fraud or willful misrepresentation of a material fact involving the labor certification application. If evidence of such fraud or willful misrepresentation becomes known to a Regional Administrator, Employment and Training Administration or to the Administrator, the Regional Administrator or Administrator, as appropriate, shall notify in writing the INS or State Department, as appropriate.

(e) Certifying Officers shall issue duplicate labor certifications only upon the written request of a Consular or Immigration Officer. Certifying Officers shall issue such duplicate certifications only to the Consular or Immigration Officer who submitted the written request. An alien, employer, or an employer or alien's agent, therefore, may petition an Immigration or Consular Officer to request a duplicate from a Certifying Officer.

§ 656.31 Labor certification applications involving fraud or willful misrepresentation.

(a) If possible fraud or willful misrepresentation involving a labor certification is discovered prior to a final labor certification determination, the Certifying Officer shall refer the matter to the INS for investigation, shall notify the employer of this referral in writing, and shall send a copy of the notification to the alien. If 90 days pass without the filing of a criminal indictment or information, the Certifying Officer shall continue to process the application.

(b) If it is learned that an application is the subject of a criminal indictment or information filed in a Court, the processing of the application shall be halted until the judicial process is completed. The Certifying Officer shall notify the employer of this fact in writing and shall send a copy of the notification to the alien.

(c) If a Court finds that there was no fraud or willful misrepresentation, or if the Department of Justice decides not to prosecute, the Certifying Officer shall not deny the labor certification application on the grounds of fraud or willful misrepresentation. The application, of course, may be denied for other reasons pursuant to this Part.

(d) If a Court, the INS or the Department of State determines that there was fraud or willful misrepresentation involving a labor certification application, the application shall be deemed invalidated, processing shall be terminated, a notice of the termination and the reason therefor shall be sent by the Certifying Officer to the employer, and a copy of the notification shall be sent by the Certifying Officer to the alien.

§ 656.32 Fees for services and documents.

(a) No Department of Labor or State employment service agency employee shall charge a fee in connection with the filing, determination, reconsideration, or review of applications for labor certification. Such employees, on request, shall advise applicants on the completion of applications and on procedures set forth in this Part without charge. No charge shall be made for the issuance or transmission of a labor certification.

(b) The Department of Labor's regulations under the Freedom of Information Act at 29 CFR Part 70 on the Examination and Copying of Labor Department Documents provide that fees may be charged for special searching and copying services. These fees shall be applicable to requests to the Department for copies of documents in the custody of the Department which were produced pursuant to this Part, except for official copies of labor certification documents.

Subpart D—Determination of Prevailing Wage

§ 656.40 Determination of prevailing wage for labor certification purposes.

(a) Whether the wage or salary stated in a labor certification application involving a job offer equals the prevailing wage as required by § 656.21(b)(3) of this Part, shall be determined as follows:

(1) If the job opportunity is in an occupation which is subject to a wage determination in the area under the Davis-Bacon Act, 40 U.S.C. 276a et seq., 29 CFR Part 1, or the McNamara-O'Hara Service Contract Act, 41 U.S.C. 351 et seq., 29 CFR Part 4, the prevailing wage shall be at the rate required under the statutory determination. Certifying Officers shall request the assistance of the DOL Employment Standards Administration wage specialists if they need assistance in making this determination.

(2) If the job opportunity is an occupation which is not covered by a prevailing wage determined under the Davis-Bacon Act or the McNamara-O'Hara Service Contract Act, the prevailing wage for labor certification purposes shall be:

(i) the average rate of wages, that is, the rate of wages to be determined, to the extent feasible, by adding the wage paid to workers similarly employed in the area of intended employment and dividing the total by the number of such workers. Since it is not always feasible to determine such an average rate of wages with exact precision, the wage set forth in the application shall be considered as meeting the prevailing wage standard if it is within 5 percent of the average rate of wages; or

(ii) If the job opportunity is covered by a union contract which was negotiated at arms-length between a union and the employer, the wage rate set forth in the union contract shall be considered as not adversely affecting the wages of U.S. workers similarly employed, that is, it shall be considered the "prevailing wage" for labor certification purposes.

(b) For purposes of this section, "similarly employed" shall mean "having substantially comparable jobs in the occupational category in the area of intended employment," except that, if no such workers are employed by employers other than the employer applicant in the area of intended employment, "similarly employed" shall mean:

(1) "Having jobs requiring a substantially similar level of skills within the area of intended employment"; or

(2) If there are no substantially comparable jobs in the area of intended employment, "having substantially comparable jobs with employers outside of the area of intended employment."

(c) A prevailing wage determination for labor certification purposes made pursuant to this section shall not permit an employer to pay a wage lower than that required under any other Federal, State or local law.

Subpart E—Definitions

§ 656.50 Definitions, for purposes of this Part, of terms used in this Part.

"Act" means the Immigration and Nationality Act, as amended, 8 U.S.C. 1101 et seq.

"Administrator" means the chief official of the United States Employment Service or the Administrator's designee.

"Agent" means a person who is not an employee of an employer, and who has been designated in writing to act on behalf of an alien or employer in connection with an application for labor certification.

"Application" means an Application for Alien Employment Certification form and any other documents submitted by an alien and/or employer (or their agents) in applying for a labor certification under this Part.

"Area of intended employment" means the area within normal commuting distance of the place (address) of intended employment. If the place of intended employment is within a Standard Metropolitan Statistical Area (SMSA), any place within the SMSA is deemed to be within normal commuting distance of the place of intended employment.

"Attorney General" means the chief official of the U.S. Department of Justice or the designee of the Attorney General.

"Certifying Officer" means a Department of Labor official who makes determinations about whether or not to grant applications for labor certifications:

(1) a regional Certifying Officer designated by a Regional Administrator, Employment and Training Administration (RA) makes such determinations in a regional office of the Department;

(2) a regional Certifying Officer designated by the Administrator makes such determinations for the Virgin Islands;

(3) a national Certifying Officer makes such determinations in the national office of the USES.

(4) The addresses of the regional Certifying Officers are set forth in Subpart F of this Part.

"Consular Officer" means an official of the U.S. Department of State who handles applications for labor certifications pursuant to this Part.

"Determination and Transmittal form" means the form used by the Certifying Officer to notify employers of labor certification determinations.

"Employment" means permanent full-time work by an employee for an employer other than oneself. For purposes of this definition an investor is not an employee.

"Employment and Training Administration (ETA)" means the agency within the Department of Labor (DOL) which includes the United States Employment Service (USES).

"Employer" means a person, association, firm, or a corporation which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a full-time worker at a place within the United States or the authorized representative of such a person, association, firm, or corporation. For purposes of this definition an "authorized representative" means an employee of the employer whose position or legal status authorizes the employee to act for the employer in labor certification matters.

"Hearing Officer" means a Department of Labor official, whether hearing officer or Administrative Law Judge, designated to preside at DOL administrative hearings.

"Immigration and Naturalization Service (INS)" means the agency within the U.S. Department of Justice which administers that Department's principal functions under the Act.

"Immigration Officer" means an official of the Immigration and Naturalization Service (INS) who handles applications for labor certifications pursuant to this Part.

"INS", see Immigration and Naturalization Service.

"Job opportunity" means a job opening for employment at a place in the United States to which U.S. workers can be referred.

"Labor certification" means the determination and certification to the Secretary of State and to the Attorney General by the Secretary of Labor pursuant to section 212(a)(14) of the Immigration and Nationality Act (1) that there are not sufficient U.S. workers who are able, willing, qualified, and available at the time of an alien's application for a visa and admission to the United States and at the place where the alien is to perform the work, and (2) that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers.

"Local employment service office" means an office of a State employment service agency which serves a particular geographic area within a State.

"Notice of Findings" means a notice which sets forth the bases upon which a Certifying Officer intends to deny a labor certification unless the bases are satisfactorily rebutted.

"Regional Administrator, Employment and Training Administration (RA)" means the chief official of the Employment and Training Administration (ETA) in a Department of Labor (DOL) regional office.

"Schedule A" means the list of occupations set forth at § 656.10 of this Part, with respect to which the Administrator has determined that there are not sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will not adversely affect the wages and working conditions of United States workers similarly employed.

"Schedule B" means the list of occupations set forth at § 656.11 of this Part,

with respect to which the Administrator has determined that there are generally sufficient United States workers who are able, willing, qualified and available, and that the employment of aliens in such occupations will generally adversely affect the wages and working conditions of United States workers similarly employed.

"Secretary" means the Secretary of Labor, the chief official of the U.S. Department of Labor, or the Secretary's designee.

"Secretary of State" means the chief official of the U.S. Department of State or the Secretary of State's designee.

"United States Employment Service (USES)" means the agency of the U.S. Department of Labor, established under the Wagner-Peyser Act of 1933, which is charged with administering the national system of public employment offices and with carrying out the functions of the Secretary under section 212(a)(14) of the Immigration and Nationality Act.

"United States worker" means any worker who, whether U.S. citizen or alien, is legally permitted to work permanently within the United States.

Subpart F—Addresses of Department of Labor Regional Offices

§ 656.60 Addresses of Department of Labor regional offices.

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont): Room 1707, J. F. Kennedy Federal Building, Government Center, Boston, MA 02203.

Region II (New York, New Jersey, and Puerto Rico): Room 3713, 1515 Broadway, New York, NY 10036.

Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia): P.O. Box 8796, Philadelphia, PA 19101 (3535 Market Street. Do not use street address for mailing purposes.).

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee): Room 405, 1371 Peachtree Street, NE., Atlanta, GA 30309.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin): 230 S. Dearborn Street, Chicago, IL 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas): Room 317, 555 Griffin Square Building, Griffin and Young Streets, Dallas, TX 75202.

Region VII (Iowa, Kansas, Missouri, and Nebraska): Room 1000, Federal Building, 911 Walnut Street, Kansas City, MO 64106.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming): 1961 Stout Street, Denver, CO 80202.

Region IX (Arizona, California, Guam, Hawaii, and Nevada): Box 36084, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Region X (Alaska, Idaho, Oregon, and Washington): Room 1145 Federal Office Building, 909 First Avenue, Seattle WA 98174.

Virgin Islands—First National City Bank Building, Veterans Drive, St. Thomas, V.I. 00801.

Signed at Washington, D.C., this 13th day of January 1977.

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

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TUESDAY, JANUARY 18, 1977

PART V



DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

■

EQUAL EMPLOYMENT OPPORTUNITY

Final Rulemaking

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

Final Rulemaking

Section 201 of Executive Order 11246, as amended (30 FR 12319; amended, 32 FR 14303), provides that the Secretary of Labor shall adopt rules, regulations and orders as he deems necessary and appropriate to achieve the purposes of the Order.

On September 17, 1976, the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, published in the FEDERAL REGISTER (41 FR 40340) a proposal to revise and redesignate the regulations in 41 CFR Parts 60–1 through 60–60. Interested persons were given until November 16, 1976, to submit written comments, suggestions or objections. Public hearings regarding the proposals were held in New York, Atlanta, Chicago and Los Angeles during the weeks of December 6 and 13, 1976 (41 FR 48128), and the records of those hearings remained open for the submission of written testimony through December 27, 1976.

On December 14, 1976, the OFCCP published in the FEDERAL REGISTER (41 FR 54499) a proposal to amend 41 CFR 60–1.40(a) and 41 CFR 60–2.1 to comply with a settlement agreement reached between the Department of Labor and the plaintiffs in "Castillo v. Usery," USDC ND Calif., Civil No. 73–282 AJZ. Interested persons were given until January 13, 1977, to submit written comments, suggestions or objections.

Numerous comments and thousands of pages of hearing transcript have been received and have been given careful consideration. The comments indicate a need for further consideration of many of the proposals and, accordingly, the major revision and redesignation proposed on September 17, 1976, will be postponed for such further consideration. Other proposed amendments and revisions, however, evoked little or no public comment, or are of overriding importance, and are adopted herein.

As was proposed on September 17, 1976, the term and definition of "Administrative law judge" are substituted for the term and definition of hearing officer in § 60–1.3 and are inserted between "administering Agency" and "agency." This change conforms the definition section in the regulations with changes being made in Part 60–30, Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246. The definition of "Compliance agency" is amended as proposed on September 17. No comments were received regarding either of these amendments. In addition, the lettered paragraph designations in § 60–1.3 (e.g. § 60–1.3 (a) and (b) are deleted and the term and definition of "minority group" (formerly § 60–1.3(z)) is inserted, unchanged, in alphabetical order, between "Government contract" and "modification." In this manner all definitions will be in alphabetical order and the lettered paragraph designations are unnecessary.

Section 60–1.4(d) is amended by combining elements of the prior section with elements of the September 17 proposal. As amended, § 60–1.4(d) permits the incorporation by reference of the equal opportunity clause in all contracts and subcontracts, irrespective of the amount of the contract or subcontract, and in such other contracts and subcontracts as the Director may designate. The previous regulation permitted incorporation by reference only in contracts or subcontracts of $50,000 or less, and in Government bills of lading, transportation requests, contracts for the deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and savings notes, and in such other contracts as the Director designated. The amendment has no substantive effect on coverage. No comments either favoring or opposing the proposal were received.

Section 60–1.4(e), as published in the September 17 proposal, replaces previous § 60–1.4(e). The effect of the change in § 60–1.4(e) is to make it clear that, consistent with the intent of the Secretary and with existing case law, the equal opportunity clause is considered a part of all non-exempt contracts, including unwritten contracts. No comments were received.

Section 60–1.5(a)(1), regarding exemption of transactions of $10,000 or under from the requirements of the equal opportunity clause, is amended by (1) explicitly stating that no dollar amount exemption is applicable to contracts and subcontracts with depositories of Federal funds and with financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes, and (2) eliminating the exemption where a contractor has contracts or subcontracts which in any 12-month period total in excess of $10,000, irrespective of the dollar value of any single contract.

The provision pertaining to Executive Order coverage of financial institutions clarifies existing practice as reflected in the Department of Treasury regulations at 41 CFR 10–12.804. While the September 17 proposal did not explicitly refer under this section to the coverage of financial institutions regardless of dollar amount, this point was reflected in proposed § 60–1.6(a) regarding affirmative action programs. A banking organization recommended the establishment of dollar amount exemptions for financial institutions. However, we are reluctant to remove already existing coverage without further consideration of the impact of such removal on equal employment opportunity.

The aggregation provision is similar to that presented in the September 17 proposal, except that the dollar amount has been reduced from $50,000 to $10,000. Only one comment opposing aggregation for equal opportunity clause purposes was received. The commentator suggested that aggregation would increase the administrative and paperwork burden on small contractors. Several comments generally favoring aggregation were submitted. Upon consideration of the matter we have concluded that the burden of complying with the equal opportunity clause (as opposed, for instance, to meeting affirmative action program-type reporting requirements) is not so substantial that it should not be shouldered by all contractors doing more than $10,000 worth of business with the Government. Moreover, we have concluded that aggregation should be to $10,000 rather than $50,000 for the sake of consistency; ten contracts of $1000 each or two contracts of $5000 each are of the same value to the contractor as one contract of $10,000.

Section 1.5(a)(6) of the September 17 proposal, dealing with work on or near Indian reservations, is adopted without change as 41 CFR 60–1.5(a)(6). This provision was previously proposed by the OFCCP on June 25, 1976 (41 FR 26229) and republished as part of the September 17 proposal. It expands the employment opportunities of American Indians living on or near an Indian reservation in both construction and nonconstruction employment. The rule parallels Section 703(i) of the Civil Rights Act of 1964, as amended, and allows construction and nonconstruction contractors and subcontractors to engage in certain preferential hiring of such Indians.

Section 703(i) of the Civil Rights Act of 1964, as amended, states:

> Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

The use of the word "near" includes all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a work day. This definition is consistent with that offered by the Equal Employment Opportunity Commission to the U.S. Commission on Civil Rights in an opinion letter dated July 18, 1973.

In accordance with the Federal equal employment policy contained in Section 715 of the Civil Rights Act of 1964, as amended, for consistent standards among the Federal equal employment opportunity enforcement agencies, the Department of Labor adopts the policy enunciated in Section 703(i) of the Civil Rights Act of 1964, as the applicable standard under Executive Order 11246 for contractors performing contracts on or near an Indian reservation.

In order to implement the proposed permissive employment preference for Indians living on or near an Indian reservation meaningfully, the Department also adopts the remainder of its June 25, 1976, proposal in 41 CFR 60–2.12(j) (republished on September 17 as 41 CFR 60–2.12(h) of Alternative A and 41 CFR 60–2.12(g) of Alternative B) to provide that a contractor or subcontractor extending a publicly announced preference for Indians under 41 CFR 60–1.5(a)

(6) may reflect such preference in the goals and timetables of its written affirmative action compliance program.

The few written comments and the limited testimony at the hearings on these matters generally supported these provisions. An employer questioned the legality of these provisions, their precedential value for other groups, and the effect the implementation of the provisions would have on other protected groups. We believe that these amendments further the objectives of the Executive Order in that they support a policy of hiring American Indians living on or near reservations. The proposed amendments are consistent with Section 703(i) of the Civil Rights Act of 1964, as amended, and with the Indian Self Determination and Education Assistance Act (Pub. L. 93-638), which also covers the preferential employment of Indians by certain Federal contractors. These Indian preference provisions of these regulations do not establish mandatory Indian preference requirements on contractors nor do they impose new obligations on contractors. Rather, they clarify the Department of Labor's position as to certain contractors who choose to announce publicly a particular Indian hiring policy. With the recent passage of the Indian Self Determination and Education Assistance Act, certain Federal contractors are required to give preference to Indians when performing certain contracts. Therefore, the permissive Indian preferences set forth below are fully compatible with the new Act.

Both the proposed and the final version of § 60-1.5(a)(6) provide that contractors or subcontractors extending an Indian employment preference shall not discriminate among Indians on the basis of religion, sex or tribal affiliation. One tribe objected to this prohibition against tribal discrimination when the tribe itself forms a construction company. The favorable written comments of another tribe did not address this issue. A witness representing an Indian organization at the Los Angeles hearings expressed no position on this point, when asked, but did favor the prohibition on sex discrimination among Indians. To allow a tribal contractor to use the permissive Indian preference to discriminate against members of other Tribes would frustrate one of our basic objectives—to encourage the employment of American Indians generally. This purpose would be hindered were we to allow disparate treatment based on tribal affiliation. Further, we have not been referred to any specific provisions in the Executive Order or in other legislation which would suggest such separate treatment for tribal contractors.

Section 60-1.13 of the September 17 proposal, "Foreign government practices," as corrected at 41 FR 42678 (September 28, 1976), is adopted with one change in wording as 41 CFR 60-1.10. In the third sentence the word "shall" replaces "may." That sentence now reads as follows:

> Therefore, a contractor hiring workers in the United States for either Federal or non-federally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex, or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. (Emphasis added.)

Several comments opposing the proposal and several favoring it were received. The objectors generally felt that it is beyond the scope of these regulations to confront the hiring and admittance practices of foreign governments. As one commentator put it, "These regulations are not going to change the policies of any foreign nation. A contractor should not be penalized by virtue of complying with the immigration policy of a foreign country." Those favoring the proposal felt that adoption, as amended above, was appropriate in light of previous directives of the President and the Secretary of Labor prohibiting such discrimination. We agree that inasmuch as the regulation implements the stated policy of both the President and the Secretary, it is appropriately adopted.

The complaint procedures at §§ 60-1.21 through 60-1.24 have been revised to specifically provide that OFCCP and the compliance agencies may refer appropriate complaints to the Equal Employment Opportunity Commission (EEOC) for processing under Title VII of the Civil Rights Act of 1964, as amended, rather than processing them under Executive Order 11246 and the implementing regulations. Complainants and contractors would be informed of the referral of a complaint to EEOC. This provision is intended to ensure that OFCCP and the compliance agencies establish rational compliance priorities. Requiring OFCCP or the compliance agencies to investigate, as some commentators suggested, each individual complaint would interfere with a balanced compliance review and enforcement program designed to maximize federal resources for the greatest equal employment opportunity benefit and results.

The comments of the U.S. Commission on Civil Rights supported the language in the proposed regulations which would permit OFCCP and the compliance agencies to refer complaints to the EEOC. The Commission stated, in part, "We believe that this provision will enhance the ability of the Federal contract compliance program to concentrate on systemtic administration."

Some of the written comments and testimony at the hearings referred to EEOC's backlog as a reason for opposing referral of complaints to EEOC. However, it should be recognized that even in situations where EEOC itself is unable to act upon a matter, referral of a complaint to EEOC will ensure that the complainant can commence a private right of action under Title VII as a result of EEOC's issuance of a right-to-sue letter. Therefore, our referral policy will enable the matters raised in the complaint to be addressed in a timely manner under other means.

In addition to comments on referral to EEOC of individual complaints which do not raise issues of systemtic discrimination, some comments also questioned the referral of class-wide complaints to EEOC. In this regard, it is the general policy of OFCCP that such broader complaints normally be processed under Executive Order 11246. This enables OFCCP and the agencies to focus on large-scale discrimination/affirmative action matters affecting large numbers of minorities and women and to establish compliance priorities accordingly.

Referral of appropriate complaints to EEOC reflects existing policy. See OFCCP/EEOC Memorandum of Understanding (31 FR 35855, Oct. 4, 1974). It is consistent with Sections 206(b) and 209(a)(3) of Executive Order 11246, as amended, and federal equal employment policy as reflected in Section 715 of the Civil Rights Act of 1964, as amended, calling for the maximization of effort, the promotion of efficiency, and the elimination of conflict, competition, duplication and inconsistency among federal EEO agencies.

Section 60-1.23(a) adopts most of the language of proposed § 60-1.30(c)(1) to indicate that complaints filed by public interest or advocate-type organizations will be accepted notwithstanding that such complaints do not identify all or any of the alleged discriminatees so long as the complaint is of sufficient specificity as to indicate where the complaint investigation should focus. As indicated above, class-wide complaints (including those filed by third parties) would normally be retained and processed under Executive Order 11246. However, to indicate that such complaints may, on occasion, be referred to EEOC, we have deleted the phrase "for investigation" in adopting the last sentence of proposed § 60-1.30(c)(1). Some commentators opposed acceptance of complaints of this nature; they favored the identification of complainants and opposed giving public interest groups the right to file complaints on behalf of individuals or a class of individuals. They also feared harassment and the filing of specious complaints. Others favored the Department's proposal by pointing out that victims of discrimination frequently fear employer retaliation and would be reluctant to identify themselves specifically in a complaint. In order to maximize equal employment opportunity, the OFCCP and the compliance agencies need to obtain as much information as possible, including information gathered through the complaint process. Therefore, we are unwilling to deny access to these complaint procedures to organizations alleging violations of the Executive Order or implementing regulations. Our position is fully consistent with Section 206 of the Executive Order, regarding investigations and complaints.

Other changes are as follows: (1) Section 60-1.22 now states OFCCP's address for filing complaints; (2) § 60-1.24(b) has been captioned "Complaint investigations," rather than "Investigations" and adopts the language of proposed § 60-1.23, indicating that OFCCP, as well as the agencies, may conduct complaint investigations (also provided in § 60-

1.22), and that the case record should refer to at least one federal contract to ensure that the employer under investigation is subject to the Executive Order; (3) § 60–1.24(c)(3) has been revised to correspond with the enforcement scheme of § 60–1.26, which includes reference to the sanctions formerly contained in this provision; (4) § 60–1.24 (d), has been revised by having the first sentence begin with the new clause, "With the exception of complaints which have been referred to EEOC, * * *," to indicate that such complaints are not subject to the compliance agency complaint processing requirements contained therein; and (5) references to "agency" in § 60–1.21 through § 60–1.24 have been clarified by substituting the term "compliance agency".

Proposed § 60–1.25, "Enforcement proceedings," is adopted with minor changes at 41 CFR 60–1.26, and previous § 60–1.26 is deleted. Conforming amendments dealing with the administrative complaint process are made at 41 CFR 60–2.2 (b) and (c). The concepts formerly found in § 60–1.26 have been retained, to the extent applicable, and published in 41 CFR Part 60–30 (see discussion, below).

Section 60–1.26 clarifies procedures and policies regarding administrative and judicial proceedings to enforce the Executive Order and to seek appropriate relief. This section restates existing OFCCP policy that enforcement procedures are applicable to both construction and nonconstruction contracts. Seven categories of violations for which enforcement proceedings would be appropriate are set forth as examples. In the event of an alleged violation or threat of violation, the OFCCP or the compliance agency (with the approval of the Director) may institute administrative proceedings to enjoin the violation and seek appropriate relief, which may include affected class and back pay relief. This section codifies OFCCP policies regarding back pay and affected class relief which have been in effect for several years.

If it is determined after a hearing that the contractor is violating the Executive Order the compliance agency or the Secretary of Labor shall issue an Administrative Order enjoining the violations, requiring the contractor to provide whatever remedies are appropriate, imposing whatever sanctions are appropriate, or implementing any combination of these provisions.

The procedure thus established draws a critical distinction between the concepts of remedy and sanction. A remedy (such as seniority reform, red circling, or back pay) is an affirmative step which is required to eliminate discrimination or the effects of past discrimination at the subject establishment. It is remedial rather than punitive. It is the mechanism by which the contractor may bring its employment practices into compliance with the Executive Order. On the other hand, a sanction such as debarment is the Government's recourse, or the penalty to be levied, in the event of failure to comply and does not provide relief to victims of the contractor's discrimination.

This section specifies that when requesting approval to institute enforcement proceedings, the compliance agency shall provide the Director with:

Information regarding at least one contract which subjects the contractor to Executive Order liability;

Specification of the sections of the Order, regulations or equal opportunity clause allegedly violated, including a brief description of the relevant facts;

Appropriate documentation and statistical analysis;

A proposed administrative complaint, where appropriate.

In addition, the section specifies that all Executive Order administrative enforcement proceedings will be conducted under the control and supervision of the Solicitor of Labor and under OFCCP's hearing rules. This will provide greater uniformity in the processing of enforcement proceedings. However, it does not preclude other agencies from conducting enforcement proceedings under the supervision of the Solicitor. Finally, this section outlines procedures pertaining to the referral of enforcement matters to the Department of Justice and includes authorization for the Attorney General or his designee to conduct any necessary investigation, make efforts to secure compliance and institute civil actions.

A number of commentators opposed the portion in proposed § 60–1.25(a)(2) which references affected class and back pay relief as being appropriate under the Executive Order. They opined that the Executive Order is only prospective in nature, and that it contains no provision authorizing remedial relief. However, it has been OFCCP policy for a number of years that affected class and back pay relief are authorized by the Executive Order. That policy was recently upheld in "U.S. v. Duquesne Light Co." (C.A. No. 75–1110, W.D. Pa., November 30, 1976).

Commentators also questioned the legality of proposed § 60–1.25 (a)(2), (e) and (f) regarding referrals to the Department of Justice, in light of the 1972 amendments to Title VII of the Civil Rights Act of 1964, which transferred most Title VII authority to the EEOC. However, we believe that these provisions represent an appropriate exercise of the powers of the Secretary of Labor, catalogued at subparagraphs (2), (3) and (4) of Section 209(a) of the Executive Order as follows:

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups who prevent directly, or seek to prevent directly or indirectly compliance with the provisions of this Order.

(3) Recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

Comments regarding proposed § 1.25 (c), which is intended to provide greater uniformity in the processing of enforcement actions, were generally favorable. Several comments objected to the control and supervision of enforcement by the Solicitor of Labor because, the commentators felt, this would delay the enforcement process. Because enforcement hearings will, as a general matter, be conducted by the staffs of the various compliance agencies (the Solicitor will control and supervise; not conduct), no undue delay should result.

Sections 60–1.40(a) and 60–2.1 are amended consistent with the December 14 proposal. Accordingly, contractors and subcontractors having 50 or more employees and Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more are now subject to the written affirmative action program requirement.

In response to both the September 17 and December 14 proposals, an industry organization commented that aggregation of bills of lading discriminates against the motor carrier industry by establishing equal employment compliance standards which are different than those applicable to other contractors. However, if the previous provisions were to be retained, virtually the entire motor carrier industry would be excluded from the affirmative action program requirements contained in 41 CFR Part 60–2. As an industry witness stated at the Atlanta hearings, there are between three and twelve motor carriers out of 16,005 which without accumulating bills of lading, would be subject to the affirmative action program requirements of 41 CFR Part 60–2. Goals and timetables and related affirmative action requirements have been recognized as an extremely useful and effective method for ensuring that the objectives of the Executive Order are met. See, e.g., "Contractors Assn. of Eastern Pa. v. Secretary of Labor," 442 F.2d 149 (3rd Cir., 1971), cert. den., 404 U.S. 854 (1971); "U.S. v. Mississippi Power & Light Co."; —— F. Supp. —— (S.D. Miss., 1975), 10 FEP Cases 1084; "Association of General Contractors of Massachusetts v. Altshuler," 490 F. 2d 9 (1st Cir., 1973), *cert. denied*, 416 U.S. 957 (1974); "Joyce v. McCrane," 320 F. Supp. 1284 (D.N.J., 1970); "Barnett v. International Harvester," —— F. Supp. —— (W.D. Tenn., 1976), 12 FEP Cases 787.

Further, there are significant equal employment problems in the motor carrier industry. In this regard, as the U.S. Commission on Civil Rights stated: "The statistical record on employment of minorities and women in the trucking industry, as well as the number of court cases alleging discrimination by trucking companies, indicate that the compliance examiners have failed to obtain

voluntary compliance." U.S. Commission on Civil Rights, The Challenge Ahead: Equal Opportunity in Referral Unions at 170 (1976). See also "U.S. v. Trucking Employers, Inc., et al.," C.A. No. 74-453 (USDC DC, 1974); "Sagers v. Yellow Freight System", 529 F. 2d 721 (5th Cir., 1976), and the cases cited therein. The Commission's report noted that individual bills of lading for shipment of goods "rarely reach $50,000," (p. 239), and although "many firms receive in excess of $50,000 in Government bills of lading cumulated over a year, individual bills of lading almost never exceed $50,000." (p. 171). Since each Government bill of lading constitutes a separate Government contract, most motor carriers were not subject to previous 41 CFR 60-1.40 and 41 CFR Part 60-2, for the development and implementation of written affirmative action programs. The Commission's report (p. 251) supported the application of 41 CFR Part 60-2 to the surface transportation industry, and, noting the inapplicability of that regulation as it then existed to most of the industry under E.O. 11246, recommended that the Interstate Commerce Commission adopt the standards of 41 CFR Part 60-2 for its regulatees.

In order to ensure full and equal employment opportunity in the surface transportation industry, we have decided to amend 41 CFR 60-1.40 and 41 CFR Part 60-2 as described above to reach a significant portion of that important industry, which will now be subject to the same nondiscrimination and affirmative action requirements as other major segments of American industry with which the Government contracts.

In light of these considerations, we are unable to accept the assertion, in the above-referenced trade association's comments on the December 14 proposal, that this provision would be "counterproductive to the ends of equal employment and affirmative action." We believe that the new provision will have a highly salutary and beneficial effect in achieving equal employment opportunity in the surface transportation industry.

In addition, depositories of Federal funds and financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes will be subject to the written affirmative action program requirement regardless of the dollar value of their contractual relationships with the Government. This was proposed at § 60-1.6(a) of the September 17 proposal, and is consistent with existing Department of Treasury practice (41 CFR 10-12.814). Opposition to this proposal was voiced by a banking industry organization, but as we noted in discussing § 1.5(a)(1), we are reluctant to remove existing coverage without further study.

One commentator noted that proposed § 1.6(e):

* * * only recognizes noncompliance in three situations: No AACP, inadequate AACP and deviation from "a previously approved program." Under this provision, the only situation in which a contractor can be found in noncompliance for failure to implement an AACP is where that AACP has previously been approved. Given the extreme understaffing of the federal compliance system, only a small portion of AACP's are ever reviewed and approved by the compliance agencies. Assume that a contractor has an acceptable written AACP which has not previously been approved by the compliance agency. Assume further that a review is conducted which reveals that the contractor has totally failed to implement the AACP and has thus "deviated" from its terms. In this situation, the compliance agencies are not authorized to find the contractor in noncompliance.

The commentator went on to note the same problem was present in the existing regulations. Sections 2.2 (b) and (c) are amended to eliminate this deficiency.

The wording of § 2.2(b) is amended to clarify procedures under which the Director may determine that there are substantial issues of law or fact as to the contractor/bidder's responsibility to the extent that a hearing is required. This provision is cross-referenced in a new paragraph (g) in § 60-1.26.

The portions of proposed § 60-8.7 which specify the information which must be contained in a notice of deficiencies have been adopted and made applicable to the 30-day notice to show cause in § 60-2.2(c)(1). Public comment regarding this "bill of particulars" approach was overwhelmingly favorable. Both contractors and public interest groups felt that it was beneficial to the effective and timely resolution of EEO issues for contractors to be made aware of specific deficiencies and suggested remedies.

The subparagraphs of § 60-2.2(c) have been renumbered to accommodate this additional provision.

In addition, language has been added to the show cause provision to clarify that it is only applicable when administrative enforcement under Part 60-2 (as opposed to judicial enforcement) is contemplated. This is consistent with OFCCP policy and Federal court decision in "United States v. Mississippi Power and Light Co.", 9 EPD (CCH) ¶ 10,164 (S.D. Miss., 1975), appeal pending, and "United States v. New Orleans Public Service, Inc.", 8 EPD (CCH) ¶ 9795 (E.D. La.,) 1974), appeal pending, and is reflected in 41 CFR 60-1.26.

On September 17, we proposed that the previously existing "Hearing rules for sanction proceedings" (41 CFR Part 60-30) be revised, be renamed "Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246," and be published at Part 60-5. At that time we stated:

Ordinarily, rules of practice, since they deal with procedural matters, would not be subject to proposed rulemaking. However, it is the policy of the Department of Labor, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Because of the proposed general revision of the regulations, the Department therefore will consider all comments submitted on this part.

A few comments regarding the rules of practice were received, the majority of which asserted that some of the filing deadlines, most notably those for responding to interrogatories and requests for admissions, were too short. Accordingly, most of the time limitations have been lengthened. In addition, the parties will be referred to as plaintiff (Department of Labor, OFCCP and/or compliance agency) and defendant (employer), rather than complainant and respondent, as proposed.

The rules of practice are adopted as 41 CFR Part 60-30, replacing the previous Part 60-30.

In consideration of the foregoing, 41 CFR Parts 60-1, 60-2 and 60-30 are amended as set forth below.

Effective date. The Rules of Practice for Administrative Proceedings To Enforce Equal Opportunity Under Executive Order 11246 are effective on January 18, 1977, and shall be applicable to actions and proceedings brought thereafter and also to further procedure in actions and proceedings now pending, except to the extent that in the opinion of the Administrative Law Judge their application in a particular action or proceeding now pending would not be feasible or would work injustice in which event the former procedure applies.

All other provisions take effect on February 17, 1977.

Dated: January 14, 1977.

W. J. USERY, Jr.,
Secretary of Labor.

JOHN C. READ,
Assistant Secretary, Employment Standards Administration.

LAWRENCE Z. LORBER,
Deputy Assistant Secretary, Director, OFCCP.

1. The title page and indexes to 41 CFR Chapter 60 and 41 CFR Part 60-1 are amended as follows:

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

NOTE.—The President, by Executive Order 11246 (30 FR 12319), abolished the President's Committee on Equal Employment Opportunity and delegated the functions of the abolished Committee to the Secretary of Labor. By order of the Secretary of Labor, 30 FR 13441, Oct. 22, 1965, all rules, regulations, orders, instructions, and other directives, issued by the abolished Committee, not inconsistent with E.O. 11246 remain in effect for the present as those of the Secretary of Labor. All references in this chapter to "Committee", "Chairman", "Vice-Chairman", and "Executive Vice-Chairman" shall mean the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor, and all references to "a panel of the Committee" shall mean an appropriate panel of three appointed by the Director.

Part
60–1 Obligations of contractors and subcontractors.
60–2 Affirmative action programs.
60–3 Employee selection procedures: Uniform guidelines.
60–5 Washington Plan.
60–6 San Francisco Plan.
60–7 St. Louis Plan.
60–8 Atlanta Plan.
60–10 Camden Plan.
60–11 Chicago Plan.
60–20 Sex discrimination guidelines.
60–30 Rules of practice for administrative proceedings to enforce equal opportunity under Executive Order 11246.
60–40 Examination and copying of OFCCP documents.
60–50 Guidelines on discrimination because of religion or national origin.
60–60 Contractor evaluation procedures for contractors for supplies and services.

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

Sec.
60–1.1 Purpose and application.
60–1.2 Administrative responsibility.
60–1.3 Definitions.
60–1.4 Equal opportunity clause.
60–1.5 Exemptions.
60–1.6 Duties of agencies.
60–1.7 Reports and other required information.
60–1.8 Segregated facilities.
60–1.9 Compliance by labor unions and by recruiting and training agencies.
60–1.10 Foreign government practices.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

60–1.20 Compliance reviews.
60–1.21 Who may file complaints.
60–1.22 Where to file.
60–1.23 Contents of complaint.
60–1.24 Processing of matters by agencies and the Director.
60–1.25 Assumption of jurisdiction by or referrals to the Director.
60–1.26 Enforcement proceedings.
60–1.27 Sanctions and penalties.
60–1.28 Show cause notices.
60–1.29 Preaward notices.
60–1.30 Contract ineligibility list.
60–1.31 Reinstatement of ineligible contractors or subcontractors.
60–1.32 Intimidation and interference.

Subpart C—Ancillary Matters

60–1.40 Affirmative action compliance programs.
60–1.41 Solicitations or advertisements for employees.
60–1.42 Notices to be posted.
60–1.43 Access to records and site of employment.
60–1.44 Rulings and interpretations.
60–1.45 Existing contracts and subcontracts.
60–1.46 Delegation of authority by the Director.
60–1.47 Effective date.

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

2. 41 CFR 60–1.3 is revised to read as follows:

§ 60–1.3 Definitions.

"Administering agency" means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

"Administrative Law Judge" means an Administrative Law Judge appointed as provided in 5 U.S.C. 3105 and Subpart B of Part 930 of Title 5 of the Code of Federal Regulations (see 37 FR 16787) and qualified to preside at hearings under 5 U.S.C. 557.

"Agency" means any contracting or any administering agency of the Government.

"Applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

"Compliance Agency" means the agency designated by the Director on a geographical, industry or other basis to conduct compliance reviews and to undertake such other responsibilities in connection with the administration of the Order as the Director may determine to be appropriate.

"Construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any Government contract or any federally assisted construction contract.

"Contracting agency" means any department agency, establishment, or instrumentality in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director, Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor or any person to whom he delegates authority under the regulations in this part.

"Equal opportunity clause" means the contract provisions set forth in § 60–1.4 (a) or (b), as appropriate.

"Federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participated in the construction work.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depositary. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted construction contracts.

"Minority group" as used herein shall include, where appropriate, female employees and perspective female employees.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Order", "Executive Order", or "Executive Order 11246" means Parts II, III, and IV of Executive Order 11246 dated September 24, 1965 (30 FR 12319), any Executive order amending such Order, and any other Executive order superseding such order.

"Person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract and, for the purposes of Subpart B of this part, any person who has held a contract subject to the Order.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor or who provides for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the Order.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

"Subcontract" means any agreement or arrangement between a contractor

and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the Order. The term "First-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

"United States" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

3. 41 CFR 60–1.4 is amended by revising paragraphs (d) and (e) as follows:

§ 60–1.4 Equal opportunity clause.

* * * * *

(d) *Incorporation by reference.*—The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director may designate.

(e) *Incorporation by operation of the Order.*—By operation of the Order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the Order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

* * * * *

4. 41 CFR 60–1.5 is amended by revising paragraph (a)(1) and by adding a new paragraph (a)(6) as follows:

§ 60–1.5 Exemptions.

(a) *General*—(1) *Transactions of $10,000 or under.*—Contracts and subcontracts not exceeding $10,000, other than Government bills of lading and other than contracts and subcontracts with depositories of Federal funds in any amount and with financial institutions which are issuing and paying agents for U.S. savings bonds and savings notes, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in a manner so as to avoid applicability of the equal opportunity clause: *Provided*, That where a contractor has contracts or subcontracts with the Government in any 12-month period which have an aggregate total value (or can reasonably be expected to have an aggregate total value) exceeding $10,000, the $10,000 or under exemption does not apply, and the contracts are subject to the Order and the regulations issued pursuant thereto regardless of whether any single contract exceeds $10,000.

* * * * *

(6) *Work on or near Indian reservations.*—It shall not be a violation of the equal opportunity clause for a construction or nonconstruction contractor to extend a publicly announced preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation. The use of the word "near" would include all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a work day. Contractors or subcontractors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, or tribal affiliation, and the use of such a preference shall not excuse a contractor from complying with the other requirements contained in this chapter.

* * * * *

5. 41 CFR Part 60–1 is amended by adding a new § 60–1.10 as follows:

§ 60–1.10 Foreign government practices.

Contractors shall not discriminate on the basis of race, color, religion, sex or national origin when hiring or making employee assignments for work to be performed in the United States or abroad. Contractors are exempted from this obligation only when hiring persons outside the United States for work to be performed outside the United States (see 41 CFR 60–1.5(a)(3)). Therefore, a contractor hiring workers in the United States for either Federal or nonfederally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. Should any contractor be unable to acquire a visa of entry for any employee or potential employee to a country in which or with which it is doing business, and which refusal it believes is due to the race, color, religion, sex, or national origin of the employee or potential employee, the contractor must immediately notify the Department of State and the Director of such refusal.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

6. 41 CFR 60–1.21, 1.22, 1.23 and 1.24 are revised to read as follows:

§ 60–1.21 Filing complaints.

Complaints shall be filed within 180 days of the alleged violation unless the time for filing is extended by the compliance agency or the Director for good cause shown.

§ 60–1.22 Where to file.

Complaints may be filed with the compliance agency or the OFCCP, 200 Constitution Avenue, NW., Washington, D.C., 20210. Those filed with the Director may be referred to the compliance agency for processing, or they may be processed in accordance with § 60–1.26.

§ 60–1.23 Contents of complaint.

(a) The complaint shall include the name, address, and telephone number of the complainant, the name and address of the contractor or subcontractor committing the alleged discrimination, a description of the acts considered to be discriminatory, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his/her authorized representative. Complaints alleging class-type violations which do not identify the alleged discriminatee or discriminatees will be accepted, provided the other requirements of this paragraph are met.

(b) Where a complaint contains incomplete information, the compliance agency or OFCCP shall seek the needed information from the complainant. In the event such information is not furnished to the compliance agency or the Director within 60 days of the date of such request, the case may be closed.

§ 60–1.24 Processing of matters by agencies and the Director.

(a) *Complaints.*—A copy of each complaint filed with the compliance agency shall be transmitted to the Director within 10 days after the receipt thereof. OFCCP and the compliance agencies may refer appropriate complaints to the Equal Employment Opportunity Commission (EEOC) for processing under Title VII of the Civil Rights Act of 1964, as amended, rather than processing under E.O. 11246 and the regulations in this chapter. Upon referring complaints to the EEOC, compliance agencies or the OFCCP, as appropriate, shall promptly notify complainant(s) and the contractor of such referral.

(b) *Complaint investigations.*—In conducting complaint investigations, OFCCP or the compliance agency shall, as a minimum, conduct a thorough evaluation of the allegations of the complaint and shall be responsible for developing a complete case record. The compliance agency shall follow such other guidance in investigating the complaints as the Director provides. The case record should contain the name, address, and telephone number of each person interviewed, the interview statements, copies, transcripts, or summaries (where appropriate) of pertinent documents, a reference to at least one covered contract, and a narrative report of the investigation with references to exhibits and other evidence which relate to the alleged violations. When a complaint is filed against a prime contractor or sub-

contractor who has contracts involving more than one agency, unless otherwise provided, the compliance agency shall conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the Order.

(c) *Resolution of matters.*—(1) If the complaint investigation by the compliance agency pursuant to paragraph (b) of this section shows no violation of the equal opportunity clause, the agency shall so inform the Director. The Director may review the findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate.

(2) If any complaint investigation or compliance review indicates a violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference by the compliance agency. Each prime contractor and subcontractor shall be advised that the resolution is subject to review by the Director and may be disapproved if he determines that such resolution is not sufficient to achieve compliance.

(3) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the Director or the compliance agency, with the approval of the Director, shall proceed in accordance with § 60–1.26.

(4) When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of a compliance agency or the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within ten days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action by the agency or the Director.

(5) For reasonable cause shown, the Director or a compliance agency may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request.

(d) *Reports to the Director.*—(1) With the exception of complaints which have been referred to EEOC, within 60 days from receipt of a complaint by the compliance agency, or within such additional time as may be allowed by the Director for good cause shown, the compliance agency shall process the complaint and submit to the Director the case record and a summary report containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the equal opportunity clause;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this regulation or otherwise required by the Director, including findings, will be forwarded to the Director within 10 days after the award for a postaward review.

(3) A written report of every other compliance review or any other matter processed by the agency involving an apparent violation of the equal opportunity clause shall be submitted to the Director. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the Order, and a statement of the disposition of the case, including any corrective action taken or recommended and any sanctions or penalties imposed or recommended.

7. 41 CFR 60–1.26 is revised to read as follows:

§ 60–1.26 Enforcement proceedings.

(a) *General.*—(1) Violations of the Order, equal opportunity clause, the regulations in this chapter, or of applicable construction industry equal employment opportunity requirements, may result in the institution of administrative or judicial enforcement proceedings to enforce the Order and to seek appropriate relief. Violations may be found based upon, inter alia, any of the following: (i) The results of a complaint investigation; (ii) analysis of an affirmative action program; (iii) the results of an on-site review of the contractor's compliance with the Order and its implementing regulations; (iv) a contractor's refusal to submit an affirmative action program; (v) a contractor's refusal to allow an on-site compliance review to be conducted; (vi) a contractor's refusal to supply records or other information as required by these regulations or applicable construction industry requirements; or (vii) any substantial or material violation or the threat of a substantial or material violation of the contractual provisions of the Order, or of the rules or regulations issued pursuant thereto.

(2) If the investigation of a complaint, or a compliance review, results in a determination that the Order, equal opportunity clause or regulations issued pursuant thereto, have been violated, and the violations have not been corrected in accordance with the conciliation procedures in this chapter, the compliance agency (with the prior approval of the Director), or OFCCP may institute an administrative enforcement proceeding to enjoin the violations, to seek appropriate relief (which may include affected class and back pay relief), and to impose appropriate sanctions, or any of the above. However, if the contractor refuses to submit an affirmative action program, or refuses to supply records or other requested information, or refuses to allow the compliance agency access to its premises for an on-site review; and if conciliation efforts under this chapter are unsuccessful, the compliance agency (with the prior approval of the Director) or OFCCP, notwithstanding the requirements of Part 60–60 of this chapter, may go directly to administrative enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any of the above. Whenever the Director has reason to believe that there is substantial or material violation or the threat of substantial or material violation of the contractual provisions of the Order or of the rules, regulations or orders issued pursuant thereto, he/she may institute administrative enforcement proceedings as set forth in this section or refer the matter to the Department of Justice to enforce the contractual provisions of the Order, to seek injunctive relief (including relief against noncontractors, including labor unions, who seek to thwart implementation of the Order and regulations) and to seek such additional relief, including back pay, as may be appropriate. There are no procedural prerequisites to a referral to the Department of Justice by the Director, and such referrals may be accomplished without proceeding through the conciliation procedures in this chapter, and a referral may be made at any stage in the procedures under this chapter: *Provided*, That no order for debarment from further contracts or subcontracts pursuant to section 209(a)(6) of the Order shall be made without affording the contractor an opportunity for a hearing, either administrative or judicial.

(b) *Request to institute enforcement proceedings.*—(1) If a compliance agency determines that a contractor or any other person, organization or group is in violation or threatens violation of the Order or the regulations issued pursuant thereto (through, e.g., any of the seven examples listed in § 60–1.26(a)), the compliance agency shall attempt to resolve the matter, where appropriate, through the conciliation procedure set out in this chapter. If the compliance agency is unable to resolve the matter, it shall send to the Director a written request for the institution of either administrative or judicial enforcement proceedings. The request shall describe at least one contract which covers the contractor under the Order (or if the proposed defendant is not a contractor, the basis for finding coverage under the Order) and under § 60–1.40, if appropriate. The request shall specify sections of the Order or regulations allegedly violated and briefly describe the facts which give rise to the violations. Appropriate documentation and statistical analysis also shall be attached.

(2) If the compliance agency requests that administrative enforcement proceedings be instituted, a proposed administrative complaint which conforms to the regulations in § 60–30.5 of this chapter shall be attached to the request to institute enforcement proceedings.

(3) The Director is not bound by a request for enforcement from a compliance agency, and he/she may take such action as he/she deems appropriate: *Provided*, That where analysis of a request for enforcement proceedings (in-

cluding additional investigation, if necessary) indicates a violation of the Order or its implementing regulations, and the Director is unable to resolve the matter through informal methods, he/she shall institute enforcement proceedings under § 60–1.26.

(c) *Administrative enforcement proceedings.*—Administrative enforcement proceedings instituted by a compliance agency or the OFCCP shall be conducted under the control and supervision of the Solicitor of Labor and under the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 contained in Part 60–30 of this chapter.

(d) *Decision following administrative proceeding.*—If it is determined after a hearing (or after the contractor waives a hearing) that the contractor is violating the Order or the regulations issued thereunder, the compliance agency (in accordance with 41 CFR 60–30.30(b)) or the Secretary (in accordance with 41 CFR 60–30.30(a)) shall issue an Administrative Order enjoining the violations and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the imposition of the sanctions contained in section 209 (a)(5) or (a)(6) of the Executive Order.

(e) *Referrals to the Department of Justice.*—(1) Whenever a matter has been referred to the Department of Justice for consideration of judicial proceedings pursuant to § 60–1.26(a)(2) of these regulations, the Attorney General may bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order, or any of the above.

(2) The Attorney General is authorized to conduct such investigation of the facts as he may deem necessary or appropriate to carry out his responsibilities under these regulations.

(3) Prior to the institution of any judicial proceedings, the Attorney General, on behalf of the Director, is authorized to make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of his findings, his intent to file suit, and the actions he believes necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation, in an effort to obtain such compliance without contested litigation.

(4) As defined in these regulations, the Attorney General shall mean the Attorney General, the Assistant Attorney General for Civil Rights, or any other person authorized by regulations or practice to act for the Attorney General with respect to the enforcement of equal employment opportunity laws, orders and regulations generally, or in a particular matter or case.

(5) The Director or his/her designee, representatives of the compliance agencies and representatives of the Attorney General may consult from time to time to determine what investigations should be conducted to determine whether contractors or groups of contractors or other persons may be engaged in patterns or practices in violation of the Executive Order or these regulations, or of resistance to or interference with the full enjoyment of any of the rights secured by them, warranting judicial proceedings.

(f) *Initiation of lawsuits by the Attorney General without referral from the Director.*—In addition to initiating lawsuits upon referral under 41 CFR 60–1.26, the Attorney General may, subject to approval by the Director, initiate independent investigations of contractors which he/she has reason to believe may be in violation of the Order or the rules and regulations issued pursuant thereto. If, upon completion of such an investigation, the Attorney General determines that the contractor has in fact violated the Order or the rules and regulations issued thereunder, he shall make reasonable efforts to secure compliance with the contract provisions of the Order. He may do so by providing the contractor and any other respondent with reasonable notice of the Department's findings, its intent to file suit, and the actions that the Attorney General believes are necessary to obtain compliance with the contract provisions of the Order without contested litigation, and by offering the contractor and any other respondent a reasonable opportunity for conference and conciliation in an effort to obtain such compliance without contested litigation. If these efforts are unsuccessful, the Attorney General may, upon approval by the Director, bring a civil action in the appropriate district court of the United States requesting a temporary restraining order, preliminary or permanent injunction, and an order for such additional equitable relief, including back pay, deemed necessary or appropriate to ensure the full enjoyment of the rights secured by the Order, or any of the above.

(g) To the extent applicable, this section shall govern proceedings resulting from the Director's determination under § 60–2.2(b) that there are substantial issues of law or fact as to the contractor/bidder's responsibility.

Subpart C—Ancillary Matters

8. 41 CFR 60–1.40(a) is amended to read as follows:

§ 60–1.40 Affirmative action compliance programs.

(a) *Requirements of programs.*—Each agency or applicant shall require each prime contractor who has 50 or more employees and (1) has a contract of $50,000 or more; or (2) has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (3) serves as a depository of Government funds in any amount; or (4) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and (i) has a subcontract of $50,000 or more; or (ii) has Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (iii) serves as a depository of Government funds in any amount; or (iv) is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of the specific goals and timetables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in its affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applies (because of length of time in the job or other factors), the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

PART 60–2—AFFIRMATIVE ACTION PROGRAMS

Subpart A—General

9. 41 CFR 60–2.1 is amended to read as follows:

§ 60–2.1 Title, purpose and scope.

(a) This part shall also be known as "Revised Order No. 4" and shall cover nonconstruction contractors. Section 60–1.40 of this chapter, Affirmative action compliance programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and (1) a contract of $50,000 or more; or (2) Government bills of lading which, in any 12-month period, total or can reasonably be expected to total $50,000 or more; or (3) who serves as a depository of Government funds in any amount; or (4) who is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount, develop a written affirmative action compliance program for each of its establishments.

A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the agency review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by the contractors and Government agencies in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity. Subparts B and C of this part are concerned with affirmative action programs only.

(b) Relief, including back pay where appropriate, for members of an affected class who by virtue of past discrimination continue to suffer the present effects of that discrimination, shall be provided in the conciliation agreement entered into pursuant to § 60–60.6 of this title. An "affected class" problem must be remedied in order for a contractor to be considered in compliance. Section 60–2.2 herein pertaining to an acceptable affirmative action program is also applicable to the failure to remedy discrimination against members of an "affected class."

10. 41 CFR 60–22.2 (b) and (c) are amended to read as follows:

§ 60–2.2 Agency action.

* * * * *

(b) If, in determining such contractor's responsibility for an award of a contract, it comes to the contracting officer's attention through sources within his agency or through the Office of Federal Contract Compliance Programs or other Government agencies, that the contractor has no affirmative action program at each of his establishments, or has substantially deviated from an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the regulations in this chapter, the contracting officer shall declare the contractor/bidder nonresponsible and so notify the contractor, the Director, and the compliance agency unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations. Any contractor/bidder which has been declared nonresponsible in accordance with the provisions of this section may request the Director to determine that the responsibility of the contractor/bidder raises substantial issues of law or fact to the extent that a hearing is required. Such request shall set forth the basis upon which the contractor/bidder seeks such a determination. If the Director, in his/her sole discretion, determines that substantial issues of law or fact exist, an administrative or judicial proceeding may be commenced in accordance with the regulations contained in § 60–1.26; or the Director may require the compliance agency to develop the investigation or compliance review further or to conduct additional conciliation: *Provided*, That during any pre-award conferences, every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60–2.10 through 60–2.32 so that in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations, and orders: *Provided further*, That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause, the compliance agency shall promptly send to the Director a written request that enforcement proceedings be initiated pursuant to § 60–1.26. Such request for initiation of enforcement proceedings shall be sent to the Director no later than the date of issuance of the second nonresponsibility determination.

(c) (1) Immediately upon finding that a contractor has no affirmative action program, or has deviated substantially from an approved affirmative action program, or has failed to develop or implement an affirmative action program which complies with the requirements of the regulations in this chapter, the compliance agency representative or the representative of the Office of Federal Contract Compliance Programs, whichever has made such a finding, shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance Programs of such fact. Whenever administrative enforcement is contemplated, the compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted. The notice to show cause should contain:

(i) An itemization of the sections of the Executive Order and of the regulations with which the contractor has been found in apparent violation, and a summary of the conditions, practices, facts or circumstances which give rise to each apparent violation;

(ii) The corrective actions necessary to achieve compliance or, as may be appropriate, the concepts and principles of an acceptable remedy and/or the corrective action results anticipated;

(iii) A request for a written response to the findings, including commitments to corrective action or the presentation or opposing facts and evidence; and

(iv) A suggested date for the conciliation conference.

(2) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days the compliance agency shall promptly send to the Director a written request for enforcement proceedings pursuant to § 60–1.26 of this chapter, giving the contractor 20 days to request a hearing. If a request for hearing has not been received within 20 days from such notice, such contractor will be declared ineligible for future contracts, and current contracts will be terminated for default.

(3) During the "show cause" period of 30 days, every effort will be made by the compliance agency through conciliation, mediation, and persuasion to resolve the deficiencies which led to the determination of nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency shall promptly send to the Director a written request for enforcement proceedings pursuant to § 60–1.26 of this chapter.

* * * * *

11. 41 CFR 60–2.12 is amended by redesignating paragraphs (j), (k), (l) and (m) as (k), (l), (m), and (n) and by adding a new (j) as follows:

§ 60–2.12 Establishment of goals and timetables.

* * * * *

(j) a contractor or subcontractor extending a publicly announced preference for Indians as authorized in 41 CFR 60–1.5(a)(6) may reflect in its goals and timetables the permissive employment preference for Indians living on or near an Indian reservation.

* * * * *

PART 60–30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246

12. 41 CFR Part 60–30 is revised to read as follows:

GENERAL PROVISIONS

Sec.
60–30.1 Applicability of rules.
60–30.2 Waiver, modification.
60–30.3 Computation of time.
60–30.4 Form, filing, service of pleadings and papers.

PREHEARING PROCEDURES

60–30.5 Administrative complaint.
60–30.6 Answer.
60–30.7 Notice of prehearing conference.
60–30.8 Motions; disposition of motions.
60–30.9 Interrogatories, and admissions as to facts and documents.
60–30.10 Production of documents and things and entry upon land for inspection and other purposes.
60–30.11 Depositions upon oral examination.
60–30.12 Prehearing conferences.
60–30.13 Consent findings and order.

HEARINGS AND RELATED MATTERS

60–30.14 Designation of Administrative Law Judges.
60–30.15 Authority and responsibilities of Administrative Law Judges.
60–30.16 Appearances.
60–30.17 Appearance of witnesses.
60–30.18 Evidence; testimony.
60–30.19 Objections; exceptions; offer of proof.
60–30.20 Ex parte communications.
60–30.21 Oral argument.
60–30.22 Official transcript.
60–30.23 Summary Judgment.
60–30.24 Participation by interested persons.

POST HEARING PROCEDURES

Sec.
60-30.25 Proposed findings of fact and conclusions of law.
60-30.26 Record for recommended decision.
60-30.27 Recommended decision.
60-30.28 Exceptions to recommended decisions.
60-30.29 Record.
60-30.30 Final Administrative Order.

AUTHORITY: Secs. 201, 205, 208, 209, 301, 302(b) and 303(a) of the Executive Order 11246, as amended, 30 FR 12319; 32 FR 14303; § 60-1.25 of Part 60-1 of this chapter (41 CFR Part 60-1).

GENERAL PROVISIONS

§ 60-30.1 Applicability of rules.

This part provides the rules of practice for all administrative proceedings, instituted either by the OFCCP or by a compliance agency, including but not limited to proceedings instituted against construction contractors or subcontractors, which relate to the enforcement of equal opportunity under Executive Order 11246, as amended. In the absence of a specific provision, procedures shall be in accordance with the Federal Rules of Civil Procedure.

§ 60-30.2 Waiver, modification.

Upon notice to all parties, the Administrative Law Judge may, with respect to matters pending before him, modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 60-30.3 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal Government in which event it includes the next business day.

§ 60-30.4 Form, filing, service of pleadings and papers.

(a) *Form.*—The original of all pleadings and papers in a proceeding conducted under the regulations in this part shall be filed with the Administrative Law Judge assigned to the case or with the Chief Administrative Law Judge if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the name of the agency instituting the proceeding, the title of the action, the case file number assigned by the Administrative Law Judge, and a designation of the pleading or paper (e.g. complaint, motion to dismiss, etc.). The pleading or papers shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the pleading or paper was filed. Unless otherwise ordered for good cause by the Administrative Law Judge regarding specific papers and pleadings in a specific case, all such papers and pleadings are public documents.

(b) *Service.*—Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the party's last known address. When a party is represented by an attorney, the service shall be upon the attorney.

(c) *Proof of service.*—A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of service, shall be proof of the service.

PREHEARING PROCEDURES

§ 60-30.5 Administrative complaint.

(a) *Issuance.*—The Solicitor of Labor, upon referral from the Office of Federal Contract Compliance Programs, shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the contractor which shall be designated in the complaint as the defendant. The Department of Labor, OFCCP, and/or the compliance agency handling the case shall be designated as the plaintiff.

(b) *Contents.*—The complaint shall contain a concise jurisdictional statement, and a clear and concise statement sufficient to put the defendant on notice of the acts or practices it is alleged to have committed in violation of the Order, the regulations, or its contractual obligations. The complaint shall also contain a prayer regarding the relief being sought, a statement of whatever sanctions the Government will seek to impose and the name and address of the attorney who will represent the Government.

(c) *Amendment.*—The complaint may be amended once as a matter of course before an answer is filed, and the defendant may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the complaint or of the answer to the complaint shall be made only by leave of the Administrative Law Judge or by written consent of the adverse party; and leave shall be freely given where justice so requires. An amended complaint shall be answered within 14 days of its service, or within the time for filing an answer to the original complaint, whichever period is longer. An amended answer shall be responded to within 14 days of its service.

§ 60-30.6 Answer.

(a) *Filing and service.*—Within 20 days after the service of the complaint, the defendant shall file an answer with the Chief Administrative Law Judge if the case has not been assigned to an Administrative Law Judge. The answer shall be signed by the defendant or its attorney, and served on the Government in accordance with § 60-30.4(b).

(b) *Contents; failure to file.*—The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the defendant is without knowledge, in which case the answer shall so state; or (2) state that the defendant admits all the allegations of the complaint. The answer may contain a waiver of hearing; and if not, a separate paragraph in the answer shall request a hearing. The answer shall contain the name and address of the defendant, or of the attorney representing the defendant. Failure to file an answer or to plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure, upon admission of facts.*—The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission, the Administrative Law Judge, without further hearing, may prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision and to file briefs in support of the exceptions.

§ 60-30.7 Notice of prehearing conference.

The Administrative Law Judge shall respond to defendant's request for a hearing within 15 days and shall serve a notice of prehearing conference on the parties. The notice shall contain the time and place of the conference.

§ 60-30.8 Motions; disposition of motions.

(a) *Motions.*—Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the Administrative Law Judge. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally, but the Administrative Law Judge may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the Administrative Law Judge, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed by the Administrative Law Judge, any party may file a response to a motion.

(b) *Disposition of motions.*—The Administrative Law Judge may not grant a written motion prior to the expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response: *Provided*, That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions.

§ 60-30.9 Interrogatories and admissions as to facts and documents.

(a) *Interrogatories.*—Not later than 25 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party written interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to. Answers are to be signed by the person making them and objections by the attorney or by whoever is representing the party. Answers

and objections shall be filed and served within 25 days of service of the interrogatory.

(b) *Admissions.*—Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the Administrative Law Judge may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within 25 days after service, the party to whom the request is directed serves upon the requesting party a sworn statement either (1) denying specifically the matter as to which an admission is requested, or (2) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

(c) *Objections or failures to respond.*—The party submitting the interrogatory or request may move for an order with respect to any objection or other failure to respond.

§ 60–30.10 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any documents, phonorecords, and other compilations, including computer tapes and printouts which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 25 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 60–30.11 Depositions upon oral examination.

(a) *Depositions; notice of examination.*—After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding, and may use an administrative subpoena. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witnesses; obligation of parties; objections.*—It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Unless the parties agree otherwise, depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the Administrative Law Judge an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot or ought not produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.*—Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, each party may examine and cross-examine the witness under oath upon any matter which is revelant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the Administrative Law Judge or the Administrative Law Judge rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided*, That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused, to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.*—The testimony shall be reduced to typewriting, either by the officer taking the deposition or under his direction, and shall be submitted to the witness for examination and signing. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver the original copy of the transcript, together with his certificate, in person or by mail to the Administrative Law Judge. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges, unless distribution is restricted by order of the Administrative Law Judge for good cause shown.

(e) *Rulings on admissibility; use of deposition.*—Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the Administrative Law Judge, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (iv) upon application and notice, that such exceptional circumstances exist as to make it

desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.*—If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 60–30.12 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Administrative Law Judge may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses;

(5) Scheduling dates for the exchange of witness lists and of proposed exhibits; and

(6) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

§ 60–30.13 Consent findings and order.

(a) *General.*—At any time after the issuance of a complaint and prior to or during the reception of evidence in any proceeding, the parties may jointly move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the Administrative Law Judge after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.*—Any agreement containing consent findings and an order disposing of a proceeding shall also provide:

(1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) That any further procedural steps are waived; and

(4) That any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement is waived.

(c) *Submission.*—On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the Administrative Law Judge for his consideration; or

(2) Inform the Administrative Law Judge that agreement cannot be reached.

(d) *Disposition.*—In the event an agreement containing consent findings and an order is submitted within the time allowed, the Administrative Law Judge within 30 days, shall accept such agreement by issuing his decision based upon the agreed findings and his decision shall constitute the final Administrative Order.

HEARINGS AND RELATED MATTERS

§ 60–30.14 Designation of Administrative Law Judges.

Hearings shall be held before an Administrative Law Judge of the compliance agency or of the Department of Labor who shall be designated by the Chief Administrative Law Judge of the compliance agency or of the Department of Labor. After commencement of the proceeding but prior to the designation of an Administrative Law Judge pleadings and papers shall be filed with the Chief Administrative Law Judge.

§ 60–30.15 Authority and responsibilities of Administrative Law Judges.

The Administrative Law Judge shall propose findings and conclusions to the compliance agency or to the Secretary on the basis of the record. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion.

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control; and require parties to answer interrogatories and requests for admissions in full.

(d) Administer oaths;

(e) Rule on motions, and other procedural items or matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence;

(2) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be favorable to the party having control over him; and

(3) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record which is among the traditional matters of judicial notice;

(l) Recommend whether the respondent is in violation of the Order, regulations, or its contractual obligations, as well as the nature of the relief necessary to ensure the full enjoyment of the rights secured by the Order;

(m) Issue subpoenas;

(n) Take any action authorized by these rules.

§ 60–30.16 Appearances.

(a) *Representation.*—The parties or other persons or organizations participating pursuant to this Part 60–30 have the right to be represented by counsel.

(b) *Failure to appear.*—In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the Administrative Law Judge. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the Administrative Law Judge's recommended decision and to file exceptions to it.

§ 60–30.17 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice which may be accomplished by an administrative subpoena, setting forth the time, date and place at which he is to appeal for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the Administrative Law Judge and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 5 days after notice of production of such witness is served, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 60–30.18 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied. Testimony shall be given orally by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the Administrative Law Judge, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The Administrative Law Judge may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 60–30.19 Objections; exceptions; offer of proof.

(a) *Objections.*—If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made on the record may be relied upon subsequently in the proceedings.

(b) *Exceptions.*—Formal exception to an adverse ruling is not required. Rulings by the Administrative Law Judge shall not be appealed prior to the transfer of the case to the compliance agency or to the Secretary but shall be considered by the compliance agency or the Secretary upon filing exceptions to the Administrative Law Judge's recommendations and conclusions.

(c) *Offer of proof.*—An offer of proof made in connection with an objection taken to any ruling excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 60–30.20 Ex parte communications.

The Administrative Law Judge shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

§ 60–30.21 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral arguments shall be included in the official transcript of the hearing.

§ 60–30.22 Official transcript.

The official transcripts of testimony taken, together with any exhibits, briefs, or memorandums of law, shall be filed with the Administrative Law Judge. Transcripts of testimony may be obtained from the official reporter by the parties and the public as provided in Section 11(a) of the Federal Advisory Committee Act (86 Stat. 770). Upon notice to all parties, the Administrative Law Judge may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 60–30.23 Summary judgment.

(a) *For the Government.*—At any time after the expiration of 20 days from the commencement of the action, or after service of a motion for summary judgment by the respondent, the Government may move with or without supporting affidavits for summary judgment upon all claims or any part.

(b) *For defendant.—The defendant* may, at any time after commencement of the action, move with or without supporting affidavits for summary judgment in its favor as to all claims or any part.

(c) *Other parties.*—Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Government or respondent, in accordance with this section, but may not move for a summary judgment in its own behalf.

(d) *Statement of Uncontested Facts.*—All motions for summary judgment shall be accompanied by a "Statement of Uncontested Facts" in which the moving party sets forth all alleged uncontested material facts which shall provide the basis for its motion. At least 5 days prior to the time fixed for hearing on the motion, any party contending that any material fact regarding the matter covered by the motion is in dispute, shall file a "Statement of Disputed Facts." Failure to file a "Statement of Disputed Facts" shall be deemed as an admission to the "Statement of Uncontested Facts."

(e) *Motion and proceedings.*—The motion shall be served upon all parties and at least 15 days before the time fixed for the hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of hearing. The judgment sought shall be rendered forthwith if the complaint and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Summary judgment rendered for or against the Government or the respondent shall constitute the findings and recommendations on the issues involved. Hearings on motions made under this section shall be scheduled by the Administrative Law Judge.

(f) *Case not fully adjudicated on motion.*—If on motion under this section, judgment is not rendered upon the whole case or for all the relief asked and a final hearing is necessary, the Administrative Law Judge at the hearing of the motion, by examining the notice and answer and the evidence before him and by interrogating counsel, shall, if practicable, ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such furthering proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

§ 60–30.24 Participation by interested persons.

(a) (1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final Administrative Order could adversely affect them or the class they represent and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this paragraph shall file with the Administrative Law Judge and serve on all parties a petition within 25 days after the commencement of the action or at such other time as ordered by the Administrative Law Judge, so long as it does not disrupt the proceeding. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The Administrative Law Judge shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the Administrative Law Judge may request all such petitioners to designate a single representative to represent all such petitioners: *Provided*, That the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate in the proceeding. The Administrative Law Judge shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The Administrative Law Judge shall give written notice to each party of each petition granted.

(b) (1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the Administrative Law Judge. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The Administrative Law Judge may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the Administrative Law Judge. He may submit a written statement of position to the Administrative Law Judge prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

POST HEARING PROCEDURES

§ 60–30.25 Proposed findings of fact and conclusions of law.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing examiner. Requests for additional time in which to file a brief shall be made in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

§ 60–30.26 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but excepting the correspondence section of the docket, shall constitute the record for decision.

§ 60–30.27 Recommended decision.

Within a reasonable time after the filing of briefs, the Administrative Law Judge shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision to the head of the compliance agency if the proceeding was instituted by the agency, or to the Secretary if it was instituted by the OFCCP, for a final Administrative Order. The recommended findings, conclusions, and decision shall be served on all parties and amici to the proceeding.

§ 60–30.28 Exceptions to recommended decisions.

Within 14 days after receipt of the recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 14 days of their receipt by said parties. All exceptions and responses shall be filed with the compliance agency or, where appropriate, with the Secretary. Service of such briefs or exceptions and responses shall be made simultaneously on all parties to the proceeding. Requests to the compliance agency or the Secretary for additional time in which to file exceptions and responses shall be in writing and copies shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 60–30.29 Record.

After expiration of the time for filing briefs and exceptions, the compliance agency or, where appropriate, the Secretary shall make a final decision, which shall be the final Administrative Order, on the basis of the record. The record shall consist of the record for recommended decision, the rulings and recommended decision of the Administrative Law Judge and the exceptions and briefs filed subsequent to the Administrative Law Judge's decision.

§ 60–30.30 Final Administrative Order.

(a) After expiration of the time for filing, the Secretary shall make a final Administrative Order which shall be served on all parties. If the Secretary concludes that the defendant has violated the Executive Order, the equal opportunity clause, or the regulations, an Administrative Order shall be issued enjoining the violations, and requiring the contractor to provide whatever remedies are appropriate, and imposing whatever sanctions are appropriate, or any of the above. In any event, failure to comply with the Administrative Order shall result in the immediate cancellation, termination and supspension of the respondent's contracts and/or debarment of the respondent from further contracts.

(b) If the administrative proceeding was instituted by the compliance agency, a similar order will be prepared by the agency and forwarded to the Director for approval. When approved by the Director, the order becomes the final Administrative Order and shall be served on all parties. In any event, failure to comply with the Administrative Order will result in the immediate cancellation, termination and suspension of the contractor's contracts and/or debarment of the respondent from further contracts.

[FR Doc.77-1711 Filed 1-17-77;8:45 am]

federal register

TUESDAY, JANUARY 18, 1977

PART VI

POSTAL SERVICE

■

POSTAL SERVICE MANUAL

Miscellaneous Amendments

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual; Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 41, Issue 115, dated December 31, 1976.

Consistent with 39 CFR 111.3, Transmittal Letter 41, Issue 115, is hereby published in the FEDERAL REGISTER in full text, and notice of this publication is added as an amendment to § 111.3. In addition, the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2.)

In consideration of the foregoing 39 CFR 111.3 is amended as follows:

§ 111.3 Amendments to Chapter I of Postal Service Manual.

* * * * *

Transmittal letter	Issue	Date	FEDERAL REGISTER publication
41	115	Dec. 31, 1976	42 FR 3470

Except as explained in 2.2ll of the Transmittal Letter, these amendments are effective immediately, except that the new rates and fees described in 2.1a, 2.2 a, i, n, o, t, 2.5 a-i, and 2.6a of the Transmittal Letter were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29570); except that the material on sexually oriented advertisements described in 2.1 d–g of the Transmittal Letter was published in the FEDERAL REGISTER on June 1, 1976 (41 FR 22039); except that the material on pandering advertisements described in 2.1h of the Transmittal Letter was published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31380); except that the mail classification implementing regulations described in 2.2 a–h, q, u–y, aa–hh, jj, kk, oo, and 2.3 d–j of the Transmittal Letter were published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28478), as amended and corrected on October 20, 1976 (41 FR 46295), October 28, 1976 (41 FR 47236), and December 7, 1976 (41 FR 53478); except that the changes described in 2.2 j–m, r, and z of the Transmittal Letter were made to be consistent with Pub. L. 94–421, approved September 24, 1976; and except that the changes to 137.21 of the Postal Service Manual dealing with reimbursement for official mail service were published in the FEDERAL REGISTER on September 9, 1976 (41 FR 38166).

(5 USC 552(a), 39 USC 401.)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, Transmittal Letter 41, Issue 115 is hereby published, and reads as follows:

POSTAL SERVICE MANUAL

Post Office Services (Domestic) Transmittal Letter 41

1 FILING INSTRUCTIONS

Remove pages headed:	Insert pages headed:
Contents (123.5) - Contents (138.4) (2 sheets)	Contents (123.6) - Contents (138.4) (2 sheets)
122.442 - 122.52 (2 sheets)	122.442 - 122.52 (2 sheets)
123.511 - 124.21 (4 sheets)	123.44h - 124.21 (5 sheets)
124.63 (1 sheet)	124.63 (1 sheet)
126.2 (MPO 09123) - 126.2 (MPO 98799) (4 sheets)	126.2 (MPO 09121) - 126.2 (MPO 98799) (4 sheets)
131.212b - 132.15 (7 sheets)	131.121 - 132.222 (11 sheets)
132.473 - 137.22 (20 sheets)	132.473 - 137.22 (23 sheets)
137.267a (1 sheet)	137.267a (1 sheet)
141.114 - 141.21 (2 sheets)	141.114 - 141.21 (2 sheets)
144.45 (1 sheet)	144.45 (1 sheet)
144.962 - 147.14 (10 sheets)	144.962 - 147.231f (10 sheets)
152.31 - 154.212 (4 sheets)	152.2 - 154.212 (4 sheets)
155.5 (1 sheet)	155.5 (1 sheet)
156.511 - 156.532 (3 sheets)	156.511 - 156.58 (3 sheets)
159.215 - 159.41 (5 sheets)	159.215 - 159.41 (5 sheets)
159.73 (1 sheet)	159.73 (1 sheet)
161.152 (1 sheet)	161.152 (1 sheet)
161.513 (1 sheet)	161.513 (1 sheet)
161.921 - 162.32 (3 sheets)	161.921 - 162.32 (3 sheets)
162.73 - 163.18 (2 sheets)	162.73 - 163.18 (2 sheets)
163.712b - 163.734b (3 sheets)	163.712b - 163.734b (3 sheets)
164.94 - 168.1 (6 sheets)	164.94 - 168.1 (6 sheets)
168.72 (1 sheet)	168.72 (1 sheet)
169.554 (1 sheet)	169.553 - 169.661 (2 sheets)
171.132 (1 sheet)	171.132 (1 sheet)
171.212 (1 sheet)	171.212 (1 sheet)
173.4 (1 sheet)	173.4 (1 sheet)

2 EXPLANATION OF CHANGES

.1 Part 120:

a. Amended section 122.514 to increase the charge for correcting mailing lists.

b. Revised section 122.53 to specify the proper manner of marking address cards arranged in sequence of carrier route delivery.

c. Added new section 123.44(h) to include Matter Promoting Animal Fighting Ventures (7 U.S.C. 2156) in Part 123, which deals with nonmailable written, printed, and graphic matter.

d. Corrected section 123.52 to show the proper address to which Forms 2201 should be mailed and to indicate weekly submission of Forms 2201.

e. Amended section 123.541 to describe revised List purchase procedures.

f. Amended section 123.542 to state the amount of the annual buyer's fee.

g. Amended section 123.543 to specify List request procedures.

h. Added new section 123.6 to facilitate employment of the protections offered by the *pandering advertisements statute*, 39 U.S.C. §3008 (formerly §4009), by informing both postal personnel and postal customers of their continuing availability and exact nature and how to employ them.

i. Amended section 124.55 to correct the erroneous reference to uncontrolled substances.

j. Revised section 126.2 to incorporate APO and FPO changes in the list of military post offices overseas and changes in mailing restrictions prescribed by the Department of Defense.

2. Part 130:

a. Added new sections 131.11 - .13 to describe the method of determining the rate for single piece first-class mail, to establish a bulk presort rate, and to anticipate a future surcharge on nonstandard first-class mail.

b. Amended sections 131.22a and 131.33c as to recommended ratio.

c. Added new section 131.227 to describe presorted first-class mail.

d. Amended sections 131.232 and .233 to discontinue the existing business reply mail fee structure and to establish a fee structure for such mail based upon whether or not the user maintains an active advance deposit account with the Postal Service.

e. Added new section 131.34 to define nonstandard first-class mail. Corresponding changes have been made in 131.222a, 131.33c and 134.32c.

f. Amended section 131.4 to specify the method of paying postage on mailings made at presort rates and to establish an annual fee for first-class presort mail.

g. Renumbered sections 131.5 and 131.6 as 131.7 and 131.8 respectively.

h. Added new sections 131.5 and 131.6 to deal with the preparation of presort mail for mailing, and the verification by a postal employee that such mail has been properly prepared and qualifies for the presort rate.

i. Amended Part 132 to reflect the current rates for second-class matter.

j. Expanded section 132.122d to include one conservation publication issued by a state fish or wildlife agency.

k. Amended section 132.211: The term *periodical* includes: (a) college and university course catalogs or other course listings and announcements of legal texts relating to continuing legal education published by educational institutions or nonprofit organizations, and (b) looseleaf pages reporting developments in law and public policy.

l. Added section 132.472m to provide that requests for address correction information may be placed on wrappers or envelopes containing copies of second-class publications.

m. Amended section 132.73 to make it consistent with sections 132.71 and 132.72.

n. Amended Part 133 to reflect the current rates for controlled circulation matter.

o. Amended Part 134 to reflect the current rates for third-class matter.

p. Added new section 134.125 to explain how to calculate the maximum piece weight that can be mailed at the minimum per piece rates.

q. Added new sections 134.224 and 134.33 to define nonstandard third-class mail and to anticipate a future surcharge for such mail.

r. Amended definition of *Agricultural* organization in 134.522e to include: (a) nonprofit organizations engaged in harvesting of marine resources and (b) nonprofit organizations whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

s. Modified section 134.53 so that municipal, county, or State governmental bodies are not excluded from eligibility for special third-class rates, if they can otherwise qualify within one of the defined categories which may be authorized to mail at the special rates.
t. Amended Part 135 to reflect the current rates for fourth-class matter.
u. Added new section 135.112 to provide bulk zone rates for 300 or more pieces of fourth-class (parcel post) mail.
v. Amended section 135.12 to include both fourth-class catalogs and similar bound printed matter in a subclass called *bound printed matter* and provide the rates for such matter.
w. Added new section 135.132 to provide bulk presort rates for special fourth-class matter and establish an annual fourth-class mailing fee for mailers using such rates.
x. Revised section 135.2 to clarify the classification of fourth-class mail and to provide for the special fourth-class presort rate.
y. Redesignated section 135.22 as 135.15 and amended to describe the postal zones and otherwise clarify the regulation.
z. Expanded section 135.26b to include books mailed by a publisher or distributor to a school, college, university, or library as items eligible to be mailed at library rate.
aa. Amended section 135.3 to reflect the size and weight limitations of bulk rate parcel post and bound printed matter.
bb. Amended section 135.4 to require that mailers of fourth-class matter at presort and bulk rates pay postage by permit imprint.
cc. Added new section 135.521(i) to permit enclosures or attachments to fourth-class mail on which the first-class rate has been paid.
dd. Renumbered sections 135.6 and 135.7 as 135.53 and 135.6 respectively.
ee. Added new section 135.7 requiring a ZIP Code on all fourth-class matter mailed at bound printed matter, bulk parcel post, library and special fourth-class rates.
ff. Amended section 135.8 to require that mailings at bulk or presort rates be made at a station or branch specified by the postmaster.
gg. Amended section 136.11 to include rates when Business Reply Mail advance deposit account option is or is not used.
hh. Added new section 136.13 to establish a presort rate for presorted airmail.
ii. Amended section 136.22 to reflect the requirements of Part 124 and air transport restricted articles tariffs.
jj. Added new section 136.33 to define nonstandard airmail and advise that a surcharge on such mail is anticipated in the future.
kk. Amended section 136.4 to require payment only by meter stamps or permit imprints for mailings made at presort airmail rates and to establish a $30 first-class presort mailing fee.
ll. The changes to Part 137 reflect the impact of amendments to the franking statutes, enacted by Public Law 93-532, approved December 22, 1974, and Public Law 94-177, approved December 23, 1975, with respect to retiring officials entitled to use the frank for a period after the termination of their service.
mm. Amended chart of authorized users in section 137.13 by changing the period during which the frank may be used by incumbents to make certain mailings read *During term of office only*. Franked mail transmitted by former incumbents has been specifically limited to mail on official business related to the closing of their respective offices. The period during which a former official may use the frank has been established as "During the 90-day period immediately following the date on which he leaves office," except for former speakers of the House, who may continue to use the frank "for as long as the former speaker determines necessary."
nn. Renumbered sections 137.14b, c, d, e, and f. Added new section 137.14b which prescribes that franked mail sent by former incumbents must relate to the closing of their respective offices.
oo. Amended section 137.272 to authorize mailing of official mail at presorted and bulk rates.

.3 Part 140:
a. Revised the tables in sections 141.121 and 141.21 to reflect the change in selling prices of plain precanceled stamped envelopes and printed precanceled stamped envelopes.
b. Amended section 144.46 to clarify the requirements concerning the content of postage meter indicia postmarks.
c. Amended section 144.492 to permit additional postal markings in ad plates.
d. Added new section 145.2(b) to state that the position of the imprint on fourth-class bound printed matter may be varied so that automatic data processing equipment can be used.
e. Renumbered section 145.33 as 145.34.
f. New section 145.33 states the requirements the permit indicia must meet when special services are required.
g. Amended section 145.4 to show the new forms of permit imprints reflecting the various new bulk and presort rate categories.
h. Amended section 145.51 to add first-class presort and fourth-class bulk rate mail to the list of permit imprint mailings that must be mailed in certain minimum quantities.
i. Amended section 145.565 to require verification that presort requirements have been met.
j. Amended section 145.84 to state that optional procedures for items of nonidentical weight must be approved by the Office of Mail Classification.
k. Section 146.2. Revised caption to add provisions relating to matter not bearing postage placed upon, attached to, supported by, or hung from, private mail receptacles.
l. Section 146.22. Revised to add provision that matter not bearing postage found upon, or attached to, or supported by, or hung from, mail receptacles is subject to postage.
m. Section 146.23. Revised to add the distributor to the list of persons for whom a report may be made to another post office.
n. Section 146.24. Revised to add the distributor to the list of persons for whom a report shall be made to the Inspector in Charge in cases of repeated violations.
o. Deleted sections 146.25 and .26 as unnecessary and redundant.
p. Changed section 146.623 to require Forms 3750, *Notice of Attempt to Deliver Mail*, to be sent to the regional revenue protection officer when there are repeated cases of shortpaid mail from the same post office.
q. Added new section 147.222 to add procedures for requests for refunds for optional procedures mailings.

.4 Part 150:
a. Revised section 151.11 to (a) add reference to §1725 of Title 18, U.S. Code, and (b) state post is not considered part of the mail receptacle.
b. Section 151.12. Revised to state that except as provided in 156.58, it is not permissible to place matter not bearing postage in, or upon, or attach it to, or hang such matter from, or cause such matter to be supported by, mail receptacles and refers to 146.2 for procedures to be followed.
c. Revised section 153.612 to permit deposit of single-piece rate third-class mail into mail chutes and receiving boxes, thus resolving conflict with section 144.52a.
d. Amended sections 154.24 and 159.41h to provide consistent procedures for handling mail addressed to deceased persons.
e. Amended title of Publication 17 in section 155.64.
f. Section 156.44. Revised caption to be consistent with caption in 146.22 and refers to 146.2 for procedures to be followed.

dates of the individual certificates occurring before April 26, 1967. No interest accrues after that date, but the face value of a certificate and the interest due to anniversary date will be paid whenever the certificate is surrendered.

173.2 RECORDS OF ACCOUNTS

The records of accounts with outstanding balances, Form 600, *Record of Postal Savings Account*, which were established when the accounts were opened, have been transferred to the Treasury Department. They will be maintained there as the official records of the accounts.

173.3 WITHDRAWALS

All withdrawals will be paid by the Treasury Department. Postmasters should advise customers to mail the endorsed certificates to the Treasury Department, Bureau of Government Financial Operations, Division of Financial Management, Claims Review and Settlement Branch, Washington, DC 20226.

173.4 INQUIRIES FROM DEPOSITORS AND CLAIMANTS

If a person claims to have a postal savings account, but does not have any certificates evidencing deposits, or requests information about an account as an entitled claimant, the postmaster will tell the person inquiring to write the Treasury Department at the above address for information and assistance.

g. Amended section 159.2 to increase the fee for giving notice to the sender of undeliverable mail; for giving new address information to the sender; and for returning certain undeliverable mail.
h. Sections 159.224 through 159.227 have been renumbered as 159.225 through 159.228.
i. New section 159.224 provides that publishers may place requests for change of address information on wrappers or envelopes containing copies of second-class publications.
j. Amended section 159.73 to increase the fee for delivery of certain mail opened in dead mail offices.

.5 Part 160:
a. Amended section 162.21 to increase the fees for indemnity and handling charges on registered mail, as well as the fees for the additional services of COD collection and return receipts.
b. Amended section 151.21 to increase the fees for insured mail. The fees for return receipts for such mail are also increased.
c. Amended section 163.21 to increase the fees for COD mail; the fee for notice of nondelivery of COD mail; and the fee for alteration of COD charges or designation of new addressee for such mail.
d. Amended section 165.12 to increase the fees for certificates of mailing.
e. Amended section 165.22 to increase the fees for return receipts, and a conforming amendment is made to section 165.242c.
f. Amended section 165.32 to increase the fees for restricted delivery.
g. Amended section 166.21 to increase the fees for special delivery.
h. Amended section 167.2 to increase the fees for special handling service.
i. Amended section 168.3 to increase the fees for certified mail service, as well as the fees for return receipts for such mail.
j. Amended section 169.122b(1) to provide more specific guidance to employees for the type of mail which should be considered in determining whether a larger box or caller service is required for boxholders who receive too much mail for their present box.
k. Amended section 169.554 to provide for prorated refunds of lockbox and caller service fees when such service is terminated as a result of discontinuance of a facility.

.6 Part 170:
a. Amended section 171.122 to increase the fees for money orders.
b. Amended section 173.3 to reflect the correct address for mailing Postal Savings Certificates and inquiries concerning Postal Savings.

P. J. Skully

Director
Office of Management Services

Chapter 1

POST OFFICE SERVICES (DOMESTIC)

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(134.122); and bulk fourth-class catalogs and similar advertising matter (135.121):

Mr. John Doe/or current occupant; *or*
Mr. John Doe/or current resident;
followed by the complete address as shown in 122.421.

b. Users of the authorized exceptional form of address on bulk third-class and fourth-class catalogs and advertisements may not use the postal endorsements *Address Correction Requested*, *Return Postage Guaranteed*, or *Forwarding and Return Postage Guaranteed* simultaneously with the exceptional form of address.
c. The materials addressed in this manner must not be enclosed in a sealed envelope or wrapper.

.43 NUMBER OF CUSTOMERS

On request, postmasters will furnish, without charge, information as follows:

a. Number of post office boxholders.
b. Route numbers and number of boxholders on each rural and star route.
c. Route numbers and number of families on each rural route.
d. Number of families served or number of business places served within the total delivery area or on particular carrier routes.

.44 MAILING UNDER CONGRESSIONAL FRANK

.441 *Address by Name and Post Office*

Except as provided in 122.442, all mail sent under the franking privilege must be addressed to the recipient by name and post office address.

.442 *Simplified Address*

a. Mail sent under the franking privilege of a Member of, or Member-elect, Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may be addressed under the simplified forms in 122.411 and 122.42 for delivery to customers within the area he was elected to represent. A member whose congressional district is redistricted may also send mail under his frank using the simplified forms for delivery within any additional area added to his district, beginning on the date the redistricting is completed by legislative or judicial proceedings (whether or not the redistricting is actually in effect), and continuing until his district is again changed by further legislative or judicial proceedings. Mail so addressed will be delivered within that district to any or all of the following:
   (1) Each boxholder on a rural or star route or each family on a rural or star route.
   (2) Each post office boxholder.
   (3) Each stop or possible delivery on city carrier routes.
b. The information in 122.43 will, on request, be furnished for a congressional district in those instances where a post office serves areas which are located in more than one district.
c. Simplified address mailings sent under the frank must be prepared as prescribed in 122.413. Each facing slip should show the congressional district or other area in which delivery is to be made.
d. Representatives elected at large may send franked mail with simplified address to Postal customers within the entire State which elected the Member.

.45 OVERSEAS MILITARY POST OFFICES

The simplified forms of address in this section are not acceptable on mail for overseas military post offices. See 122.81 for the proper methods of addressing mail for overseas military post offices.

122.5 MAILING LIST SERVICES

.51 CORRECTION OF MAILING LISTS

.511 *Service Available*

Mailing lists submitted by Members of Congress, Federal agencies, departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested. Postal employees must not compile mailing lists, including *occupant lists*. Persons other than Postal employees may not copy or record by any other means names or addresses from city or rural carrier cases.

.512 *Name and Address Lists*

a. *Method of Submission*. Submit typewritten or printed lists on cards, one name and address to a card, to the post office that serves the addresses. The cards should be about the size and quality of a postal card. Data processing cards are acceptable. The owner of the list must place his name in the upper left corner of each card. The employee responsible for the correction and return of the mailing list will record the name and address of the owner, number of cards or sheets, and date received for accounting purposes. At post offices with 189 or fewer revenue units, mailing lists may be submitted in sheet form. Submit lists by mail only, except large lists presented by local firms for correction.
b. *Type of Corrections to be Made*. Cross off names to which mail cannot be delivered or forwarded. Correct incorrect house, rural, or post office box numbers. Correct initials where apparently the name is known to the owner of the list. Indicate the head of the family, if known, when two or more names are shown for the same address. Furnish new addresses, including ZIP Code numbers for customers who have moved, when permanent forwarding orders are on file. If no change is necessary, mark an X in the upper right corner of the card. New names will not be added to a list. See 122.53 for delivery sequence.

.513 *Occupant Lists*

a. *Method of Submission*. Submit lists of street addresses on cards (as described in 122.512a), one address to a card, or in sheet form, provided the sheets are made up separately by carrier routes and each sheet bears the list owner's name and address.
b. *Type of Corrections to be Made*. Correct lists for mail addressed to *occupant* and street address. Cross off numbers representing incorrect or nonexistent street addresses, but do not change or add numbers. Indicate business addresses by inserting *B* opposite the number. Indicate addresses on a rural route by *R*. Indicate the number of separate family units opposite addresses of apartment houses or other multiple dwellings. If no change is necessary, mark an *X* in the upper right corner of the card or sheet. Group corrected cards or sheets by routes when returning to the owner so that he may handle and label mailings by routes.

.514 *Charges*

a. The minimum charge for each list corrected is $1. For list of more than 10 names or addresses, the charge is 10 cents per name or street address, including individual apartments. Where rural routes have been consolidated

or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

b. Except for authorized users of official mail, payment must be made in advance by cash or money order. Do not return lists to commercial mailers until charges and postage fees have been collected.

c. Payment for correction of lists submitted by Members of Congress is made under the official mail reimbursement program. Submit a report on Form 103, *Originating Franked Mail*, to:

Revenue Statistics Branch
Office of Statistical Programs and Standards
U.S. Postal Service
Washington, DC 20260
(Attn: Originating Franked Mail)

d. Payment for correction of lists submitted by Federal agencies is made under the official mail reimbursement program. Submit a report on Item 013, *Routing Slip*, or by memorandum indicating the applicable charges and the name of the Federal agency for which the list was corrected, to:

Manager, Government Revenue and Examination Branch
Finance Department
U.S. Postal Service
Washington, DC 20260

.515 *Postage on Lists*

Typewritten lists are subject to postage at the first-class rate. Those prepared by stencil, mimeograph, printing, or similar process may be mailed at the third- or fourth-class rate depending on the weight. Return lists to customers free of postage.

.516 *Mailing List Correction Time Limitation*

Within 10 working days after receipt by the employee responsible for the correction and return of mailing lists, the lists must be corrected and returned to the owners. EXCEPTION: The 10-working days time limitation shall not apply to mailing lists received for correction between November 16 and January 1. Mailing lists received for correction between these dates shall be corrected and returned at the convenience of the post office, but as early as possible.

.52 FURNISHING ADDRESS CHANGES TO ELECTION BOARDS AND REGISTRATION COMMISSIONS

Residential change-of-address information is available to duly constituted election boards or registration commissions using permanent registration, at a cost of 5 cents for each change-of-address Form 3575 notwithstanding the schedule of fees in 262.7. An election board or registration commission desiring this information must submit to the postmaster a written request signed by an authorized official. The postmaster will send the request to the Regional Postmaster General for approval. On approval, the postmaster will receive necessary instructions from the Regional Postmaster General for release, control, and return of change-of-address Form 3575.

.53 ADDRESS CARDS ARRANGED IN SEQUENCE OF CARRIER DELIVERY

Arrange address cards in sequence of carrier route delivery without charge. Each card must include only one address. Withdraw cards with incorrect, nonexistent, or other undeliverable addresses. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them. Insert a blank card for each existing address that is not included in the owner's address cards, plates, or stencils. If several addresses are missing in a series, insert a single blank card for the series and indicate on the card the number of addresses which are missing. The missing address must not be provided by the Postal Service. Postmasters must check to see that mailers whose lists have been arranged in sequence prepare bundles for each route with the individual pieces in address sequence. This service shall not be provided to mailers who do not make the required premailing preparation. It must not be provided as a substitute for the list correction service provided by 122.51.

.54 FURNISHING CITY AND STATE SCHEMES

To assist volume mailers in preparing their mailings, postmasters may furnish, on request, a copy of the city scheme or the State scheme used by clerks for sorting mail, and he may arrange address cards, plates, or stencils by carrier routes.

.55 ZIP CODING OF MAILING LISTS

.551 *Single-ZIP-Coded Offices*

It is the mailer's responsibility to ZIP Code mailing lists for the single ZIP-Code post offices described in 122.632 and the multi-ZIP-Coded post offices described in 122.633 (see also 122.634).

.552 *Multi-ZIP-Coded Post Offices*

Under the following conditions, post offices will sort mailing lists consisting of addresses for the multi-ZIP-Coded post offices described in section 122.633 (see also 122.634) according to five-digit ZIP Code delivery units at a charge of $1.50 per thousand addresses or fraction thereof, payable to the local postmaster upon submission of the list:

a. Mailers with EDP equipment must first match their mailing lists with Postal Service EDP magnetic tapes or data processing cards, or both, to obtain the maximum number of ZIP Codes for those addresses which were previously zoned and which were unaffected by zone boundary changes when the ZIP Code system was introduced. It will also provide ZIP Codes for one-code offices. The addresses to be separated by the post offices must be submitted on cards about the size and quality of a postal card. Data processing cards are acceptable. The cards must be separated by the post offices of address and submitted by the owner to his local post office.

b. Post offices will not write ZIP Codes on individual cards. The cards will be sorted to local ZIP Code areas by city primary distributors and will be securely tied in bundles with a facing slip on each bundle reading "All for ZIP Code Area _____." Return the ZIP Coded bundles to the post office or the owner according to who submitted the cards.

c. Mailing lists should be wrapped by the owner for mailing, when practicable, and must bear the name and address of the owner. The local postmaster shall enclose addressed penalty labels (Label 41) for use in returning the coded cards to his office.

d. Gummed labels, wrappers, envelopes, or postal or post cards indicative of one-time use will not be accepted as mailing lists.

d. *Lewd or Filthy Matter (18 U.S.C. 1461, 1463).* Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such matter may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

e. *Matter Inciting to Violence (18 U.S.C. 1461, 1717).* Any matter of a character tending to incite arson, murder, assassination, treason, insurrection, or forcible resistance to any law of the United States, or containing any threat to take the life of, or to inflict harm upon, the President of the United States.

f. *Libelous Matter (18 U.S.C. 1718).* Any matter otherwise mailable which has on its outside wrapper or envelope or any postal card which bears on its face, any libelous, scurrilous, defamatory or threatening language or delineation, or is otherwise obviously intended to reflect injuriously on the character or conduct of another.

g. *Other Matter (18 U.S.C. 1717).* Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, described in the statutes hereinafter referenced:
(1) Forged or altered military or official passes (18 U.S.C. 499);
(2) Matter bearing forged or altered seals of Government departments or agencies (18 U.S.C. 506);
(3) Defense information (18 U.S.C. 793, 794);
(4) Documents obtained by persons falsely assuming to be foreign diplomats (18 U.S.C. 915);
(5) False statements influencing foreign governments (18 U.S.C. 954);
(6) Matter relating to a conspiracy to injure property of a foreign government (18 U.S.C. 956);
(7) Matter unlawfully in aid of a foreign government (18 U.S.C. 957);
(8) Matter relating to an expedition against a friendly nation (18 U.S.C. 960);
(9) Matter relating to delivery of an armed vessel to a belligerent nation (18 U.S.C. 964);
(10) Matter wrongfully bearing the seal of a Government department or agency (18 U.S.C. 1017);
(11) Passport applications containing false statements, and passports falsely obtained (18 U.S.C. 1542);
(12) Forged, altered or misused passports (18 U.S.C. 1543, 1544);
(13) Matter bearing false statements intended to injure armed forces during war (18 U.S.C. 2388).

h. *Matter Promoting an Animal Fighting Venture (7 U.S.C. 2156).* Matter promoting or in any other manner furthering an animal fighting venture conducted in any State, except a venture involving live birds which is permitted under the laws of the State in which it is conducted. For purposes of this provision:
(1) The term *State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;
(2) The term *animal* means any live bird, or any live dog or other mammal, except man; and
(3) The term *animal fighting venture* means any event involving a fight between at least two animals which is conducted for sport, wagering, or entertainment, but does not include any activity whose primary purpose involves using one or more animals in hunting another animal or animals.

123.5 SEXUALLY ORIENTED ADVERTISEMENTS

.51 GENERAL

.511 Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference List of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. 3011 and in 18 U.S.C. 1735–37.

.512 39 U.S.C. 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

.513 The responsibility for ensuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by section 153.5 may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the List.

.52 APPLICATION FOR LISTING

.521 A person may invoke the protection of section 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (part I) and on the application portion (part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

.522 A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody or supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

.523 Each postmaster shall transmit all applications received at his post office to the Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, DC 20260 on a weekly basis.

.524 The Office of Mail Classification, Rates and Classification Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. This information will be processed and the List updated monthly. The 30-day period provided by section 3010(b) starts on the effective date of the List on which the person's name first appears.

.525 A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

.526 The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order, Form 3575, will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

.53 REVOCATION OF LISTING

A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of section 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

.54 AVAILABILITY OF POSTAL SERVICE LISTS

.541 Copies of the List and/or periodic amendments thereto shall be available to any person upon payment of the annual service fee. A program year runs from January 1 through December 31. Buyers will receive a copy of the List and monthly updates of additions and deletions to the List for the year in which the purchase is made. The List may be ordered in the form of reduced reproduction of computer printout or magnetic tape. Further information on the format of the tapes may be obtained from the Director, Office of Mail Classification.

.542 The annual service fee will be determined by dividing the number of buyers for the previous calendar year into the total cost to the Postal Service of compiling, processing, printing, and distributing the List.

.543 Requests for the List shall be submitted to the Director, Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, DC 20260. A certified or cashier's check made payable to the U.S. Postal Service must be received in payment before the List will be provided the buyer.

.544 This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange, or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale.

lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

.55 MARKING OF ENVELOPE

Section 3010(a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

a. Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed *Sexually Oriented Ad*. The words *Sexually Oriented Ad*, however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement if the contents of the mail piece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, which sealed envelope or cover bears conspicuously the words *Sexually Oriented Ad*.
b. The name and address of the sender and the required legend, if it is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.
c. The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.
d. A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

.56 VIOLATIONS

.561 The following is a partial list of conduct which may violate 39 U.S.C. 3010 or 18 U.S.C. 1735:

a. The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend *Sexually Oriented Ad* as provided by section 123.55;
b. The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;
c. The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;
d. The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

.562 No person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the U.S. Postal Service List.

.563 A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the List for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must

endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See section 123.521. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

.564 If a violation of section 123.54 comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

.565 A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington DC 20260.

.57 DISPOSAL OF ORIGINAL FORM 2201

It is anticipated that because of the possible volume of filings pursuant to section 123.521, it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Senior Assistant Postmaster General, Finance Group, to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with section 123.524 has been obtained and shall thereafter be destroyed.

123.6 PANDERING ADVERTISEMENTS

.61 APPLICATION FOR PROHIBITORY ORDERS (39 U.S.C. §3008)

.611 An addressee who receives by mail an advertisement, whether solicited by him or not, offering for sale matter which he determines, in his sole discretion, is "erotically arousing or sexually provocative," may obtain a prohibitory order directing the mailer of the advertisement to refrain from making further mailings to him. Postal Service forms (Form 2150, *Notice for Prohibitory Order Against Sender of Pandering Advertisement in the Mails;* Publication 123, *How You Can Curb Pandering Advertisements)* are available for the purpose of requesting such orders. The use of these forms is not mandatory, provided the information they solicit is presented in a signed written statement.

.612 An addressee who is the parent of one or more children under nineteen years of age residing with him may request an order on behalf of any or all of such children. Where the parent of any such child determines that matter offered for sale in an advertisement addressed to the child is "erotically arousing or sexually provocative," he may request issuance of an order prohibiting further mailings to such child.

.613 If at the time he applies for issuance of a prohibitory order, the addressee is receiving mail at more than one address, he may request that the order apply to any or all such addresses.

.614 A person entitled to receive mail addressed to a deceased person will be regarded as the addressee of such mail for purposes of obtaining a prohibitory order in the name of the deceased.

.615 A person authorized to receive mail addressed to a job title (e.g., sales manager) of any business, government agency, or institution, will be regarded as the addressee of such mail for purposes of obtaining a prohibitory order covering such job title.

.616 Any person having apparent authority to act for a business, governmental or institutional addressee will be regarded as the addressee of such organization's mail for purposes of obtaining a prohibitory order in the name of such organization.

.617 The application for prohibitory order may be submitted at any post office and must be accompanied by the advertisement upon which the application is based, and its opened envelope or other cover or wrapper. The postal services center serving the applicant's address (see Publication 26, *Directory of Post Offices)* is responsible for granting or denying the application. Applications submitted to other than the appropriate postal services center are to be forwarded promptly to such postal services center for processing. Publication 125, *Administering the Pandering Advertisements Statute: A Guide for Postal Services Centers,* provides guidance to assist the postal services centers in such processing.

.62 DENIAL OF APPLICATIONS

A prohibitory order will not be issued when the application is based upon one or more of the following:

a. The request of one whom the Postal Service finds does not qualify under any of the foregoing paragraphs of this section.
b. A mail piece which the Postal Service finds does not offer matter for sale.
c. A mail piece not originating with the person against whom the order is sought (e.g., a newspaper or magazine not mailed by the advertiser therein upon whose advertisement the application is based).
d. A mail piece received by a foreign addressee who has no regular mailing address at which mail is delivered directly by the Postal Service.
e. A mail piece sent by a mailer not subject to the jurisdiction of the United States.
f. A basis in any other way insufficient under the statute.

.63 ISSUANCE OF ORDERS

The prohibitory order forbids the mailer, his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after the mailer's receipt of the order; directs immediate deletion of such addressees from all mailing lists owned or controlled by the mailer, his agents or assigns; and, prohibits any sale, rental, exchange, or other transaction by the mailer, his agents or assigns, involving mailing lists bearing the names of the designated addressees.

.64 AVAILABILITY OF REMEDIES

The fact that a name and address is included on the Postal Service list of those desiring not to receive any sexually oriented advertisements through the mails (see 123.5) does not in any way limit or affect the authority of the Postal Service to issue a prohibitory order protecting such name and address. Likewise, issuance of a prohibitory order does not in any way limit or affect the authority of the Postal Service to list, in accordance with 123.5, the name and address protected by such prohibitory order.

.65 VIOLATIONS

A person protected by a prohibitory order who receives a mail piece apparently in violation of such order should open the envelope or other outside cover of such mail piece and write thereon the identifying number of the prohibitory order (if known) and a statement indicating his receipt by mail and the date of receipt, e.g., "I received this mail piece (date)," followed by his signature. The mail piece should then be submitted directly, or via a post office, to the postal services center which issued the order. Such submission

will constitute an application for enforcement of the order. When the Postal Service finds, after appropriate administrative proceedings as described in Publication 125 and Title 39, Code of Federal Regulations, Part 916, that enforcement action is warranted, it requests the Department of Justice to seek a court order directing compliance with the prohibitory order.

.66 ABANDONMENT OF APPLICATIONS

An applicant for a prohibitory order or its enforcement will be deemed to have abandoned his application if he fails to comply, within 60 days, with any request by the Postal Service to supplement, correct, or complete his application. Abandoned applications need not be retained by the Postal Service.

.67 VOID ORDERS

A prohibitory order will be considered void upon expiration of five years from the date of issuance, except that when application for enforcement of a prohibitory order has been made, it will not be considered void until expiration of five years from the last application for enforcement. Postal Service files relating to such void orders may be disposed of provided a record is maintained of the disposal of each such file and the reason therefor.

.68 MODIFIED ORDERS

.681 An addressee protected by a prohibitory order who has a permanent change of mailing address may continue the protection provided by the order by notifying the mailer of his change of address and his desire to have the order honored with respect to the new address. The notification should be in writing and should be forwarded to the mailer by registered mail, return receipt requested. The notification should state that the addressee previously obtained a prohibitory order, and should identify the order by giving the prohibitory order number. It should also state the address covered by the order, that the addressee has had a permanent change of address, and the new address which the addressee wishes covered.

.682 To permit enforcement with respect to any violation of the order at the new address, a copy of the notification and return mailing receipt must be submitted to the postal services center which issued the order. Such written notification shall modify the order by substituting the new address for the address designated in the original or previously modified order. An order thus modified will take effect in the same manner as the original order.

.69 RATIFIED ORDERS

Orders issued on behalf of persons who had not attained nineteen years of age will not be enforced with respect to mailings received by such persons after they attain the age of nineteen, unless they ratify the order by giving written notice to the postal services center which issued the order that they wish to have the order continue in effect as to themselves. Such notice should include the prohibitory order number.

Part 124

NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

124.1 GENERAL PROVISIONS

.11 SCOPE

Certain potentially harmful or dangerous articles and substances are nonmailable. Some of them may be mailed if specially prepared for mailing, or if mailed between specified classes of persons. This Part covers the rules applicable to nonmailable articles and substances and the special rules under which certain of them may be mailed. See Part 123 for rules relating to nonmailable written, printed or graphic material.

.12 RESPONSIBILITY OF MAILER

The mailer is responsible for compliance with applicable postal laws and regulations governing mailability and preparation for mailing, as well as other laws and regulations pertaining to the shipment of particular matter. The general requirements applicable to preparation, packaging, and packing of mailable matter are contained in Part 121.

.13 MAILABILITY RULINGS

For rules on giving advice as to the mailability of matter covered by this Part and Part 123, see 123.3.

.14 OTHER LAWS AND REGULATIONS

The customer's right to mail particular matter may be affected by conditions or limitations upon transportation of specific articles imposed by Federal agencies having jurisdiction over interstate transportation. See, for example: 49 CFR Parts 100 through 189 (Department of Transportation Regulations); 14 CFR Part 103 (Federal Aviation Regulations); the *Comprehensive Drug Abuse Prevention and Control Act of 1970* (Public Law 91–513), 21 U.S.C. 801; and the *Gun Control Act of 1968* (Public Law 90–618), 18 U.S.C. 921. For the rule on advising mailers about these other laws and regulations see 123.34.

.15 MARKINGS AND LABELS

.151 *Identification of Contents*

The identity or nature of contents of anything mailed under any of the provisions of Part 124, except firearms and switchblade knives (124.4), controlled substances (124.5) and motor vehicle master keys (124.6), must be stated plainly on the outside of the parcel as a condition of mailing. When the contents are hazardous material subject to Title 49 CFR, each package must be clearly marked on the outside with the required shipping name as set forth in 49 CFR Section 172.5.

.152 *Address Marking*

The name and address of both the mailer and the addressee must be affixed to the outside of any package, the mailing of which is covered by Part 124, using a material or method which is not water soluble and which cannot be easily rubbed off or smeared.

.153 *Labels*

Except for controlled substances mailed under 124.5, labels or other markings required by Federal law or regulation of any Federal agency must be securely affixed to the outside of the package. If the package is to be trans-

ported via aircraft, it must also bear the appropriate Department of Transportation hazardous material label.

.154 *Airmail Shipment Certification*

Every airmail shipment of restricted articles mailable under Part 124 shall be accompanied by a shipper's certification prepared in accordance with Federal Aviation Regulations, completed and signed in duplicate by the mailer.

.155 *Customs Declaration for Canal Zone*

Any package of merchandise, weighing 16 ounces or more, addressed to an individual in the Canal Zone must have customs declaration Form 2966-A, *Parcel Post Customs Declaration* (adhesive), and Form 2966, *Customs Declaration* (tie-on-tag), attached. Parcels addressed to a U.S. Government agency, including the Panama Canal Company, and the Canal Zone Government are exempt from this requirement.

124.2 HARMFUL MATTER (18 U.S.C. 1716)

.21 GENERAL

Except as provided below, any article, composition, or material which may kill or injure another, or injure the mail or other property, is nonmailable. Harmful matter includes, but is not limited to:

a. All kinds of poison or matter containing poison;
b. All poisonous animals, except scorpions (see 124.293d) all poisonous insects, all poisonous reptiles, and all kinds of snakes;
c. All disease germs or scabs;
d. Narcotics and other *controlled substances* as defined by 21 U.S.C. 801 or the regulations thereunder; and
e. All explosives, flammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

Harmful matter also includes that which is likely to destroy, deface, or otherwise damage the mails or postal equipment, or which is likely to harm postal employees, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable liquids, gases or solids; or which is likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or processing; explosives or containers

.543 *Use of Registered Mail Required*

Parcels containing controlled substances, including those sent to D.E.A. Regional Offices for disposal (see 21 CFR 1307.21), generally must be sent by registered mail, return receipt requested. The Drug Enforcement Administration number or exemption status of the sender shall be set forth in the sender's address section of Form 3806 or Form 3877, as applicable. This information shall appear in the following format:

DEA Registration No. 654321

or

DEA Exempt—Police

.544 *Regular Mail Permitted*

The following may be sent by regular mail without regard to the provisions of 124.543:

a. Prescription medicines containing non-narcotic controlled substances listed in Schedule II in amounts not exceeding 100 dosage units.
b. Prescription medicine containing non-narcotic controlled substances listed in Schedules III, IV and V in amounts not exceeding a 100-day supply or 300 dosage units, whichever is less.
c. Physician's samples of medicines containing non-narcotic controlled substances in amounts not exceeding the limitations set forth in 124.544 a or b.

.55 EXEMPT SHIPMENTS

Small quantities of unknown matter suspected of containing controlled substances may be sent by regular mail without regard to the other provisions of 124.5 only when addressed to a Federal, State or local law enforcement agency for law enforcement purposes. Such mailings must comply with 124.542 (c) and (d).

.56 VIOLATIONS

Violations of this section shall be referred to the Inspection Service.

124.6 MOTOR VEHICLE MASTER KEYS (18 U.S.C. 1716A; 39 U.S.C. 3002)

.61 DEFINITION

Motor vehicle master key means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) or manipulation type device designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations, including any pattern, impression, or mold from which a master key or manipulation device can be made.

.62 MAILABILITY

The items defined in 124.61, and any advertising (see 123.432) for the sale of any of these items, are nonmailable except when sent to:

a. Lock manufacturers
b. Professional locksmiths
c. Motor vehicle manufacturers or dealers
d. Federal, State or local Government agencies.

.63 MARKING

No markings of any kind which would indicate the nature of the contents shall be placed on the outside wrapper or container of any parcel containing motor vehicle master keys.

.64 QUESTIONED MAILINGS

When the postmaster at either the office of mailing or the office of address has reason to question whether the addressee qualifies under 124.62 to receive a mailing, or whether an item is nonmailable for any other reason, he shall require the mailer or addressee to furnish a written explanation of the addressee's eligibility, or of the item's mailability. If the explanation is not satisfactory to the postmaster, he shall forward it with his statement of the pertinent facts to the Office of Mail Classification, Rates and Classification Department, for a ruling.

124.7 ABORTIVE AND CONTRACEPTIVE DEVICES OR MATERIALS

.71 ABORTIVE DEVICES AND MATERIALS (18 U.S.C. 1461)

Any article or thing designed, adapted or intended for producing abortion is nonmailable. (For advertisements of abortive devices and materials see 123.433.)

.72 UNSOLICITED SAMPLES OF CONTRACEPTIVE MATERIALS (39 U.S.C. 3001; 18 U.S.C. 1461)

Unsolicited samples of articles or things, which are designed, adapted or intended for preventing conception, are mailable only when sent through the mails to a manufacturer of such articles or things, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital or clinic. (For advertisements of contraceptive materials, see 123.434.)

124.8 NONMAILABLE ARTICLES (18 U.S.C. 1716)

.81 INTOXICATING LIQUORS

Potable beverages of ½ percent or more alcoholic content by weight, which are taxable under Chapter 51, Internal Revenue Service Code, are nonmailable. If the product conforms to applicable requirements of the Internal Revenue Service and Food and Drug Administration and is neither an alcoholic beverage, poisonous nor flammable (see 124.24), it may be mailed. (For advertisements for the mailing of intoxicating liquor, see 123.431.)

.82 MATTER EMITTING OBNOXIOUS ODORS

Any matter which is a source of an obnoxious odor is nonmailable.

.83 LIQUIDS

Liquids and semi-solids which may liquefy under normal conditions and are otherwise mailable, must be adequately prepared for mailing in accordance with 121.53.

.84 BATTERY POWERED DEVICES

Devices which are powered by dry cell batteries shall have the batteries removed or deactivated to prevent activation of the device in the mail. Batteries with liquid electrolite are not acceptable (see 124.2).

.85 ODD SHAPED ITEMS IN ENVELOPES

Pens, bottle caps and similar odd-shaped items are not acceptable in letter style envelopes at the single piece first-, third- or fourth-class rate because they could burst the envelope and damage mail processing equipment or injure employees (see 121.324 and 123.431).

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09001	B-C-I	09040	A-B [1]-F-S	09077	B-C-D
09002	B-C-I	09045	B-C-D	09078	B-C-D
09007	B-C-D	09046	B-C-D	09079	B-C-D
09008	B-C-D	09047	B-C-D	09080	B-C-D
09009	B-C-D	09048	B*-C	09081	B-C-D
09010	B-C-D	09050	B-C-D	09082	B-C-D
09011	B-C-F [1]	09051	A-B [1]-F-S	09085	
09012	B-C-D	09052	B-C-D	09086	B-C-D
09017	B-E [2]-F-H [1]-R	09053	B-C-D	09088	B*
09019	B-C-I	09054	B-C-D	09090	B-C-D
09020	B [1]	09055	B*	09091	B-C-D
09021	B-C-D	09056	B-C-D	09093	B-C-D
09023		09057	B-C-D	09095	B-C-D
09025	B-C-D	09058	B-C-D	09098	B-C-D
09026	B-C-D	09059	B-C-D	09099	B-C-D
09028	B-C-D	09061	B-C-D	09102	B-C-D
09029	B-C-D	09066	B-C-D	09107	B-C-D
09030	I-N	09067	B-C-D	09108	B-C-D
09031	B-C-D	09068	B-C-D	09109	B-C-D
09033	B-C-D	09069	B-C-D	09111	B-C-D
09034	B-C-D	09070	B-C-D	09114	B-C-D
09035	B-C-D	09072	B-C-D	09117	A-B [1]-F-S
09036	B-C-D	09074	B-C-D	09118	A-B [1]-F-P-S
09038	B-E [2]-F-H [1]-R	09075	B*-C	09120	B*-C
09039	B-C-D	09076	B-C-D	09121	

See footnotes at end of table.

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126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09123	B-C-D	09166	B-C-D	09227	B-C-D
09127	B*-C	09168	B-C-I	09228	A-B
09128	B-C-D	09169	B-C-D	09230	A-B
09129	B*-C	09170	C-D-N	09232	B-C-I
09130	B-C-D	09171	B-C-D	09238	B*-C
09131	B-C-D	09172	B-C-D	09240	B-C-I
09132	B-C-D	09173	B-C-D	09241	B*-C
09133	A-B[1]-F-S	09175	B-C-D	09245	B-C-D
09137	B-C-D	09176	B-C-D	09252	B-C-D
09138	B-C-D	09177	B-C-D	09253	A
09139	B-C-D	09178	B-C-D	09254	A-B[1]-F-S
09140	B-C-D	09179	B*-C	09277	B-C-D
09141	B-C-D	09180	B-C-D	09281	B-C-D
09142	B-C-D	09184	B-C-D	09282	
09143	B-C-D	09185	B-C-D	09283	
09144	B-C-D	09189	B-C-D	09285	
09146	B-C-D	09193	B*-C	09286	
09150	B*-C	09194	B*-C	09289	A-B[1]-F-S
09154	B-C-D	09202	A-B-G	09291	A
09155	A-B	09205	A-B	09292	B-C-F[1]
09159	B-C-F[1]	09210	B*-C	09293	B-C-I
09160	B-C-D	09220	B-C-D	09294	A-B[1]-F-S
09162	B-C-D	09221	B-C-I	09305	B-C-D
09164	B-C-D	09223	A	09309	B-C-D
09165	B-C-D	09224	A-B[1]-F-S	09319	B-C-D

See footnotes at end of table.

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09320	A-B[1]-F-S	09452	B-C-D	09526	
09322	B-C-D	09453	B-C-I	09527	A-N
09324	A-B[1]-F-S	09454	B-C-D	09528	A
09325	B-C-D	09455	B-C-D	09530	A-B-C-F-M
09326	B-C-D	09457	B-C-D	09532	A
09330	B-C-D	09458	B-C-D	09533	B-C-I[1]
09333	B-C-D	09460	B-C-D	09534	
09351	B-C-D	09501		09539	
09352	B-C-D	09502		09540	
09353	B-C-D	09505	O	09541	
09354	B-C-D	09510	B*-C	09542	A-B-C-E
09355	B-C-D	09511	B*-C-J	09544	A-B-C-E
09358	B-C-D	09512	B*-C-J	09545	B-C-D
09359	B-C-D	09514	B*-C-J	09546	
09360	B-C-D	09515	B*-C-J	09549	
09370	B-C-D	09516	B*-C-J	09551	
09378	B*-C	09517	B-C-D	09552	
09380	A-B[1]-F-S	09518	B*-C-J	09553	
09401		09519	B*-C-J	09554	
09403	B-C-D	09520	B-C-I	09555	
09405	B*-C	09521	B-C-I[1]	09556	
09406		09522	B-C-I[1]	09558	
09407	B-C-D	09523	B-C-I[1]	09559	
09411	B-C-D	09524	B-C-I[1]	09560	
09451	B-C-D	09525	A	09571	C
				09572	C

See footnotes at end of table.

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09580	B[1]	09696	B-C-D	09867	M
09584	B[1]	09697	B-E[2]-F-H[1]-R	09869	B-C-F-I-M-N
09585	B[1]	09701	B-C-D	09870	C-D-N
09593		09702	B-C-D	09871	B-I-L-M-N
09597		09710	B-C-D	09872	B-C-D
09598		09742	B-C-D	09879	H-I-M-N
09607	B*-C	09743	B-C-D	09880	A-B-F-N
09611	B-C-D	09751	B-C-D	09881	I-M-N
09616	B-E[2]-F-H[1]-R	09755	B*-C	09883	B-I-M-N
09633	B-C-D	09757	B-C-D	09885	M
09659	B*-C	09777	A-B-C-E	09887	B-D-F-I-M-N
09662		09794	B-C-I	09889	B-I-M-N
09664	N	09801	B-C-D	09891	B-M-N-I
09666	B-C-D	09807	B-C-D	09892	A-B-F
09667	B*	09825	B[1]	09893	C-F-H-I-M-N
09669	B-C-D	09826	B[1]	09895	B-I-M
09670	B-C-I	09827	B[1]	09897	I
09671	B-E[2]-F-H[1]-R	09829	B[1]	09899	B-I-M
09672		09832	B[1]	96208	A-B
09676	B-C-M	09834	B[1]	96209	A-B-H
09678	B-I-N	09837	B[1]	96210	A-B-M
09689	B-C-I	09851		96212	A-B
09690	A	09860	B-C-D	96213	A-B
09692	B-C-D	09862	N	96218	A-B
09693	A	09865	B-I-M	96220	A-B

See footnotes at end of table.

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
96221	P	96302	A-B	96367	A-B-L-M
96224	A-B	96305		96369	A-B-H
96225		96311[1]	F-K-L	96370	A-B
96230	A-B-L-M	96315	F-P-N	96371	A-B
96231	A-B	96319	F[1]	96397	A-B
96235	A-B-M	96323	A-B-M	96401	
96236	F[1]-P	96324	A-B	96404	A-B-H
96239	A-B-M	96327	L	96405	A-B-H
96244	A-B-M	96328	A-B-M	96421	F-N
96248	A-B-M	96331	A-B-M	96431	F-K
96251	A-B	96333	M	96432	F-K
96259	A-B	96334		96434	P
96263	F[1]	96335	A-B	96435	F[1]
96264	A-B	96336	A-B-M	96438	
96271	A-B	96340	F[1]	96442	F-N
96274	F-K	96341		96455	A-B
96276	A-B	96343	A-B-M-N	96460	A-B
96277	F-K	96344	A-B-M	96468	F-N
96282	F	96346	B[1]-F-N	96483	A-B
96286	F-K-L	96351	P	96488	A-B
96287	A-B-H	96356		96501	
96290	F[1]	96358	A-B	96503	A-B-M
96293	F[1]	96360	F[1]	96515	
96298	F-K	96361	A-B-M	96519	A-B-M
96301	A-B	96366	A-B	96528	F-K

See footnotes at end of table.

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
96545		96658	F-K	98747	
96553		96659		98748	
96555	M	96680	A-B-H-Q	98749	
96556		96685		98750	
96557		96690	B-H-M	98760	A-B-M
96558		96692		98761	A-B-M
96570	A-B	96699	A-F	98762	A-B-M
96571	A-B	98703		98763	A-B-M
96601		98704		98764	A-B-M
96602		98706		98765	A-B-M
96605	O	98709		98766	A-B-M
96610		98710		98767	A-B-M
96611		98711		98768	A-B-M
96612		98713		98769	A-B
96613		96715		98770	A-B-M
96614		98716		98771	
96615		98723		98772	A-B-M
96617		98731		98773	A-B-M
96630		98732		98774	
96637		98733		98775	
96650	F-K	98736		98776	
96651	F-K	98737		98777	
96652	F-K	98742		98781	A-B-M
96654	F-K	98745		98782	A-B-M
96656	F-K	98746		98783	

See footnotes at end of table.

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS—Continued

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
98784		98792		98796	
98785		98793		98797	
98790		98794		98798	
98791		98795		98799	

FOOTNOTES

A. No mail of any class may contain securities or currency. Precious metals in their raw, unmanufactured state are also prohibited. Official shipments are exempt from these restrictions.

B. Customs Declaration form required, except that prepaid mail from a contractor, addressed to a military organization for official use, NEED NOT bear Customs Declaration but must be endorsed "Contents For Official Use—Exempt from Customs Requirement. Official mail from Government agencies DOES NOT require customs declaration or exemption endorsement."

B[1]. Two customs declarations required. One Form 2966-A and one Form 2966.

*Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. When the contents of a parcel meet these requirements, the mailer should place a certificate similar to the following on the customs form under the heading—"Description of Contents" "Certified to be a bona fide gift, personal effects or items for personal use of military personnel and dependents thereto."

C. Cigarettes and other tobacco products prohibited.

D. Coffee prohibited.

E. Mail may not contain: 1. Medicines or vaccines not conforming to French laws. 2. Nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents.

F. Mail of all classes may not contain firearms of any type. See definition of firearms in 124.4 Exception: Not applicable to firearms mailed to or by official U.S. government agencies.

F[1]. No mail of any class may contain privately-owned weapons addressed to an individual.

G. Only first-class letters, second- and third-class mail authorized.

H. Meats, including preserved meats, whether hermetically sealed or not, are prohibited.

H[1]. Pork and/or pork by-products prohibited.

(Continued)

(Continued)

I. Mail of all classes may not exceed the following dimensions:

Length	
42"	72" length and girth combined.
Over 42" to 44"	24" girth.
Over 44" to 46"	20" girth.
Over 46" to 48"	16" girth.

Maximum length 48".

[1] Provisions of this footnote are not applicable to registered mail.

[2] Provisions of this footnote are not applicable to airmail nor to official Government mail marked MOM.

J. Weight for other than registered mail is restricted to 50 pounds.

K. Mail which includes in the address the words "Dependent Mail Section" may consist only of letter mail, newspapers, magazines and books. No parcel of any class containing any other matter may be mailed to Dependent Mail Section. This footnote is not applicable if the address does not include the words "Dependent Mail Section."

L. All official mail prohibited.

M. Fruits, animals, and living plants are prohibited.

N. No registered mail accepted.

O. Personal mail addressed to vessels using this number is limited to unregistered airmail, unregistered first-class mail, and certified mail. Other classes of mail may not be accepted.

P. APO will be used for the receipt and dispatch of official mail only.

Q. Mail may not exceed 66 pounds and size is limited to 42 inches maximum length and 72 inches maximum length and girth combined.

R. All alcoholic beverages, including those mailable under part 124.81 are prohibited.

S. No parcels (merchandise) of any kind accepted.

Subchapter 130 MAIL CLASSIFICATION AND RATES

Part 131

FIRST CLASS

131.1 RATES

.11 SINGLE PIECE RATES

The single piece rates are applied to each letter or piece of first-class mail according to its weight.

Kind of Mail	Rate
All first-class mail weighing 13 ounces or less except postal and post cards. See 136.12 for rates on first-class mail weighing more than 13 ounces.	13¢ for the first ounce or fraction of an ounce, 11¢ for each additional ounce or fraction of an ounce.
Single postal cards sold by the post office (see 141.13)	9¢ each.
Double postal cards sold by the post office (see 141.13)	18¢ (9¢ each portion).
Single post cards (see 131.222)	9¢ each.
Double post cards (see 131.222) (Reply portion of double post card does not have to bear postage when originally mailed.)	18¢ (9¢ each portion).
Presort rate (see 131.12)	The applicable first-class rate, less 1¢ per piece.
Business reply mail:	
Cards	14¢ each.
Other than cards:	
Weight not over two ounces	13¢ for the first ounce plus 11¢ for the second ounce, plus 5¢ per piece.
Weight over two ounces but not over 13 ounces	The applicable first-class rate plus 8¢ per piece.
Weight over 13 ounces	8¢ per piece plus rate in 136.12.
Airmail	See 136.1.

.12 BULK PRESORT RATE

.121 *Identical Pieces*

The bulk presort rate is equal to the applicable single piece first-class rate, less one cent for each piece that is part of a group of ten or more pieces sorted to the same five-digit ZIP Code, or of a group of fifty or more pieces sorted to the same three-digit ZIP Code, when they are presented at one post office as part of a single mailing of not less than 500 pieces of first-class mail of identical size and weight, each weighing 13 ounces or less. All pieces must be individually addressed to different addresses, and must be sorted to the maximum extent; i.e., all five-digit sorts in groups of ten or more must be exhausted before proceeding to make up all three-digit sorts in groups of fifty or more. Full first-class postage must be paid on the residue not sorted to

groups of 5- or 3-ZIP Code digits as described above. The mailing must be presented at a place and between the hours designated by the postmaster and must comply with the preparation requirements in 131.5. Deposit of metered presort rate mail at other than these designated places will be considered misuse of a postage meter and grounds for revocation of the meter license in accordance with 144.23. Cards subject to sortation requirements of 131.224 are eligible for the presort rate if they meet all requirements for the rate.

.122 *Nonidentical Pieces*

A group of 500 or more nonidentical pieces within the same postage rate increment, which otherwise qualify under 131.121, may be mailed at the presort rate when postage is paid by meter stamps. Nonidentical pieces of the same or different postage rate increments which otherwise qualify under 131.121 may be mailed at the presort rate under permit imprint only when authorized by the Postal Service as part of an optional procedure in accordance with 145.8, or an experimental procedure under the provisions of 145.9. Optional procedures for mailing nonidentical pieces must be approved by the Office of Mail Classification.

.13 NONSTANDARD SURCHARGE

There is currently no surcharge for nonstandard mail as defined in 131.34. However, it is anticipated that such a surcharge will be imposed sometime in calendar year 1978.

131.2 CLASSIFICATION

.21 DESCRIPTION

.211 First-class mail consists of mailable:

a. Postal cards.
b. Post cards.
c. Matter wholly or partially in writing or typewriting, except authorized additions to second-, third-, and fourth-class mail provided by 132.471, 132.472, 134.6 and 135.5, and written or typewritten matter listed in 135.24 and 135.26.
d. Matter closed against postal inspection.
e. Bills and statements of account.

.212 Examples of first-class matter:

a. Handwritten or typewritten matter, including identical copies prepared by automatic typewriter, and manifold or carbon copies of such matter. Handwritten or typewritten matter does not include matter produced by computers.
b. Autograph albums containing writing.

c. Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.
d. Blank printed forms filled out in writing, such as notices, certificates, and checks either canceled or uncanceled.
e. Printed price lists containing written figures changing individual items.
f. Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.
g. Printed matter such as receipts, orders and printed letters not sent in identical terms to several persons that, by having a signature attached, are converted into personal communications. This does not apply to Christmas or similar printed greeting cards.

.213 Two or more individuals or firms, or a party acting as the agent of two or more individuals or firms, may not mail in one envelope to a mutual addressee the bills, statements of account, or other letters of the individuals or firms, unless the envelope is endorsed on the address side to show the number and weight of each letter enclosed and sufficient postage is paid at the first-class rate on each such letter. Firms that are distinct legal entities are treated as separate firms for purposes of this regulation, regardless of their affiliation.

.214 An individual or firm may mail in one envelope more than one of its own letters to an addressee and pay postage at the first-class rate on the weight of the piece. Agents of a licensing authority may forward completed applications in one envelope to an office of the licensing authority and pay postage at the first-class rate on the weight of the piece.

.215 The following provisions are applicable to matter closed against postal inspection:

a. The Postmaster General may prescribe the manner of wrapping and securing mail not charged with first-class postage so that the contents of the mail may be easily examined. He shall charge the first-class rate of postage on all matter that cannot be examined easily.
b. To ascertain whether the proper rate of postage has been paid, postmasters may examine second-class mail and remove the wrappers and envelopes from other mail not bearing first-class postage if it can be done without destroying them.
c. Matter closed against inspection includes mail of any class so wrapped as not to be easily examined, except second-, third-, or fourth-class matter sealed subject to postal inspection. See 125.25, 134.8, and 135.6.

Post Office Services (Domestic) TL-41, 12-31-76, Issue 115

.216 The following is a description of bills and statements of account:

a. A bill is a request for payment of a definite sum of money claimed to be owing by the addressee either to the sender or to a third party. The mere assertion of an indebtedness in a definite sum combined with a demand for payment is sufficient to make the message a bill.

b. Generally, a statement of account is the assertion of the existence of a debt in a definite amount owed by the addressee either to the sender or to a third party but which does not necessarily contain a request or a demand for payment. The amount may be immediately due or may become due after a certain time or upon demand or billing at a later date.

c. A bill or statement of account must present the particulars of an indebtedness with sufficient definiteness to inform the debtor of the amount he is required to pay to acquit himself of the debt. However, neither a bill nor a statement of account need state the precise amount if it contains sufficient information to enable the debtor to determine the exact amount of the claim asserted.

d. A bill or statement of account is not the less a bill or statement of account merely because the amount claimed is not in fact owing or may not be legally collectible.

.22 POSTAL AND POST CARDS

.221 *Postal Cards*

A postal card is a card supplied by the Postal Service with a postage stamp printed or impressed on it, for the transmission of messages. A double postal card consists of two attached cards, each of which has printed or impressed thereon a postage stamp of the first-class rate for postal cards denomination, and one of which may be detached by the receiver and returned by mail as a reply.

.222 *Post Cards*

Post cards are privately printed mailing cards for the transmission of messages. They may not be larger than the size fixed by the Convention of the Universal Postal Union in effect and of approximately the same form, quality, and weight as postal cards. A double post card consists of two attached cards, each of which is subject when mailed to the first-class postage rate for post cards, and one of which may be detached by the receiver and returned by mail as a reply. The cardboard used for single and double post cards may be of any light color that does not prevent legible addresses and postmarks from being placed thereon. Brilliant colors must not be used. Single post cards and each part of double post cards must conform to the following specifications to qualify for mailing at the first-class postage rate for post cards (see 131.1):

a. *Size, Shape, and Ratio.* Not larger than 4¼ by 6 inches, nor smaller than 3 by 4¼ inches. Rectangular in shape. A ratio of width (height) to length between 1 to 1.3 & 1 to 2.5 is recommended. (See 131.32 and 134.32.)

b. *Quality, Weight, and Thickness.* An unfolded and uncreased piece of cardboard of approximately the quality and weight of a postal card; thickness not less than 0.006 or more than 0.0095 of an inch; and the cardboard to be uniform in thickness and as near 0.0090 as possible.

c. *Green Border Cards.* See 141.115.

.223 *Restrictions on the Use of Double Postal and Post Cards*

The users of both double postal and post cards which conform to the specifications stated in 131.222 a and b must comply with the following rules:

a. Double cards must be folded before mailing. The first half must be detached when the reply half is mailed for return.

b. The reply portion of a double card must be used for reply purposes only. It must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

c. Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

d. Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

e. Enclosures are prohibited.

.224 *Additions, Attachments, and Other Alterations to Single and Double Postal and Post Cards*

The users of both single and double postal and post cards which conform to the specifications stated in 131.222 a and b must comply with the following limitations:

a. The face of the card may be divided by a vertical line, the left half to be used for the message and the right half for the address only.

b. The message on a single card, or on the first portion of a double card, may occupy the space to the left of the vertical line and the entire back of the card.

c. Labels may be affixed by adhesive for the purpose of showing the address and the return address. Cards bearing other attachments are nonmailable as postal cards or post cards.

d. Numbers used for accounting purposes may be shown on a shaded background below the address. Holes which do not eliminate any letters or

numbers may be punched in either the address or message portion of the card. A vertical tearing guide may divide the face of the card. The address portion may be smaller than the remainder of the card. However, mailings of cards having one or more of these four characteristics must meet all of the following conditions:

(1) The mailings must consist of not less than 200 cards which are identical as to size and weight.
(2) The addresses on the cards must include ZIP Code numbers.
(3) Postage must be paid in cash by permit imprints (see part 145); by meter stamps (see part 144); or by precanceled stamps (see part 143).
(4) The mailer must separate the cards to the finest extent possible and sack them in the manner prescribed by 134.43.

e. It is recommended that all cards having a thickness less than 0.0085 of an inch meet all of the conditions in 131.224d (1), (2), (3), and (4).

.225 *Cards Other Than Postal and Post Cards*

Matter which is in the form of a single or double card but which does not conform to the specifications for a single or double post card stated in 131.222a and b may not be mailed at the first-class postage rate for post cards. Nonconforming mailable matter in the form of single or double cards is not subject to the rules and restrictions provided in 131.223 and 131.224; it is subject when mailed to postage at the first-class letter rate or at the applicable third-class rate according to its classification as first- or third-class matter; and it must not bear the words *Post Card or Double Post Card*. Single or double cards conforming to the specifications stated in 131.222a and b, which are entirely in print, and which do not bear the words *Post Card or Double Post Card*, if otherwise mailable, may at the option of the mailer be mailed at the applicable third-class postage rate instead of the first-class postage rate for post cards. See 131.3 and 134.3 for a list of physical characteristics which cause cards to be nonmailable.

.226 *Postal and Post Cards as Enclosures*

Stamps on postal and post cards enclosed in outer wrappers may not apply as postage on the mailing piece.

.227 *Presorted First-Class Mail*

Presorted first-class mail is mail presented in a manner that preserves the orientation, facing, and ZIP Code sequence of the pieces.

.23 BUSINESS REPLY MAIL

.231 *Purpose*

Specially printed business reply cards, envelopes, cartons, and labels may be distributed for use by mailers in sending mail to the distributor without prepayment of postage.

.232 *Permit*

a. A permit to distribute business reply cards, envelopes, cartons, and labels is required. An application on Form 3614, *Application to Distribute Business Reply Cards, Envelopes and Labels*, must be submitted at the post office where the mail will be returned, except as follows: if matter bearing the business reply imprint is distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail.

b. On receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. The application portion of the form will be filed in the post office by the permit number. Permits issued at each post office will be numbered consecutively starting with No. 1 for the first permit. Numbers of canceled permits may be used when issuing new permits. Each post office will keep an alphabetical card record of each permit on Form 3619, *Permit Number Record*.

c. When payment is not by use of an advance deposit trust account, postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form 3582-A, *Postage Due Bill*. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns. See 131.233 for amount to be collected which may not include fees for any special services.

d. Cards which do not conform to the specifications contained in 131.222 are to be charged postage at the regular first-class rate, and *not* at the card rate.

.233 *Postage and Fees*

a. An annual fee of $30 will be charged each calendar year for each permit issued. The $30 permit fee is applicable at each office where mail will be returned except that if the business reply is to be distributed from a central office for return to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail of the distributor, if the holder provides a copy of the receipt to each office where mail is to be returned under that permit. The permit holder guarantees payment of postage and fees on any returns refused by such branches or dealers.

b. Permit holders will have the option of keeping a Business Reply Mail (BRM) advance deposit trust account at the post office, or paying postage due charges to the carrier upon delivery. A $75 accounting fee will be charged for each BRM advance deposit trust account at each post office where the mail is to be returned. This fee will be paid each calendar year or portion thereof. No accounting fee will be charged to customers who do not maintain an advance deposit. The business reply advance deposit trust account will be used only for payment of business reply postage and fees.

c. When payment is by BRM advance deposit trust account as provided for in 131.233b, the amount to be collected is the appropriate first-class, airmail, or priority postage plus a surcharge of 3.5 cents per peice.

d. When no BRM advance deposit trust account is maintained, the amount to be collected is the appropriate first-class, airmail or priority postage, plus a surcharge of 12 cents per piece. Payment at the 12-cent rate may be paid in cash or through a regular postage due account.

e. Business reply mail addressed to several different firms at the same delivery unit may be delivered to *one* agent under one advance deposit trust account. The business reply mail for each firm participating in such arrangements must be covered under a valid business reply permit. Only one billing is to be provided by the Postal Service for each business reply advance deposit trust account. If the agent, or any of the firms participating in such arrangements desire separation of their charges, a separate trust account and accounting fee are required.

f. *Third party* business reply mail arrangements, whereby business reply pieces are distributed by a company, under its own permit and with its own indicia, for use by another party which is neither a branch nor a dealer of the distributor, are permissible provided:

(1) The holder of the permit number appearing on the mail guarantees payment of postage and fees for all business reply pieces which he distributes;
(2) The holder of the permit number appearing on the piece pays the annual business reply permit fee; and
(3) The addressee to whom the piece is returned obtains its own business reply permit fee and itself pays the annual business reply permit fee and, if desired, the annual business reply accounting fee.

.234 *Form of Imprint and Address*

Any photographic, mechanical, or electronic process, or any combination of such processes, other than handwriting, typewriting, or handstamping, may be used to prepare the address side of business reply cards, envelopes, cartons, or labels. The address side must be prepared both as to style and content in one of the following forms without the addition of any matter other than a return address (see 141.114g for business reply window envelope requirements):

a. *Alternate Style and Content for Domestic Surface Mail*



b. *Alternate Style and Content for Domestic Surface Mail*



c. *Style and Content for Domestic Airmail.* Use alternating red and blue parallelograms for the border.



.235 *Distribution*

Business reply cards, envelopes, cartons, and labels may be distributed:

a. In any quantity for return by surface or airmail. When prepared by the distributor for return by surface mail, business reply mail may not be accepted for return by air unless postage is fully prepaid at the airmail rate.
b. To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.
c. In any manner except by depositing in receptacles provided by customers for receipt of mail.

.236 *Responsibility of Distributor*

The distributor guarantees payment on delivery of postage on returned business reply mail. Any concern distributing business reply cards, envelopes, cartons, or labels under one permit for return to its branches or dealers guarantees to pay postage on any returns refused by any authorized addressees.

131.3 WEIGHT AND SIZE LIMITS

.31 WEIGHT

Each piece may weigh not more than 70 pounds.

.32 SIZE

Each piece may measure not to exceed 100 inches in length and girth combined. See 135.32 for instructions on how to measure.

.33 SHAPE, RATIO, AND SEALING FOR ENVELOPES, CARDS, AND SELF-MAILERS

The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

a. Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.
b. Pieces having shapes other than rectangular are nonmailable.
c. Pieces having a ratio of width (height) to length between 1 to 1.3 and 1 to 2.5 are recommended.
d. Pieces not sealed or secured on all four edges so that they may be handled by machines are not recommended.
e. Cards having a thickness of less than 0.006 of an inch are nonmailable.

.34 NONSTANDARD FIRST-CLASS MAIL

.341 First-class mail weighing one ounce or less is nonstandard unless it meets the following size standards:

a. Length not greater than 11.5 inches, and
b. Height not greater than 6.125 inches, and
c. Thickness not greater than .25 inch, and
d. An aspect ratio (ratio of height to length) between 1:1.3 and 1:2.5 inclusive.

.342 Nonstandard mail often results in delays or damage to mail because it does not lend itself to machine processing. For this reason, mailers are encouraged to avoid mailing nonstandard first-class mail. It is anticipated that a surcharge will be imposed sometime in calendar year 1978 for nonstandard first-class mail.

131.4 PAYMENT OF POSTAGE

.41 SINGLE PIECE RATE

Mailers of first-class matter at single piece rate may pay postage by adhesive stamps, stamped envelopes and postal cards, meter stamps, and permit imprints.

.42 BULK RATE

Mailings made at presort rates must be paid only by meter stamps or permit imprints. Metered postage must be for the first-class presort rate for qualifying pieces and the full first-class rate for residual pieces.

.43 ANNUAL FEE

A first-class presort mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails first-class or airmail matter at presort rates. Any person who engages a business concern or another individual to mail for him must pay the $30 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1).

131.5 PREPARATION OF PRESORT RATE MAIL

.51 ADDRESSES

The address on each piece must include the ZIP Code (or carrier route code if presorted directly to carriers).

.52 MARKINGS REQUIRED

Identifying words *PRESORTED FIRST-CLASS* or *PRESORTED AIRMAIL* must be incorporated as part of the permit imprint or be printed or rubber stamped by the mailer on each piece above the address and immediately below or to the left of the meter stamps or permit imprints. The marking may be printed by a postage meter, special slug, or *ad plate*. All pieces in the mailing including residual pieces not qualifying for the lower presort rate must be so marked.

.53 MAILING STATEMENT

Mailers who qualify for the first-class presort rate (see 131.121) must complete and submit a mailing statement with each mailing. The statement must be signed by the mailer or his authorized agent:

a. Form 3602, *Statement of Mailing - Permit Imprint*, for mail with permit imprints. If editions of the form earlier than December 1975 are used, two forms must be used: one for those qualifying for the lower presort rate, and one for those which do not. The form for those qualifying for the lower presort rate *must* be marked *PRESORT RATE* across the top of the form, and should only list the items which qualify for the lower presort rate. The form for the non-qualifying pieces *must* be marked *Presort Residual* across the top of the form and should only list the items which do not qualify for the lower presort rate.
b. Form 3602-PC, *Mailing Statement - Bulk Rates*, for mail bearing meter stamps. If editions of the form earlier than May 1976 are used, two forms must be used: one for those qualifying for the lower presort rate, and one for those which do not. The form for the qualifying pieces *must* be marked *PRESORT RATE* across the top of the form, and should only list the items which qualify for the lower presort rate. The form for the non-qualifying pieces *must* be marked *Presort Residual* across the top of the form and should only list the items which do not qualify for the lower presort rate.

.54 SORTING REQUIREMENTS

.541 *Packages*

When there are 10 or more pieces to the destinations described in 131.545a and/or 50 or more pieces to the destinations described in 131.545b and c, they must be secured together as a package by the mailer. Rubber bands are the only acceptable means of securing packages in trayed mail.

.542 *Rubber Bands*

Rubber bands will be provided by USPS and will be used by mailers to secure packages of bulk mail under the following conditions:

a. Packages of pieces measuring up to 5 by 11-1/2 inches are to be secured in packages with rubber bands.
b. Packages should not exceed approximately 4 inches in thickness.
c. Packages up to one inch in thickness shall be secured with one rubber band around the girth. Packages between one and four inches in thickness shall be secured with two rubber bands, the first around the length and the second around the girth.

.543 *Labeling of Packages*

Package labels must be used to identify the makeup of presorted bundles of mail:

a. Place coded pressure sensitive labels in the lower left corner on the address side of the top piece in the package.
b. Do not date package labels.

.544 *Traying*

a. Packages are to be made up into trays in accordance with 131.545. Two-letter state abbreviations are to be used on labels. In lieu of traying, postmasters may authorize pouching or other suitable containerization of presorted mail when mutually beneficial to the mailer and the Postal Service and when the integrity of the presort can be maintained.
b. Pouches must be made up in accordance with the procedures prescribed for trays in 131.545 and with the prescribed pouch tags. Packages must be pouched by the mailer when there are enough for the same destination to fill approximately one-third of a pouch. The total weight of pieces placed in one pouch must not exceed 50 pounds. *The residual must be clearly segregated from the lower rated presorted mail.*

.545 *Sortation*

a. *Five-digit ZIP Code Delivery Unit Packages and Trays*
(1) *Packages.* When there are 10 or more pieces but less than a full tray addressed to the same five-digit ZIP Code delivery unit, they must be prepared in packages of 10 or more pieces not more than 4 inches in thickness by the mailer. The pieces in the packages must be faced in the same direction and secured with one or two rubber bands around each package as provided by 131.542. Red label D must be affixed to the lower left corner on the address side of the top piece in each package.

(2) *Presorted Trays.* When there is enough mail for the same five-digit ZIP Code delivery unit to fill a tray (approximately 500 pieces), a direct five-digit tray must be prepared. Mail left over after filling direct trays must be bundled and placed in the appropriate city or SCF mail tray with the same first three digits. A pouch label must be firmly affixed to the end of the tray. Direct five-digit trays or containers must be labeled in the following manner:

PHILADELPHIA PA 19118
FCM PRESORTED
FR JC COMPANY BOSTON MA

b. *City Packages and Trays*

(1) *Packages.* When there are 50 or more pieces, but less than a full tray, remaining for a city with a unique three-digit ZIP Code prefix, after the five-digit ZIP Code delivery unit packages required by 131.545a(1) have been prepared, they must be made up as city packages and must be secured with one or two rubber bands as provided by 131.542. Cities with unique 3-digit ZIP Codes are listed in the upper case letters in the listing of *ZIP Code Prefixes* contained in Publication 26, Directory of Post Offices. Yellow Label C must be affixed in the lower left corner on the address side of the top piece each package.

(2) *Presorted Trays.* City mail plus any packages for five-digit ZIP Code delivery units within those cities not trayed, as provided for by 131.545a(2), must be prepared in City trays. A mixed city pouch label must be firmly affixed to the end of each tray. City trays must be labeled in the following manner:

PHILADELPHIA PA 191
FCM PRESORTED
FR JAY MAILING CO CINCINNATI OH

Mail left over after filling trays must be bundled and placed in an SCF tray.

c. *Sectional Center Facility (SCF) Packages and Trays*

(1) *Packages.* When there are 50 or more pieces, but less than a full tray, remaining for the same three-digit ZIP Code prefix, after the packages required by 131.545a(1) and b(1) have been prepared, they must be bundled as SCF packages to that three-digit ZIP Code prefix. The pieces in the packages must be faced in the same direction and secured with one or two rubber bands as provided by 131.542. Green Label 3 must be affixed in the lower left corner on the address side of the top piece in each package.

(2) *Presorted Trays.* SCF packages plus any five-digit and city packages not trayed, as provided for by 131.545a(2) and b(2), and which are destined for the same sectional center facility must be prepared in SCF trays. An SCF pouch label must be firmly affixed to the end of each tray. SCF trays must be labeled in the following manner:

SCF PHILADELPHIA PA 190
FCM PRESORTED
FR Q MAILERS BALTO MD

Presorted mail left over after filling SCF trays must be bundled. It is recommended, but not required, that these be placed in state trays. If state trays are not prepared, bundles must be placed in mixed states trays.

d. *State Trays*

It is recommended, but not required, that packages remaining after traying, in accordance with 131.545a(2), b(2), and c(2), be prepared in state trays. A state pouch label in the following format must be firmly affixed to the end of the tray:

DIS CHICAGO IL 606
IL FCM PRESORTED
FR RECORD CHICAGO IL

e. *Mixed States Trays*

Packages remaining after traying in accordance with 131.454a(2), b(2), c(2) and d, must be prepared in *Mixed States* trays. A mixed states pouch label in the following format must be firmly affixed to the end of the tray:

DIS CHICAGO IL 606
MIXED STATES FCM PRESORTED
FR RECORD CHICAGO IL

f. *Residual Mail*

(1) Pieces remaining after bundles have been prepared into packages in accordance with 131.545a through e, are residual mail and are ineligible for the lower presort rate. Packages of residual mail must be placed in trays in such a way as to maintain the orientation and the ZIP Code sequence of the presort. Trays containing residual mail are not to bear a pouch label. The mail must be presented together with the lower-rated portion of a mailing, but must be clearly segregated therefrom to facilitate verification of the quantities of both the lower rated and residual pieces.

(2) In order to speed processing of the mail, it is recommended, but not required, that the mailer prepare state packages when there are 10 or more pieces to the same state. Orange label S must be affixed to the lower left corner of the address side of the top piece in each package.

g. *Exceptions to Bundling*

(1) The bundling requirements for presorted mail left over after filling full trays described in *a* through *e* may be waived when the use of separating tabs is approved by the local postmaster.

(2) The local postmaster may also waive the bundling requirements for loose-packed presorted flat mail sorted to one five-digit ZIP Code destination, when there is enough quantity to fill a number 3 sack. The flats must measure not less than approximately 8 inches high by 10 inches long.

131.6 PRESORT VERIFICATION

.61 Procedure

A designated employee in the weighing section, or other location where bulk mailings are accepted, shall verify that each mailing made at the presort rate is properly made up and presorted and qualifies for the presort rate. This is in addition to the postage computation verification performed for permit imprint mailings in accordance with 145.57. The designated employee must:

a. Verify that each mailing consist of at least 500 presorted pieces.

b. For each 10 trays or fraction thereof in a mailing:

(1) Select 2 trays of five-digit makeup and randomly withdraw and inspect by riffling 3 handfuls (about 120 letters) from each of the 2 trays to

determine whether the tray contains letters bearing other than the five-digit ZIP Code as shown on the tray label. If a discrepancy of 10 or more pieces is found, the mailing is disqualified.

(2) Select 2 trays of three-digit makeup and follow the procedures in (1).

(3) For the trays in (1) and (2), check if the proper labels are attached. If one improper label is found, check a total of ten trays. More than one improper label in ten trays is considered disqualifying.

(4) Check one tray of bundled mail to determine if the proper color-coded pressure sensitive package label is used on packages. If a wrong label is encountered, check a total of ten packages. More than one occurrence in ten packages is considered disqualifying.

(5) Check two packages to see if all pieces are in the proper bundles. If any improper bundling is detected, a total of five packages is to be checked. If more than four such improper pieces are in the five packages, the mailing is disqualified.

c. Riffle through one tray of residual mail to verify that it is in ZIP Code sequence. More than ten out of sequence in a tray is considered disqualifying.

d. If a mailing is disqualified, the next mailing by the customer at presort rates shall have twice the amount of pieces checked as called for above. In addition, one-fifth of the customer's mailings over the next six months shall receive such intensified checks.

e. For permit mailings, verify that the quantity of lower rated *presorted* mail agrees with Form 3602. This is done by weighing the presorted mail and dividing the weight by the weight of a single piece.

f. For permit mailings, verify that the quantity of *residual* mail agrees with Form 3602. This is done by weighing the residual mail and dividing the weight by the weight of a single piece.

g. Return permit imprint mailings to the mailer for corrective action or apply full rates as prescribed in 131.62 when the mailing does not qualify for the presort rate.

h. For metered mail spot check at least one tray of lower-rated pieces and one tray of residual mail to verify that proper postage is applied. If the pieces are not of identical weight, several of the heavier pieces are to be weighed and verified.

i. Return metered mailings and Form 3602-PC to the mailer for corrective action when one or more trays or pouches are found to contain mail with incorrect postage affixed, or improperly dated, or when the mailing does not qualify for the presort rate (see 131.62).

j. Mailers who elect to correct presort problems that result in disqualification of the mailing will generally be unable to return metered mail to the acceptance unit on the same day originally presented. The date in the meter stamp will thus reflect an incorrect mailing date. If the mailing is presented on the day immediately following its initial presentation and if it then meets all other acceptance requirements, accept the mailing on a one-time only basis when:

(1) Its initial presort deficiencies resulted from mailing equipment problems beyond the mailer's control, or

(2) It is the customer's first mailing at the presort rate and the improper presort resulted from misinformation or misunderstanding of the presort requirements.

.62 ACCEPTANCE OF UNQUALIFIED METERED OR PERMIT IMPRINT MAILING AT SINGLE PIECE RATES

When the verification prescribed by 131.61 reveals a disqualification for the presort rate on a mailing, the mailer may elect to pay the single piece first-class or airmail rate in lieu of correcting the disqualification. Mailers may correct the Form 3602 or Form 3602-PC for unqualified mailings to indicate postage is to be paid at single piece first-class or airmail rates in 131.11 and 136.11. All other provisions of Part 145 are applicable to such mailings. Mailers of unqualified metered mailings must pay the difference in cash at the window and present their copy of the cash receipt at the acceptance point before their mail can be released for processing.

131.7 MAIL SENT BY MEMBERS OF THE U.S. ARMED FORCES

.71 LETTERS SENT POSTAGE COLLECT

Letters sent by soldiers, sailors, airmen, and marines in the United States military service located in the United States or other places where United States domestic mail service operates, addressed to places in the United States, may be dispatched for collection on delivery, under the following conditions:

a. The address side of the letter must be marked *Soldier's Letter, Airman's Letter, Sailor's Letter,* or *Marine's Letter,* as appropriate.

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b. Under the marking, the letter must bear the signature and official designation, either with facsimile handstamp or in writing, of a commissioned officer to whose command the soldier or airman belongs, or of a surgeon or chaplain at a hospital where he is; and in the Navy and Marine service, of a commissioned officer attached to the vessel on which the member is serving or an officer commanding a hospital or detachment ashore where he is.

c. Postage, at single rate for each ounce or fraction, is collected on delivery.

.72 LETTERS SENT FREE

.721 Any personal letter mail, including post cards, in the usual and generally accepted form, and sound-recorded communications having the character of personal correspondence may be mailed free of postage under the following conditions:

a. When mailed by:
   (1) Any member of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard) at any U.S. military post office in Vietnam and contiguous waters, as defined by regulations of the Department of Defense.
   (2) Any member of the U.S. Armed Forces hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as the result of disease or injury incurred as a result of military service or operations in Vietnam and contiguous waters, and air space thereover.

b. When mailed to:
   (1) Any place within the United States, including Puerto Rico or any other possession of the United States, where the domestic mail service operates.
   (2) Any Army and Air Force or Navy post office.

c. When such mail bears:
   (1) In the upper right corner of the address side, in the handwriting of the sender, the word *FREE*, and
   (2) In the upper left corner of the address side the name of the sender, his service number, grade, and complete military address.

.722 Letter mail, post cards, and sound-recorded communications sent free under the conditions in 131.721 will be afforded transportation by air or other means which will give the earliest possible delivery to the addressee. This mail may not be registered, insured, or certified. It may be accepted as special delivery mail upon payment of the required fee.

131.8 SHIP LETTERS

.81 VESSELS NOT REGULAR MAIL CARRIERS

Letters for delivery in the United States, carried by vessels not regularly employed in carrying the mail, are charged double rate of postage to cover the fee paid to the vessel. The postage may be collected at the office of delivery or prepaid with United States postage stamps.

.82 VESSELS OPERATING OVER POST ROAD

Letters and packages carried from one port to another in the United States over a water route that is wholly a post road by law, in a private ship or vessel, are charged single rate of postage. If part of the water route is not a post road, double rates of postage are charged.

.83 DELIVERY BY THE MASTER OF A VESSEL

Wholly unpaid printed matter delivered to the post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying mail, is charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

Part 132

SECOND CLASS

132.1 RATES

.11 RATES CHARGED ON COPIES FOR DELIVERY WITHIN THE COUNTY WHERE PUBLISHED AND ENTERED AND FOR DELIVERY AT POST OFFICE WHERE PUBLISHERS' HEADQUARTERS OR GENERAL BUSINESS OFFICES ARE LOCATED

.111 *When Mailed at Office of Original Entry*

a. For delivery of publications *other than weeklies* at office of original entry by its letter carriers. b. For delivery of publications *other than weeklies* by the letter carriers at a different post office than the office of original entry within the delivery limits of which the headquarters or general business office of the publisher is located (except that the pound rates from the office of mailing apply if they are higher).	Publications issued more frequently than weekly: 1.6¢ per copy. Publications issued less frequently than weekly: Copies weighing 2 ounces or less: 1.6¢ per copy. Copies weighing more than 2 ounces: 2.7¢ per copy.
c. For delivery of *weekly* publications to addressees *residing within* the county where published from all offices within or without the county *including the office of original entry*. d. For delivery of all publications, of whatever frequency, through post office boxes or general delivery, and for delivery by rural or star route carriers, *at an office of original entry* which *has* letter carrier service. e. For delivery of all publications, of whatever frequency, by whatever services are provided, *at an office of original entry* which *does not have* letter carrier service. f. For delivery of all publications, of whatever frequency, to addressees *residing within* the county where published, from all offices within or without the county, *other than the office of original entry*.	1.8¢ (one and eight tenths cents) per pound or fraction of a pound plus 0.6¢ (six-tenths of a cent) per piece charge.

.112 *When Mailed at Office of Additional Entry*

a. The per copy rates in 132.111 a or b, for publications *other than weekly*, apply to copies mailed at additional entry offices and addressed for delivery either at the office of original entry or at the publisher's headquarters office, when postage at these rates is higher than the postage computed at the rates in 132.12.

b. The charges prescribed by 132.111 c, d, e, and f also apply to copies of publications, of whatever frequency, mailed at an office of additional entry *located within* the county where published and entered, to addressees *residing within* the county, for delivery at all offices within or without the county, including the office of additional entry, by whatever delivery services are provided.

.113 *Independent Cities*

Each publication having original entry at an incorporated city which is situated entirely within a county or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous and copies mailed into that county are chargeable with postage at the rates in 132.111. Where more than one county is involved, the publisher will select the principal county and notify the postmaster.

.12 RATES CHARGED ON COPIES FOR DELIVERY OUTSIDE THE COUNTY WHERE PUBLISHED AND ENTERED, AND ON COPIES MAILED AT AN OFFICE OF ADDITIONAL ENTRY *LOCATED OUTSIDE THE COUNTY* WHERE PUBLISHED AND ENTERED (Publishers authorized to mail publications at the postage rates in 132.121 must submit an annual written request for authority to mail matter at the phased rates of postage provided pursuant to 39 U.S.C. 3626. A block for this purpose is provided on Form 3526, *Statement of Ownership, Management and Circulation*, for the editor, publisher, business manager or owner to sign in order to comply with this requirement. Failure to sign the appropriate block will subject the publication to the full rates.)

.121 *All Publications, Except Those Accepted at the Special Rate (132.122), Classroom Rate (132.123), or Science of Agriculture Rate (132.124)*

All publications are subject to the charges in both a and b.

a. Rates in cents per pound or fraction of a pound:	
Nonadvertising portion	6.9
Advertising portion:	
Zones 1 and 2	9.2
Zone 3	10.1
Zone 4	11.6
Zone 5	13.6
Zone 6	15.7
Zone 7	17.4
Zone 8	19.7
b. Per piece charge (cents):	
(1) All publications except those provided for in (2)	2.1
(2) Publications mailing less than 5,000 copies per issue outside the county of publication	0.7

.122 *Special Rate Publications*

All publications are subject to the charges in both a and b.

a. Rates in cents per pound or fraction of a pound:	
Nonadvertising portion	3.7
Advertising portion:	
Zones 1 and 2	6.0
Zone 3	6.7
Zone 4	8.2
Zone 5	9.9
Zone 6	11.0
Zone 7	11.7
Zone 8	12.5
b. Per piece charge (cents):	0.8

c. The zone rates in 132.122a are applicable to issues in which the advertising portion exceeds ten percent. Issues containing ten percent or less advertising shall be computed at the nonadvertising rate in 132.122a.

d. The rates in 132.122a, b, and c, apply only to publications issued by and in the interest of the following organizations and associations (see 134.5 for definitions of organizations listed in a–h) not organized for profit and none of the net income of which benefits any private stockholder or individual, when specially authorized by the Postal Service: (see 132.33a)

a. Religious
b. Educational
c. Scientific
d. Philanthropic
e. Agricultural
f. Labor
g. Veterans
h. Fraternal
i. Associations of rural electric cooperatives
j. The official highway or development agency of a State (LIMITED TO ONE PUBLICATION THAT MEETS ALL THE REQUIREMENTS of 132.22 and that contains no advertising.)
k. Program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit education radio or television station.
l. One conservation publication published by an agency of a State which is responsible for management and conservation of the fish or wildlife resources of such State.

.123 *Classroom Publications*

(Religious, educational, or scientific publications designed specifically for use in school classrooms or in religious instruction classes.) All publications are subject to the charges in both a and b.

a. Rates in cents per pound or fraction of a pound:	
Nonadvertising portion	3.0
Advertising portion:	
Zones 1 and 2	4.0
Zone 3	4.7
Zone 4	5.9
Zone 5	7.7
Zone 6	9.6
Zone 7	10.8
Zone 8	12.6
b. Per piece charge (cents):	0.6

.124 *Science of Agriculture Publications*

The rates in 132.121 a and b apply to publications devoted to promoting the science of agriculture. Exception: When the total number of copies furnished during any 12-month period to subscribers residing in rural areas consists of at least 70 percent of the total number of copies distributed by any means for any purpose, the rate for zones 1 and 2, for the advertising portion, is 6.1 cents per pound.

.13 TRANSIENT RATE

Copies mailed by public.
Sample copies in excess of 10 percent allowance.
Copies to persons not included in list of subscribers.

} 10¢ for first 2 ounces; 4¢ each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.

.14 SECOND-CLASS RATES TO OTHER COUNTRIES

See Publication 42, *International Mail*.

.15 COMPUTATION OF POSTAGE CHARGES

The pound rates for both within (132.111a) and outside (132.121a) the county of publication are computed on the bulk weight of a mailing. The charge per piece for both within (132.111b) and outside (132.121b) the county of publication is computed on individually addressed pieces consisting either of single copies or packages containing unaddressed copies. When two or more unaddressed copies are mailed in a package, the package is considered as one piece. The per piece charge is applicable to all pound rate mailings

.16 WEIGHT LIMITS

There is no limit of weight for second-class mail to domestic destinations. See Publication 42, *International Mail*, for weight limits to other countries.

.17 WHO PAYS

Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

132.2 QUALIFICATIONS FOR SECOND-CLASS PRIVILEGES

.21 WHAT MAY QUALIFY

.211 *Mailable Publications*

Only newspapers and other periodical publications which meet the mailability criteria established in Part 123 may be mailed at the second-class rates. The term *periodical publications* includes:

a. Any catalog or other course listing, including mail announcements of legal texts which are part of post-bar admission education issued by any institution of higher education or by a nonprofit organization engaged in continuing legal education.

b. Any looseleaf page or report (including any index, instruction for filing, table, or sectional identifier which is an integral part of such report) which is designed as part of a looseleaf reporting service concerning developments in the law or public policy.

.212 *With or Without General Advertising*

All publications that meet the basic qualifications explained in 132.22 may carry general advertising. The publications of the institutions and societies specifically named in 132.23 must meet all the basic qualifications except the requirement of a paid subscription list. They are excused from having a paid list only when they do not carry general advertising. Those that carry general advertising must have a paid list.

.22 BASIC QUALIFICATIONS

.221 *Regular Issuance*

Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily	Semiweekly
Weekly	Biweekly
Monthly	Semimonthly
Quarterly	Weekly during school year
Monthly except during July and August	Four times a year in January, February, October, and November

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled and adopt a new statement of frequency by filing an application for second-class reentry. (See 132.34.) When a publication fails to maintain regular issuance in accordance with its stated frequency, the postmaster will inform the publisher of the requirements and request compliance. If irregular issuance continues, or if the publication is discontinued, the postmaster will report all the facts, including the publisher's current mailing address, to the Office of Mail Classification for determination as to whether proceedings should be instituted to revoke the second-class mail privilege. See 132.8.

.222 *Issuance at Known Office*

Publications must be issued and mailed at a known office of publication. A known office of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where the publication has been granted original second-class mail privileges. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

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.47 ENCLOSURES ADDITIONS, AND NOVELTY PAGES

.471 *Enclosures*

Receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

a. Printed or written.
b. Printed on cards and envelopes including business replies.
c. Arranged to include coin receptacles.
d. Arranged as combination forms for two or more second-class publications issued by the same publisher.

.472 *Additions*

Additions consist of words that may be added to the copies after they are printed or that may be placed on the envelopes or wrappers in which the copies are mailed. Only the following additions may be made:

a. Name and address of the person to whom copies are sent.
b. Index figures of subscription book, either printed or written.
c. Printed title of publication and place of its publication.
d. Printed or written name and address without addition of advertisement of the publisher or sender, or both.
e. Written or printed words or figures, or both, indicating the date on which the subscription will end.
f. Correction of any typographical error.
g. A mark, except by written or printed words, to designate a word or passage to which it is desired to call attention.
h. The words *Sample Copy* when the copies are sent as samples.
i. The words *Marked Copy* when the copies contain a marked item or article.
j. The words *Return Postage Guaranteed* when undeliverable copies are to be returned to the sender. See 159.224.
k. The number of copies enclosed may be shown on the wrapper or face of a package.
l. Messages and notices of a civic or public-service nature provided no charge is made by the publisher for placing them on the envelopes, wrappers or covers in which the publication is mailed.
m. Requests for address correction information.

.473 *Novelty Pages*

Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of newspapers or other periodical publications. Blank sheets may not be carried as pages. Envelopes and all other types of containers do not constitute printed sheets or portions thereof. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

a. Printed pages bearing words, perforations, or symbols indicating they are for detachment.
b. Pages having printed pictures for cutting out.
c. Printed pages having blank spaces for writing or marking.
d. Pages having printed illustrations permanently pasted to them. Envelopes, wrappers, pockets, all other types of containers, and any contents thereof do not constitute printed illustrations.
e. Printed coupon(s) or printed application or order form(s) prepared as pages. Such pages must bear the name of the publication or of an authorized part or section (PSM 132.454), and, if the publication is paginated, be numbered or allowed for, to preclude being considered enclosures prohibited by 132.471.
f. Pages, other than regular size pages of a publication, portions of which are printed coupon(s) or printed application or order form(s). The name of the publication or of an authorized section (PSM 132.454) must appear on the front or back of the sheet (a single leaf) on which such pages are printed, to preclude the pages being considered enclosures prohibited by 132.471.
g. Pages having printed coupon(s), or printed application or order form(s) permanently attached. Such coupon(s), or application or order form(s) must directly relate to advertising or editorial material printed on the page to which they are permanently attached, and must bear the name of the publication or of an authorized section (PSM 132.454).

.48 ADVERTISEMENTS

All advertisements in periodicals must be permanently attached. Pagination is not required in periodicals, but some or all pages of periodicals may be numbered or allowed for, or both, in any manner which indicates that pages containing advertisements are an integral part of the periodical, or of its separate editions, rather than an independent publication. Independent publications may not be inserted in periodicals as advertisements. The physical makeup of advertisements may include such features as the following:

a. Different advertisement may occupy the same space in different copies of the same issue.
b. Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.
c. Advertisements may be die-cut or deckle-edged.
d. Multiple page advertisements may be prepared for detachment as permitted by 132.473a and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.
e. Advertisements may be printed on sheets of paper, cellophane, foil, and other similar material.
f. Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

132.5 SECOND-CLASS MAILING PRIVILEGE FOR NEWS AGENTS

.51 DEFINITION

News agents are persons or concerns engaged in selling two or more second-class publications published by more than one publisher.

.52 INFORMATION REQUIRED FROM NEWS AGENTS

News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies is sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

.53 REMAILING WITHOUT PAYMENT OF POSTAGE

A news agent may not remove packages of copies from a post office, write an address on each copy, and return them to the office for dispatch or delivery without paying additional postage.

.54 WHEN SUBJECT TO TRANSIENT SECOND-CLASS RATES

Unsold copies returned to publishers or other news agents, or copies sent to other news agents except for purpose of sale, or to persons not having subscriptions with the news agent, are subject to the transient second-class rate.

.55 RETURN OF PORTIONS OF UNSOLD PUBLICATIONS

The head or small portions of publications returned to publishers to show that copies have not been sold are subject to postage at third- or fourth-class rates according to weight.

132.6 OWNERSHIP, MANAGEMENT AND CIRCULATION STATEMENT

.61 REQUIREMENTS, AS CONTAINED IN 39 U.S. CODE, 3685

.611 Each owner of a publication having second-class mail privileges under 132.22 shall furnish to the Postmaster General at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as he may require respecting—

a. The identity of the editor, managing editor, publishers, and owners;
b. The identity of the corporation and stockholders thereof, if the publication is owned by a corporation;
c. The identity of known bondholders, mortgagees, and other security holders;
d. The extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and
e. Such other information as he may deem necessary to determine whether the publication meets the standards for second-class mail privileges.

The Postmaster General shall not require the names of persons owning less than 1 per centum of the total amount of stocks, bonds, mortgages, or other securities.

.612 Each publication having second-class mail privileges under 132.23 shall furnish to the Postmaster General information in such form and detail, and at such times as he requires, to determine whether the publication continues to qualify thereunder. In addition, the Postmaster General may require each publication which has second-class mail privileges under 132.22 or 132.23 to furnish information, in such form and detail and at such times as he may require, to determine whether the publication continues to qualify thereunder.

.613 The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of second-class mail privileges for failure to furnish the required information.

.62 PROCEDURES

.621 All publishers of publications having second-class mailing privileges, including the publishers of foreign publications accepted at the second-class postage rates under the provisions of 132.24, must file on or before the first day of October, a statement on Form 3526, *Statement of Ownership, Management and Circulation*, in duplicate, at the post office where the original second-class permit is authorized.

.622 Publishers who file a statement under the provisions of section 132.611 shall publish the complete statement in the second issue thereafter of the publication to which it relates. Publishers who file a statement under the provisions of section 132.612 are not required to publish the statement.

Publishers of foreign publications accepted at the second-class postage rates under the provisions of 132.24 are not required to publish the statement.

.623 Publishers of second-class matter mailed at the post offices designated in the revenue and cost analysis sampling system (whether they are original or additional entry offices), must also complete Form 15, *Second-Class Publisher's Statement of Number of Copies*, and if applicable, Form 15E, *Second-Class Publication, Foreign Destinations, Postage Affixed*, for the mailings, at the sampling offices only, of the issue for which Form 3526 in .621 was prepared. Forms 15 and 15E will be furnished to publishers by their postmasters. Completion of Forms 15 and 15E is not required for publications whose application for second-class original entry is in a pending status.

.624 A publication which fails to comply with the requirements of this section within 10 days after notice by certified mail of the failure may not be mailed at the second-class rates of postage until it has come into compliance.

.625 Postmasters shall:

a. Furnish at least 3 copies of Form 3526 for each publication not less than 10 days prior to October 1. One copy of the completed Form 3526 should be retained by the publisher for his records.
b. Examine each statement filed in duplicate to see that it contains all of the information required by law.
c. Return incomplete or incorrect statements to the publishers and obtain from them complete and correct statements.
d. Arrange the original copies alphabetically by titles and forward them to the Director, Office of Mail Classification, Rates and Classification Department, Washington, DC 20260. Retain the duplicate copies.
e. Obtain a copy of the issue of each publication in which the required statement is published. Verify the correctness of the published statement. File the copy. DO NOT forward it to Headquarters. Promptly report to the Rates and Classification Department, Office of Mail Classification, any instance where a publisher fails to file or to publish a statement.

132.7 MARKING OF PAID READING MATTER

.71 Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly *advertisement* by the publisher.

.72 Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same *advertisement*, shall be fined not more than $500. (18 U.S.C. 1734)

.73 Each paid editorial or other reading matter which occupies all or any part of one page must be marked plainly *advertisement*. Each paid editorial or other reading matter which occupies more than one page must be marked plainly *advertisement* on each page or part of a page which it occupies.

132.8 CANCELLATION OF SECOND-CLASS PRIVILEGES

.81 The Postmaster General may revoke the entry of a publication as second-class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second-class mail.

.82 The Director, Office of Mail Classification, Rates and Classification Department, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last

known address of the office of publication stating the reasons therefor. The ruling becomes effective in 15 days from receipt by the publisher unless the publisher appeals therefrom.

.83 A copy of the procedures governing administrative appeals and hearings relative to the denial, suspension, or annulment of second-class mail privileges may be obtained from the Director, Office of Mail Classification, Rates and Classification Department.

Part 133

CONTROLLED CIRCULATION PUBLICATIONS

133.1 RATES

Per pound or fraction of a pound	10.8 cents
Per piece charge	3.2 cents

The per piece charge is in addition to the pound rate.

133.2 PERMITS

.21 QUALIFICATIONS

Publications must:

a. Contain at least 24 pages.
b. Contain at least 25 percent nonadvertising.
c. Be issued at regular intervals of four or more times a year.
d. Not be owned and controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

.22 APPLICATIONS

Apply by letter to the postmaster at the office where mailings are to be made. State the name of the publication, frequency of issue, where published, the name of the publisher, and whether the publication is circulated free or mainly free. Submit two copies of the issue published nearest to the date of application marked to show the nonadvertising content as required in 133.4. The postmaster will submit the application and one copy of the publication to Director, Office of Mail Classification, Rates and Classification Department, Washington, DC 20260. Notice of authorization or disapproval will be furnished by the Director, Office of Mail Classification.

.23 DEPOSITS TO COVER POSTAGE

While an application is pending, deposits in money to cover postage on mailings at the third- or fourth-class rates may be made by the publisher. The excess deposits will be returned if a permit is issued.

133.3 IDENTIFICATION STATEMENTS

The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

a. Name of the publication on the front.
b. Date of issue.
c. Frequency of issue.
d. Address of publisher including street and number when there is carrier delivery service and the ZIP Code.
e. Subscription price, if the publication has one.

f. Controlled circulation imprint, reading: *Controlled circulation postage paid at* _____. When a publisher has filed applications at more than one post office, and has received authorizations at each office, the imprint must read: *Controlled circulation postage paid at* _____ *and at* _____.
g. Notice of pending application when copies are mailed under deposits of money, reading: *Application to mail at controlled circulation rates is pending at* _____.

A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: *Controlled circulation postage paid at* _____. When a publisher has filed applications at more than one post office, and has received authorizations at each office, the notice must read: *Controlled circulation postage paid at* _____ *and at* _____.

133.4 FILING OF MARKED COPY

A copy of each issue, marked by the publisher to show nonadvertising to the extent of at least 25 percent of the total reading and advertising portions of the publication, must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

133.5 ENCLOSURES

Enclosures are not permitted.

133.6 ADDRESSING, PREPARATION FOR MAILING, WEIGHING, AND COLLECTION OF POSTAGE

See 122.7 for applicable addressing requirements; 125.1 through 125.33 for applicable preparation requirements; and 125.6 for weighing and collecting of postage procedures.

133.7 STATISTICAL STATEMENT

Publishers of controlled circulation matter must execute Form 8-C, *Pieces by Destination, Controlled Circulation Publications*, for the first mailing of each fiscal year, and for the first mailing, at any time, at a new post office of entry after the authorization to mail at controlled circulation rates has been received. The form will be distributed to publishers by their postmasters. Failure to comply with this requirement will result in non-acceptance of the mailing by the Postal Service.

Part 134

THIRD CLASS

134.1 RATES

.11 SINGLE PIECE RATE

.111 All matter not in the first or second class (see 134.31 for weight limit) except mailings made under 134.12 and 134.13:

0 to 2 ozs	14¢	Over 8 to 10 ozs	61¢
Over 2 to 4 ozs	28¢	Over 10 to 12 ozs	72¢
Over 4 to 6 ozs	39¢	Over 12 to 14 ozs	83¢
Over 6 to 8 ozs	50¢	Over 14 but less than 16 ozs	94¢

.112 The following exception applies to single-piece rate third-class mail: When the postage rate computed at the single-piece third-class rate is higher than the rate prescribed in the corresponding fourth-class category for which the piece qualifies, the applicable lower fourth-class rate will be charged.

.12 BULK RATES[1]

(See 134.222 and 134.42.)

	Special rate for authorized organizations only (see 134.8)	Regular rates
.121 Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see 134.31 for weight limit).	11¢ per pound or fraction.	30¢ per pound or fraction.
Minimum rate per piece:		
First 250,000 pieces mailed during each calendar year.	2.0¢	7.5¢
Pieces in excess of 250,000 mailed during each calendar year (see 134.124).	2.0¢	7.7¢
.122 All matter, except the items in 134.121, not included in the first- or second-class (see 134.31 for weight limit).	13¢ per pound or fraction.	36¢ per pound or fraction.
Minimum rate per piece:		
First 250,000 pieces mailed during each calendar year.	2.0¢	7.5¢
Pieces in excess of 250,000 mailed during each calendar year (see 134.124).	2.0¢	7.7¢

[1] The annual bulk mailing fee is $40

.123 If the total postage computed at the pound rates does not amount to the minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See 134.222a.)

.124 When mailings are made at the minimum per piece rates of 7.5¢ provided by 134.121 and 134.122, the mailer or his agent must show on each Form 3602, *Statement of Mailing Matter with Permit Imprints*, or Form 3602-PC, *Bulk Rate Mailing Statement—Third-Class Mail*, that his total mailings, including all those made at bulk pound rates and at minimum per piece rates, at all post offices, under any name, for each current calendar year, have not exceeded 250,000 pieces. It is the responsibility of the mailer or his agent to make available upon request of postal officials whatever information is necessary to show the payment of correct minimum per piece rates on all mailings made during each calendar year. Postmasters must regularly review the records of mailings being made at the bulk third-class pound and piece rates for the purpose of determining from the identity of the mailer, the number of pieces mailed, the character of the mailing pieces, or any other facts, whether the correct minimum per piece rate is being paid. If any postmaster is in doubt as to whether the 250,000 limitation has been exceeded in a particular case, he shall submit all the facts to the Office of Mail Classification, Rates and Classification Department.

.125 The weight at which the pound bulk rates cease to apply for third-class bulk mail is found by multiplying the applicable piece rate by 16 and dividing the product by the corresponding pound rate. The result expresses this weight limit in ounces and decimal fractions of ounces. Pieces at or below this weight are subject to the applicable minimum per piece rate. The calculation should be carried to 5 decimal points.

.13 KEYS, IDENTIFICATION CARDS, IDENTIFICATION TAGS, OR SIMILAR IDENTIFICATION DEVICES

Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 19 cents for the first 2 ounces, 14 cents for the next 2 ounces or fraction thereof.

134.2 CLASSIFICATION

.21 DEFINITION

.211 Third-class mail consists of mailable matter which is—

a. not mailed or required to be mailed as first-class mail;
b. not entered as second-class mail; and
c. less than 16 ounces in weight.

.212 Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

.213 Printed matter within the limit of weight is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

.22 APPLICATION OF RATES

.221 *Single Rate*

The single rate is applied to each piece according to its weight.

.222 *Bulk Rate*

a. The bulk rate is applied to mailings of identical pieces separately addressed to different addressees in quantities of not less than 50 pounds or of not less than 200 pieces. All the pieces in a bulk mailing must be identical as to size, weight, and number of enclosures, but the printed textual matter need not be identical. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See 134.4 for other conditions governing acceptance of bulk mailings.)

b. It is recommended that mailers merge and presort all third-class matter presented for mailing during a day or part of a day when the pieces are identical in size, weight and number of enclosures and when they are addressed from one list or from more than one list. A variance in the text, the use or nonuse of adhesive address labels, or the use of several lists with different key numbers does not preclude the mailer from merging the mailings and presorting them.

.223 *Other Third-Class Rates*

The rate for keys and identification items placed loose in the mail under the conditions in 134.13 is applied to each item according to its weight. When there are several items for the same addressee the office of mailing will place them in an envelope or wrapper addressed to the intended recipient and marked to show the amount of postage due. The amount of postage will be computed on each item and not on the bulk weight of the mailing piece.

.224 *Nonstandard Surcharge*

There is currently no surcharge for nonstandard mail as defined in 134.33. However, it is anticipated that such a surcharge will be imposed sometime in calendar year 1978.

134.3 WEIGHT AND SIZE LIMITATIONS

.31 WEIGHT

Each piece may weigh up to but not including 16 ounces.

.32 SIZE, SHAPE, AND RATIO

There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the third-class rates:

a. Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.
b. Pieces having shapes other than rectangular are nonmailable.
c. Pieces having a ratio of width (height) to length between 1 to 1.3 and 1 to 2.5 are recommended.
d. Cards having a thickness of less than 0.006 of an inch are nonmailable.

.33 NONSTANDARD THIRD-CLASS MAIL

.331 Third-class single piece rate mail weighing 2 ounces or less is nonstandard unless it meets the following size standards:

a. Length not greater than 11.5 inches; and
b. Height not greater than 6.125 inches; and
c. Thickness not greater than .25 inch; and
d. An aspect ratio (ratio of height to length) between 1:1.3 and 1:2.5 inclusive.

.332 Nonstandard mail often results in delays or damage to other mail because it does not lend itself to machine processing. For this reason mailers are encouraged to avoid mailing nonstandard third-class mail.

.333 It is anticipated that a surcharge will be imposed sometime in calendar year 1978.

134.4 PREPARATION—PAYMENT OF POSTAGE

.41 SINGLE-PIECE MAILINGS

Mailers of third-class mail at other than bulk rates may use any method of paying postage, and may mail any number of pieces at one time, except when permit imprints are used (see 145.5). See 134.82 for marking required on sealed pieces.

.42 BULK MAILINGS

.421 *Annual Fee*

A fee of $40 must be paid once each calendar year by or for any person who mails at the bulk third-class rates. Any person who engages a business concern or another individual to mail for him must pay the $40 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1). An alphabetical record of customers who have paid the $40 fee must be kept at the weighing section or any other place where bulk mailings are accepted and cleared. The record must show whether the mailer has been authorized to mail as one of the organizations or associations named in 134.5.

.422 *Postage Permits Required*

Postage must be prepaid by (see part 148):

a. Meter stamps. See part 144.
b. Precanceled stamps or precanceled stamped envelopes. See part 143.
c. Permit imprints (cash). See part 145.

.423 *Markings Required*

Identifying words as follows must be printed or rubber stamped by the mailer either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

a. *Bulk Rate* or the abbreviation *Blk. Rt.* by mailers other than nonprofit organizations.
b. *Nonprofit Organization* or the abbreviation *Nonprofit Org.* by authorized nonprofit organizations. (See 134.5).

.424 *Mailing Statement and Verification*

A designated employee in the weighing section or place in the post office where bulk mailings are accepted verifies the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

a. Form 3602, *Statement of Mailing Matter with Permit Imprints*, for mail with permit imprints (see 145.55); or
b. Form 3602-PC, *Bulk Rate Mailing Statement—Third-Class Mail*, for mail bearing precanceled stamps or meter stamps.

.43 PREPARATION BY THE MAILER OF PIECES IN PACKAGES AND SACKS

.431 *Package Labels*

Pressure-sensitive labels are made available to publishers through local customer services offices and should be used to indicate the make-up and destination of a package. All pieces in a package must be faced in one way with a plainly addressed piece, including ZIP Code, on top:

a. *Use of Package Labels*

(1) *Five-Digit Package.* Place 10 or more pieces for the same ZIP Code area in a bundle. Affix Red Lable D.

(2) *Mixed-City Package.* Place 10 or more pieces bearing more than one ZIP Code but addressed to a multicoded city in a bundle. Affix Yellow Label C.

(3) *Sectional Center Packages.* Place 10 or more pieces for more than one post office in the same SCF area in a bundle. Affix Green Label 3.

(4) *State Packages.* After five-digit, mixed-city and SCF packages have been made place 10 or more pieces remaining for the same state in bundle. Affix Orange Label S.

(5) *Firm Packages.* When all mail in a package is for an individual firm, affix Blue Label F.

b. *Package Labels—General*

(1) Use nonstandard package labels only where a coded pressure-sensitive label cannot be used. Nonstandard labels are used to identify mixed states, split states and foreign packages. This label when affixed should cover the entire address portion of the top mail piece.

(2) Place pressure-sensitive labels on the lower left-hand corner of the face of the top piece on letter-size packages. On flats, apply pressure-sensitive label adjacent to the address on the top mail piece.

.432 *Maximum Weight in a Sack*

The total weight of pieces placed in one sack must not exceed 70 pounds.

.433 *Sack Labels Furnished by Postmaster*

When sack labels are furnished by the postmaster, the mailer is not required to place his name on the back of each label.

.434 *Unauthorized Sack Labels*

Sacks with unauthorized labels, tags, or markings are not acceptable for dispatch.

.435 *Addresses*

The address on each piece must include the ZIP Code. Exceptions:

a. The ZIP Code may be omitted from pieces bearing a simplified address (see 122.41); pieces presorted and bundled by the mailer to city, rural, or star carrier routes; and pieces presorted to five-digit ZIP Code destinations consisting of either a post office having one ZIP Code or the ZIP Code delivery unit in multi-ZIP Coded post offices.

b. The lowest or principal ZIP Code assigned to a post office may be used on pieces addressed to any multi-ZIP Coded post office except those listed in 125.327. Mailers may obtain the lowest or principal ZIP Code for particular post offices from their postmaster.

.436 *Packages and Sacks*

When there are 10 or more individually addressed pieces to the destinations described in 134.436 a, b, c, d, and e, they must be securely wrapped or tied together as a package by the mailer (the mailer may package less than 10 pieces in the same manner). Packages must be sacked by the mailer when there are enough for the same destination to fill approximately one-third of a sack:

a. *Five-digit ZIP Code Delivery Unit Packages and Sacks.* A five-digit ZIP Code delivery unit is a post office having one ZIP Code or a station or branch of the multi-ZIP Code post offices listed in 125.327.

(1) **Packages.** The mailer must prepare packages of pieces addressed to the same five-digit ZIP Code delivery unit. The pieces in the packages must be faced in the same direction. It is recommended that packages be prepared for the five-digit ZIP Code delivery units of the other multi-ZIP Coded post offices which are not listed in 125.327.

(2) **Sacks.** Sacks containing five-digit ZIP Code delivery unit packages must be labeled in the following manner:

```
PHILADELPHIA PA 19118
CIRCS
FR JC COMPANY BOSTON MA
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b. *Mixed City Packages and Sacks*

(1) **Packages.** Pieces remaining for a multi-ZIP Coded post office after the five-digit ZIP Code delivery unit packages required by 134.436a(1) have been prepared must be made up as a mixed-city package.

(2) **Sacks.** Sacks containing mixed city packages plus any packages for five-digit ZIP Code delivery units not sacked as provided for by 134.436a(2) must be labeled in the following manner:

```
PHILADELPHIA PA 191
CIRCS
FR JAY MAILING CO CINCINNATI OH
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c. *Sectional Center Facility (SCF) Packages and Sacks*

(1) **Packages.** Pieces remaining for the post offices in a sectional center after the packages required by 134.436 a(1) and b(1) have been prepared must be combined into an SCF package.

(2) **Sacks.** Sacks containing SCF packages, plus any packages for five-digit ZIP Code delivery units and mixed city packages not sacked as provided for by 134.436 a(2) and b(2) must be labeled in the following manner:

```
SCF PHILADELPHIA PA 190
CIRCS
FR Q MAILERS BALTO MD
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d. *State Packages and Sacks*

(1) **Packages.** Pieces remaining for a State after the packages required by 134.436 a(1), b(1), and c(1) have been prepared must be combined in a State package.

(2) **Sacks.** Sacks containing State packages plus any packages for five-digit ZIP Code delivery units, mixed city packages, and SCF packages not sacked as provided for by 134.436 a(2), b(2) and c(2) must be labeled in the following manner:

DIS KANSAS CITY MO 640
MISSOURI CIRCS
FR STAR SAN FRANCISCO CA

e. *Mixed States Packages and Sacks*

(1) **Packages.** All pieces remaining after the packages required by 134.436 a(1), b(1), c(1), and d(1), have been prepared must be combined in a mixed-states package and a nonstandard label affixed.

(2) **Sacks.** Sacks containing mixed-states packages must be labeled in the following manner:

DIS CHICAGO IL 600
MIXED STATES CIRCS
FR RECORD CHICAGO IL

.44 MERCHANDISE SAMPLES

When an article given away for the purpose of advertising an article of merchandise which it represents, in whole or in part, is mailed at bulk third-class rates for general distribution on city delivery routes in a mailing piece which exceeds 5 inches in width (height) or ¼ inch in thickness or which has nonuniformity in thickness, the mailer must comply with the following preparation requirements:

a. *Address Cards*

(1) The address where the sample is to be delivered may not be placed on the sample, but must be placed on a separate address card which will be delivered with the sample.

(2) The recipient's address, the mailer's return address, and the wording, "This card was prepared for use in delivering the accompanying postage paid sample," must be placed on the address card. The brand name, color coding, or other identifying symbols must also be placed on the address card to clearly associate it with the accompanying sample.

(3) Any advertising or other printed addition on the card will require payment of separate third-class postage for the card.

(4) The address card shall measure approximately (plus or minus ¼") 3¼" by 7⅜" and be of a thickness not less than 0.006 of an inch.

(5) The address cards must be presorted, counted and packaged by 5-digit ZIP Code delivery area. Each package of address cards shall bear a labeling showing:

(a) The post office of delivery
(b) The 5-digit ZIP Code delivery area
(c) The brand name of the merchandise sample
(d) The number of cards in the package
(e) Instructions to open and distribute with matching samples.

b. *Samples*

The samples must be placed in outer cartons, labeled as follows:

(1) The post office of delivery
(2) The 5-digit ZIP Code delivery area
(3) The brand name of the merchandise sample
(4) The number of samples in the outer carton
(5) Instructions to open and distribute with matching cards.

c. *Postage*

The postage must be prepaid by one of the methods prescribed by 134.422 and shall be printed on or affixed to the address card or the sample container.

d. *Mailing Periods*

Avoid mailing during the following peak mailing periods:

(1) The last week of November and throughout the month of December.
(2) From the first to the fifth and from the twenty-sixth to the end of each month.

.45 SPECIAL SERVICES

The registry, insurance, special delivery, special handling, certified, and COD services may not be used for third-class matter mailed at bulk rates.

.46 CATALOGS AND BOOKS

Catalogs and books with covers such as *outserts, short covers* or similar bound sheets which do not fully cover (within .75 inch of each edge) the main body of the catalog or book, front and back, must be enclosed in a mailing wrapper such as a full sleeve or envelope.

134.5 QUALIFICATION REQUIREMENTS AND APPLICATION PROCEDURE FOR SPECIAL THIRD-CLASS RATES

.51 KINDS OF ORGANIZATIONS OR ASSOCIATIONS THAT MAY QUALIFY

Only the following organizations or associations not organized for profit, none of the net income of which benefits any private stockholder or individual, may be authorized to mail pieces at the special rates provided by 134.121 and 134.122:

a. Religious
b. Educational
c. Scientific
d. Philanthropic
e. Agricultural
f. Labor
g. Veterans'
h. Fraternal

.52 QUALIFICATION STANDARDS

.521 Primary Purpose

The standard of *primary purpose* in these definitions shall require that the organization be both organized for and operated for the primary purpose. Organizations which incidentally engage in qualifying activities only to accomplish other goals do not meet the primary purpose test.

.522 Definitions

a. *Religious*

A nonprofit organization whose primary purpose is one of the following:

(1) To conduct religious worship—for example, churches, synagogues, temples, or mosques;

(2) To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

(3) To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

b. *Educational*

A nonprofit organization whose primary purpose is: (1) the instruction or training of the individual for the purpose of improving or developing his capabilities; or (2) the instruction of the public on subjects beneficial to the community. An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

The following are examples of organizations which are educational:

(1) An organization, such as primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on;

(2) An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television;

(3) An organization which presents a course of instruction by means of correspondence or through the utilization of television or radio;

(4) Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

c. *Scientific*

A nonprofit organization whose primary purpose is one of the following:

(1) To conduct research in the applied, pure or natural sciences;

(2) To disseminate systematized technical information dealing with applied, pure or natural sciences.

d. *Philanthropic (Charitable)*

A nonprofit organization organized and operated for purposes beneficial to the public. Examples of philanthropic (charitable) organizations are organizations which are organized for:

(1) Relief of the poor and distressed or of the underprivileged;

(2) Advancement of religion;

(3) Advancement of education or science;

(4) Erection or maintenance of public buildings, monuments, or works;

(5) Lessening of the burdens of Government;

(6) Promotion of social welfare by organizations designed to accomplish any of the above purposes or:

(a) to lessen neighborhood tensions;

(b) to eliminate prejudice and discrimination;

(c) to defend human and civil rights secured by law; or

(d) to combat community deterioration and juvenile delinquency.

The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes. The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial issues with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying so long as it is not an *action* organization as described in 134.53 (a), (b), (c).

e. *Agricultural*

A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits or the harvesting of marine resources; the rearing, feeding, and management of livestock, poultry, bees, etc., or other activities relating to agricultural interests. The term agricultural also includes any nonprofit organization whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

f. *Labor*

A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment, working conditions, etc. Examples are labor unions and employees' associations formed for the stated purposes.

g. *Veterans'*

A nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

h. *Fraternal*

A nonprofit organization which meets all of the following criteria:

(1) Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

(2) Is organized under a lodge or chapter system with a representative form of government;

(3) Follows a ritualistic format; and

(4) Is comprised of members who are elected to membership by vote of the members.

Fraternal organizations include such organizations as the Masons, Knights of Columbus, Elks, college fraternities, and the like. Fraternal organizations do not encompass such organizations as business leagues, professional associations, civic associations or social clubs.

.53 EXAMPLES OF ORGANIZATIONS OR ASSOCIATIONS THAT MAY NOT QUALIFY

The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic im-

provement associations; individuals; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; associations of rural electric cooperatives; trade associations; and religious, educational, scientific, and philanthropic *action* organizations. In general, state, county, or municipal governments are not eligible for the special rates. However, a separate and distinct state, county, or municipal governmental organization that meets the criteria for any one of the specific categories in 134.522 is eligible, notwithstanding its governmental status. For example, school districts and public libraries may be eligible under 134.522b. Nevertheless, governmental organizations will generally not be eligible under 134.522d (philanthropic), since their income is generally not derived primarily from voluntary contributions or donations.

Religious, educational, scientific and philanthropic *action* organizations for purposes of this section are defined as follows:

(a) An organization is an *action* organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization—

(1) contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(2) advocates the adoption or rejection of legislation.

The term *legislation*, as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(b) An organization is an *action* organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term *candidate for public office* means an individual who offers himself or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(c) An organization is an *action* organization if it has the following two characteristics: (1) its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and (2) it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

.54 APPLICATION

.541 Filing

Application on Form 3624, *Application to Mail at Special Bulk Third-Class Rates for Qualified Nonprofit Organizations or Associations*, must be filed by the organization or association at the post office where mailings will be deposited. The application must include evidence that the organization is nonprofit, and, if available, a certificate of exemption from Federal income tax should accompany the application. An exemption from the payment of Federal income tax is not required in order to qualify for the special third-class bulk rates. Such exemption will be considered as evidence of qualification for preferred Postal rates but will not be controlling in the matter. When an organization submits proof that it has been granted income tax exemption under Title 26, United States Code, section 501(c)(3), as a religious, educational, scientific, or charitable (philanthropic) organization; under section 501(c)(5) as an agricultural or labor organization; under section 501(c)(8) as a fraternal organization; or under section 501(c)(19) as a veterans' organization, it will be considered as qualifying for the special third-class rates unless the available evidence discloses some disqualification.

.542 *Approval or Denial*

The application Form 3624 together with any supporting papers will be sent to the postal services center. (Pending a decision, bulk mailings subject to the minimum per piece charge may be handled in accordance with 134.55.) The postmaster at the postal services center will approve or deny the application. The application Form 3624 and any supporting papers will be returned with the decision to the postmaster where the application was filed for notification of the applicant.

.543 *Appeal*

The decision of the postmaster at the postal services center may be appealed by the applicant, in writing to the postmaster where the application was filed. The postmaster will forward the appeal to the postal services center. If, after a review of the file, the postmaster at the postal services center is still of the opinion that the organization does not qualify, he shall furnish a statement of the reasons for his denial action to the Rates & Classification Department, Domestic Mail Classification Division. The complete file, including the original application and all supporting papers, should be submitted. The papers will be returned to the postmaster at the postal services center with notification of decision on the appeal.

.55 TEMPORARY MAILINGS

Until final action is taken on the application, postage paid on the mailings may be at the special rates, provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. (See 134.121 and 134.122). This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned. The deposit will be converted into postage-due stamps which will be canceled and given to the mailer if no appeal is made. If appeal is made, action concerning the deposit will be deferred.

.56 REVOCATION

The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster who approved the application will notify the organization of the pending cancellation of the authorization and of the reasons for the cancellation. The organization will be allowed 10 days within which to file a written statement appealing the pending cancellation. If no appeal is filed, the postmaster will cancel the authorization. If an appeal is filed, decision on the continuance of the authorization will be made by the Rates & Classification Department, Domestic Mail Classification Division. Notice of the decision will be given the organization through the postmaster.

.57 WHAT MAY BE MAILED AT THE SPECIAL BULK THIRD-CLASS RATES FOR QUALIFIED NONPROFIT ORGANIZATIONS

An organization authorized to mail at the special bulk third-class rates for qualified nonprofit organizations may mail only its own matter at these rates. An organization may not delegate or lend the use of its permit to mail at special third-class rates to any other person, organization or association. Cooperative mailings may not be made at the special bulk third-class rates for qualified nonprofit organizations if one or more of the cooperating persons or organizations is not entitled itself to the special rates. Cooperative mailings involving the mailing of matter in behalf of or produced for an organization not authorized to mail at the special bulk third-class rates for qualified nonprofit organizations must be paid at the applicable regular rate. If customers disagree with a postmaster's decision that the regular rate of postage applies to a particular mailing, the procedures in 146.14 may be followed.

134.6 PERMISSIBLE ADDITIONS

The additions authorized for fourth-class mail in 135.52 are permissible with matter mailed at third-class rates of postage.

134.7 ENCLOSURES

.71 BOOKS AND CATALOGS MAILED AT BULK RATES PROVIDED BY 134.121

External attachments are not permitted. The covers of a catalog or book for postal purposes are the outermost bound sheets. Only the following specifically named items may be enclosed loose provided they relate exclusively to the book or catalog they accompany:

a. A single reply envelope or reply post card, or both.
b. A single order form.
c. A printed circular. Circulars fastened securely along the entire bound edge inside the book or catalog by paste, stitches, or staples are not loose enclosures.
d. If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.
e. An invoice. (See 135.522).
f. Samples of merchandise attached to pages.

.72 ALL OTHER THIRD-CLASS MATTER

The following are permissible enclosures:

a. An invoice (see 135.522).
b. Manuscripts accompanying related proof sheets (see 135.521f(2)).

134.8 SEALING

.81 EXAMINATION

Third-class mail must be prepared by the mailer so that it can be easily examined. Third-class mail which is not sealed or secured so that it may be handled by machines is not recommended. Mailing of sealed articles at the third-class rates of postage is considered consent by the mailer to postal inspection of the contents.

.82 MARKING

Each sealed piece mailed at the single piece third-class postage rate provided for by 134.11 must be legibly marked on the address side, preferably below the postage and above the name of the addressee, with the two words *Third Class*. The marking may be included as a part of a permit imprint, and it may be printed adjacent to the meter stamp by a postage meter. The marking will not be considered adequate if it is included as a part of a decorative design or advertisement. Only the markings required by 134.423 need be carried on sealed pieces mailed at the bulk third-class postage rates provided for by 134.12.

Post Office Services (Domestic) TL-41, 12-31-76, Issue 116

Part 135

FOURTH CLASS

135.1 RATES

.11 FOURTH-CLASS (PARCEL POST) ZONE RATES

.111 *Single Piece Zone Rates*

Weight-1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
2	$0.77	$0.90	$0.93	$1.04	$1.18	$1.29	$1.40	$1.45
3	.82	.97	1.03	1.15	1.29	1.46	1.62	1.74
4	.86	1.04	1.10	1.25	1.42	1.63	1.84	2.00
5	.91	1.11	1.19	1.36	1.56	1.81	2.06	2.26
6	.95	1.19	1.27	1.46	1.69	1.98	2.28	2.52
7	1.00	1.25	1.36	1.57	1.83	2.16	2.50	2.78
8	1.04	1.32	1.44	1.67	1.96	2.33	2.72	3.04
9	1.09	1.39	1.53	1.78	2.10	2.51	2.94	3.30
10	1.13	1.46	1.61	1.88	2.23	2.68	3.16	3.56
11	1.18	1.53	1.70	1.99	2.37	2.86	3.38	3.83
12	1.22	1.60	1.78	2.09	2.50	3.03	3.60	4.08
13	1.27	1.67	1.87	2.20	2.64	3.21	3.82	4.34
14	1.31	1.74	1.95	2.30	2.77	3.38	4.04	4.60
15	1.36	1.81	2.04	2.41	2.91	3.56	4.26	4.86
16	1.40	1.88	2.12	2.51	3.04	3.73	4.48	5.12
17	1.45	1.95	2.21	2.62	3.18	3.91	4.70	5.38
18	1.49	2.02	2.29	2.72	3.31	4.08	4.92	5.64
19	1.54	2.09	2.38	2.83	3.45	4.26	5.14	5.90
20	1.58	2.16	2.46	2.93	3.58	4.43	5.36	6.16
21	1.63	2.23	2.55	3.04	3.72	4.61	5.58	6.43
22	1.67	2.30	2.63	3.14	3.85	4.78	5.80	6.68
23	1.72	2.37	2.72	3.25	3.99	4.96	6.02	6.94
24	1.76	2.44	2.80	3.35	4.12	5.13	6.24	7.20
25	1.81	2.51	2.89	3.46	4.26	5.31	6.46	7.46
26	1.85	2.58	2.97	3.56	4.39	5.48	6.68	7.72
27	1.90	2.65	3.06	3.67	4.53	5.66	6.90	7.98
28	1.94	2.72	3.14	3.77	4.66	5.83	7.12	8.24
29	1.99	2.79	3.23	3.88	4.80	6.01	7.34	8.50
30	2.03	2.86	3.31	3.98	4.93	6.18	7.56	8.76
31	2.08	2.93	3.40	4.09	5.07	6.36	7.78	9.02
32	2.12	3.00	3.48	4.19	5.20	6.53	8.00	9.28
33	2.17	3.07	3.57	4.30	5.34	6.71	8.22	9.54
34	2.21	3.14	3.65	4.40	5.47	6.88	8.44	9.80
35	2.26	3.21	3.74	4.51	5.61	7.06	8.66	10.06
36	2.30	3.28	3.82	4.61	5.74	7.23	8.88	10.32
37	2.35	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.39	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.44	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.48	3.56	4.16	5.03	6.28	7.93	9.76	11.36
41	2.53	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	2.57	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	2.62	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	2.66	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	2.71	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	2.75	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	2.80	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	2.84	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	2.89	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	2.93	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	2.98	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	3.02	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	3.07	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	3.11	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.16	4.61	5.44	6.61	8.31	10.56	13.06	15.26

Weight-1 pound and not exceeding (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
56	3.20	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.25	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.29	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.34	4.89	5.78	7.03	8.85	11.26	13.94	16.30
60	3.38	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.43	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.47	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.52	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.56	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.61	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.65	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.70	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.74	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.79	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.83	5.66	6.71	8.18	10.33	13.18	16.36	19.16

EXCEPTIONS:

a. Parcels weighing less than 15 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15 pound parcel for the zone to which addressed. See 135.3 for size and weight restrictions.

b. Gold mailed within Alaska or from Alaska to other States and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

.112 *Bulk Zone Rates (Parcel Post)*

a. Mailings of 300 or more pieces of identical weight may be mailed at bulk zone rates if separated by postal zones. Mailings of pieces of nonidentical weight may only be made at bulk zone rates when authorized by the Office of Mail Classification in accordance with 145.8 or 145.9.

b. The rate of postage to be paid on each piece of a bulk zone rate mailing shall be the single piece rate for that zone for an item equal to the average weight per piece for parcels going to that zone, rounded up to the next highest whole pound.

.12 BOUND PRINTED MATTER RATES

.121 *Single Piece Zone Rate*

Pieces weighing up to—(pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	$0.52	$0.62	$0.64	$0.67	$0.70	$0.73	$0.78	$0.84
2	.53	.63	.67	.71	.75	.79	.85	.93
2.5	.55	.68	.70	.75	.83	.95	.98	1.02
3	.57	.71	.74	.79	.88	.98	1.01	1.11
3.5	.59	.74	.78	.84	.91	.99	1.09	1.20
4	.61	.77	.81	.88	.96	1.05	1.17	1.31
4.5	.62	.79	.84	.88	1.01	1.11	1.25	1.40
5	.64	.82	.87	.96	1.06	1.17	1.33	1.49
6	.68	.88	.94	1.05	1.10	1.31	1.47	1.67
7	.71	.94	1.00	1.13	1.26	1.44	1.68	1.85
8	.75	1.00	1.07	1.20	1.37	1.57	1.79	2.04
9	.79	1.06	1.14	1.26	1.47	1.69	1.94	2.23
10	.82	1.13	1.20	1.38	1.58	1.81	2.10	2.43

.122 *Bulk Rates for Bulk Mailings of Separately Addressed Identical Pieces in Quantities of Not Less Than 300 Mailed at One Time*

Zones	Piece rate	Bulk pound rate	Zones	Piece rate	Bulk pound rate
	(cents)	(cents)		(cents)	(cents)
Local	26	2.8	5	31	7.8
1 and 2	31	4.4	6	31	9.6
3	31	5.3	7	31	11.6
4	31	6.4	8	32	13.9

NOTE: The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

.13 SPECIAL FOURTH-CLASS RATE

.131 *Rates*

Kind of mail (Rate restricted to items specifically named)	Rate (without regard to zone)		
	First pound or fraction of a pound	Each additional pound or fraction through 7 pounds	Each additional pound or fraction over 7 pounds
Books; 16-millimeter or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music, printed objective test materials, sound recordings playscripts and manuscripts for books, periodicals and music; printed educational reference charts permanently processed for preservation; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. (See 135.214)	25¢	10¢	8¢
Single piece rate, presort rates:			
* * *	*	*	*
Level A	[1]23.9¢	10¢	8¢
Level B	[2]24.3¢	10¢	8¢

[1] Mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes. (See .252a and b.)

[2] Mailings of 2,000 or more pieces properly prepared and presorted to five-digit and three-digit destination ZIP Codes. (See .252c)

.132 *Annual Fee*

A $30 fourth-class presort mailing fee must be paid once each calendar year at each office of mailing by or for any person who mails at the presorted special fourth-class rates.

.14 LIBRARY RATE

Kind of mail (Rate restricted to items specifically named mailed by or to organizations mentioned in 135.261	Rate (Without regard to zone)	
	First pound or fraction of a pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms; scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. See 135.261	9¢	4¢

.15 APPLICATION OF RATES

.151 The rates in 135.11 and 135.12 are applied on the basis of weight of the individual piece and the distance the mail is sent. To administer these rates, the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area is the basis of the postal zones and shall be measured from the center of the unit of area containing the dispatching sectional center facility or multi-ZIP Coded post office not serviced by a sectional center facility. A post office of mailing and a post office of delivery shall have the same zone relationship as their respective sectional center facilities or multi-ZIP Coded post offices, but this shall not cause two post offices to be regarded as within the same local zone. The postal zones are defined as follows:

a. The local zone, the extent of which is defined by the Postal Service. This local rate currently applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.
b. The first zone includes all territory within the quadrangle in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately fifty miles from the center of a given unit of area. The zone one rate applies to parcels mailed between two post offices in the same sectional center.
c. The second zone includes all units of area outside the first zone lying in whole or in part within a radius of approximately one hundred and fifty miles from the center of a given unit of area.
d. The third zone includes all units of area outside the second zone lying in whole or in part within a radius of approximately three hundred miles from the center of a given unit of area.
e. The fourth zone includes all units of area outside the third zone lying in whole or in part within a radius of approximately six hundred miles from the center of a given unit of area.
f. The fifth zone includes all units of area outside the fourth zone lying in whole or in part within a radius of approximately one thousand miles from the center of a given unit of area.
g. The sixth zone includes all units of area outside the fifth zone lying in whole or in part within a radius of approximately one thousand four hundred miles from the center of a given unit of area.
h. The seventh zone includes all units of area outside the sixth zone lying in whole or in part within a radius of approximately one thousand eight hundred miles from the center of a given unit of area.
i. The eighth zone includes all units of area outside the seventh zone.

.152 For articles mailed between Postal facilities, including armed forces post offices, wherever located, the rates according to zone apply, except that the rates of postage for mail transported between the United States, the Canal Zone, Puerto Rico, or the possessions or territories of the United States, including the Trust Territory of the Pacific Islands, on the one hand, and Army, Air Force and Fleet post offices on the other, or among the latter, shall be the applicable zone rates for mail between the place of mailing or delivery and the city of the postmaster serving the Army, Air Force or Fleet post office concerned.

.153 Gold coin, gold bullion, and gold dust, between any two points in Alaska, or between any point in Alaska and any point in the other States or U.S. possessions, are charged the rate in 135.111b. The gold must be enclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

.154 An official zone chart may be obtained free by request to the postmaster at the office of mailing. For ZIP Code numbers, consult the *National ZIP Code Directory*, Publication 65.

.155 The rates in 135.13 and 135.14 are computed on the basis of the weight of the piece regardless of the zone to which addressed.

.156 The single piece rates and conditions are applicable to forwarding and returning of parcels mailed at bulk rates.

135.2 CLASSIFICATION

.21 FOURTH-CLASS MAIL

Fourth-class mail consists of mailable matter:

a. Not mailed or required to be mailed as first-class mail;
b. Weighing sixteen ounces or more; and
c. Not entered as second-class mail (except as specifically provided for transient rate matter).

.22 FOURTH-CLASS BULK ZONE RATES

.221 The bulk fourth-class zone rates in 135.112 are applied to mailings of 300 or more pieces of fourth-class mail of identical weight. Parcels need not be of identical size or content. Parcels which weigh less than 15 pounds and measure over 84 inches in length and girth combined may not be mailed at these rates.

.222 Mailings of nonidentical pieces may only be made if the mailer has demonstrated that adequate records are maintained to verify and audit such mailings and if the procedure has been specifically authorized by the Director, Office of Mail Classification, in accordance with 145.8 or 145.9.

.223 *Separation.* The mailer must separate mailing pieces by parcel post zones so that postage may be verified. This requirement may be waived by the Postal Service if the mailer demonstrates to the satisfaction of the Postal Service that records are maintained to enable the Postal Service to accurately verify and audit mailings of fourth-class bulk rate parcels. The Director, Office of Mail Classification, must specifically approve systems for the acceptance of such mailings.

.224 *Special services.* The insurance, special delivery, special handling, and COD services may be used on mailings sent at bulk fourth-class zone rates. However, special services may not be used selectively for individual parcels mailed at these rates. Selective special services may be used in conjunction with postage payment verification systems approved under the conditions stated in 135.222.

.225 *Markings Required.* The words *Fourth-Class Bulk Rates* or *Fourth-Class Blk. Rt.* must be incorporated as part of the permit indicia or be printed or rubber stamped above the address and to the left or below the permit imprint.

.23 BOUND PRINTED MATTER

.231 *Description*

Only the following specifically described material may be mailed at the bound printed matter rates in 135.12. *Bound printed matter* is fourth-class matter that weighs one pound or more but less than 10 pounds and which:

a. Consists of advertising, promotional, directory or editorial material, or any combination of these.
b. Is securely bound by permanent fastenings such as staples, spiral binding, glue, stitching, etc. Loose leaf binders and similar fastenings are not considered permanent.
c. Consists of sheets of which at least 90 percent are imprinted with letters, characters, figures, or images, or any combination of these, by any process other than handwriting or typewriting.
d. Does not have the nature of personal correspondence.
e. Is not a book eligible for mailing as special fourth-class rate mail.
f. Is not a book which would be eligible for mailing as special fourth-class rate mail but for the inclusion of advertising matter other than incidental announcements of books that either (1) is not permanently bound in the book itself, or (2) does not form an integral part of the book itself.
g. Is not stationery, such as pads of blank printed forms.

.232 *Markings Required*

The words *Bounded Printed Matter* must be incorporated as part of the permit indicia or be printed or rubber stamped above the address to the left or below the permit indicia. Mailings under the bulk rates in 135.122 must also be marked *Bulk Rate* or *BLK RT*.

.233 *Separation Required for Bulk Mailings*

The mailer must separate mailing pieces by parcel post zones so that postage may be verified. Mail for each parcel post zone must be further separated and placed in sacks by cities or States of destination in each instance where there are 10 or more pieces for the same post office or State, or where 5 or more catalogs weigh 10 or more pounds. Use No.3 mail sacks except when greater volume requires the use of No. 2 mail sacks. When there is insufficient volume for a direct sack or a State sack, combine the pieces in sacks for mixed States by parcel post zones. Label each sack to include parcel post zone separation and destination. The total weight of pieces placed in one sack must not exceed 70 pounds.

.234 *Separations Recommended*

In addition to the separations required in 135.233, it is recommended that the mailer separate the pieces to the finest extent possible, in the manner prescribed by 134.43.

.235 *Optional Handling of Bulk Mailings of Bound Printed Matter Weighing in Excess of 2 Pounds When Addressed for Delivery in Local Parcel Post Zone Only*

At the option of the mailer, address labels and unaddressed pieces weighing in excess of 2 pounds may be mailed separately for local delivery at the office of mailing, subject to all of the following conditions:

a. The address labels, which may not measure less than 3 by 4 1/4 inches, must show the full name and ZIP Coded address of the sender and addressee and must be sorted by the mailer to the fourth and fifth digit of the ZIP Code.

b. Postage must be paid by permit imprints for each label, including labels returned as undeliverable. The imprint may be placed on the pieces or on the label. See 145.11.
c. The mailer must submit a completed Form 3605 with each mailing.
d. The total weight of pieces placed in sacks, cartons, crates, or any other types of containers must not exceed 70 pounds.
e. The address labels must be sent to the postmaster at the mailing (delivery) office by the mailer.
f. Address labels bearing incorrect, nonexistent or any other undeliverable addresses will be corrected or endorsed to show why they are undeliverable and returned under cover to the mailer. Each envelope shall be rated with postage due at the address correction rate for each address label contained in the envelope. At the request of the mailer, the postmaster will notify the mailer, at mailer's expense and by means specified by mailer, of the number of address labels being returned. The request for notification must accompany the labels. Correctly addressed labels will be held awaiting arrival of the pieces.
g. Pieces will be deposited at the acceptance point designated by the postmaster. If the number of pieces deposited is not enough or too many to match the number of address labels, the postmaster will notify the sender, or his designated representative or agent, of the number of pieces required to complete the delivery or the number in excess. If the additional pieces are not delivered to the post office within fifteen days, the excess address labels will be returned under cover to the mailer. As soon as deliveries are completed, the postmaster will notify the sender or his representative of the number of any excess pieces on hand. Excess pieces may be called for by the mailer without charge. Any excess pieces not called for within fifteen days will be returned to sender postage due at the single piece bound printed matter rate.

.24 SPECIAL FOURTH-CLASS MAIL

Only the following specifically described articles may be mailed at the special fourth-class rate provided by 135.13:

a. Books, including books issued to supplement other books, of 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and publishers' own advertising. Advertising may be in display, classified, or editorial style. The identification statement *Special Fourth-Class Rate—Books* must be placed conspicuously on the address side of each package.
b. 16-millimeter films or narrower width films which must be positive prints in final form for viewing, and catalogs of such films of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to or from commercial theaters. The identification statement *Special Fourth-Class Rate—16 mm or narrower Films or 16 mm or narrower Film Catalog* must be placed conspicuously on the address side of each package.
c. Printed music whether in bound form or in sheet form. The identification statement *Special Fourth-Class Rate—Printed Music* must be placed conspicuously on the address side of each package.
d. Printed objective test materials and accessories thereto used by or in behalf of educational institutions for testing ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark. The identification statement *Special Fourth-Class Rate—Objective Test Materials* must be placed conspicuously on the address side of each package.

e. Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Player piano rolls are classified as sound recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement *Special Fourth-Class Rate—Sound Recordings* must be placed conspicuously on the address side of each package.

f. Playscripts and manuscripts for books, periodicals, and music. The identification statement *Special Fourth-Class Rate—Manuscript* must be placed conspicuously on the address side of each package.

g. Printed educational reference charts, permanently processed for preservation. The identification statement *Special Fourth-Class Rate—Educational Reference Charts* must be placed conspicuously on the address side of each package.

h. Looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. The identification statement *Special Fourth-Class Rate—Medical Information* must be placed conspicuously on the address side of each package.

NOTE: When two or more articles described in this section are mailed in the same package, the appropriate descriptive terms shall be combined in the identification statement placed on the address side. Example: *Special Fourth-Class Rate—Books and Sound Recordings.*

.25 SPECIAL FOURTH-CLASS PRESORT RATES

.251 *Applicability*

The presort rates apply to special fourth-class rate matter presorted by ZIP Codes, and mailed in minimum quantities (see .252), at a place designated by the postmaster.

.252 *Minimum Quantities*

a. To qualify as a presorted piece subject to the special fourth-class presort level A rate, a piece must be one of a mailing of at least 500 *identical* pieces receiving identical service and properly prepared and presented in full sacks (see 135.252e) destined for five-digit ZIP Code locations.

b. Mailings of at least 500 *identical* outsides as described in 334.5 may qualify for the presort level A if they are made up to preserve the five-digit ZIP Code presort as prescribed by the postmaster. The postmaster may require notification up to 24 hours before the mailing is ready for presentation. The mailer must comply with the postmaster's instructions on how to separate and present mailings of outsides. The postmaster will coordinate such mailings and obtain procedures for separation of parcels through the regional logistics office.

c. To qualify as a presorted piece subject to the special fourth-class presort level B rate, a piece must be one of a mailing of at least 2,000 identical sackable pieces receiving identical service and properly prepared and presented:

(1) In full sacks or substantially full sacks, [see e(2) below] destined to five-digit ZIP Code locations. Mail must be separated and sacked to five-digit destinations in this manner to the maximum extent possible. [See e(1) below.]

(2) The remainder in full sacks destined to three-digit locations. All material in such sacks must be addressed to the same three-digit destinations.

d. A mailing will receive only one level of presort rate, under 135.252a, 135.252b, or 135.252c. A customer may, however, elect to send a product as two or more mailings with separate mailing statements in order to avail himself of the two levels of presort rates.

e. For purposes of the bulk special fourth-class rate schedule the following definitions shall apply:

(1) Full sack shall mean at least eight pieces, or pieces sufficient in volume to fill at least one-third of a standard No. 2 postal sack, or pieces sufficient in weight to equal at least 20 pounds; but not to exceed 70 pounds.

(2) Substantially full sack shall mean a postal sack containing at least four pieces, or either at least 20 or more pounds or pieces sufficient in volume to fill one-third of a standard No. 2 postal sack, but not to exceed 70 pounds.

(3) To qualify as identical pieces subject to this rate schedule, all pieces must be identical in weight. However, the size and content of each piece need not be identical.

.253 *Nonqualifying Pieces*

Pieces which are not sacked to five-digit or three-digit destinations as set forth in 135.251 are not considered presorted for purposes of this rate schedule. Pieces which are sacked to three- or five-digit destinations but, when sacked, do not meet the *full* or *substantially full* sack criteria do not qualify for the presort rate and must be presented for mailing under a separate mailing statement if mailed under permit imprint.

.254 *Nonidentical Pieces*

Nonidentical pieces, including those of different postage values, may be merged, presorted together, and presented as a single mailing only when it has been demonstrated by the mailer that records are maintained to enable the Postal Service to accurately verify and audit mailings of such matter and the procedure has been specifically authorized by the Director, Office of Mail Classification, in accordance with 145.8 or 145.9.

.255 *Markings Required*

The appropriate identification statement prescribed by 135.24 must appear on the address side of each piece, preceded by the word PRESORTED.

.256 *Sack Labeling Requirements*

Sacks must be labeled according to the following examples:

a. Five-Digit Destination

```
CLEVELAND OH 44101
5-DIGIT PRESORTED PP
FR J COMPANY BOSTON MA
```

b. City With Unique 3-digit ZIP Code

```
CLEVELAND OH 441
MACHINE PRESORTED PP
FR J COMPANY BOSTON MA
```

or

```
CLEVELAND OH 441
NONMACHINE PRESORTED SPR
FR J COMPANY BOSTON MA
```

c. Sectional Center

```
SCF CLEVELAND OH 440
MACHINE PRESORTED PP
FR J COMPANY BOSTON MA
```

or

```
CLEVELAND OH 440
NONMACHINE PRESORTED SPR
FR J COMPANY BOSTON MA
```

.257 Container or Pallet Labeling Requirements

a. Five-Digit Destination

CLEVELAND OH 44101
5-DIGIT PRESORTED PP
FR J COMPANY, BOSTON MA

b. City With Unique 3-digit ZIP Code

CLEVELAND OH 441
MACHINE PRESORTED PP
FR J COMPANY BOSTON MA

or

CLEVELAND OH 441
NONMACHINE PRESORTED PP
FR J COMPANY BOSTON MA

c. Sectional Center

CLEVELAND OH 441
MACHINE PRESORTED PP
FR J COMPANY BOSTON MA

or

CLEVELAND OH 441
NONMACHINE PRESORTED PP
FR J COMPANY BOSTON MA

.258 Bulk Mail Center Machinability Criteria for Special Fourth-Class Matter

a. The parcel sorter machinability criteria are:
(1) Weight: At least 1 pound but not over 25 pounds
(2) Length: At least 6 inches but not over 34 inches
(3) Height: At least 3/8 inches but not over 17 inches
(4) Width: At least 3* inches but not over 17 inches
*A width of 4 inches is required for parcels less than 9 inches long.

b. Mailing pieces that fall below the minimum dimensions specified in a. are considered SPR's.

c. Those exceeding the maximum dimensions or irregular in shape are considered non-machineable parcels.

d. Mailers who are not sure of the size classification of their pieces are advised to consult with their local postmaster.

.259 Presort Verification

For each 50 sacks or fraction thereof in a mailing, accepting post offices shall verify the presort as follows:

a. Select two sacks of 5-digit makeup and verify that no pieces are included bearing other than the 5-digit ZIP Code shown on the sack label. If a discrepancy of more than one piece is found, the mailing is disqualified.

b. For mailings that include sacks of mail presorted to 3-digit ZIP Code destination, select three sacks and verify that all pieces in a sack bear ZIP Codes having the same first three digits of ZIP Code as that shown on the sack label and that no identical 5-digit ZIP Codes are contained in quantities sufficient to make up a full or a substantially full sack, as appropriate for the presort rate level, for mail addressed to the same 5-digit ZIP Code destination. If it is found that one 5-digit sack could have been made up separately from the pieces in a 3-digit sack, the mailing is disqualified. If more than two pieces are found in any sack made up to the same 3-digit ZIP Code destination that bear a different first three digits of ZIP Code, the mail is disqualified.

c. If a mailing is disqualified, the next mailing by the customer at presort rates should have twice the number of sacks verified as specified in a. and b., and such intensified verification shall be extended to one-fifth of the customer's mailings during the following six-month period.

.26 FOURTH-CLASS LIBRARY RATE

Only the articles specifically described in this section may be mailed at the fourth-class library rate provided by 135.14. The identification statement *Library Rate* must be placed conspicuously on the address side of each package. Each package must show in the address or return address the name of a school, college, university, public library, or name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organization or association. No permit is required.

a. The following specific items when loaned or exchanged between schools, colleges, or universities and public libraries, museums and herbaria, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or loaned or exchanged between libraries, organizations, or associations, and their members, readers, or borrowers, may be mailed at the library rate:
(1) Books, consisting wholly of reading matter, scholarly bibliography, or reading matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books.
(2) Printed music, whether in bound form or in sheet form.
(3) Bound volumes of academic theses in typewritten or duplicated form.
(4) Periodicals, whether bound or unbound.
(5) Sound recordings. [See also 135.26b(2).]
(6) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.
(7) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

b. The following specific items when sent to or from schools, colleges, universities, public libraries, museums and herbaria and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations, may be mailed at the library rate:
(1) 16-millimeter or narrower width films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.
(2) Sound recordings.
(3) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.
(4) Scientific or mathematical kits, instruments, or other devices.
(5) Catalogs of the materials in 135.26b(1) - (4) and guides or scripts prepared solely for use with such materials.
(6) Books, including books to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books, when mailed from a publisher or a distributor to a school, college, university, or library, may be mailed at the library rate.

c. When 5,000 or more identical pieces are mailed at the rates in 135.14 during a single day and there are enough pieces for the same destination to fill approximately one-third of a sack, they must be presorted and placed in sacks under the instructions contained in 134.432, and 134.436a(2), b(2), c(2), d(2), and e(2). When 1,000 or more but less than 5,000 identical pieces are mailed at these rates during a single day and there are enough pieces for the same destination to fill approximately one-third of a sack, they must be presorted and placed in sacks under the instructions in 134.432, and 134.436b(2), c(2), d(2), and e(2).

135.3 WEIGHT AND SIZE LIMITS

.31 LIMITS

.311

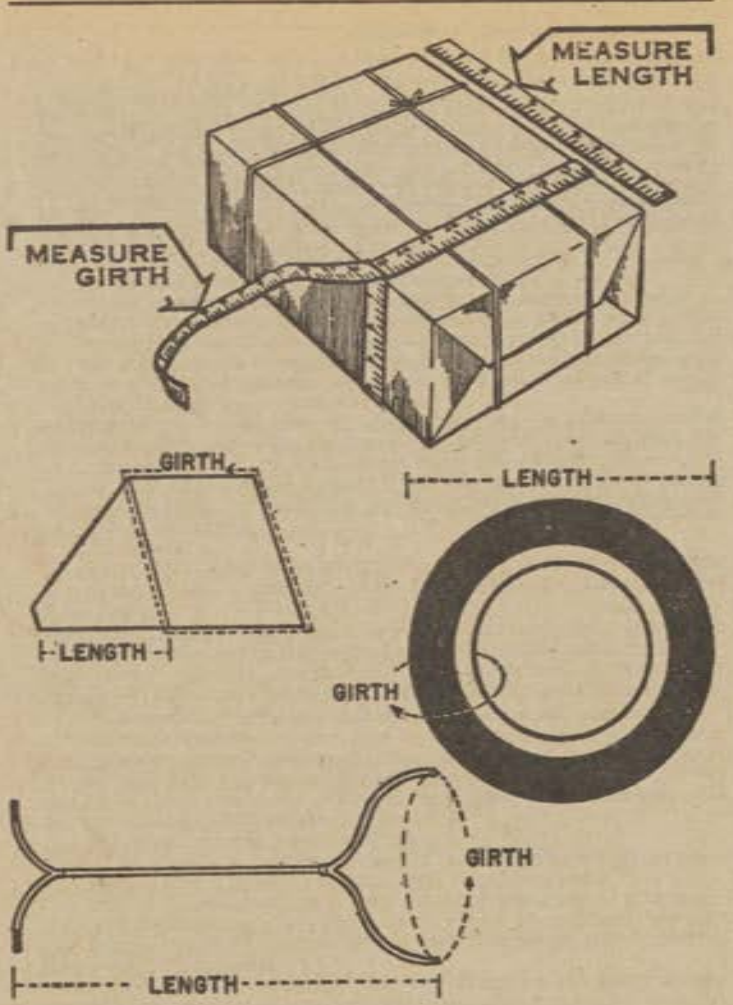
The following size and weight limitations apply to all fourth-class parcels. Additional limitations for bulk zone rate and bound printed matter are contained in 135.22 and 135.23.

	16 ounces or more but not exceeding—	Length and girth must not exceed—
.312 Parcels Mailed Between Post Offices With 950 or More Revenue Units. Parcels mailed at these post offices in the 48 contiguous States of the United States addressed for delivery at the same office or to another such post office in the 48 contiguous States. (See exceptions in 135.312.)	40 pounds	84 inches.
.313 All Other Parcels. Parcels mailed at or to:		
a. Any post office with 949 or less revenue units	70 pounds	100 inches.
b. Any rural or star route at any post office	do	do.
c. Any Army, Air Force or Fleet post office. (See Part 126 for certain exceptions.)	do	do.
d. Any post office in Alaska or Hawaii	do	do.
e. Any post office in the Commonwealth of Puerto Rico	do	do.
f. Any post office in a Territory or Possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands. (See Part 112.)	do	do.
g. Any post office when contents of parcel consists of baby poultry, nursery stock, agricultural commodities, books, Braille writers and other appliances for the blind, and other items listed in 135.13 and 135.14. (The term agricultural commodities includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include articles manufactured or processed from these commodities.)	do	do.
h. Any post office, for official mail of Federal agencies mailed under the Postage and Fees Paid indicia or as prepaid Government mail (see 137.1 for franked mail).	do	do.

.32 HOW TO COMPUTE THE SIZE OF A PARCEL

a. Measure the longest side.
b. Measure distance around the parcel at its thickest part.
c. Add both measurements.

Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together and must not, together, exceed the weight or size limit.



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135.4 PAYMENT OF POSTAGE

.41 SINGLE PIECE RATE MAILINGS

Mailers of articles at single piece rates may use any method of paying postage.

.42 BULK RATE MAILINGS

Mailers of fourth-class matter at bulk rates must pay postage by permit imprint and shall complete and submit with each mailing a Form 3602, or Form 3605, as appropriate.

135.5 ENCLOSURES AND ADDITIONS

.51 REQUIRED

.511 *Return Adress*

The return address of the sender must be shown on all fourth-class mail. See 135.26 concerning packages mailed at the library rate.

.512 *Special Marking*

See 122.6, 135.225, 135.232, 135.255, and 139 for special markings required.

.513 *Customs Declarations*

See 124.155 and 126.2 concerning need for customs declaration forms for packages addressed to the Canal Zone and to certain military post offices overseas.

.52 PARCEL POST

.521 The following written additions may be placed on the wrapper, on a tag or label attached to the outside of the parcel (see 124.22 for space requirements), or inside the parcel, either attached to an article or loose:

a. Marks, numbers, name, or letters descriptive of contents.
b. *Please Do Not Open Until Christmas, Merry Christmas, Mom and Dad, Happy Birthday, Mother, With Best Wishes, John Doe*, and similar inscriptions.
c. Instructions and directions for the use of an article in the package. Example: Directions for use of prescription medicine.
d. Manuscript dedication or inscription not in the nature of personal correspondence.
e. Marks to call attention to any word or passage in text.
f. Corrections of typographical errors in—
   (1) Circulars or printed matter. Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.
   (2) Proof sheets. Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of parts if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.
g. Handstamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication.
h. Any printed matter mailable as third class.
i. Enclosures or attachments for which postage is paid at the first-class rate in accordance with Part 139.

.522 An invoice whether or not also serving as a bill relating solely to the matter with which it is enclosed, may be enclosed or placed in an envelope (marked *Invoice Enclosed*) attached to the outside, showing any or all of the following:

a. Names and addresses of sender and addressee.
b. Names and quantities of articles enclosed.
c. Description of articles enclosed, including price, tax, style, stock number, size, and quality; and if defective, nature of defect.
d. Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.
e. Initials or name of packer or checker.

.53 BOUND PRINTED MATTER

Only the following may be enclosed loose or attached in items mailed at the postage rates shown in 135.121 and 135.123:

a. Order forms; reply envelopes and cards, circulars, and miscellaneous types of printed advertising sheets.
b. An invoice as provided for by 135.522.

Samples of merchandise may be attached to the bound pages and to the loose enclosures.

.54 SPECIAL FOURTH-CLASS AND LIBRARY RATE

.541 Books

The following items only are permissible enclosures with books mailed at the postage rates shown in 135.13 and 135.14:

a. An invoice. (See 135.522.)
b. Either one envelope or one addressed post card. (If also serving as an order form, the envelope or card may be in addition to the order form listed in c.
c. One order form. (If also serving as an envelope or post card, the order form may be in addition to the envelope or card listed above.)
d. Announcements of books, appearing in book pages or as loose enclosures. These announcements of books must be incidental, and must be exclusively devoted to books. They may not contain extraneous advertising of book related materials or services, except that announcements may fully describe the conditions and methods of ordering books, such as through membership in book clubs, and may contain ordering instructions for use with the single order form permitted above.

.542 Sound Recordings

The following items only are permissible enclosures with sound recordings mailed at the postage rates shown in section 135.13 and 135.14:

a. An invoice. (See 135.522.)
b. Either one envelope or one addressed post card. (If also serving as an order form, the envelope or card may be in addition to the order form listed in c.
c. One order form. (If also serving as an envelope or post card, the order form may be in addition to the envelope or card listed above.)
d. Guides or scripts prepared solely for use with such recordings.
e. Announcements of sound recordings appearing on title labels, on protective sleeves, on the carton or wrapper, or on loose enclosures. These announcements of sound recordings must be incidental, and must be exclusively devoted to sound recordings. They may not contain extraneous advertising of sound-recording related materials or services, except that announcements may fully describe the conditions and methods of ordering sound recordings, such as through membership in sound recording clubs, and may contain ordering instructions for use with the single order form permitted in 135.542c.

.543 All Other Items Listed in 135.214 and 135.215

Enclosures are not permitted except as provided in 135.522, and 139.3.

135.6 SEALING

Fourth-class mail must be wrapped or packaged so that it can be easily examined. Mailing of sealed parcels at the fourth-class rates of postage is considered consent by the sender to postal inspection of the contents. To assure that their parcels will not be opened for postal inspection, customers should, in addition to paying the first-class rate of postage, plainly mark their parcels *First Class* or with similar endorsements.

135.7 ADDRESSING

The address of all fourth-class matter mailed at bound printed matter, bulk parcel post, library, and special rate fourth-class rates must contain a complete ZIP Code.

135.8 PLACE OF MAILING

.81 Articles mailed at single piece fourth-class rates may be mailed at a post office, branch, or station, or handed to a rural or star route carrier.

.82 Mailing at bulk or presort rates must be made at a station or branch specified by the postmaster.

.83 Parcels exceeding the limits of size and weight for articles mailed at post offices with 950 or more revenue units that originate in and are prepared in cities or towns served by such post offices may not be diverted to other post offices or to a rural or star route carrier for mailing.

Part 136
AIR AND PRIORITY MAIL

136.1 RATES

.11 AIRMAIL

Weight	Kind of mail	Rate
10 ounces or less	Air postal or post cards	14¢ each.
	Letters and packages	17¢ for the first ounce or fraction; 15¢ for each additional ounce or fraction.
	Business reply:	
	Air cards	19¢ each.
	Airmail other than cards:	
	Weight not over 2 ounces	17¢ for first ounce or fraction, plus 15¢ for second ounce or fraction, plus 5¢ per piece.
	Weight over 2 ounces	The appropriate air mail rate, plus 6¢ per piece. Over 10 ounces priority rates plus 8¢ per piece.
	Business reply:	
	When the advance deposit account option is not used	The appropriate airmail postage; plus a surcharge of 13¢ per piece.
	When the advance deposit account option is used	The appropriate airmail postage, plus a surcharge of 3.5¢ per piece.

.12 PRIORITY MAIL (HEAVY PIECES)

Weight over 10 ounces and not exceeding—pound(s)	Rate					
	Local zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1	$1.58	$1.58	$1.60	$1.62	$1.64	$1.67
1.5	1.73	1.77	1.84	1.90	1.97	2.07
2.0	1.89	1.96	2.07	2.18	2.29	2.48
2.5	2.05	2.15	2.29	2.43	2.59	2.78
3.0	2.21	2.33	2.50	2.68	2.88	3.09
3.5	2.37	2.51	2.70	2.91	3.15	3.38
4.0	2.53	2.69	2.90	3.14	3.41	3.67
4.5	2.69	2.86	3.09	3.35	3.65	3.94
5.0	2.85	3.03	3.27	3.56	3.88	4.20
6	3.13	3.37	3.64	3.98	4.35	4.72
7	3.43	3.71	4.01	4.40	4.82	5.24
8	3.73	4.05	4.38	4.82	5.29	5.76
9	4.03	4.39	4.75	5.24	5.76	6.28
10	4.33	4.73	5.12	5.66	6.23	6.80
11	4.63	5.07	5.49	6.08	6.70	7.32
12	4.93	5.41	5.86	6.50	7.17	7.84
13	5.23	5.75	6.23	6.92	7.64	8.36
14	5.53	6.09	6.60	7.34	8.11	8.88
15	5.83	6.43	6.97	7.76	8.58	9.40
16	6.13	6.77	7.34	8.18	9.05	9.92
17	6.43	7.11	7.71	8.60	9.52	10.44
18	6.73	7.45	8.08	9.02	9.99	10.96
19	7.03	7.79	8.45	9.44	10.46	11.48
20	7.33	8.13	8.82	9.86	10.93	12.00
21	7.63	8.47	9.19	10.28	11.40	12.52
22	7.93	8.81	9.56	10.70	11.87	13.04
23	8.23	9.15	9.93	11.12	12.34	13.56
24	8.53	9.49	10.30	11.54	12.81	14.08
25	8.83	9.83	10.67	11.96	13.28	14.60
26	$9.13	$10.17	$11.04	$12.38	$13.75	$15.12
27	9.43	10.51	11.41	12.80	14.22	15.64
28	9.73	10.85	11.78	13.22	14.69	16.16
29	10.03	11.19	12.15	13.64	15.16	16.68
30	10.33	11.53	12.52	14.06	15.63	17.20
31	10.63	11.87	12.89	14.48	16.10	17.72
32	10.93	12.21	13.26	14.90	16.57	18.24
33	11.23	12.55	13.63	15.32	17.04	18.76
34	11.53	12.89	14.00	15.74	17.51	19.28
35	11.83	13.23	14.37	16.16	17.98	19.80
36	12.13	13.57	14.74	16.58	18.45	20.32
37	12.43	13.91	15.11	17.00	18.92	20.84
38	12.73	14.25	15.48	17.42	19.39	21.36
39	13.03	14.59	15.85	17.84	19.86	21.88
40	13.33	14.93	16.22	18.26	20.33	22.40
41	13.63	15.27	16.59	18.68	20.80	22.92
42	13.93	15.61	16.96	19.10	21.27	23.44
43	14.23	15.95	17.33	19.52	21.74	23.96
44	14.53	16.29	17.70	19.94	22.21	24.48
45	14.83	16.63	18.07	20.36	22.68	25.00
46	15.13	16.97	18.44	20.78	23.15	25.52
47	15.43	17.31	18.81	21.20	23.62	26.04
48	15.73	17.65	19.18	21.62	24.09	26.56
49	16.03	17.99	19.55	22.04	24.56	27.08
50	16.33	18.33	19.92	22.46	25.03	27.60
51	16.63	18.67	20.29	22.88	25.50	28.12
52	16.93	19.01	20.66	23.30	25.97	28.64
53	17.23	19.35	21.03	23.72	26.44	29.16
54	17.53	19.69	21.40	24.14	26.91	29.68
55	17.83	20.03	21.77	24.56	27.38	30.20

.12 PRIORITY MAIL (HEAVY PIECES) Cont'd

Weight over 10 ounces and not exceeding—pound(s)	Rate					
	Local zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
56	18.13	20.37	22.14	24.98	27.85	30.72
57	18.43	20.71	22.51	25.40	28.32	31.24
58	18.73	21.05	22.88	25.82	28.79	31.76
59	19.03	21.39	23.25	26.24	29.26	32.28
60	19.33	21.73	23.62	26.66	29.73	32.80
61	19.63	22.07	23.99	27.08	30.20	33.32
62	19.93	22.41	24.36	27.50	30.67	33.84
63	20.23	22.75	24.73	27.92	31.14	34.36
64	20.53	23.09	25.10	28.34	31.61	34.88
65	20.83	23.43	25.47	28.76	32.08	35.40
66	21.13	23.77	25.84	29.18	32.55	35.92
67	21.43	24.11	26.21	29.60	33.02	36.44
68	21.73	24.45	26.58	30.02	33.49	36.96
69	22.03	24.79	26.95	30.44	33.96	37.48
70	22.33	25.13	27.32	30.86	34.43	38.00

EXCEPTION: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

.13 BULK PRESORT RATE

The bulk presort rate is equal to the single piece airmail rate less 1 cent for each piece that is part of a group of 10 or more pieces sorted to the same five-digit ZIP Code, or of a group of 50 or more pieces for the same three-digit ZIP Code when they are presented at one post office as part of a single mailing of not less than 500 pieces of airmail of identical size and weight. The provisions of 131.12, 131.4, 131.5, 131.6 are applicable to such mailings.

136.2 CLASSIFICATION

.21 DESCRIPTION

Airmail is mail carried by air and by the fastest connecting surface carriers, and given the most expeditious handling in dispatch and delivery. Airmail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

.22 ACCEPTABLE ARTICLES, EXCEPTIONS

.221 Generally, matter acceptable in domestic surface mail may be sent by airmail except:

a. Anything susceptible to damage or which may become harmful because of changes in temperature or atmospheric pressures unless protected against the effects of such changes;
b. Magnetic material having a field strength sufficient to cause a compass deviation at a distance of 15 feet (4.6 meters) or more from any point on the package;
c. Flammable liquids and solids;
d. Radioactive matter;
e. Matter specifically excluded from air shipment by the regulations of the Department of Transportation, 49 CFR, Parts 100-189; Federal Aviation Agency, 14 CFR, Part 103; or the applicable restricted articles tariffs of the air carriers.

.222 Certain restricted articles as described in 49 CFR, Parts 100-189; 14 CFR, Part 103; and the restricted articles tariffs of the air carriers may be accepted for air transportation if they are properly packaged. Such articles must be labeled and bear a shipper's certification in triplicate as required by 14 CFR, Part 103, Federal Aviation Regulations, or must be marked in the manner prescribed by the air transport restricted articles tariff, e.g., *ORA Group A—DRY ICE*.

.223 Mailers are reminded that first-class mail is now regularly carried by air. Therefore, all merchandise sent by first-class mail is governed by these regulations.

.23 APPLICATION OF RATES

.231 Postage is charged on airmail (except postal and post cards) according to weight at the rates in 136.1 regardless of the class of mail.

.232 Air post cards must conform to the size and conditions prescribed for post cards. (See 131.222.)

.233 Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See 131.23 for information regarding business reply mail.

.234 Priority mail articles addressed to military post offices overseas (Army, Air Force, and Fleet post offices, and Naval vessels) require postage at the priority mail zone rate applicable between the mailing post office and the post office shown in the address.

.235 The eighth zone priority mail rates apply to articles mailed between:

(1) its Possessions,
(2) the Canal Zone, and
(3) the islands of the Trust Territory of the Pacific;

b. The Possessions of the United States and
(1) the Canal Zone, and
(2) the islands of the Trust Territory of the Pacific; and

c. The Commonwealth of Puerto Rico and
(1) the Possessions of the United States,
(2) the Canal Zone, and
(3) the islands of the Trust Territory of the Pacific.

.236 The priority mail rates according to zone apply to articles mailed between:

a. The United States and
(1) the Commonwealth of Puerto Rico, and
(2) the Virgin Islands, and

b. Between the Commonwealth of Puerto Rico and the Virgin Islands.

136.3 WEIGHT AND SIZE LIMITS

.31 WEIGHT

Priority mail may weigh up to 70 pounds. See part 126 for the exception to this limit for articles addressed to certain APO's and FPO's.

.32 SIZE

Priority mail is limited to 100 inches in combined length and girth. See part 126 for the exception to this limit for articles addressed to certain APO's and FPO's, and 135.32 for instructions on how to measure parcels.

.33 NONSTANDARD AIRMAIL

.331 Airmail weighing one ounce or less is nonstandard unless it meets the following size standards:

a. Length not greater than 11.5 inches, and
b. Height not greater than 6.125 inches, and
c. Thickness not greater than .25 inch, and
d. An aspect ratio (ratio of height to length) between 1:1.3 and 1:2.5 inclusive.

.332 Nonstandard mail often results in delays or damage to mail because it does not lend itself to machine processing. For this reason, mailers are encouraged to avoid mailing nonstandard airmail. It is anticipated that a surcharge will be imposed sometime in calendar year 1978 for nonstandard airmail.

136.4 PAYMENT OF POSTAGE

.41 SINGLE PIECE RATE

Mailers of airmail matter at single piece rates may pay postage by adhesive stamps, stamped envelopes and postal cards, meter stamps, and permit imprints.

.42 BULK RATE

Mailings made at presort rates must be paid only by meter stamps or permit imprints. Metered postage must be for the airmail rate less one cent for qualifying lower rated pieces and the full airmail rate for residual pieces.

.43 ANNUAL FEE

A first-class presort mailing fee of $30 must be paid once each calendar year at each office of mailing by or for any person who mails first-class or airmail matter at presort rates. Any person who engages a business concern or another individual to mail for him must pay the $30 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1).

136.5 ADDITIONS AND ENCLOSURES

There are no special restrictions with respect to written additions and enclosures in airmail.

136.6 MARKING, SEALING, AND DEPOSITING

.61 Place the word *Airmail* prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. Adhesive Label 19, available without charge at the local post office, may be used. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

.62 Airmail may be sealed or left unsealed without affecting the air rate.

.63 Deposit airmail weighing 9 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 9 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

.64 Use envelopes printed with special airmail design for airmail only.

Part 137

OFFICIAL MAIL

137.1 MEMBERS OF CONGRESS

.11 COLLECTION OF POSTAGE, FEES AND CHARGES

Postage, fees and charges, on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, Delegates or Delegates-elect, the Resident Commissioner or Resident Commissioner-elect from Puerto Rico, the Secretary of the Senate, Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and Legislative Counsel of the House of Representatives, and the Senate are paid quarterly by a lump sum to the Postal Service.

.12 DESCRIPTION

Official mail of Members of Congress is sent without prepayment of postage and bears a written signature, printed facsimile signature or other required marking instead of a postage stamp. Mail accepted under frank, and the officials authorized to use franked mail, are shown in 137.13.

.13 AUTHORIZED USERS

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, and each of the elected officers of the House of Representatives (other than Members of the House).	Public documents printed by order of Congress.	The words *Public Document*—and the letters U.S.S. or M.C. must appear on the address side.	Until the 1st day of April following expiration of their respective terms of office.
Members of Congress and Resident Commissioners.	Congressional Record or any part of it or any reprint of any part of it or speeches or reports contained in it, if relating to official business, activities or duties.	The words *Congressional Record* or *Part of Congressional Record*—and the letters U.S.S. or M.C. must appear on the address side.	During term of office only.
Members of Congress.	Seeds and agricultural reports from the Department of Agriculture.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following the expiration of their terms of office.

.13 AUTHORIZED USERS (Cont'd)

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members and Members-elect of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, each of the Elected officers of the House of Representatives (other than a Member of the House), Legislative Counsels of the House of Representatives and the Senate.	Official correspondence including mailgrams.	Mailgrams may be sent in standard Mailgram envelopes. For other correspondence, the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only. When the position of Secretary, Sergeant at Arms, elected officer, or Legislative Counsel is vacant, privileges may be exercised in officer's name by authorized persons.
Vice-President-elect.	All mail, including airmail, sent by him in connection with preparation for the assumption of official duties as Vice President.	The signature and title, either written or printed facsimile, of the Vice-President-elect must appear on the address side. Matter intended for air service must be marked with the word *airmail* on the address side.	Until assumption of duties as the Vice President.
Former Vice President, each former Member of Congress, the former Secretary of the Senate, the former Sergeant at Arms of the Senate, each former elected officer of the House (other than a former Member of the House); and each former Delegate or Resident Commissioner.	Matter on official business related to the closing of their respective offices.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side. Matter intended for air service must be marked with the word *airmail* on the address side.	During the 90-day period immediately following the date on which he leaves office.
Former Speakers of the House.	Public documents, seeds and agricultural reports from the Department of Agriculture, official correspondence including Mailgrams.[4]	The signature and title, either written or printed facsimile, of the former Speaker, or appropriate Mailgram or public document marking as indicated above, must appear on the address side.	For as long as the former Speaker determines necessary.

.14 RESTRICTIONS

The following restrictions apply to franked mail:

a. Matter transmitted under frank of the Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), each Delegate or Delegate-elect, the Resident Commissioner or Resident Commissioner-elect, and each Legislative Counsel of the House and the Senate must relate to the official business, activities, and duties of the Congress of the United States.

b. Matter transmitted under frank of the former Vice President, each former Member of Congress, the former Secretary of the Senate, the former Sergeant at Arms of the Senate, each former elected officer of the House of Representatives (other than a former Member of the House), and each former Delegate or Resident Commissioner must be on official business relating to the closing of his respective office.

c. No franked mail will be admitted to the mail unless admissible as ordinary mail.

d. A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

e. Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege to one addressee, who, on receiving and opening the package, may on behalf of such person place addresses on the franked articles and mail them.

f. Franked mail is handled as ordinary mail.

g. Franked mail must be addressed to the recipient by name, *except as provided in 122.442.*

.15 WEIGHT AND SIZE LIMITS

.151 Weight

Official correspondence may not exceed 70 pounds.

.152 Size, Shape, Ratio, and Sealing

The provisions of 131.222, 131.32, 134.32, and 141.113 apply.

137.2 EXECUTIVE AND JUDICIAL OFFICERS

.21 COLLECTION OF POSTAGE AND FEES

Departments, agencies, and establishments of the United States Government must reimburse the Postal Service the equivalent amount of postage and fees due for the official mail service they receive. Instructions governing the manner of reimbursement for official mail service are issued and administered by the Manager, Government Revenue and Examination Branch, Finance Department. Federal Government offices and officers must promptly furnish, in the manner and form requested, all information the Manager considers necessary to assure the accuracy of measurements of official mail use and the adequacy of budgeting to facilitate timely payment. The Manager may require offices and officers to establish improved methods of estimating or measuring official mail volume, or to initiate the use of postage meters or other forms of positive accountability for the use of official mail services, where he determines such action is necessary to secure adequate reimbursement to the Postal Service. Prior to making any such determination the Manager will consult with the office or officer involved as to possible alternative actions that might be taken which would be effective but which might have a better cost/benefit ratio. If the Manager, nevertheless, decides to require the use of postage meters or other forms of positive accountability for the use of official mail services, adequate advance notice will be given to affected agencies.

.22 DESCRIPTION

The following kinds of mail may be sent as Federal Government mail by those authorized to use this privilege:

a. Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of

the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the Superintendent of Documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing. *NOTE:* Mail matter such as retirement announcements, Christmas cards, job resumes, and all similar materials which do not relate exclusively to the business of the Government may not be sent as penalty or postage and fees paid mail.

b. All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

c. Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of researches and experiments, including lists of publications available for distribution, when mailed by agricultural experiment stations designated by the act of March 2, 1887, as amended by the act of August 11, 1955, as follows:

The officer in charge of a station that claims the privilege of sending materials without prepayment of postage through the mail must file an application with the Office of Mail Classification, Rates and Classification Department, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section.

d. Annual reports of Government-aided colleges established under the act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mail.

e. Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(1) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington, DC 20540.

(2) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(3) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington, DC 20540, which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(4) Matter for copyright enclosed in post office penalty envelopes will not be sent by registered mail unless the registry fee is prepaid.

.23 METHODS OF PREPARING OFFICIAL MAIL

.231 *Postage and Fees Paid*

a. Authorized Departments and Agencies are:

Accounts, Bureau of
ACTION
Ad Hoc Advisory Group for Puerto Rico
Administrative Conference of the United States
Administrative Office of the United States Courts
Advisory Commission on Intergovernmental Relations
Advisory Committee on Federal Pay

corresponding Forms 3607, *Weighing and Dispatch Certificate*, together with Forms 3609, *Record of Permit Imprint Mailings*, must be forwarded by the postmaster to Headquarters for permit-imprint billing purposes.

c. *Form 3602-PC, Bulk Rate Mailing Statement—Third-Class Mail*

Federal Government agencies must present Form 3602-PC at the post office when official mail is sent at bulk third-class rates. The front of the form must be fully completed by the mailer to identify the mailing agency and must include the following information:

(1) Permit number should be a six-digit coding. Zeros should be added at the end of the authorized permit number if it is not a six-digit coded number (for example 005-200).
(2) Date and total number of pieces in mailing should be complete and legible.
(3) Designation of type of matter mailed such as circulars, books, or catalogs, should be indicated in the appropriate block.
(4) The weight of a single piece should be indicated in ounces and carried five places to the right of the decimal point. Examples are:

1 ounce to be written as	1.00000
3/4 ounce to be written as	.75000
2/3 ounce to be written as	.66667
1/2 ounce to be written as	.50000
1/3 ounce to be written as	.33333
1/4 ounce to be written as	.25000

(5) The back of Form 3602-PC must be fully completed and signed by the receiving employee.

.266 *Forwarding Billing Records*

All mailing statements and copies of Forms 3603 and 3610 pertinent to official mailings and meter settings must be forwarded to the following address at Headquarters for billing purposes:

Manager
Government Revenue & Examination Branch
U.S. Postal Service Headquarters
475 L'Enfant Plaza West SW
Washington, DC 20260

.267 *Exception Reports*

a. *Irregular Mailings*

(1) *Improper Preparation.* If any official mailing is not properly prepared or otherwise fails to qualify for a rate with which the pieces are endorsed, the mail must be accepted and processed by the post office in accordance with 137.81. A report must be submitted immediately to the Government Revenue and Examination Branch in order that the agency can be billed at the appropriate rate.
(2) *Mailings Without Authorization.* If official mail is presented for acceptance as second-class, controlled circulation, bulk third-class, permit imprint or metered mail at a post office without authorization, it must be accepted and processed by the post office in accordance with 137.81. Submit an exception report with the mailing statement or other record to the Government Revenue and Examination Branch.

.27 ZIP CODING OF MAIL

.271 *Addressing*

The address on all official mailings of Federal departments and agencies under 137.2 must include the ZIP Code number

.272 *Presorting and Postage Charges*

When identical pieces of individually addressed matter are included in a single mailing at the bulk rates in 131.12, 134.12, 135.122, 135.132 and 136.13, the mail must be prepared as prescribed for each bulk category.

137.3 MAIL SENT TO GOVERNMENT DEPARTMENTS

.31 CENSUS MAIL

All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed *Official Business, Census Office*, will be sent without prepayment of postage. (See 137.21 regarding postage reimbursement.) Mail sent by the Census Bureau of the Department of Commerce or one of its officers in envelopes of that Bureau is subject to the conditions in 137.231.

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Subchapter 140 POSTAGE

Part 141

ENVELOPES, POSTAL CARDS, AEROGRAMMES

141.1 USE

.11 ENVELOPES

.111 COLOR

Use any light color that does not interfere with legible address and postmark. Do not use brilliant colors.

.112 QUALITY

Use paper strong enough to withstand normal handling. Highly glazed paper, or paper with an overall design, is not satisfactory.

.113 SIZE, SHAPE, AND RATIO

Envelopes of standard sizes and shapes are essential to the economical handling of mail, both by machine and manual methods. The following standards apply to envelopes:

a. Envelopes less than 3 inches in width (height) or 4¼ inches in length are nonmailable.
b. Envelopes more than 9 inches in width (height) or 12 inches in length are not recommended.
c. Envelopes having shapes other than rectangular are nonmailable.
d. Envelopes having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

.114 WINDOW ENVELOPES

Window envelopes, or open panel envelopes, may be used under the following conditions:

a. The address window must be parallel with the length of the envelope.
b. The proper place for the address window is in the lower portion of the address side.
c. Nothing but the name, address, and any key number used by the mailer may appear through the address window.
d. The return address should appear in the upper left corner. If there is no return address and the delivery address does not show through the window, the piece will be handled as dead mail.
e. The address disclosed through the window must be on white paper or paper of a very light color.
f. When used for registered mail, they must conform with the conditions in 161.33.
g. Window envelopes, but not open panel envelopes, may be used for business reply mail provided:
   (1) All of the address side except the portion which will show through the window is prepared as required by 131.234.
   (2) An address prepared by any of the processes and in the style provided for by 131.234 is furnished by the distributor for use as an enclosure to return the envelope.
   (3) The window covering is of such texture as to allow maximum transparency.

.115 *Green Border Envelopes and Cards*

The use of envelopes and cards bearing a green border must be for first-class mail matter only. All envelopes and cards bearing a green border shall be charged postage equivalent to the first-class rate.

.12 PLAIN STAMPED ENVELOPES

.121 *Envelopes Available at Post Offices*

Kind	Size	Denomination	Item No.	Prices		
				Less than 500	500	1,000
Regular	6¾	13¢	631	$0.15	$68.55	$137.10
	10	13¢	131	.15	69.20	138.40
Window	6¾	13¢	632	—	69.00	138.00
	10	13¢	132	—	69.85	139.70
Precanceled	6¾	2¢	643	—	13.55	27.10
	10	2¢	123	—	14.20	28.40

Limit requisitions to a 3-accounting period supply. A minimum quantity of 500 plain stamped envelopes must be ordered even though this may cause some post offices to exceed the 3-accounting period stock level.

.122 *Sales at Post Offices*

Only sizes 6¾ and 10 regular will be sold in less than full box lots. Boxes contain 500 envelopes.

.123 *Discount on Sales of Plain Regular Stamped Envelopes*

a. *Definition.* Plain regular envelopes are charged to and carried on post office records at the amounts specified in *Handbook F–1*. Sales to customers are made at the rates specified in 141.12. This results in sales of 500 and multiples thereof out of the main stock or fixed credits being made at a discount.
b. *Recording Discount.* A record shall be kept of each bulk sale of 500 lots of plain regular envelopes. Use Form 3220, *Stamped Envelope Sales at Discount*. As each sale is made, record the date, purchaser's name, and quantity sold. The selling employee will obtain the purchaser's name from the check used for payment or by asking when payment is by cash. Do not refuse sales to those who decline to identify themselves. State purchaser declined identification in the name column. Enter the quantity in the proper size and denomination column.
c. *Reporting Discount.* Employees selling 500 lots may complete Form 3220 as often as necessary, but at least each accounting period at offices with 950 or more revenue units and each postal quarter at other offices in time for the discount to be included in a regular requisition submitted during the same period or quarter. The total amount of the discount claimed must be included in the total amount of the regular requisition for stock. Submit this requisition to the custodian of the main stock. The station superintendent or an employee in a similar capacity must verify the computations on Form 3220, enter his initials and submit the form direct to the director, office of finance, chief accountant or employee maintaining the cashbook as specified in Handbook F–1.

.124 *Precanceled Envelopes*

Only nonprofit organizations or associations covered in 134.5 may purchase 1.8-cent precanceled envelopes. Sales are made in full box lots only.

.125 *Window Envelopes*

Window envelopes are sold in full box lots only. All windows are 1⅛ inches wide and 4¾ inches long and are located ½ inch from the bottom of the envelope. In size 6¾, the window is located ⅞ inch from the left edge, in size 10 it is ¾ inch from the left edge.

.126 *Dimensions of Envelopes* (Dimensions may vary 1/16".)

Size 6¾ ..... 3⅝ by 6½ inches
Size 10 ..... 4⅛ by 9½ inches

.127 *Private Printing of Return Addresses*

Stamped envelopes may be privately printed in any style, provided at least 3½ inches of clear space is left at the right end of the address side of the envelope.

.13 POSTAL CARDS AVAILABLE

Denomination (cents)	Description
	CUT SINGLE CARDS:
9	Domestic regular single (available also in sheets of 40).
9	Domestic commemorative single.
12	Foreign regular single. 3½"×5½"
21	Foreign airmail single.
	DOUBLE REPLY-PAID CARDS:
18	Domestic regular reply (9 cents each half).

All domestic postal cards are precanceled. Postal cards in sheets for use in printing must be cut to regulation size, 3⅝x5⅛ inches so that the stamp appears in the upper right corner. However domestic cards may be cut to 3x5 inches. Cases of sheet postal cards may be broken for sale. Return addresses are not printed on postal cards by the Postal Service. Domestic postal cards are not acceptable for foreign mailings. Only cards which measure 3⅝x5⅛ inches may be used.

.14 AEROGRAMMES

22 cents each. (See Publication 42, *International Mail.*)

141.2 PRINTED STAMPED ENVELOPES (Special-Request)

.21 PRINTED STAMPED ENVELOPES AVAILABLE

Kind	Size	Denomination	Item No.	Price: 500 only*	Price: 1,000 or more: Per 1,000	Price: 1,000 or more: Each additional 500
Regular.	6¾	13¢	631	$70.80	$141.10	$70.55
	10	13¢	131	71.45	142.40	71.20
Window.	6¾	13¢	632	71.25	142.00	71.00
	10	13¢	132	72.10	143.70	71.85
Precanceled.	6¾	2¢	643	15.80	31.10	15.55
	10	2¢	123	16.45	32.40	16.20

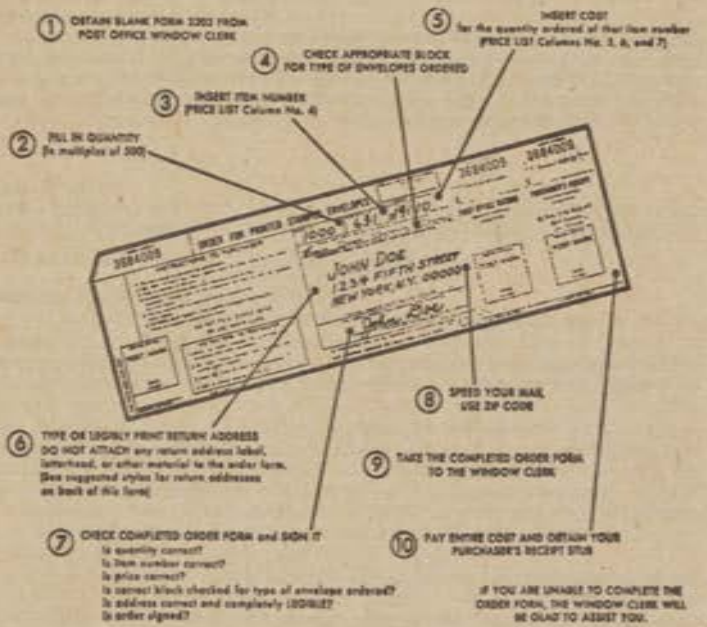
*Minimum order—Please note that the price for 500 only is more than ½ of the per-thousand price.

.22 HOW TO ORDER PRINTED STAMPED ENVELOPES

Prepare Form 3203, *Order for Printed Stamped Envelopes*, as illustrated below. Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, envelopes may be ordered at the post office where they will be mailed.

.23 STYLE OF PRINTING RETURN ADDRESSES

.231 All lines of the return address will be printed in capitals and lowercase letters with flush left margin, using 8-point Helvetica type. See sample in 141.232.



CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

.232 **Sample style of printing:**

Charles Jones
610 Seventh Avenue
New York, NY 00000

144.4 METER STAMPS

.41 DESIGNS

The types, sizes, and styles of meter stamps are fixed when meters are approved by the Postal Service for manufacture. Only approved designs may be used. Some approved designs are illustrated below.









Official Mail (see Part 137)





.42 LEGIBILITY

Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

.43 FLUORESCENT INK

The use of fluorescent ink is mandatory for postage imprints on letter-size metered mail effective July 1, 1973. Failure to use fluorescent ink may result in the revocation of the meter license. Letter-size mail is defined as being from 4¼" to 11½" long, 3" to 6⅛" wide, and .006" to .25" thick.

.44 METER STAMPS ON TAPE

When meter stamps are printed on tape, only tape approved by the Postal Service may be used.

.45 POSITION

Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

.46 CONTENT

144.46 Meter stamps must show the city and state designation of the licensing post office, meter number and amount of postage for all classes of mail. Upon approval of the licensing post office, a meter indicia may contain the name and state designation of its local classified branch, which sets the meter. This authorization does not apply to classified stations or contract stations or branches. ZIP Codes will not be used in customer's postage meter indicias. When it is necessary to print multidenomination meter stamps on more than one tape, the circle showing the post office or classified branch must appear on each tape.

.47 DATE OF MAILING

.471 Dates shown in the meter postmark of any type or kind of mail shall be the actual date of deposit except when the mailing piece is deposited after the last scheduled collection of the day. When deposit is made after the last scheduled collection of the day, mailers are encouraged but not required to use the date of the next scheduled collection.

.472 The month, day, and year must be shown in the meter postmark on all first-class, airmail, and priority mail (heavy pieces), and on all registered, certified, insured, COD, special delivery, and special handling mail, except prepaid reply postage, whether the postmark is printed directly on the mailing piece or on a separate tape.

.473 The month and year must be shown on meter postmarks printed on a separate tape for second-, third-, and fourth-class pieces. The day may be omitted. Mailing pieces postmarked on a separate tape with only the month and year may be accepted during the month shown and through the third day of the following month when, in the judgment of the postmaster, the mailing was unavoidably delayed prior to its deposit with the Postal Service.

.474 The date (day, month, or year) is not required to be shown on meter postmarks printed directly on a second-, third-, or fourth-class mailing piece.

.475 The date shall not be shown on meter postmarks used to prepay reply postage in accordance with 144.112.

.48 HOUR OF MAILING

The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

.49 AD PLATES

.491 Advertising matter, slogans and the postal markings specified in .492 may be printed with the meter stamps within space limitations. Licensees must obtain the plates for the printing of this matter from authorized meter manufacturers to assure suitable quality and content in accordance with the requirements of the Postal Service. The advertising and slogans must not be objectionable or misleading.

.492 The following postal markings relating to the class of mail are permissible: FIRST CLASS; PRESORTED FIRST CLASS; THIRD CLASS; BLK. RT.; NONPROFIT ORG.; FOURTH CLASS; AIRMAIL; PRESORTED AIRMAIL; AND PRIORITY MAIL. If a postal marking is to appear in the ad plate area, no other matter is to be printed. The marking must fill the entire ad plate area to the extent practicable. All words must be in bold, capital letters which are at least ¼" in height or 18-point type and legible at two feet. Exceptions for small ad plates that will not accommodate any of the above markings will not be considered.

b. Lease his meters only to mailers to whom meter licenses have been issued by the post office.
c. Supply only those meter slogan or ad plates that meet the requirements of the U.S. Postal Service for suitable quality and content.
d. Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.
e. Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.
f. Report the loss or theft of any of his meters, or the recovery of any lost or stolen meters, immediately to the local postmaster, the local police, and the Regional Postmaster General for the region in which the meter is licensed for use.
g. Report to the appropriate postal data center of the U.S. Postal Service each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.
h. Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during businesss hours by officials of the U.S. Postal Service. These records may be destroyed 3 years after the meter is scrapped.
i. Cancel his lease agreement with any mailer whose meter license is canceled by the U.S. Postal Service and remove his meter promptly.
j. Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards. Report the loss or theft of any of his meter setting keys, or the recovery of lost or stolen keys, to the Regional Postmaster General.
k. Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the U.S. Postal Service the mechanical condition or fault which caused the failure. See 144.34.
l. Submit such other reports to the U.S. Postal Service as may be required from time to time.

.96 MAINTENANCE

.961 *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

.962 *Inspection of Meters in Use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate six-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. A specimen printing of .00¢ shall be run off and the ascending and descending registers checked to insure that they do not change. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602–A, *Daily Record of Meter Register Readings*, to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers. Any irregularities found in

the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

.963 *Repair of Internal Mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office of setting before they are opened or any internal repairs are undertaken.

.97 NOTICE OF PROPOSED CHANGES IN REGULATIONS

So far as may be consistent with the public interest, before any changes are made in the regulations in part 144, the U.S. Postal Service will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture or who may be interested in manufacturing postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed charges if they are adopted.

Part 145
PERMIT IMPRINTS

145.1 PERMIT

.11 APPLICATION

A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, *Application to Mail Without Affixing Postage Stamps*, with a fee of $20, to the post officer where mailings will be made. The postmaster will give the applicant a receipt for the fee on Form 3544. No other fee for use of permit imprints has to be paid so long as the permit is active. However, the applicant must also pay an annual bulk mailing fee if he mails third-class matter at bulk rates. See 134.421.

.12 REQUISITION OF SUPPLIES

Requisition from your supply office the following forms, when you receive the first application at your office to use permit imprints:

3601 *Application to Mail Without Affixing Postage Stamps.*
3602 *Statement of Mailing Matter With Permit Imprint.*
3607 *Weighing and Dispatch Certificate.*
3608 *Weighing Clearance.*
3609 *Record of Permit Imprint Mailings.*

.13 ISSUANCE

Issue permits on Form 3601. Date each permit and number it consecutively beginning with No. 1 for the first permit issued at your office. Numbers assigned to permits which have been revoked may not be reassigned within 6 months except when a former permit holder requests assignment of the number he previously held. Deliver the permit to the applicant and file the application portion.

.14 RECORDS

At offices that have a large number of permit holders, prepare and maintain for each active permit:

a. A numerical card file showing permit number and name of permit holder.
b. An alphabetical card file showing the permit number, name and address of permit holder, and the date permit was issued.

.15 REVOCATION

.151 The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with the regulations governing the use of permit imprints. The method of revoking a permit is described in 144.23.

.152 If revocation is because of nonuse and the permit holder indicates that he will resume mailings within a 90-day period, continue the permit for a period not to exceed 90 days and so inform the permit holder without referring the written reply to Headquarters. Use Form 3604, *Nonuse of Mailing Permit or Meter License*, for this purpose. If the notice of revocation is for any purpose other than nonuse or the answer indicates the permit holder will not mail within the next 90 days, promptly forward the answer to the Office of Mail Classification, Rates & Classification Department, with a statement of the facts and await further instructions.

145.2 PREPARATION OF PERMIT IMPRINTS

a. Permit imprints may be made by printing press, handstamp, lithography, mimeograph, multigraph, addressograph, or similar device. They may not be typewritten or hand drawn. The imprint must be prepared both as to style and content in use of the forms shown in 145.4. No other forms of imprints may be used. The imprint must be legible and must be of a color that contrasts sufficiently with the paper to make the imprint readable. The entire imprint must be placed in the upper right corner of the address side of each piece, parallel with the length of the piece.

b. The position of the imprint on fourth-class bound printed matter may be varied so that automatic data processing equipment may be utilized to simultaneously print the address, imprint and other postal information. The permit may be placed on the parcel or on the label for items mailed under the provisions of 135.235.

145.3 CONTENT OF PERMIT IMPRINTS

.31 FIRST-CLASS MAIL

Permit imprints must show city and State; *First-Class Mail; U.S. Postage Paid;* and permit number. They may show the mailing date, amount of postage paid or the number of ounces for which postage is paid. (See illustration in 145.4a.) The ZIP Code of the permit holder may be shown immediately following the name of the State or in a separate inscription reading *ZIP Code 00000* when it is possible to include the ZIP Code without creating uncertainty as to permit holder's correct address or permit number.

.32 SECOND-, THIRD-, AND FOURTH-CLASS MAIL

Permit imprints must show same information as first class, except the date and the words *First-Class Mail* must be omitted. Permit indicia may include: amount of postage paid, weight of piece, and markings required by 131.5, 134.436 or 135.2.

.33 MAIL WITH SPECIAL SERVICES

Permit mail with special services paid by permit must show *First-Class Mail*, if first-class mail; U.S. Postage and Fees Paid; City and State; and permit number. The company may be shown in place of the city and permit number in accordance with 145.34.

.34 COMPANY PERMIT IMPRINTS FOR ANY CLASS OF MAIL

The city, State, and permit number may be omitted if the permit holder has permits at two or more post offices, provided the exact name of the company or individual holding the permits is shown in the permit imprint. When this style of company permit imprint is used, the mailing piece *must bear a complete return address*. The permit holder must maintain for a 3-year period and make available for inspection and audit upon request of post office officials, records showing the post office at which any particular mailing was made, date of mailing, total weight of the mailing, weight of a single piece, and the amount of postage paid. A sample piece from the mailing must also be available.

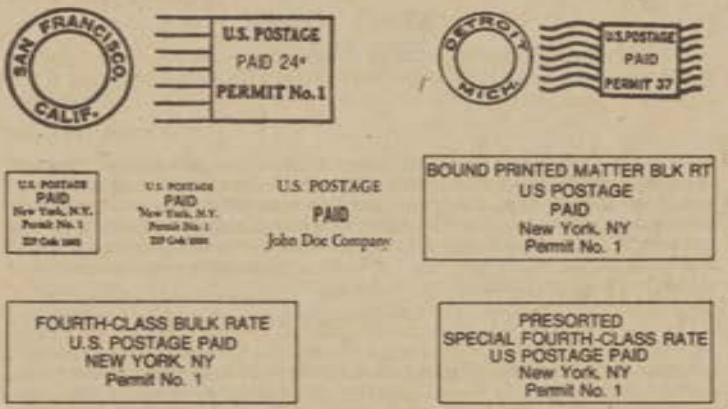
145.4 FORM OF PERMIT IMPRINTS

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

a. FIRST-CLASS MAIL



b. SECOND-, THIRD-, AND FOURTH-CLASS MAIL
(*Date and First-Class Mail omitted*)



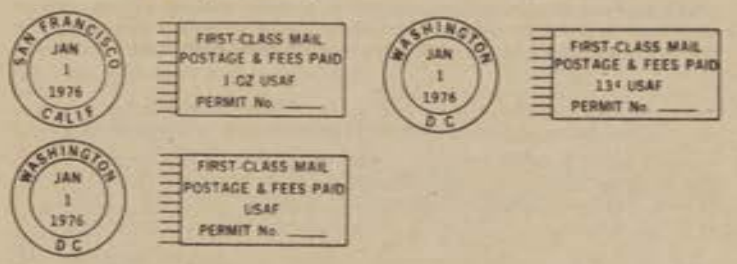
c. BULK THIRD-CLASS MAIL



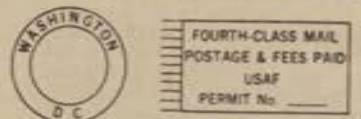
d. SPECIAL RATES FOR AUTHORIZED ORGANIZATIONS ONLY



e. OFFICIAL MAIL (First-Class)



f. OFFICIAL MAIL (Fourth Class)
(Date and First Class Mail Omitted)



145.5 MAILINGS WITH PERMIT IMPRINTS

.51 MINIMUM QUANTITIES

Except as stated in 145.52, minimum quantities required to be mailed at one time are as follows:

a. *First-Class Mail.* 300 pieces of identical weight
b. *First-Class Presort Rate.* 500 pieces of identical size and weight.
c. *Second- and Third-Class Mail.* 300 pieces of identical matter, except 50 pounds or 200 pieces of identical third-class bulk mail.
d. *Fourth-Class Mail.* 250 pieces of identical matter.
e. *Fourth-Class Zone Bulk Rate Mail.* 300 or more pieces of identical weight.
f. *Special Fourth-Class Presort Rate.* 500 or more pieces of identical matter for the Level A rate. 2,000 or more pieces of identical matter for the Level B rate.
g. *International Mail.* See Publication 42, *International Mail.* 300 pieces of identical matter.

.52 EXCEPTIONS TO MINIMUM QUANTITIES

When any mailing consists of less than the required minimum, enter an explanation on the *Mailing Statement*, Form 3602. Exceptions may be made for the following reasons only:

a. *First-Class Mail.* Occasional exception for a mailer whose total daily mailings are not much more than 300 but who, to cooperate with the post office, presents a portion of his mailings early in the day.
b. *All Classes of Mail.* When a large mailing extends over two or more consecutive days and the last deposit, made to complete the mailing, is less than the minimum.

.53 PREPARATION FOR MAILING

The mailer must arrange all pieces with the address side facing the same way. It is recommended that the mailer separate the pieces to the finest extent possible in the manner prescribed by sections 125.32 and 134.43. Each class of mail must be separately presented with a separate *Mailing Statement*, Form 3602 or 3605. Fourth-class mailings on which postage is paid at different zone rates must be separated according to the postage paid on each piece.

.54 PLACE OF MAILING

Deposit mail at the post office that issued the permit or at a station or branch designated by the postmaster. Permit imprint mail shall be accepted at the main post office or at classified stations and branches where there is a separation of financial and mailhandling activities.

.55 MAILING STATEMENT

Prepare and sign a *Mailing Statement*, Form 3602 or 3605, for each mailing. The statement must be prepared by typewriter; ink, or indelible pencil to show the mailer's address, permit number, class of mail, number of pieces in the mailing, and weight of single piece. For third-class bulk mailings, additional information required by the *Mailing Statement* must be shown. If a receipt is desired, present a duplicate copy of Form 3602 or 3605, which will be initiated by the accepting employee after verification and returned to the mailer.

.56 PAYMENT OF POSTAGE

.561 *Prepayment in Full Required*

The mailer must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. Advance deposits may be made by mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. Credit for postage is not allowed. Postage may not be paid partly in money and partly by postage stamps, except as provided in 145.563. Whenever the computation of postage results in a fraction of a cent in the total, the next higher even cent must be paid.

.562 *Receiving Money*

Window clerks who receive deposits must:

a. Accept money for postage, advance deposits, and fees. (See 145.11.)
b. Issue receipts on Form 3544 in triplicate, duplicate to the director, office of finance or chief accountant, and triplicate to the weigher.

.563 Confine verification of permit imprint mail to the principal weighing section if practicable. When conditions warrant, make verification at the branch or station accepting the mail. Accepting clerks at stations and branches shall telephone the principal weighing section prior to dispatch of the mail to ascertain if mailer has sufficient deposit on hand to cover postage charges.

.564 Branches and stations not authorized to make verification shall send permit imprint mail to the principal weighing section labeled to prevent the mail being taken direct to a distribution point.

.565 The verifying employee must:

a. Weight permit imprint mail and verify postage.
b. Verify mail is properly prepared. See 131.43, 131.5, and 135.25 for presort requirements.
c. Fill out the back of the mailing statement (Form 3602 or 3605) and at the same time, by carbon, prepare Form 3607. If the mailer requests a receipt, he must present a duplicate copy of the mailing statement which will be delivered to him after the back is filled out.
e. Send mail accompanied by Form 3607 to clearing point.

.566 Maintain only one ledger record, Form 3609, for each permit. Keep all Forms 3609 at the main office or other mail handling unit where the principal weighing section is located. The supervisor in charge of the weighing section will be responsible for the proper maintenance of all Forms 3609. Weighing section employees shall:

a. Record fees and advance deposits on Form 3609 from copies of Form 3544.
b. Record the postage charges on Form 3609 from each Statement of Mailing (Form 3602 or 3605).
c. Prepare daily Form 3083 and forward it to the director, office of finance or chief accountant with Forms 3602.

.57 POST OFFICE COMPUTATION OF POSTAGE

.571 *Random Samples*

Enough pieces will be selected at random from the entire lot to determine whether the whole mailing consists of identical pieces.

.572 *Weight of Single Piece*

Determine the exact weight of a single piece and the amount of postage required. When scales do not show exact weight of a single piece, weigh enough pieces to balance beam and divide total weight by number weighed.

Example: 20 pieces weigh exactly 3½ ounces.
3.5÷20=0.175 ounce.

.573 *Total Number of Pieces*

Ascertain the total number of pieces by one of the following methods:

a. Find the total weight in pounds, exclusive of tare. (For definition of tare, see 145.575.) Reduce the pounds to ounces and divide the total number of ounces by the weight of a single piece.

Example: Mailer's statement shows 1,240 pieces in mailing which weigh 13 pounds, 9 ounces. A single piece weighs 0.175 ounce.
Convert weight to ounces: 13×16+9=217 ounces.
217÷0.175=1,240 pieces.

b. Find the total weight, exclusive of tare, and the total weight exactly of 100 pieces in ounces and fractions of an ounce. Divide the total weight by the weight of 100 pieces. This will give the total number of hundreds and fractions of a hundred in the entire lot.

Example: Mailer's statement shows 124,400 pieces in mailing which weigh 1,360 pounds, 10 ounces. A single piece weighs 0.175 ounce.
Convert weight to ounces: 1,360×16+10=21,770
Weight of 100 pieces: 0.175×100=17.5
21,770÷17.5=1,244
1,244×100=124,400 pieces.

.574 *Agreement with Mailing Statement*

The result of either of these methods of computation should agree with the number of pieces shown on the statement of mailing. If they do not agree the matter will be taken up with the mailer and, if necessary, further examination and verification will be made.

.575 *Tare*

Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation. The standard weights for new sacks are as follows:

Sack	*Material*	*Color*	*Weight* *Lbs.*	*Ozs.*
No. 1	Canvas	White	3	7
No. 2	Canvas	White	2	8
No. 2	Cotton	White	1	12
No. 2	Nylon	Brown	1	4
No. 3	Canvas	White	1	12
No. 3	Cotton	White	1	2
No. 3	Nylon	Brown		13

.576 *Clearance*

Designate a clearing point in the mailing division, separate from the weighing section, where an employee must check the mail with Form 3607 prior to distribution. Do not distribute mail not accompanied by Form 3607 until the form has been received from the weighing section. After comparing the number of sacks or outside bundles with the volume reported on Form 3607, the clearing section will remove Form 3607 and release the mail for distribution in sacks or hampers with identifying labels reading:

Weighing Clearance, Permit Imprint Mail from_____
(Unit or Station)

The clearing section employee verifying such mailings must sign Form 3607 in the space provided. Forward Forms 3607 to director, office of finance or chief accountant daily.

.577 *Small Offices*

At small offices which do not have a weigher or a chief accountant, the postmaster and employees designated by him must perform the weighing and financial duties following in principle the instructions in 145.54-.56 except that the use of Forms 3607 and 3083 may be omitted. The function of receiving cash deposits for permit imprint mailings should be separated, as much as possible, from that of weighing and maintaining Form 3609. The employee receiving advance deposits must forward the duplicate copies of Form 3544 to the employee maintaining the cashbook; triplicate to employee maintaining

Form 3609. When cash is paid for postage at the time of mailing, the amount of postage charged may be entered directly in the appropriate revenue account. In this case entries in the trust fund account are not required.

145.6 ADDITIONAL SERVICES

Postage may be paid by means of permit imprints on matter which is entitled to be registered, or sent as certified, insured, or COD mail.

145.7 IMPROPER USE OF PERMIT IMPRINTS

.71 DISTRIBUTED OUTSIDE THE MAIL AND AS ENCLOSURES

Since permit imprints indicate that the matter on which they appear has had postage paid thereon under the permit imprint system, they must not ordinarily appear on matter which has not had postage so paid thereon, as, for example, matter which is circulated by means other than mail or which is circulated as an enclosure with other matter either by mail or by means other than mail. Permit imprints may appear on address labels, wrappers, envelopes, and other containers, and on complete mailing pieces, which have not had postage paid thereon under the permit imprint system, provided it would be impracticable to omit the permit imprint, as, for example, when envelopes are shipped from a printer to a permit imprint permit holder.

.72 PLACE OF ACCEPTANCE

Permit imprint matter will be accepted for mailing only at the post office shown in the permit imprint except when company permit imprints are used as provided for by 145.33 or when arrangements for acceptance at other post offices are made under the provisions of 145.8.

.73 NONPERMIT MAILINGS

Permit imprints must be obliterated from matter which is mailed as nonpermit imprint matter prepaid with postage by means of stamps or meter stamps.

145.8 OPTIONAL PROCEDURE FOR ACCEPTING PERMIT IMPRINT MAIL

.81 OBJECTIVE

The purpose of this optional procedure is to provide for the acceptance of permit imprint mail using the minimum amount of space, time, and manpower, and utilizing the latest developments in mechanization, facilities, and transportation while maintaining adequate control of the collection of correct postage charges.

.82 PROCEDURE

Weighing of the entire mailing on scales is not required. Postage is computed from the mailers' *Mailing Statement*, Form 3602 or *Mailing Statement—4th Class Bulk Rates*, Form 3605, which must always show the total number of pieces. The total computed weight must also be shown when it is known that the minimum per piece postage charge will not apply.

.83 VERIFICATION

Sample pieces from each mailing shall be weighed by a post office employee, either at the mailers' plant or at the post office, to determine whether the pound or the minimum per piece postage charges apply. Post office employees may be sent on rotating assignments to the mailers' plants to weigh sample pieces and observe preparation of mail by mailers only when the mail is not to be delivered to the post office for dispatch or when considered necessary

and authorized in writing by Regional Postmaster General. Mailers must maintain for a three-year period, and make available for inspection and audit upon request of post office officials, all production and billing records relating to any particular mailing. A sample piece from the mailing must also be available.

.84 LIMITED USE OF OPTIONAL PROCEDURE

An optional procedure for items of identical weight must be authorized by the Regional Postmaster General. An optional procedure for items of nonidentical weight must be authorized by the Office of Mail Classification. It will be approved only when the mailers can make one or more of the following arrangements which are mutually beneficial to the mailers and the Postal Service:

a. Loading at the mailers' plant the major portion of the mailings into single or combination destination trailers with any remaining portion transported at the mailers' expense and risk from the plant to an acceptance place such as a special acceptance facility or sectional center facility designated by the Regional Postmaster General.
b. Transportation of the entire mailing at the mailer's expense and risk from the plant to the acceptance place designated by the Regional Postmaster General.
c. Merger by mailers of different varieties and classes of mailing pieces into direct sacks which could not be prepared if the pieces were mailed separately.
d. Unusual arrangements for which the Regional Postmaster General has obtained approval from the Office of Mail Classification, Rates & Classification Department.

145.9 EXPERIMENTAL NEGOTIATED PROCEDURES

Notwithstanding any other provision of the regulations of the Postal Service, the Office of Mail Classification may authorize contracts with individual mailers to provide for experimental methods of paying postage whenever the adoption of such methods would be in the best interests of the Postal Service. Such contracts may provide for surcharges to cover damages suffered by the Postal Service from the incorrect payment of postage.

Part 146

PREPAYMENT AND POSTAGE DUE

146.1 POSTAGE PAYMENT

.11 PREPAYMENT REQUIRED

Postage on all mail must be fully prepaid at the time of mailing, with the following exceptions:

a. Business reply mail, see 131.23, or metered reply mail handled as business reply mail, see 146.122.
b. Federal Government and free mail, see part 137.
c. Certain mail for the blind, see part 138.
d. Mail sent by members of the Armed Forces, see 131.7.
e. Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see 131.8.
f. Keys and identification devices returned to owners, see 134.13.

.12 INSUFFICIENT PREPAYMENT

.121 Mail of any class, including that for which special services are indicated, received at either the office of mailing or office of address without any postage, will be endorsed *Returned for Postage* and returned to the sender without an attempt at delivery. If no return address is shown, or if the delivery and return address are identical, the piece will be disposed of in accordance with 159.4. (Note that letters, but not post cards, are to be sent to dead mail offices as prescribed in 159.41m.)

.122 Metered reply mail, which is prepared in accordance with 144.112, except for the mailer's inadvertent failure to imprint a meter stamp on the envelope, will be treated as business reply mail (see 131.23), and will be delivered upon payment of postage and the corresponding business reply fee specified in 131.233.

.123 Mail of any class, including that for which special services is indicated (except registered mail—see 161.31), received at either the office of mailing or office of address without sufficient postage will be:

a. Marked to show the total deficiency of postage and fees.
b. Dispatched promptly to the addressee by means of the regular or special service indicated.
c. Delivered to addressee on payment of the charges marked on the mail. When quantity mailings of ten or more pieces are received at the office of mailing without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

.124 When the addressee refuses to pay the deficient postage, and when the mail is undeliverable for any other reason, it will be handled as follows:

a. First-class mail, including airmail, bearing a return address will be returned to the sender and delivered on payment by him of the deficient postage.
b. Mail other than first-class bearing a return address will be returned to the sender and delivered on payment by him of the total of the deficient postage, the forwarding postage, if any, and the return postage.
c. All mail that does not bear a return address will be disposed of in accordance with 159.4. (Note that letters, but not post cards, are to be sent to dead mail offices as prescribed in 159.41m.)

.13 POSTAGE ON MAIL INSUFFICIENTLY PREPAID

Postage stamps stuck to mail are canceled when the mail is first received in the post office. Postage stamps or meter stamps originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

.14 CONTESTED CLASSIFICATION

.141 If a mailer disagrees with a classification decision made by a local post office, the decision may be appealed by the mailer, in writing, to the postmaster within thirty days. The postmaster will forward the appeal to his postal services center where a decision will be made on the appeal. An unfavorable decision by the postal services center may be appealed, in writing, within ten days following receipt of the decision. The appeal must be filed with the postmaster. The postmaster will forward the appeal to the General Manager, Domestic Mail Classification Division, U. S. Postal Service, Washington, DC 20260, for a final decision.

.142 Pending resolution of an appeal, the mailer may, by letter to the local postmaster, request to mail under a deposit arrangement. The mailer must deposit with the postmaster an amount adequate to cover postage at the higher rate. The difference between the amount deposited and a lower rate subsequently determined to be appropriate will be returned to the mailer if his appeal is sustained. If the appeal is denied, the deposit will not be returned; the applicable postage will be deducted from the deposit and entered in A/C 114 as postage revenue through the use of a postage-due invoice in lieu of postage due stamps. The customer will be requested to sign the invoice and will be given a duplicate. If a balance remains in the deposit after the postage has been deducted, it should be refunded if the customer so wishes.

146.2 MAILABLE MATTER NOT BEARING POSTAGE FOUND IN, PLACED UPON, ATTACHED TO, SUPPORTED BY, OR HUNG FROM, PRIVATE MAIL RECEPTACLES

.21 PENALTY

Whoever knowingly and willfully deposits any mailable matter such as statements of account, circulars, sale bills, or other like matter, on which no postage has been paid, in any letterbox established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined not more than $300.

.22 COLLECTION OF POSTAGE

.221 Except as permitted in 156.58, any mailable matter not bearing postage found in, or upon, or attached to, or supported by, or hung from, the private mail receptacles described in 151.11, is subject to the payment of the same postage as would be paid if carried by mail. When such matter is found, it will be dated, initialed, marked to show the address where it was found and taken to the post office. If general distribution of identical pieces has been made on a route, only two copies, each dated, initialed and marked with the address where found, should be taken to the office along with a written notation of the total number of identical pieces observed on the route. The postmaster shall have a memorandum prepared showing the details to support the claim of postage.

.222 If the person or firm or distributor responsible for, or who assists in, the impermissible use of the private mail receptacles is known, and is within the delivery area of the post office, the local postmaster shall make demand for the total postage chargeable on all pieces. If the pieces are found *in* the receptacles, the postmaster shall also inform the person or firm or distributor that the practice is a violation of the law. An equivalent amount of postage due stamps affixed to a sheet of paper and properly canceled as a receipt for money collected shall be given the person or firm. If payment is in form of uncanceled stamps or meter stamps, they will be affixed to a sheet, canceled and returned as a receipt for payment. No other receipt will be issued.

.23 REPORT TO OTHER OFFICE

If the person or firm or distributor responsible for the impermissible use of the private mail receptacles is located at another post office, send a sample piece with a report of the facts to the postmaster at that location with request that he take the action in 146.22.

.24 REPEATED VIOLATIONS

If the person or firm or distributor responsible for the impermissible use of the private mail receptacles continues the impermissible use after having been notified that the use is impermissible, the postmaster shall submit a sample piece and a report of the facts (see 146.22) to the postal inspector in charge.

146.3 COLLECTION OF POSTAGE DUE

.31 UPON DELIVERY

Postage due mail is collected in cash only, prior to delivery to addressee. Exception: Postage on quantity mailings found in private mail boxes is collected as required in 146.22.

.32 BY ADVANCE DEPOSIT

If postage-due collections amount to approximately $10 or more every 60 days, payment may be made by advance deposits of money.

.33 RECEIVING DEPOSITS

Window clerks who receive money deposits must issue receipts on Form 3544 in triplicate. Send or hand the original to the customer, duplicate to the director, office of finance, chief accountant, or employee maintaining the cashbook, and triplicate to the clerk designated to process postage-due mailing for customers paying by advance deposits.

.34 HANDLING MAIL

To the maximum extent practicable, the clerk designated to process postage-due mail for customers who have made advance deposits shall not handle cash, including postage-due transactions. He must:

a. Be assigned a fixed credit of postage-due stamps or the use of a postage-due meter (see 144.834).
b. Maintain a record of deposits, withdrawals, and balances for patrons on Forms 25, *Trust Fund Account*.
c. Affix necessary postage-due stamps or meter impressions to mail.

.35 REPLENISHING FIXED CREDITS

The postage-due clerk will use Form 17, *Stamp Requisition*, marked *Advance Postage Due* to replenish his fixed credit, in the same manner as for other stamp fixed credits. Requisition may be scheduled on either a weekly or an accounting period cycle, based on need for stock replenishment and number of transactions.

.36 REPORTING TRANSACTIONS

.361 Clerks using postage-due stamps will prepare Form 3083, *Trust Accounts Receipts and Withdrawals*, each time they prepare Form 17. The entry on line 2 of Form 3083 must be the total of Forms 3544 received since

submission of the previous Form 3083. The entry on line 5 of Form 3083 must be identical to the requisition total shown on the related Form 17. Send Form 3083 to the director, office of finance, chief accountant or postmaster as appropriate.

.362 Clerks assigned a postage meter for affixing postage due will prepare Form 3602-PO at the close of their tour to account for the amount of impressions applied to postage due mail. They will also prepare Form 3083 as described in 146.361 except that the entry on line 5 must be identical to the amount of postage used on Form 3602-PO. Mark Form 3602-PO *Advance Postage Due*. Forward Forms 3083 and 3602-PO to the director, office of finance, chief accountant or postmaster as appropriate.

.363 Clerks obtaining postage-due meter impressions from another employee having custody of a meter will prepare Form 3083, entering on line 5 the amount of postage furnished. Give the Form 3083 to the employee accountable for the meter for use as a cash voucher and submission with the Form 3602-PO he prepares.

.37 PARCELS CONTAINING WRITTEN MATTER

At the office of address, parcels subject to postage due may be handled as follows:

a. Collect postage due for parcels containing nonpermissible written matter which is merely incidental to the entire contents at the following rates:

Difference between first-class rate and rate paid	*Postage-due charge*
$0.01–$0.25	Full amount
0.26–1.00	$0.25
1.01 or more	1.00

b. Collect at the first-class rate postage due on parcels consisting mainly of first-class matter.
c. Affix postage-due stamps for the amount received as prescribed under *a* or *b*, cancel stamps, and deliver parcel.
d. If postage-due charge is for unpaid first-class enclosure found in parcel, use Form 3751, *Notice of Unpaid Enclosure in Package*, to notify sender.

146.4 WHEN NOT TO COLLECT

.41 STAMPS LOST OFF MAIL

When it is apparent from the impression of a canceling stamp that a postage stamp has been wholly or partially lost, handle the piece as prepaid one full rate only.

.42 ADDRESSED TO POSTMASTER

Postmasters must not pay postage due on mail addressed to them in their official capacity. If the mail is of a personal character, postage-due charges must be collected before delivery.

.43 ADDRESSED TO REGIONAL OFFICE, POSTAL INSPECTOR IN CHARGE, AND POSTAL INSPECTORS

Deliver mail bearing postage-due charges and addressed to a regional office or addressed in their official capacity to postal inspectors in charge or to postal inspectors without collection of additional postage.

.44 ADDRESSED TO OTHER FEDERAL GOVERNMENT OFFICES

.441 *At Washington, D.C.*

Deliver any part-paid or unpaid letter addressed to any U.S. Government department or bureau at Washington, D.C., without collection of additional postage. Return mail to the sender if failure to prepay full postage appears intentional. Do not collect any postage due on other mail addressed to those Federal Government agencies listed in 137.231a.

.442 *At Places Other Than Washington, D.C.*

Do not collect any postage due on mail addressed to those Federal Government agencies listed in 137.231a. Postage due on mail for Government offices not listed in 137.231a must be collected by the postmaster making delivery.

.45 REGISTERED MAIL

Deliver registered mail, except that endorsed to show that it was registered in transit, without collection of postage due. Complete Form 3826, *Registry Irregularity Report*, and send it to the post office of mailing. The postmaster at that office must follow instructions on Form 3826 to account for the short payment. Collect postage due on matter registered at other than the mailing office.

146.5 POSTAGE-DUE STAMPS

.51 USE

Postage-due stamps are to be used to collect postage due on mail. Do not accept them in payment of postage. If no postage-due stamps are on hand, issue ordinary stamps. If you receive a letter mailed from another post office with only postage-due stamps attached and their value covers full postage charges, deliver it without collection of additional postage.

.52 WHEN TO AFFIX

.521 At City Delivery Offices

Affix postage-due stamps to postage-due mail received for delivery, unless addressee has filed a forwarding order, or delivery is to be made through lock boxes or general delivery, or unless there is good reason to believe the postage due will not be paid.

.522 At Other Offices

Do not affix postage-due stamps to mail of any class prior to delivery except as provided in 146.523.

.523 Rural Delivery At All Offices

Affix postage-due stamps to all classes of shortpaid mail and assign to the carrier for collection and delivery, including any shortpaid mail for customers of non-personnel rural stations and branches served by the carrier.

.53 WHEN TO CANCEL

Immediately after affixing.

.54 CHARGING OF STAMPS TO CARRIERS

.541 Due Bill

When postage-due mail is turned over to a carrier, he must sign a due bill, Form 3582–B, for the value of the stamps furnished or handle in accordance with 146.542.

.542 Advancing Amount

Carriers may make advance payments for postage-due stamps from personal funds, and a due bill need not be signed.

.543 Failure to Collect

The carrier must leave a notice on Form 3570, *Notice of Attempt to Deliver Mail*, if the deficient postage cannot be collected. Rural carriers who cannot collect without leaving the route must give notice on Form 3570. Return the mail to the post office for the prescribed retention period pending payment of postage due or directions for disposition.

.544 Settlement

When the carrier returns to the post office, he must account for the postage due collected or return undeliverable mail. He will then be given the due bill which he signed or any portion of the sum advanced.

.55 ON UNDELIVERABLE MAIL

.551 Voiding Stamps

Before mail to which postage-due stamps have been affixed is forwarded or returned to another post office or transferred for delivery from another unit, station, or branch of the same office, or when this mail becomes dead, mark the postage-due stamps *Voided*.

.552 Disposal of Mail

After the stamps have been voided, release the mail for dispatch in the regular manner, marked for forwarding or return. Dispose of dead mail as prescribed.

.553 *Mail Bearing Voided Stamps Received at an Office*

Treat mail bearing postage-due stamps marked *Voided* which is received at any office, station, or branch in the same manner as other postage-due mail.

.56 CLAIMS FOR VOIDED STAMPS

.561 *Individual Fixed Credits*

Keep a daily record on Form 25, *Trust Fund Account*, of amount of postage-due stamps voided. Once each quarter, or more frequently if quantity justifies, total the record and mark on Form 25: *I certify that postage-due stamps in the amount of $..... were voided by me.* The certification must be signed by the postage-due clerk and certified by a supervisor. Submit the Form 25 with damaged or redeemed stamp stock, listing the value on the reverse of Form 17, *Stamp Requisition*.

.562 Post Office Accounts

a. *Offices Authorized to Have Stamp Stock Destruction Committee*
   (1) Keep summary record of claims from postage-due clerks on Form 25.
   (2) Have destruction committee verify claims on Form 25 from postage-due clerks and destroy Forms 25. After witnessing verification and destruction of claims from postage-due clerks, each member of the committee must sign a statement on Form 3238, *Destruction Certificate*, certifying to total amount of postage-due stamps voided.

b. *Other Offices*
   (1) Send claims for voided postage-due stamps to the appropriate sectional center in accordance with the schedule in section 224.331, Fiscal Handbook F-1, *Financial and Cost Controls*. Include the value of the voided postage-due claims with that for nonsaleable stamp stock when computing minimum values for shipment. Package voided postage-due

claims separately from other stamp stock and mark the envelope or package *Voided Postage-Due Claims*.

(2) Prepare a separate destruction certificate, Form 3238, in accordance with instructions in section 224.332, Fiscal Handbook P-1. List claims for voided postage-due only. Do not list claims for voided postage-due on destruction certificates for any other type of stock.

c. *All Offices*

Enter amount in AIC 510(D) and submit Form 3238 with next statement of account.

146.6 QUANTITY MAILINGS SHORTPAID

.61 FIRST CLASS

Rate amount of postage due and handle as required in 146.31.

.62 OTHER CLASSES

.621 Report to Mailing Office

Report to postmaster at mailing office on Form 3750, *Notice of Shortpaid Mail*, receipt of other than first-class mail obviously representing a quantity mailing of similar pieces. Send a specimen with the report. Issue this report if you are the postmaster at office of address or at a large post office designated to distribute State mail.

.622 Disposition

After completing report mark the balance of mail *Form 3750 Sent*, and send the mail on for delivery without rating or collecting postage due. Postage due will be collected from mailer. See 146.624.

.623 Repeated Errors

When it is observed that shortpaid quantity mailings are repeatedly received from the same post office, send Forms 3750 and specimen pieces to the revenue protection officer in the region where the mailing office is located.

.624 Collection of Postage Due At Mailing Office.

When reports on Form 3750 are received, ascertain number of pieces in entire mailing and collect total postage due from the mailer. Affix to sheet of paper, cancel, and give to mailer postage-due stamps or postage-due meter stamps as a receipt for money collected. If payment is by uncancelled stamps or meter stamps, affix them to a sheet, cancel, and return as receipt of payment. Furnish no other receipt.

.625 Disposition of Specimen Piece.

Send the specimen piece under cover to postmaster at office of address for delivery.

Part 147

EXCHANGES AND REFUNDS

147.1 EXCHANGES OF STAMPS

.11 POST OFFICE MISTAKES.

Mistakes in selling damaged, defective, or otherwise unserviceable stamps may be corrected by the post office by exchanging stamps at full value.

.12 PURCHASER'S MISTAKES.

Mistakes made by purchaser in buying adhesive stamps of the wrong denomination or stamped envelopes or postal cards of the wrong kind, size, or denomination may be corrected by exchanging stamps at full value, provided mistake is discovered within 48 hours from time of purchase.

.13 UNSERVICEABLE AND SPOILED ENVELOPES OR CARDS AND UNUSED PRECANCELED STAMPS.

Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps and postal cards, may be exchanged for other postage-stamped paper as follows:

a. Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

b. Unmutilated aerogrammes (air-letter sheets), for postage value less 1 cent for each aerogramme redeemed.

c. Unmutilated single and double postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(1) Either half of a double postal card may be redeemed if the double card has been printed and cut for use as single cards.

(2) Unused double postal cards printed for reply purposes should not be separated; however, if they have been separated in error, and the purchaser presents both halves, the cards may be redeemed.

(3) Reply halves of double postal cards that have been returned to sender outside of the mails are not redeemable by the original purchaser even though the reply half received no postal service.

d. Sheet postal cards spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

e. Stamps affixed to commercial envelopes and post cards, for 90 percent of postage value. Envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

f. Unused precanceled stamps in full coils or in full sheets redeemed from precanceled permit holders, for 90 percent of postage value.

Stamped envelopes or aerogrammes (air-letter sheets) with a printed return address and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210 for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

.14 NONEXCHANGEABLE.

The following are nonexchangeable:

a. Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and post cards.

b. Stamps cut from postal cards, stamped envelopes, or aerogrammes (air-letter sheets).

c. Parts and pieces of postal cards.

d. Postal cards, stamped envelopes and aerogrammes received for reply purposes.

e. Mutilated and defaced stamps.

147.2 REFUNDS

.21 CONDITIONS THAT JUSTIFY REFUND

.211 When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

.212 The Postal Service is considered to be at fault and no service is rendered in cases involving returned articles improperly accepted in both domestic and international services because of excess size or weight.

.213 Mailers who customarily weigh and rate their mail are expected to be familiar with basic requirements and the Postal Service is not considered to be at fault when these mailers are required to withdraw articles from the mail prior to dispatch.

.214 See 147.232 and 147.25 for special provisions for refunding the postage value of unused meter stamps.

.215 A postage refund may be provided the sender for first-class, third-class single piece, and fourth-class mail torn or defaced during processing by the Postal Service to such extent that identification of addressee or intended delivery point cannot be made. This applies only when the failure to process and/or deliver is the fault of the Postal Service. Where possible, the damaged item should be returned with the postage refund endorsed as applicable under 333.264e. Submission of Form 3533, *Application and Voucher for Refund of Postage and Fees*, is not required.

.216 Requests for refunds which are questionable, or which cannot be processed in accordance with the provisions of this section (147.2) should be forwarded to the postal services center serving the office where the request originated. The postal services center postmaster will return the request along with his ruling to the office which submitted the request.

.22 APPLICATION

.221 Customers who wish to request a refund must submit an application on Form 3533 to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

.222 Requests for refunds for optional procedure mailings must be submitted to the regional director, finance department, who will forward them to the Director, Office of Mail Classification, for review.

.23 AMOUNT OF REFUND ALLOWABLE

.231 Refund of 100 percent will be made:

a. When the Postal Service is at fault.
b. For the excess when postage or fees have been overpaid the lawful rate.
c. When service to the country of destination has been suspended.
d. When postage is fire-scarred while in the custody of the Postal Service, including fire in letterbox, and the mail is returned to sender without service.
e. When special delivery stamps are erroneously used in payment of postage, and the mail is returned to the sender without service.
f. When fees are paid for special delivery, special handling, and certified mail, and the article fails to receive the special service for which the fee has been paid.

g. When surcharges are erroneously collected on domestic registered mail or collected in excess of the proper amount, or represented by stamps affixed to matter not actually accepted for registration.
h. For fees paid for return receipts or for restricted delivery when the failure to furnish return receipt or its equivalent, or erroneous delivery, or non-delivery, is due to fault or negligence of Postal Service.
i. For annual bulk mailing fee when no bulk mailings of third-class matter are made during the year for which the annual fee has been paid.

Subchapter 150 COLLECTION AND DELIVERY

Part 151

GENERAL

151.1 PRIVATE MAIL RECEPTACLES

.11 DESIGNATION AS AUTHORIZED DEPOSITORY

Every letterbox or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, star route, or other mail route is designated an authorized depository for mail within the meaning of 18 U.S.C. sections 1702, 1705, 1708, and 1725. For the purposes of 146.2, 151.12, 156.44 and 156.58, the post is not part of the receptacle.

.12 USE FOR MAIL ONLY

Except as provided in 156.58, the receptacles described in 151.11 shall be used exclusively for matter which bears postage. Therefore, other than as permitted in 156.58, no part of a mail receptacle may be used to deliver any matter not bearing postage. This applies to items or matter placed upon, supported by, attached to, hung from, or inserted into, a mail receptacle. Any mailable matter not bearing postage and found as described above is subject to the same postage as would be paid if it were carried by mail. See 146.2 for procedures to be followed.

151.2 LOCAL ORDINANCES AND STATE LAWS

Postmasters are expected to report to regional offices any contemplated action by local or State authorities to enact or consider enactment of local ordinances or State laws that would adversely affect operating costs or performance of postal service.

Part 152

WHO MAY CARRY LETTERS

152.1 PRIVATE EXPRESS STATUTES

By a group of laws known as the Private Express Statutes Congress has generally conferred upon the Postal Service the exclusive right to carry letters for others over post routes.

152.2 IMPLEMENTING REGULATIONS: *QUESTIONS ANSWERED ON PRIVATE EXPRESS STATUTES*

The Postal Service's regulations under the Private Express Statutes are published in the Code of Federal Regulations, 39 CFR Parts 310 and 320. These regulations take precedence over any inconsistent material in prior rulings and publications of the Postal Service, including Publication 111, *Restrictions on Transportation of Letters* (5th Ed. July 1967). The Postal Service has also published *Questions Answered on Private Express Statutes* containing answers to ten of the most frequently asked questions about the Statutes. Copies of the regulations or of *Questions Answered on Private Express Statutes* may be obtained from the Assistant General Counsel, Opinions Division, U.S. Postal Service, Washington, DC 20260.

152.3 GENERAL COVERAGE OF THE PRIVATE EXPRESS STATUTES

.31 DEFINITION OF *LETTER*

For purposes of the Private Express Statutes, a *letter* is defined as a message directed to a specific person or address and recorded in or on a tangible object. A *message* consists of any information or intelligence that can be recorded on tangible objects including, but not limited to, paper, in sheet or card form, recording disks, and magnetic tapes.

.32 EXCLUSIONS

Certain matter is excluded from the definition of the term *letter*, such as telegrams; checks and certain other instruments when shipped to, from, or between financial institutions; newspapers, and periodicals. (Other exclusions are described in the regulations.)

.33 PAYMENT OF POSTAGE

If the proper postage is paid, the letters may be privately carried without violating the Private Express Statutes. (The details to be complied with in cases of this kind are outlined in the regulations.)

.34 EXCEPTIONS

Letters may be carried privately and without paying postage under certain circumstances. The principal exceptions cover material transmitted with and relating exclusively to cargo; letters carried by the sender or the recipient, or by their regular salaried employees; and letters carried to or from a postal facility where they are to be or have been carried in the mail. (Details concerning these and other exceptions are found in the regulations.)

.35 SUSPENSION

A limited suspension of the Private Express Statutes permits the private carriage of certain defined data processing materials to and back from data processing centers, when the transmission is completed within 12 hours or by noon of the recipient's next business day, and when processing commences on materials sent to a processing center within 36 hours of receipt at the center. Carriers wishing to use this suspension to carry data processing materials for others must file a notice of their intention to operate on a form obtainable from the Private Express Liaison Officer, Customer Services Department, U.S. Postal Service, Washington, DC 20260. (Further details on this suspension are set out in the regulations.)

152.4 VIOLATIONS

Possible violations of the Private Express Statutes should be brought to the attention of the Inspection Service.

152.5 ADVICE ON THE MEANING OF PRIVATE EXPRESS STATUTES AND REGULATIONS

Members of the public and postal officials may obtain authoritative advice, including written advisory opinions, by contacting the Assistant General Counsel, Opinions Division, U.S. Postal Service, Washington, DC 20260.

Part 153

MAIL DEPOSIT AND COLLECTION

153.1 COLLECTION TIMES

Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes from becoming overloaded and to provide an even flow of mail to the post office.

153.2 ORDINARY DEPOSIT OF MAIL

.21 POST OFFICES LOBBIES

Letter drops are provided in lobbies of all post offices for the deposit of mail.

.22 COLLECTION BOXES

Collection boxes for the deposit of mail are placed at convenient points in areas served by city carriers; at non-city-delivery offices in front of the post office quarters and in nonpersonnel rural stations and branches.

.23 RURAL BOXES

Mail on which postage has been paid may be deposited for collection in mailboxes on rural routes.

.24 VIM MAILROOMS

Mail may be deposited in bundle mail drops where provided. Otherwise, it may be left with the carrier on duty when the VIM call window is open.

153.3 DEPOSIT OF MAIL WITH EMPLOYEES

The following types of mail may be handed for dispatch to employees on duty in mobile units or transfer offices and at airport mail facilities. Unless acceptance has been prearranged and previously authorized by the postmaster, only parcels which may be opened for postal inspection in the presence of the mailer to determine mailability of contents may be accepted at airport mail facilities.

a. *First-Class Mail.* On which postage has been paid.

b. *Medicines and Serums.* Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: *Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender.*

Third- and fourth-class mail, other than that described and mail to be sent registered, insured, or COD, is not mailable with the employees identified above.

153.4 SEPARATION OF MAIL BY SENDER

Customers having large mailings should separate them into packages marked *Local* and *Out of Town*. These labels may be obtained from the post office.

153.5 RECALL OF MAIL

.51 WHO MAY RECALL MAIL

Mail deposited in a collection box or post office may be recalled on proper identification by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind. Submit Form 1509, *Sender's Application for Recall of Mail*, obtainable at any post office, to the postmaster at the office of mailing. Postmasters at offices of address must comply promptly with recall requests from Federal Government executive departments or their regional offices. The requirement that the application for recall be made through the mailing office does not apply to official mail. File all applications for the recall of mail and related papers at the office of mailing.

.52 EXPENSES

The mailer must pay all expenses of recalling mail, including the cost of any necessary telegrams, and the regular rate of return postage (except for first-class mail, which is returned without additional postage).

.53 ORIGINAL POSTAGE

If mail recalled before dispatch is again presented for mailing, accept the original stamps for postage at face value. This does not apply to stamps in payment of registry, insurance, or COD fees.

.54 CARRIERS

Carriers or collectors will not return mail deposited in a letterbox from which collection is made by a post office employee or which has come into his custody in the performance of his official duties.

.55 REGISTERED MAIL

The customer will write or stamp *Withdrawn Before Dispatch* on his copy of the registered mail receipt, sign it, and surrender it. The customer's surrendered receipt will be attached to the post office copy. Write or stamp the same words on, and postmark the face of the article.

.56 TELEGRAM

If the mail has been dispatched from the mailing office, the postmaster at that office shall telegraph a request to the postmaster at the office of address for return of the mail. The mail shall be carefully described to identify it and prevent the return of any other mail. Dispatch particulars shall be furnished if they will be of assistance in locating the mail.

.57 RETURN

Return recalled mail to the mailing postmaster reenveloped or rewrapped under penalty indicia. The mailing postmaster must deliver it to the sender on payment of the necessary fees and any postage due. Registered mail shall be returned as official registered mail in a penalty envelope without charge for the registry fee. If the mail was delivered before the recall application or the telegram was received, make a report to the mailing postmaster who will inform the sender. Do not advise the addressee that mail has been recalled or that recall was requested.

Post Office Services (Domestic) TL-41, 12-31-76, Issue 115

153.6 MAIL CHUTES AND RECEIVING BOXES

.61 USE

.611 Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

.612 Mailing chutes and receiving boxes are intended for the deposit of first-class mail and small quantities of single-piece rate third class. Bulk rate mailings of third-class mail may not be deposited in mail chutes and receiving boxes.

.62 INSTALLATION, SPECIFICATION, AND MAINTENANCE

Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The specifications for mail chutes and maintenance procedures are covered in Publication 16, *Mailing Chute Rules, Regulations, and Specifications.*

Part 154

CONDITIONS OF DELIVERY

154.1 DELIVERY TO PERSONS

.11 DELIVERY TO ADDRESSEE

The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. Also, he may request his postmaster in writing to withhold from delivery for a period not to exceed 2 years any foreign letter or printed matter bearing a specified name or address appearing on the outside. Such mail will be marked REFUSED by the post office and treated as undeliverable. After delivery, he may mark a piece of mail *Refused* and return it unopened to the mail, EXCEPT registered, insured, certified and COD mail may not be returned after delivery has been effected. Refused matter, including mail withheld from delivery in accordance with the addressee's request, will be treated as undeliverable. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

.12 DELIVERY TO PERSONS HAVING SIMILAR NAMES

Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

.13 MAIL DELIVERED TO WRONG PERSON

A person receiving mail not intended for him should promptly return it to the post office endorsed *Opened by Mistake* with his signature, if the letter has been opened; otherwise it should be endorsed *Not for . . ., Not at this address,* etc.

.14 CHECKS ISSUED BY THE FEDERAL GOVERNMENT

.141 Federal Government checks will be delivered to the addressee, to persons who customarily receive his mail, or to other persons authorized in writing to receive his mail. Delivery will not be made to an attorney, claim agent, or broker even though the addressee requests such delivery unless the check is specifically addressed in care of the attorney, claim agent, or broker.

.142 If convenient, the addressee will be alerted by ringing the bell or knocking on the door. The carrier is not required to await a response.

.143 Delivery will be withheld and the check returned to the sender immediately, if it is known that the addressee:

a. Is deceased.
b. Has moved without filing a change of address even though the new address may be known.
c. Has reenlisted in the military or naval service.
d. Is under guardianship.
e. Is a widow who has remarried and the check is not addressed to her in her new name.

.144 Treasury checks enclosed in envelopes which do not indicate a date of delivery will be delivered on the first scheduled delivery after receipt.

.145 Treasury checks enclosed in envelopes which indicate a date of delivery will be delivered on that date or the first scheduled delivery after that date. In emergency or other infrequent situations, customers receiving delivery service may request pre-delivery of their mail at the office of delivery, providing withdrawal of the mail does not interfere with carriers' delivery schedules.

.15 CHECKS ISSUED BY STATE AND LOCAL GOVERNMENTS

State and local government checks will be handled in accordance with instructions printed on the envelopes. Certain of these checks have instructions not to transfer or forward. If undeliverable as addressed, such checks will be returned to the sender immediately.

.16 MAIL MARKED *IN CARE OF* ANOTHER

Mail marked *In Care of* another is delivered to the first of the two persons named who may call for it; or to the address of the person in whose care it is directed in the absence of instructions from the addressee.

.17 RESTRICTED DELIVERY

Registered, certified, numbered insured, and COD mail which the sender has restricted in delivery to the addressee only may not be delivered to any other person except as provided in 165.34.

.18 MAIL MARKED PERSONAL

Mail bearing the word PERSONAL is delivered in the same way as other mail for the addressee.

.19 HOLDING MAIL AT REQUEST OF ADDRESSEE

Ordinary mail, except first-class bearing return address of sender specifying a retention period, will be retained at the office of address at the request of the addressee for a period up to 30 days. Under unusual conditions, mail may be held for a longer period if the postmaster considers it practicable.

154.2 DELIVERY OF ADDRESSEE'S MAIL TO ANOTHER

.21 DELIVERY TO ADDRESSEE'S AGENT

.211 Unless otherwise directed, an addressee's mail may be delivered to his employee or to a competent member of his family. A person or a number of persons may designate another to receive their mail. Designation of another person to receive mail should be in writing, but no special form is furnished or required.

.212 When mail is to be delivered to a commercial mail receiving agency, Form 1583, *Application for Delivery of Mail through Agent*, must be signed by both the commercial agent and the addressee. The commercial agent must witness the signature of the addressee. The addressee shall be required to furnish two items of identification, the particulars of which shall be included on Form 1583. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. The original copy of Form 1583 will be filed without verifying the addressees shown thereon and without obtaining statements from the references given unless the postmaster is specifically requested to do so by the inspector in charge, or when there is reason to believe the mail will be, or is being, used for unlawful purposes. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are considered to agree that:

a. No change of address order will be filed with the post office when the agency relationship is terminated;
b. The forwarding of mail intended for the addressee is the responsibility of the agent; and,
c. When remailed by the commercial agent, the mail is subject to payment of new postage since delivery is deemed to have been made when the mail was delivered to the commercial agent.

.22 MAIL ADDRESSED TO MINORS

A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

.23 MAIL ADDRESSED TO INCOMPETENTS

Where a person has been legally declared an incompetent, his mail may be delivered under the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

.24 MAIL ADDRESSED TO DECEASED PERSONS

Federal Government checks addressed to deceased persons are returned to the mailing Federal agency. Mail other than Federal Government checks may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

154.3 JOINTLY ADDRESSED MAIL

.31 DELIVERY OF JOINTLY ADDRESSED MAIL

Where mail is jointly addressed, for example, *Mr. and Mrs. John Doe, John and Jane Doe*, neither party can control delivery of such mail over the objection of the other. Jointly addressed mail is delivered as addressed by the sender so long as one of the parties can receive it there, except that U.S. Government checks will be returned if either party is deceased.

.32 DELIVERY OF MAIL ADDRESSED TO HUSBANDS AND WIVES

Neither party may control delivery of mail addressed to the other. In the absence of instructions from the wife, her mail is placed with the husband's and delivered to him with his own.

154.4 DELIVERY TO OFFICIALS OR EMPLOYEES OF ORGANIZATIONS

.41 Mail directed to officials or employees of a governmental or private organization at the address of the organization will be delivered to the organization when such mail is claimed both by an officer or employee and by the organization. This also applies to mail addressed in this manner to former officials or employees.

.42 Mail addressed elsewhere to a public or private official by title or to the organization even though marked to the attention of a particular person or title will be delivered to the organization if it so directs.

154.5 DELIVERY TO OFFICIALS OR EMPLOYEES OF CORPORATIONS AND UNINCORPORATED FIRMS

.51 MAIL ADDRESSED TO CORPORATIONS is delivered as addressed or to an authorized agent. Where disagreement arises among corporate officers and others connected with the company, the mail is delivered in accordance with the order of the president of the corporation.

.52 MAIL ADDRESSED TO UNINCORPORATED FIRMS OR PARTNERSHIPS is delivered as addressed so long as the business is being conducted under the same name at the same address despite some members of the firm's breaking off relations.

c. Streets are paved or otherwise improved to permit travel of post office vehicles at all times without damage or delay.
d. Street signs are in place and house numbers displayed, where applicable.
e. Right-of-ways, turnouts, and areas adjacent to roads and streets are improved so that installation and servicing of boxes will not be hazardous to the public or postal employees.
f. Satisfactory walks for carriers where required.
g. Approved mail receptacles or door slots are installed at designated locations.

The requirements are essential to an efficient mail delivery service, and must be met before delivery is inaugurated in a community. In establishing delivery service, a combination of delivery methods should be considered to provide adequate service to all residential and business sections of a community. All establishments of delivery service must have final approval of the Regional Postmaster General or his designee.

155.2 DELIVERY EXTENSION REQUIREMENTS

Delivery service extension requirements are the same as those listed in 155.1 with the exception of paragraph a. Methods of delivery for extensions are furnished in regional instructions. Door delivery service must have the final approval of the Regional Postmaster General or his designee.

155.3 REQUESTS FOR DELIVERY SERVICE

Requests or petitions to establish, change or extend delivery service must be made to the local postmaster. No formal petition is required. Postmasters will forward requests or petitions to establish service to the postal official designated by the regional office with a statement indicating whether the requirements in 155.1 are met.

155.4 MAIL RECEPTACLES

.41 OBLIGATION OF CUSTOMER

Customers of the carrier delivery service must provide mail receptacles or door slots. Business houses are not required to provide mail receptacles or door slots if they are open and someone is on hand to receive the mail when the carrier calls. Where an office building is equipped with an elevator, carriers will deliver to individual offices, provided they are open when the carrier arrives. If they will not be open, mail receptacles or door slots must be provided.

.42 DOOR SLOT SPECIFICATIONS

The clear rectangular opening in the outside slot plate must be at least 1½ inches wide and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When an inside hood is used to provide greater privacy, the hooded portion must not be below the bottom line of the slot in the outside plate if placed horizontally, or beyond the side line of the slot in the outside plate nearest the hinge edge of the door if placed vertically. The hood at its greatest projection must not be less than 2½ inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the fihished floor line.

155.5 OUT-OF-BOUNDS CUSTOMERS

Customers outside city delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, certified, COD, and registered mail will be delivered to the residences of out-of-bounds customers, if the residences are not more than three blocks from the carrier's line of travel and passable walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the customer call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.

155.6 APARTMENT HOUSE RECEPTACLES

.61 REQUIREMENTS FOR DELIVERY

The delivery of mail to individual boxes in apartment houses, family hotels, residential flats, and business flats in residential areas containing three or more apartments having a common street entrance or common street number is contigent on the installation and maintenance of Postal Service approved mail receptables, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation is paid by the owner of the building.

.62 ADDRESS NUMBER

The delivery of mail in a new apartment house where approved mail receptacles are installed at two or more entrances is contingent on assignment of a different address number to each entrance. The tenants' correct mailing address shall be the address of the entrance at which their mail receptacles are located.

.63 IMPROVED RECEPTACLES

Owners and managers of apartment houses, family hotels, and flats, equipped with obsolete apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

.64 INSTALLATION, SPECIFICATIONS, AND APPROVAL

The conditions requiring installation, specifications for construction, installation procedures and approval procedures for manufacturers are covered in Publication 17, *Apartment House Mail Receptacles, Regulations, and Manufacturing Standards (Effective May 1, 1975)*.

Part 156

RURAL SERVICE

156.1 RURAL STATIONS AND BRANCHES

.11 ESTABLISHMENT

Rural stations and branches, both personnel and nonpersonnel, are established and maintained in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural or star route carriers only, and where it is determined inadvisable to establish an independent post office.

.12 FUNCTIONS

.121 Personnel rural stations and branches accept, dispatch, receive, and deliver mail, including registered, insured, COD, and certified mail, issue money orders and sell stamps and stamped paper.

.122 Nonpersonnel rural stations and branches are self-service units which furnish essential mail services such as the collection and delivery of ordinary mail and sale of stamps. Services such as the sale of money orders, and the acceptance and delivery of certified, insured, registered, and COD mail are provided customers of nonpersonnel rural stations and branches by the rural carrier at the time he services the unit. Carriers are

156.4 PAYMENT OF POSTAGE

.41 ACCEPTANCE OF MAIL

.411 A rural carrier will accept any mailable matter, provided postage is fully prepaid or money equal to the required postage is furnished, unless the purpose of handling mail to the carrier for deposit into one office is to "boycott" another office or deprive it of legitimate revenue. During December customers are required to affix stamps to all greeting cards and letter mail.

.412 When a rural carrier finds unstamped mail in a customer's box and the required amount of money for postage, he will normally collect the mail and money and affix the necessary postage. The carrier has stamps, stamped envelopes, and postal cards for sale. For convenience and safety, customers who leave mail and money in rural boxes to be collected by the carrier should either wrap the money, place it in a coin-holding receptacle, or attach it to the mail by means of a clip or other fastener.

.42 POSTAGE UNCERTAIN

When mail is given to a rural carrier for mailing and he is unable to determine the postage, he will accept from the sender an amount sufficient to insure full payment of postage. On the next trip he will return to the sender any excess money.

.43 INSUFFICIENT POSTAGE

When mailable matter is deposited in a box and the required postage has not been paid nor sufficient money left to purchase stamps, the rural carrier will, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter will be taken to the post office and treated as unpaid mail.

.44 MAILABLE MATTER NOT BEARING POSTAGE FOUND IN, OR PLACED UPON, OR ATTACHED TO, OR SUPPORTED BY, OR HUNG FROM, THE RURAL MAIL BOX

Follow the procedures in 146.2.

156.5 RURAL BOXES

.51 SPECIFICATIONS

.511 *Dimensions and Styles*

Three approved standard sizes and two styles of boxes are approved for use on rural routes:

Traditional and Contemporary Styles

Size	Inches (Approximately)		
	Length	Width	Height
1	19	6½	8½
1–A	21	8	[1] 10½
2	23½	11½	13½

[1] Optional letter slot.

In general, boxes may be constructed in any size between the maximum and minimum outside dimensions specified on approved drawings, provided the height, width, and length proportions and the general shape are maintained.

.512 *Drawings*

Construction standards and drawings for guidance in the manufacture of rural mailboxes may be obtained by writing to the Delivery Services Department, Operations Group, U.S. Postal Service, Washington, DC 20260.

.513 *Approval*

To secure approval of rural boxes, submit to the Delivery Services Department:

a. Not less than two complete boxes of each style made of exact materials, construction, coating, paint, etc., to be identical in every way with the boxes intended to be marketed. (Two boxes will be damaged during testing.)
b. The identification of all parts of the box, by material, alloy, heat treatment, and (for non-metallic parts) physical properties.
c. The complete composition, formula, and trade name and designation, of all paints and non-metallics.
d. A sample showing the marking required by 156.514.
e. A copy of the instructions required by section S–12 of the standards.
f. Color samples showing all color schemes expected to be used.
g. The boxes wrapped in the packaging proposed for shipping them.

Written notification of approval or disapproval, including reasons for disapproval, will be issued. All boxes submitted will be returned, including those damaged during testing, unless the Postal Service is authorized, in writing, to retain them.

.514 *Marking*

All boxes shall have the following inscription legibly embossed into the door of the box (after approval of the box): U.S. MAIL and APPROVED BY THE POSTMASTER GENERAL. The name of the supplier and the month and year of manufacture shall also be noted on the box, either by embossing in small letters on the rear of the box or by a permanent conspicuous marking on one inside wall of the box. This marking may be accomplished by embossing, stencilling, stamping, or a permanent-type decal. The address of the supplier may be included, if desired.

.515 *List of Approved Manufacturers*

Following is a list of manufacturers and suppliers of rural and contemporary-style suburban mailboxes whose samples have been approved by the Postal Service:

Babco Manufacturing, Inc.
11677 Sheldon Street
Sun Valley, California 91352
C

Chicago Heights Furnace
Supply Company, Inc.
96–104 East 22nd Street
Chicago Heights, Illinois 60411
1–1A–2

E. Z. Manufacturing Company
Springfield, South Dakota 57062
(Door Conversion Kit for No. 2)

Falls Stamping & Welding Company
Post Office Box 153
Cuyahoga Falls, Ohio 44222
1–2

Fulton Corporation
Fulton, Illinois 61252
1–1A–2–C

Gemini Industries, Inc.
140 Delawanna Avenue
Clifton, New Jersey 07014
1-1A

General Housewares Corporation
800 West Willard Street
Muncie, Indiana 47302
C

Hermitage Stamping Company
7119 Cockrill Bend Industrial Rd.
Post Office Box 7885
Nashville, Tennessee 37209
1

Jackes-Evans Manufacturing Company
11737 Administration Drive
Saint Louis, Missouri 63141
1–1A–2

Kelley Manufacturing Company
Los Angeles Division
5100 Santa Fe Avenue
Los Angeles, California 90058
1–2

Leigh Products, Inc.
Coopersville, Michigan 49404
C

Macklanburg-Duncan Company
Post Office Box 25188
Oklahoma City, Oklahoma 73125
1

Montgomery Ward & Company
619 West Chicago Avenue
Chicago, Illinois 60610
1–1A–2–C

Northwest Metal Products Company
Div. of Noll Manufacturing Company
Post Office Box 10
Kent, Washington 98031
1

Parker Mailboxes, Inc.
Route 14, Box 318R
Richmond, Virginia 23231
C

Premco Mfg. Co.
8482 Brown Street
Ottawa Lake, Michigan 49267
1

Remington Hardware Company, Inc.
351 West Broadway
New York, New York 10013
C

Sears, Roebuck & Company
925 South Homan Avenue, Dept. 609
Chicago, Illinois 60607
1–2–C

Southern Fabricators
Post Office Box 7321
Shreveport, Louisiana 71107
C

Steel City Corporation
Post Office Box 1227
Youngstown, Ohio 44501
1–1A–2–C

Superior Sheet Metals Inc.
3201 Roosevelt Avenue
P.O. Box 18173
Indianapolis, Indiana 46218
1–1A–2

Trend House, Inc.
1200 North Eighteenth Street
Post Office Box 4088
Monroe, Louisiana 71201
C–1–A

Waterloo Industries, Inc.
Post Office Box 209
Waterloo, Iowa 50704
C

1 Traditional Rural Box Size No. 1
1A Traditional Rural Box Size No. 1A
2 Traditional Rural Box Size No. 2
C Contemporary Style Suburban Box (also approved for use on rural routes)

.516 *Custom Built Rural Mailboxes*

Postmasters are authorized to approve rural mailboxes constructed by individuals, who for esthetic or other reasons do not wish to use an approved manufactured box. The custom-built box must conform generally to the same requirements as approved manufactured boxes relative to the flag, size, strength, and quality of construction.

.52 PAINTING AND IDENTIFICATION

The Postal Service prefers that rural boxes and posts or supports be painted white, but they may be painted other colors if desired. Where box numbers are used, the box number must be inscribed in contrasting color in neat letters and numerals not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. Where street names and house numbers have been assigned by local authorities, and the postmaster has authorized use of a street name and house numbers as a postal address, the house number will be shown on the box. If the box is located on a different street from the customer's residence, the street name and house number will be inscribed on the box. The placing of the owner's name on the box is optional. Advertising on boxes or supports is prohibited.

.53 POSTS AND SUPPORTS

.531 *Construction*

Posts or other supports for rural boxes must be neat and of adequate strength and size. They may not be designed to represent effigies or caricatures that would tend to disparage or ridicule any person. The box may be attached to a fixed or movable arm.

.532 *Newspaper Receptacles*

A receptacle for newspapers, not restricted to any one paper, may be placed above or below the box or on the post or support, provided it will not interfere with the delivery of mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle. The receptacle must not extend beyond the front of the box when the box door is closed. No advertising shall be displayed on the outside of the receptacle except that the name of a publication may be shown.

.54 LOCATION

Rural boxes must be placed so that they may be safely and conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. (EXCEPTION: See 156.312.) On new rural routes, all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Rural carriers are subject to the same traffic laws and regulations as are other motorists. Customers must remove obstructions, including snow, that make delivery difficult.

.55 GROUPING

Boxes should be grouped wherever possible, especially at or near cross roads, at service turnouts, or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts.

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.56 MORE THAN ONE FAMILY

More than one family, but not more than five families, may use the same box, provided a written notice of agreement, signed by the heads of the families, or by the individuals who desire to join in the use of such box, is filed with the postmaster at the distributing office.

.57 LOCKS

The use of locks on boxes is not required. If customers provide locks, the keys should be delivered only to the postmaster, who will assign them to the carrier. The carrier will unlock and lock the boxes when serving them. To facilitate the carrier's work, customers should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for unlocking the boxes.

.58 UNSTAMPED NEWSPAPERS

Rural boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, on Sundays and national holidays only, place copies of the Sunday or holiday issues in the rural and star route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned. When first-class mail bearing the words *Address Correction Requested* is forwarded to a new address, the sender is notified on Form 3547, *Notice to Mailer of Correction in Address*, of the new address. The charge for this notice is 25¢.

.212 *Official Mail*

The treatment by classes prescribed in this section shall apply to official mail described in Part 137 except that no postage due will be rated or collected by post offices on delivery of mail or address correction notices.

.213 *Postal and Post Cards*

Undeliverable postal and post cards are handled as follows:

a. A card bearing the sender's address and the words *Return Postage Guaranteed* is returned without the reason for nondelivery endorsed thereon, and postage at the card rate is collected on delivery to the sender. The piece will be marked *Not Deliverable As Addressed—Unable to Forward.*
b. A card bearing the words *Address Correction Requested* is returned to the sender with the reason for nondelivery endorsed thereon. The card serves as the address correction notice. The charge for this notice is 25¢. There is not an additional charge for return postage.
c. If the full amount of card rate postage was not paid at the time of mailing, the amount of the deficiency is collected from the sender when the undeliverable card is returned.
d. When a card bearing the words *Address Correction Requested* is forwarded to a new address, the sender is notified on Form 3547, *Notice to Mailer of Correction in Address*, of the new address. The charge for this notice is 25¢.
e. Cards not bearing the words *Return Postage Guaranteed* or *Address Correction Requested* are disposed of at the post office where they become undeliverable.
f. When single cards and double cards without postage affixed to the reply portion bear the sender's return address and his guarantee to pay return postage, return to sender charged with postage due at the rate applicable to post cards.
g. Double cards having postage affixed to the reply portion, and bearing the sender's return address and his guarantee to pay return postage, must be:
   (1) Marked on the original portion for return to the sender and endorsed to show the reason for nondelivery.
   (2) Reverse folded so that address side of the reply portion is faced out.
   (3) Postmarked on the face of the reply portion, and
   (4) Returned without collection of additional postage.
h. Cancel or mutilate uncanceled stamps on cards before disposing of them as waste.

.214 *Letters Showing Return Address of Hotel or Motel*

a. *When to Return.* Return letters bearing:
   (1) The name of an individual in the return address.
   (2) A specific request for return as part of the return address.
   (3) The name of an office or officer as part of the return address, such as *Office of the Auditor, Cashier, President.*
b. *When Not To Return.* Do not return letters having only the name or name and address of a hotel or motel printed as an advertisement.

.215 *Opened by Mistake*

Return to the writer, without additional charge, fully prepaid undeliverable letters opened by mistake.

.22 SECOND-CLASS MAIL

.221 *Change in Local Address*

a. *Delivery for 3 Months.* When there has been any kind of a change in the local address, copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the request of the sender for return. The words *local address* as used in 159.22 mean any address served by the city, rural, or star carriers of any specific post office or a post office box or general delivery address at the post office. Form 3578, *Change of Address Notice to Publishers,* shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

b. *Procedure After 3 Months.* When copies bearing the old local address are received after a period of 3 months, the carrier or clerk serving the old address shall write the new local address, including ZIP Code number, on Form 3579, *Undeliverable 2d, 3d, 4th or Controlled Circulation Matter,* which shall then be affixed to the copies, envelopes, or wrappers, near but not over the old address. Address correction notices may be prepared on central-markup labels printed with the new address and ZIP Code number and may be affixed to the copies, envelopes, or wrappers in lieu of Form 3579 at post offices using the central-markup system. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address, including ZIP Code number, if any, and Form 3579 or central-markup label shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of address correction notices on Form 3579 or central-markup labels may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 25 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, the portion of the page, envelope, or wrapper shall not be detached, and after expiration of the 3 months' period each complete copy shall be returned to the sender, rated with postage due at the transient rate on each individually addressed copy or package of unaddressed copies and 25 cents for the notice on Form 3579 or central-markup label affixed thereto.

.222 *Undeliverable for Any Reason Other Than Change in Local Address*

When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address, the forwarding employee shall prepare Form 3579 or obtain a central-markup label and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If a new address has been entered on the form, the ZIP Code number for that address must be shown. If the copies do not bear the request of sender for return, the notice shall be mailed to the sender. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy, beginning with the first one undeliverable as addressed, shall be returned to the sender rated with postage due at the transient rate on each individually addressed copy or package of unaddressed copies and 25¢ for the notice on Form 3579 or central-markup label.

.223 *Pledge of Addressee to Pay Forwarding Postage*

When a change of address is other than a change of local address, and the addressee has filed a written guarantee either on Form 3575 or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate, computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the request of the sender for return, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due at the transient rate on each individually addressed copy or package of unaddressed copies and 25¢ for the notice on Form 3579 or central-markup label.

.224 *Address Correction Information*

Publishers may place requests for change of address information on wrappers or envelopes containing copies of second-class publications. A statement reading substantially as follows may be printed on the wrappers or envelopes:

Moving? Send the address label with your corrections to:
(Name and address of the publisher.)

.225 *Manner in Which the Request of the Sender Shall Be Shown*

The words *Return Postage Guaranteed* shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, immediately preceded by the sender's name and address, including ZIP Code.

.226 *Failure to Follow Procedure*

When postmasters do not comply with the instructions in 159.22 their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579 or central-markup label, the postmaster at the office of mailing shall be requested on Form 3538, *Irregular Handling of Undeliverable Second-Class or Controlled Circulation Publication,* to instruct the sender to make the change.

.227 *Canadian Publications*

The procedure prescribed by 159.221 through 159.223 shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

.228 *Special Circumstances*

See 158.4 and 158.5 for instructions as to forwarding publications under the special circumstances described therein.

.23 CONTROLLED CIRCULATION PUBLICATIONS

Undeliverable copies mailed by a publisher will be treated as described in 159.221 through 159.224. The single piece third-class rate or the fourth-class rate according to the weight of each individually addressed copy or package of unaddressed copies is applicable, in addition to the 25-cent fee for Form 3579 or central-markup label, to each individually addressed copy or

package of unaddressed copies bearing the sender's pledge *Return Postage Guaranteed*.

.24 THIRD-CLASS MAIL

.241 *Return of Mail*

Undeliverable third-class mail bearing the words *Return Postage Guaranteed* will be returned to the sender and postage at the single-piece third-class rate will be collected on delivery. The piece will be marked *undeliverable as addressed*. The reason why the piece is undeliverable as addressed or the addressee's new address will not be endorsed on the piece.

.242 *Forwarding and Return of Mail*

Undeliverable third-class mail bearing the words *Forwarding and Return Postage Guaranteed* will be forwarded when the new address is known. Postage at the single-piece third-class rate will be collected from the addressee. If the addressee refuses to pay the forwarding postage, the piece will be returned to the sender who must pay postage at the single-piece third-class rate for its forwarding plus postage at the single-piece third-class rate for its return. If the piece cannot be forwarded because the new address is not known, it will be given the *Return Postage Guaranteed* service.

.243 *Address Correction Service*

The addressee's new address, or the reason why a third-class mailing piece is undeliverable if the new address is not known, may be obtained by the sender either independently of, or in combination with the return and forwarding services provided by 159.241 and 159.242. To obtain these services, the mailing piece must bear the words: *Address Correction Requested*, or *Address Correction Requested Return Postage Guaranteed* or *Address Correction Requested Forwarding and Return Postage Guaranteed*, according to the service desired. The following conditions govern these services:

a. A piece weighing 2 ounces or less bearing the words *Address Correction Requested* will be returned to the sender for a fee of 25 cents with the new address or reason endorsed on the piece.
b. When a piece weighing more than 2 ounces bears the words *Address Correction Requested*, Form 3579 or central-markup label will be used to notify the sender, for a fee of 25 cents. Form 3579 or central-markup label and the old address portion of the mailing piece will be prepared for mailing to the sender in an envelope, in the same manner address correction notices are prepared for mailing to second-class and controlled circulation publications. *Exception*: When address labels are affixed to plastic wrappers, or a window address format is used on a mailing piece, making compliance with the foregoing instruction difficult, substitute Form 3547 to provide the requested information.
c. When a piece weighing more than 2 ounces and bearing the words *Address Correction Requested Return Postage Guaranteed* or *Address Correction Requested Forwarding and Return Postage Guaranteed* must be returned to the sender by the post office of original address because the piece cannot be forwarded, Form 3579 or central-markup label will be affixed to the piece, and it will be returned to the sender for a fee of 25 cents for the address correction notice, plus the single-piece third-class postage for the piece.
d. When a piece of any weight bearing the words *Address Correction Requested*, *Address Correction Requested Return Postage Guaranteed*, or *Address Correction Requested Forwarding and Return Postage Guaranteed* is forwarded to the addressee in compliance with either the sender's or addressee's guarantee to pay forwarding postage (see 158.113), Form 3547 will be used by the forwarding post office to furnish the sender the new address for a fee of 25 cents.

.25 FOURTH-CLASS MAIL

.251 Undeliverable fourth-class mail will be handled according to the instructions in 159.24 for handling third-class mail weighing more than 2 ounces, except that fourth-class rates apply wherever third-class rates are mentioned. Address correction and return and forwarding services provided for third-class mail may be used for fourth-class mail.

.252 Return to the sender, or the person designated by him, undeliverable mail having obvious value or bearing the words *Return Postage Guaranteed If Undeliverable*. (If the mail bears instructions of the sender to destroy or abandon, follow the procedures in 159.257.)

.253 When fourth-class mail of obvious value bearing a postage meter stamp of a private meter user is received unaddressed and without return address and delivery cannot be made, return the piece to the mailing office. The office of mailing shall deliver the piece to the meter licensee on payment of the return postage.

.254 Compute and mark the charge on each piece. In determining the amount due compute postage at the applicable rate between the returning office and the office to which the piece is returned. If the piece has been marked to show that forwarding postage is due, add this amount to the return charge.

.255 When articles correctly prepaid at the rates in 135.123, 135.13, or 135.14 are returned, compute the return charge at the same rate or 25 cents, whichever is higher. For catalogs prepaid at the rates in 135.121, compute return postage at the rates in 135.123.

.256 If effort has been made to deliver a piece addressed for local delivery, do not return it to the sender without payment of the applicable charge.

.257 When undeliverable domestic ordinary, insured, or COD mail; or when undeliverable ordinary, insured, COD, or registered articles of domestic origin and foreign address bear instructions of the sender to abandon or destroy, hold for the prescribed retention period and then:

a. Strip the mail and dispose of the contents as prescribed in 159.72.
b. Notify the sender on Form 3858, *Notice of Undeliverable or Abandoned Mail*, relative to insured and COD mail only.
c. Treat packages of foods, drugs, and cosmetics in accordance with 159.28.

.26 AIRMAIL

Airmail weighing 10 ounces or less and priority mail (heavy pieces) will be returned by the same transportation as first-class mail at no additional charge. Priority mail (heavy pieces) includes all mail weighing over 10 ounces which has postage prepaid thereon at the rates provided by section 136.12.

.27 REGISTERED, CERTIFIED, INSURED, AND COD

.271 *Notice (Registered and COD Mail only)*

a. When registered mail is undeliverable as addressed and cannot be forwarded, a notice is sent to the mailer on Form 3858 showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail (but not registration or COD fees), will be collected from the mailer. EXCEPTION: When registered mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer.
b. When, and only when, the mailer specifically so requests, Form 3849-D, *Notice to Sender of Undelivered COD Mail*, will be sent to the mailer in accordance with part 163.43. The mailer may then designate a new addressee or alter the amount of COD charges by submitting Form 3818, *Authorization to Change COD Charges or Addressee*, in accordance with

section 163.172. The article will be returned to the mailer at the end of the holding period if no response is received. The postage charge, if any, for returning the mail (but not registration or COD fees) will be collected from the mailer. *Exception:* When COD mail is addressed to a person who has moved and left no forwarding address, Form 3849-D will not be sent, and the mail will be returned immediately to the mailer.

.272 *Returning Registered, Numbered Insured, and Certified Mail*

Prepare the record on both sides of Form 3849 *Notice of Mail Arrival or Attempted Delivery*, or show disposition in Form 3850, *Record of Delivered Registered, Numbered Insured, Certified, and COD Mail*, if Form 3850 is used as the delivery record. File Form 3849. If a return receipt is attached, indicate the reason for non-delivery on the return receipt, initial the card, postmark the card, and *return the article to the mailer with the return receipt attached*. Return registered mail through the registered mail system.

.273 *Insured and COD Received Without Identification*

When insured or COD mail bearing a postage meter stamp or postmark is received unaddressed and without return address, open it to obtain the name and address of addressee or sender, if possible. When identification is not obtained but mailing office is known, send Form 3842 and hold parcel pending reply.

.274 *Returning COD Mail*

a. Enter on Form 3814. *Record of COD Parcels Held for Delivery;* Form 3814C, *Recording and Checking COD Parcels and Funds at Offices of the Second Class;* or Form 3850 all COD packages returned to the sender.
b. Packages marked *abandon* or *destroy* which have been improperly returned to the mailing office must be handled as prescribed in 159.257. Send a report of the irregularity on Form 3827, *Irregularity Report of Insured and COD Mail*, to the postmaster who returned the mail.

.28 DISPOSAL OF PERISHABLE MAIL, DRUGS, AND COSMETICS

.281 *Perishable Mail*

Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry that cannot be delivered or returned within 72 hours after hatching, if salable will be disposed of by the postmaster to the highest bidder through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order, with an explanation of the action taken. The postal money order fee will be deducted.

.282 *Drugs*

Packages undeliverable to either the addressee or the sender that contain drugs will be destroyed. They will not be sold, donated, or retained as dead parcel post.

.283 *Cosmetics*

Packages undeliverable to either the addressee or the sender that contain cosmetics, such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions, and deodorant sticks or pastes, which bear no statements claiming medicinal properties, will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

.284 *Prohibited Bidders*

Postal employees may not submit bids at sales of perishable mail.

.285 *Remittance and Commission*

Complete Form 3820, *Sale or Destruction of Perishable Mail*, in duplicate. Fix postage-due stamps representing the amount of the commission to the original Form 3820 to the sender, and cancel the stamps. Show on duplicate copy only the name and address of purchaser and retain on file.

.286 *Remittance by Money Order*

The money order should show the name of the postmaster at the office where the matter was sold, and not the name of the addressee, as the remitter.

.287 *Rightful Owner Not Known*

If in doubt as to the rightful owner of the proceeds, request instructions from the Office of Mail Classification, Rates & Classification Department. If possible to deliver the net proceeds to the rightful owner, hold the funds for 30 days. If unclaimed at the expiration of that period, account for the amount as *Miscellaneous Nonpostal* AIC 126.

.288 *No Bidders*

Deliver perishable articles that cannot be sold by competitive bidding to a local municipal authority for distribution to hospitals, asylums, or other charitable or reformatory institutions. If there is no such municipal authority, the articles may be delivered to any charitable institution or organization.

.289 *Other Disposal*

Destroy the contents if they spoil and become offensive or injurious to health. Notify the sender on Form 3820. Do not send perishable matter to a dead parcel post branch.

.29 DISPOSAL TO INSTITUTIONS

.291 *Food*

Usable food items treated as dead mail may be donated to charitable institutions, or public institutions supported in whole or in part by Federal, State, county, or municipal funds. These institutions include but are not limited to hospitals, asylums, and reformatories. The following conditions apply:

a. "Homemade" items must not be donated but must be destroyed. If any doubt exists as to whether an item is "homemade," the item shall be destroyed.
b. If the local municipal welfare department will assume responsibility for distribution of usable food items to eligible institutions, this method is preferred. Otherwise, postmasters shall equitably apportion the items among eligible applicant institutions.
c. The recipient must sign a release stating that the Postal Service is relieved of all responsibility connected with the food items or their subsequent use. Releases must be retained in post office files.
d. No selection shall be made by the receiving institutions as to the type quantity of food items to be accepted.
e. Food items must be called for as soon as possible. Postmasters may deliver these items, but only if unusual circumstances prevail.
f. Food items that cannot be disposed of by donation shall be destroyed.

.292 *Periodical Publications*

On request, copies of undeliverable newspapers, magazines, and other periodical publications may be furnished to reformatory institutions, hospitals, asylums, and other similar institutions which are organized for charitable purposes or which are supported in whole or part by Federal, State, or municipal funds, under the following conditions:

a. No additional clerical time shall be used in the post office over that required for disposal of the copies as waste material.
b. No selection shall be made by the receiving institutions as to character, quality, or type of publications to be furnished.
c. The receiving institutions shall call for the copies promptly after notification of their availability, or on a scheduled basis.
d. The receiving institutions shall be informed that this privilege is entirely at the option of the Postal Service and may be curtailed or discontinued at any time without notice.

.293 *Samples of Merchandise*

Dispose of undeliverable samples of merchandise sent for advertising purposes, which do not bear the words *Return Postage Guaranteed*, as follows:

a. Remove and destroy wrappers if that is practicable and can be accomplished without additional expense. Deliver impartially to charitable or reformatory institutions that promise their free distribution.
b. Dispose of, as waste, samples not suitable for distribution indicated in a except that anything of sufficient value to warrant the expense of transportation and handling must be sent to the proper dead parcel post branch without listing or recording.
c. Treat packages of foods, drugs, and cosmetics in accordance with 159.28.

159.3 RETENTION PERIODS

.31 ORDINARY MAIL

.311 Mail returnable under 159.21 through 159.26 is:

a. Returned immediately if refused by addressee.
b. Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a customer moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order. (Exception: See 154.143.) If no order is received in that time, the mail will be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with 122.32.
c. Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addressed and addressee is unknown. See 159.311d and e.
d. Retained in general delivery not to exceed 30 days, at request of sender, if addressed in manner to indicate addressee is expected to call for mail, or if addressee normally calls there for mail.
e. Retained as follows when not specifically addressed or when sender does not specify a retention period:
   (1) Five days if for delivery by village, rural, or star route carrier.
   (2) Ten days if intended for general delivery service at an office having city carrier service, except that the mail may be held up to 30 days if the addressee has given notice to the postmaster that he will be delayed in arrival.
   (3) Fifteen days if intended for general delivery service at an office not having city carrier service.

.312 Perishable items not marked to abandon that cannot be delivered before spoiling or day-old poultry that cannot be delivered within 60 hours after hatching are returned immediately, provided return to sender can be made prior to spoilage or within the 60 hour period.

.313 Mail addressed and deliverable to a post office box, except registered, certified, insured, COD, and perishable, will not be returned until box is declared vacant.

.32 REGISTERED, INSURED, COD, AND CERTIFIED MAIL

.321 Undelivered registered, insured, COD, and certified mail is retained for not less than 3 days, nor more than the periods specified in 159.322, 159.323, and 159.324.

.322 Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held 10 days before return. *Exception:* If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender.

.323 Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies.

.324 COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies.

.33 SPECIAL DELIVERY AND SPECIAL HANDLING MAIL

Special delivery and special handling articles are held for the period specified in 159.31 or 159.32, except that requests for immediate return of special delivery mail will be honored.

159.4 DISPOSAL OF UNDELIVERABLE MAIL AND UNCLAIMED ARTICLES

.41 DISPOSITION OF MAIL

Mail undeliverable at the last office of address is disposed of as follows:

a. Postal and post cards or samples of merchandise are destroyed or sold immediately.
b. Printed matter, including circulars, greeting cards, newspapers, magazines, and other periodical publications, obviously without value, is disposed of as waste paper without examination of contents. This mail will not be torn or mutilated before being consigned to the general waste, except when necessary to prevent improper use. Such matter as redemption coupons and uncanceled postage stamps must be burned or mutilated to prevent improper use. Magazines shall not be separated from the general waste unless their separate bulk sale by contract as waste would result in a material advantage to the Postal Service by reason of the high quality of the paper. Under no circumstances may magazines or other periodical publications be sold at a per copy rate or at auction by the post office. Contracts negotiated for the disposal of waste should contain a provision prohibiting resale by the contractor of copies of magazines or other periodical publications to the public for reading purposes.
c. Domestic ordinary, insured, or COD articles bearing sender's instructions to abandon are disposed of immediately after expiration of the periods stated in 159.3.
d. Third-class mail of no obvious value (see 159.6) and without sender's request for return is disposed of as waste.
e. Insured and COD articles bearing sender's instructions to destroy will be destroyed.
f. Packages containing medicine, perishable articles, liquids, or other articles likely to injure employees, or damage equipment or other mail, or to attract pests, must be destroyed as soon as they are known to be undeliverable.
g. Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.
h. Mail addressed to a deceased person. See 154.24.
i. Unclaimed franked mail from a Member of Congress, including that addressed under provisions of 122.442, and unclaimed official mail, including official reports and bulletins sent by State agricultural colleges and experiment stations, is returned to the postmaster at the office of origin if it is known. If office of origin is not known, the mail is sent to the post office at Washington, D.C. Undeliverable mail bearing return address of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D.C.
j. Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are

sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to the dead mail office.

k. An undeliverable letter bearing the return address of a hotel, motel, school, college, or other public institution printed on the envelope as an advertisement is sent to a dead letter branch for disposition unless the return address also includes the name or title of an individual or a printed or written request for return.

l. Undeliverable and nonreturnable mail containing firearms is handled in accordance with 159.721d.

m. Other mail, including first-class and airmail, bearing no return address or an identical return and delivery address is sent to a dead letter or dead parcel post branch for final disposition.

n. Coins should be stripped from undeliverable circulars and their value should be accounted for as *Miscellaneous Revenue*, A/C 40990.

.42 MONEY FOUND LOOSE IN THE MAIL

Dispose of money found loose in the mail as follows:

a. United States money found loose in the mail, unless identified with losses from mail or returned to its owner, must be promptly turned over to a supervisor. Amounts turned over must be recorded on Form 25, and the entry must be receipted by both the supervisor and the finder by initialling the entry. Funds may be retained by the supervisor until $1 or more has accumulated but should be remitted at least weekly. Funds remitted must be taken into A/C 40990.

b. Retain 30 days awaiting possible claim by the owners all foreign money and any United States money having unusual value, such as uncirculated coins, antiques, or collector's items if identified as such. If unclaimed after 30 days, dispose of it as follows:
   (1) Send all Canadian money to the postmaster at Buffalo, NY 14203.
   (2) Send all other foreign money to the postmaster at New York, NY 10001.
   (3) Send U.S. money having unusual value to the postmaster at New York, NY 10001.
   (4) Register money if the known or estimated value exceeds $10.

c. Keep an identifying record only when it may assist in returning the money to its owner.

d. If a valid claim is received for money found loose in the mail after it has been taken into the postal account, make refund from current funds and take credit in A/C 40980.

.43 UNCANCELED STAMPS FOUND LOOSE IN THE MAIL

.431 *Uncanceled Stamps Lost From Mail*

a. Reaffix to mail if possible; if not, drop in a slotted and sealed or locked container located on the workroom floor.

b. Destroy at least once a month by burning.

c. Make no record of these stamps.

.432 *Uncanceled Stamps Not Lost From Mail*

a. Place in an envelope and retain 30 days in the inquiry section of the main office if found at main office or at contract stations or branches; or in custody of the superintendent if found at classified stations and branches.

b. Make a descriptive record on the envelope only if it will assist in returning the stamps to the owner. If delivered to owner, take a receipt on the envelope.

c. If unclaimed after 30 days, destroy monthly at the place of retention in the presence of a witness designated by the postmaster. Keep a record of

The post offices at Memphis, TN 38101, and Philadelphia, PA 19104, act as dead parcel post branches for matter that becomes dead in their post office.

c. States and Territories served by each dead letter and dead parcel post branch are:

State or Territory	Dead letter branch	Dead parcel post branch
Alabama	Memphis, TN 38101	Atlanta, GA 30304
Alaska	San Francisco, CA 94101	San Francisco, CA 94101
Arizona	San Francisco, CA 94101	San Francisco, CA 94101
Arkansas	St. Louis, MO 63155	New Orleans, LA 70113
California	San Francisco, CA 94101	San Francisco, CA 94101
Colorado	San Francisco, CA 94101	San Francisco, CA 94101
Connecticut	Boston, MA 02109	Boston, MA 02109
Delaware	Philadelphia, PA 19104	New York, NY 10001
District of Columbia	Washington, DC 20013	Washington, DC 20013
Florida	Atlanta, GA 30304	Atlanta, GA 30304
Georgia	Atlanta, GA 30304	Atlanta, GA 30304
Guam	San Francisco, CA 94101	San Francisco, CA 94101
Hawaii	San Francisco, CA 94101	San Francisco, CA 94101
Idaho	San Francisco, CA 94101	San Francisco, CA 94101
Illinois	Chicago, IL 60607	Chicago, IL 60607
Indiana	Cincinnati, OH 45234	Cincinnati, OH 45234
Iowa	St. Louis, MO 63155	Chicago, IL 60607
Kansas	Wichita, KS 67201	Saint Louis, MO 63155
Kentucky	Cincinnati, OH 45234	Cincinnati, OH 45234
Louisiana	Dallas, TX 75221	New Orleans, LA 70113
Maine	Boston, MA 02109	Boston, MA 02109
Maryland (Eastern Shore)	Washington, DC 20013	New York, NY 10001
Maryland (except Eastern Shore)	Washington, DC 20013	Washington, DC 20013
Massachusetts	Boston, MA 02109	Boston, MA 02109
Michigan (Lower Peninsula)	Chicago, IL 60607	Chicago, IL 60607
Michigan (Northern Peninsula)	Minneapolis, MN 55401	St. Paul, MN 55101
Minnesota	Minneapolis, MN 55401	St. Paul, MN 55101
Mississippi	Memphis, TN 38101	New Orleans, LA 70113
Missouri	St. Louis, MO 63155	St. Louis, MO 63155
Montana	San Francisco, CA 94101	San Francisco, CA 94101
Nebraska	Wichita, KS 67202	Omaha, NE 68102
Nevada	San Francisco, CA 94101	San Francisco, CA 94101
New Hampshire	Boston, MA 02109	Boston, MA 02109
New Jersey	Philadelphia, PA 19104	New York, NY 10001
New Mexico	San Francisco, CA 94101	San Francisco, CA 94101
New York	New York, NY 10001	New York, NY 10001
North Carolina	Atlanta, GA 30304	Washington, DC 20013
North Dakota	Minneapolis, MN 55401	St. Paul, MN 55101
Ohio	Cincinnati, OH 45234	Cincinnati, OH 45234
Oklahoma	Wichita, KS 67202	Fort Worth, TX 76101
Oregon	San Francisco, CA 94101	San Francisco, CA 94101
Pennsylvania	Philadelphia, PA 19104	New York, NY 10001
Puerto Rico	San Juan, PR 00902	San Juan, PR 00902
Rhode Island	Boston, MA 02109	Boston, MA 02109
Samoa	San Francisco, CA 94101	San Francisco, CA 94101
South Carolina	Atlanta, GA 30304	Atlanta, GA 30304
South Dakota	Minneapolis, MN 55401	St. Paul, MN 55101
Tennessee	Memphis, TN 38101	Atlanta, GA 30304
Texas (except zips 79820-79999)	Dallas, TX 75221	Fort Worth, TX 76101
Texas (zips 79820-79999)	San Francisco, CA 94101	San Francisco, CA 94101
Utah	San Francisco, CA 94101	San Francisco, CA 94101
Vermont	Boston, MA 02109	Boston, MA 02109
Virginia (except Accomack and Northampton Counties)	Washington, DC 20013	Washington, DC 20013
Virginia (Accomack and Northampton Counties)	Washington, DC 20013	New York, NY 10001
Virgin Islands	San Juan, PR 00902	San Juan, PR 00902
Washington	San Francisco, CA 94101	San Francisco, CA 94101
West Virginia	Washington, DC 20013	Washington, DC 20013
Wisconsin	Minneapolis, MN 55401	St. Paul, MN 55101
Wyoming	San Francisco, CA 94101	San Francisco, CA 94101

.73 TREATMENT AT DEAD MAIL OFFICE

a. Mail is examined and opened when necessary to find the name and address of the sender or addressee.

b. A fee of 20 cents is charged for delivery to sender or addressee of each letter and first-class parcel opened in the dead mail office.

c. If the sender or addressee cannot be identified, the following retention periods are observed:

(1) Letters of domestic origin with enclosures of value, 1 year.
(2) Other letters, none.
(3) Letters containing merchandise, and third- and fourth-class, mail containing valuables (including first-class mail not in the form of a letter, addressed to another country), 60 days: if posted in violation of law or treaty, 6 months.

d. Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

e. Uncanceled postage stamps or stamped paper, which has been used for postage, will not be removed or salvaged in any manner. If mail bearing uncanceled postage is to be forwarded, returned, filed, or sold under the provisions of 159.7 or 159.8, the postage stamps or stamped paper will be canceled in accordance with 332.2. If mail bearing uncanceled postage is to be destroyed under 159.7 or 159.8, the destruction will include the affixed postage.

f. Follow procedure below for delivery of returned dead mail:
(1) *Confidential Treatment.* Treat this mail as if under seal. Maintain the strictest secrecy as to its contents.
(2) *Forwarding.* Forward if necessary to another post office under the same class as received. Appropriately endorse Form 4914, *Transmittal Letter To Deliver Dead Letters*, accompanying the mail and forward it with the mail.
(3) *Disposal If Undeliverable.* If the mail cannot be delivered within a reasonable time after return from the dead mail branch, endorse the reason for non-delivery on the form which accompanies the mail. Return the mail and form to the sending dead letter or dead parcel post branch under the same class by which received.

g. For registered mail:
(1) When received under registered cover, handle in the inquiry section or in some other section by an employee specifically designated by the postmaster. Do not allow the registry section to open and dispose of this mail.
(2) If the address is supplied, reregister to the rightful owner under the local registry number and charge the dead-letter fee (see 159.747) plus the minimum registry fee.
(3) Enter the registry number on the form which accompanies the dead mail. File the form.
(4) Register when forwarding or returning.

.74 TREATMENT OF DEAD MAIL IN DEAD LETTER BRANCHES

.741 Opening Letters

The dead letter branches dispose of dead first-class letters. Dead letters are opened at dead letter branches in an attempt to determine the name and address of the sender so that his property may be returned. Only those employees especially designated to open dead letters shall be allowed to treat such matter and then only under proper supervision. Do not ordinarily use substitute employees in dead letter branches.

.742 Letters Which Can Be Returned to Sender or Forwarded to Addressee

Return dead letters to the sender or, when the opening of the letter reveals the correct name and address of the addressee and the name and address of the sender is not found, forward the letter to the addressee; except:

a. Destroy any letter which contains advertising matter obviously of no value to the sender.

b. Send all domestic letters, registered or ordinary, containing money or valuable enclosures *returnable to a foreign address*, after recording when required, to the Postmaster, Dead Letter Branch, Washington, DC 20013.

Subchapter 160 SPECIAL MAIL SERVICES

Part 161

REGISTERED MAIL

161.1 DESCRIPTION

.11 WHY MAIL IS REGISTERED

Registered mail provides added protection for valuable and important mail plus evidence of mailing and delivery and indemnity in case of loss or damage.

.12 WHAT MAY BE REGISTERED

All mailable matter prepaid with postage at the first-class, airmail, or priority rates. Stamps or meter stamps must be attached representing all postage and fee charges. Business reply mail may not be registered unless postage and all fees are fully prepaid.

.13 WHERE TO MAIL

Registration may be obtained by presenting mail to:

a. *Post Offices and Their Branches and Stations.* Postmasters will accept mail of unusually high value only at the main office or larger branches and stations.

b. *Rural Carriers.* Mail and cash may be left in a rural box. Any change will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. Responsibility will not be assumed for articles or money until a receipt is issued. No responsibility will be assumed for any change placed in the box.

c. *Nonpersonnel Rural Stations and Branches.* Customers must meet the rural carrier at the nonpersonnel rural station or branch to have mail registered.

.14 REGISTRATION NOT AVAILABLE

Mail will not be registered if:

a. Placed in street letterboxes or in mail drops in post offices.
b. Addressed to post offices to which it cannot be transported with safety.
c. Not properly prepared. See 161.3.
d. Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

.15 ADDITIONAL SERVICES

.151 Registered COD

Combined registry and COD service is available. The regular registered mail fees apply plus the collection charge specified in 161.21. The mail must conform with registered mail and COD service requirements.

.152 Return Receipts

The sender may obtain a return receipt, Form 3811, by paying fees, in addition to the registration fee and postage, as outlined in 165.2.

.153 *Restricted Delivery*

Restricted delivery may be obtained as set forth in 165.3 and by the payment of additional fees as provided in 165.32. For circumstances under which restricted delivery may be accomplished by delivery to other than to the addressee, see 165.34.

161.2 FEES AND LIABILITY

.21 FEES

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.01 to $100	$2.10	$2.10
$100.01 to $200	2.30	2.30
$200.01 to $400	2.60	2.60
$400.01 to $600	2.90	2.90
$600.01 to $800	3.20	3.20
$800.01 to $1,000	3.50	3.50
$1,000.01 to $2,000	3.90	$3.50 plus handling charge of 25 cents per $1,000 or fraction over first $1,000.
$2,000.01 to $3,000	4.10	
$3,000.01 to $4,000	4.40	
$4,000.01 to $5,000	4.70	
$5,000.01 to $6,000	5.00	
$6,000.01 to $7,000	5.30	
$7,000.01 to $8,000	5.60	
$8,000.01 to $9,000	5.90	
$9,000.01 to $10,000	6.20	
$10,000.01 to $1,000,000	$6.20 plus handling charge of 25 cents per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$258.70 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.	$253.25 plus handling charge of 20 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
COD COLLECTION CHARGE (Maximum amount collectible is $300)	85
RESTRICTED DELIVERY	60
RETURN RECEIPTS:	
Requested at time of mailing:	
Showing to whom and when delivered	35
Showing to whom, when and address where delivered	45
Requested after mailing:	
Showing to whom and when delivered	45

.22 POSTAL INSURANCE LIABILITY

.221 *Without Other Insurance*

Postal insurance covers value up to the maximum of $10,000, except as provided in 161.223.

.222 *With Other Insurance*

Postal insurance liability is limited to a maximum of $1,000. Whenever postal insurance and other insurance both apply to the first $1,000 of value

.47 WHEN NOT DELIVERED

The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

161.5 PROCEDURES AT MAILING OFFICE

.51 ACCEPTING

.511 *Endorsing*

Stamp each article on the left portion of the face side with the regulation rubber stamp *Registered No.* _____. Enter the registration number. Endorse articles too small to accommodate the official endorsement with the letter *R* followed by the registration number.

.512 *Assigning Registration Numbers*

Number the articles and receipts consecutively. Retain mailing office records in numerical order. File records of firm registrations to permit ready identification in case of inquiry or claim. Assign blocks or series of numbers as follows:

a. At all post offices having stations or branches, assign blocks of registration numbers for the main office and each station and branch. The number blocks should approximate the annual number of window registrations at the points involved. Repeat the series of numbers when the last number is used.
b. All other post offices use a series of numbers approximating the annual volume of window registrations. Repeat the series when the last number is used. Keep the number of digits in the number series to a minimum.
c. Assign blocks of registration numbers to firm mailers, keeping the number of digits to a minimum. Use Form 3857, *Assignment of Number Blocks for Registered, Insured, Certified, and COD Mail*. If prefixes have been used or assigned to firms, take action, on a gradual basis if considered necessary, to reassign blocks of numbers without prefixes. This instruction regarding prefixes does not apply to a few of the larger post offices to which special authority has been granted for the limited use of prefixes.
d. In areas where carriers are required to accept mail for registration, assign 100 numbers to each carrier. For rural carriers, use the route number as the first number of the series.

.513 *Issuing Receipts*

Issue receipts on the following forms:

a. Form 3806 (offices with 190 or more revenue units). Prepare duplicate for your record. After the four receipts on the sheet are issued, detach entire sheet of carbon entries and file.
b. Form 3805 (offices with less than 190 revenue units; also offices with 190 or more revenue units, and stations and branches where volume is small). Follow instructions on cover page of form.
c. Form 3877 (firm mailing bill) when senders use this form. See 161.35. Check articles against entries on the form. If sender does not want to wait for descriptive receipt, issue bulk receipt on Form 3824, check mailing, and issue regular receipt later. Use Form 3876, *Notice of Firm Mailer—Incorrect Fees*, to notify firm mailers of payment of incorrect fees or surcharges.
d. Special firm mailing bills or recapitulation sheets, which have been approved by the Office of Mail Classification, Rates & Classification Department, Washington, DC 20260.
e. Form 3896, *Carrier Registration Book*, issued by carriers to senders of registered mail. Carrier must not assist in preparation and sealing of such letters. Carriers must deliver the registered mail to the postmaster or his

representative. When a rural carrier accepts mail for registration and it is addressed for delivery on his route, he may deliver it before returning to the post office. The carrier must cancel postage stamps at time of delivery. He must enter the disposition of the mail on the receipt (Form 3896) and also obtain the signature of the postmaster or station superintendent on it.

f. If the carrier loses his registration books or is unable to account satisfactorily for missing receipt, report facts immediately to the postal inspector in charge.

g. If requested to do so by the sender, show on the mailing receipt and post office record the time the article was accepted for mailing. Write the time in ink above the postmark block on individual receipts or next to the space for the name of the accepting employee on firm mailing bills.

.514 *Postmarking.*

Postmark letters twice on the back on the crossing of the upper and lower flaps or, if paste-on return receipts are used, postmark partially on the receipt and partially on the flaps of the letter. Postmark packages sealed with paper strips across opposite edges of the strips. Use additional postmarks if this would make rifling more difficult. Postmark on the address side registered mail sealed on the address side. When large mailings consist of letters, containing written or printed matter of little value, the envelopes may be postmarked once on the back by running them through a canceling machine. Postmark once on the back of the tag of sack jackets.

.515 *Canceling Stamps.*

Cancel the postage stamps, using rubber or hardwood canceler.

.516 *Free Return Receipts*

Do not charge for return receipts for free registered mail of the Postal Service. Use such receipts only when it is essential that a signed receipt be on file at the mailing post office. Do not request return receipts for official post office remittances or postal supplies.

.52 PREPARING FOR DISPATCH

.521 *Rotary Lock Pouches.*

Process registered mail for dispatch in rotary-lock pouches as follows:

a. Use rotary-lock pouches when quantity or bulk of mail justifies, except when dispatch is to be made by air. (See 161.8.)

b. Bill rotary-lock pouches to offices having rotary lock keys. Enter the following information on bill Form 3852, 3853, or 3854, with ball point pen:
   (1) Lock and rotary number.
   (2) Bill and page number, if necessary.
   (3) Destination of dispatch.
   (4) Time and means of dispatch, if considered necessary.
   (5) Postmark on bill and coupon. Mobile unit clerks may use their stamps as a postmark.
   (6) Registration numbers and post offices of origin of individual articles. ZIP Code or an abbreviation of the office of origin may be used.
   (7) APO or FPO numbers will be used as the office of origin on military mail originating from overseas military post offices.
   (8) Numbers and offices of origin of jacket envelopes, and fixed and rotary-lock numbers and offices of origin of rotary-lock pouches.
   (9) If the Form 3830-A covering a rotary lock pouch is completed by the person who made up the inner bill of the pouch, the control number from Form 3830-A may be entered on the office copy of the

.883 *Missing Dispatch Bill*

Make a bill and send it to the original office, if known. If the original dispatch office is unknown, send the bill to the general manager, logistics division.

161.9 SPECIAL INSTRUCTIONS

.91 OFFICES WITH 950 OR MORE REVENUE UNITS

.911 *Registry Section*

a. *Transfer from Opening Unit.* Transfer mail to other units as follows:
   (1) *City or Local Delivery.* Backstamp these articles. Postmark envelopes once over intersection of the flaps. Send registered mail to carrier cage and get a receipt on Forms 3852, 3853 or 3854. Show the registration numbers of all articles. No receipt is required if there is no separate cage.
   (2) *Transit Pouches and Jackets.* Send to the outgoing or dispatch cage Get a receipt on the incoming bill if there is a separate cage. Use a separate form or back of incoming bill if you have a large number of pouches and jackets.
   (3) *Transit and Station Articles.* Transfer to the dispatch unit to be included in outgoing dispatches.
   (4) *Valuable Mail.* See 161.932. Place in vault or safe for safekeeping awaiting delivery or dispatch. If it will be delivered or dispatched in a short time, place it in a pouch or jacket promptly. This mail must be receipted for by signing opposite each valuable article listed on the incoming bill. You may bracket all valuable articles and sign only once.

b. *Transfer from Acceptance or Delivery Windows.* Transfer mail to other units without receipt except when:
   (1) Valuable mail is transferred from acceptance window. See 161.932. Get receipt on office record Form 3806 or firm mailing bill.
   (2) Separate dis and city cages are operated. Get receipt for articles of ordinary value to be forwarded or returned. Use Forms 3852, 3853, or 3854.
   (3) Acceptance or delivery window is in a separate cage. Get receipt. Use Forms 3852, 3853, or 3854.
   (4) Registered articles are sent to dead letter section. Window clerk must get receipt on Form 3849.

c. *Record of Employees.* Keep a record of employees working in the registry section each day. Use Form 1625, *Record of Entry to Registry Section or Distribution Units Thereof.* Keep a separate record of employees detailed to that section. Employees in charge of, or working in the valuable cage or vault, must record time of entering and leaving the valuable cage or vault. Use Form 1625.

.912 *Stations and Branches.*

a. *Mail Received from Main Office.* Check articles received in pouches. Report to supervisor of the station or branch and supervisor in charge of main registry section any shortage or surplus. Endorse bill and coupon to show discrepancies. Mail coupons signed by both supervisor and opening clerk showing discrepancies to the official in charge of main registry section. Separate registered articles for desk delivery and for carrier delivery.

b. *Mail Dispatched to Main Office.* Bill as instructed in 161.52.

.92 ARTICLES INTENDED FOR REGISTRATION FOUND IN THE ORDINARY MAIL

.921 Register articles marked for registration found in ordinary mail which are not endorsed *Not in the Registered Mail* if postage and fees have been fully prepaid. Endorse article *Found in ordinary mail.* Mail registration receipt and Form 3892 *Notice of Registered Mail Found in Ordinary Mail,* to

sender. Show on post office registration record when and by whom the article was removed from ordinary mail. Endorse articles not fully prepaid *Not in the Registered Mail* and dispatch as ordinary mail.

.922 Mobile unit clerks who find in the ordinary mail an article intended for registration which is not marked *Not in the registered mail* shall mark it *Found in the ordinary mail* and postmark it. When dispatching the article, it must be listed on the dispatch bill by office of origin, if known, and the letters FOM (found ordinary mail) must be entered on the bill in the column for the registration number. The article will not be numbered. The first post office to which the article is dispatched must register it and send Form 3892 to the sender with the registration receipt. Any postage due shall be rated for collection from the addressee.

.93 PROTECTION

.931 *All Registered Mail*

a. Keep registered mail separate from ordinary mail, except as provided in 161.524 and 161.72.

b. Handle registered mail at all times so that individual responsibility can be fixed, consistent with instructions in this part.

c. Whenever practicable, keep registry activities separate from the workroom floor and other service areas having personnel not charged with registered mail.

d. In post offices where registry activities are limited in scope and include service windows, wire screen partitions are not considered necessary to separate the activities from the workroom floor and other service areas. Acceptable security in present facilities usually may be obtained by using standard furniture items to separate the activities, or by using counter-high partitions.

e. Where service counter activities are combined, registered mail must be handled at all times in such a manner that individual responsibility for the registered mail can be fixed.

f. At post offices requiring a separate registry unit on the workroom floor, provide an operating area enclosed with wire screen partitions. If the screen partition does not extend to the ceiling, a top must be provided.

.932 *Internal Protection*

a. *Stationary Units*

The following special rules apply only to internal handling in a stationary postal unit. The term *valuable* as defined in (2) is not to be used as a guide to dispatching or to carrier delivery.

(1) Provide a safe, vault, separate cage, or locked container. Assign an employee or employees to be responsible for valuable registered mail. Do not permit other employees to have access to this unit.

(2) Determine on the basis of local conditions the value of registered mail considered to warrant transfer to the valuable unit while awaiting dispatch or delivery. This value is not to be less than $1,000. This determination is the responsibility of the postmaster.

(3) Transfer valuable mail to and from the valuable unit by receipts showing the number and office of origin of individual pieces or full particulars of rotary-lock pouches. Keep a record on Form 3853 or 3854 of the valuable articles and pouches on hand in the unit.

(4) While registered mail is in the valuable unit, use Form 3810, *Reminder Record*, in the dispatch or delivery sections as a reminder, unless other approved methods of identifying articles held in the valuable unit are in effect.

(5) At offices operating on a tour basis which have a separate valuable cage, make a balance at the end of each tour. The balance will cover only the registered articles in the valuable cage. Use Form 3875, *Daily Balance, Registry Section*, for this purpose. The employee in charge of the valuable unit must obtain a receipt for the valuable articles from the responsible employee in the succeeding tour. Tour receipts must be approved and filed by the supervisor.

(6) Report serious discrepancies in handling valuable registered mail to the postal inspector in charge or to the local postal inspector, by telephone or telegraph.

b. *Railway Post Offices and Storage Cars*

(1) Registered mail should be handled in railway post office cars, except when the volume is greater than can be accommodated in the available space. Registered pouches known to contain coin, currency or bullion should be handled in railway post office cars at all times unless other arrangements have been made and approved by Headquarters.

(2) When destination storage cars are operated in RPO trains, and a sufficient quantity of registered mail to justify a distinct separation is regularly available, consideration may be given to establishing a rotary locked car. The general manager, logistics division, shall conduct such investigation as necessary to determine that proper protection will be given with a substantial reduction in the number of handlings enroute. An appropriate recommendation, outlining the pertinent facts and cost factors and coordinated with the regions concerned, shall be submitted to Director, Logistics Office, Mail Processing Department. If approval is given for this dispatch, the cars shall be billed through to destination with sufficient copies of the bills to allow each clerk to retain a receipted copy without rebilling.

(3) When the volume of rotary lock pouches and outside registered articles is too great for accommodation in RPO cars, but it is not practicable to establish a rotary locked storage car or to use alternate routings, this mail except coin, currency, or bullion, shall be handled in a storage car adjacent to the RPO car. It shall be carefully separated from other mail and piled in such a manner that rotary locks are readily accessible for checking in transit. The mobile unit supervisor shall take precaution to insure that unauthorized persons cannot gain access to this mail in transit.

(4) Do not deliver registered mail to railroad employees or to mail carriers except as authorized.

.933 *Hand-to-Hand Exchanges*

a. Exception to the rule in 161.521c(13) is allowed when the volume of rotary-locked pouches is greater than can be reenclosed in approximately 10 iron-lock pouches for a particular surface dispatch. Rotaries may then be dispatched outside and a hand-to-hand exchange made.

b. When hand-to-hand exchanges are necessary more than 50 percent of the time between mobile units or between any mobile unit and post office at end of run, the director, logistics division, will authorize hand-to-hand exchange on a daily basis. He will authorize the postmaster to make the arrangements for hand-to-hand delivery.

c. When hand-to-hand delivery is made less than 50 percent of the time and a mobile unit employee must perform this service, he will be given additional credit. He must forward the coupon of the manifold bill receipt to his mobile unit section to certify his time. The coupon must show postmark of receiving unit, time of receipt, and name of employee to whom the registers were delivered.

.934 *Postal Employees Responsibility*

Postmasters and other postal employees will be held personally responsible for the wrong delivery, depredation on, or loss of any registered mail due to negligence or disregard of instructions.

.935 *Inspection of Damaged Mail*

To comply with the instructions concerning sanctity of the seal on first-class matter, damaged registered articles must not be examined any more than necessary to determine the extent of the damage.

Part 162

INSURED MAIL

162.1 DESCRIPTION

.11 PURPOSE

The sender may obtain payment for loss of, rifling of, or damage to domestic mail by having it insured.

.12 CLASSES OF MAIL TO WHICH APPLICABLE

.121 Third- and fourth-class mail.

.122 Airmail which contains third- or fourth-class matter (may contain incidental first-class enclosures). Sealed envelopes should be endorsed *Contains Third-Class Mail* or *Contains Fourth-Class Mail*.

.123 Official Government mail bearing *Postage and Fees Paid* endorsement.

.124 The mail must bear the complete names and addresses of sender and addressee.

.13 NOT ACCEPTABLE FOR INSURANCE

.131 Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mail, payment will not be made for loss, rifling, or damage.

.132 Nonmailable matter.

.133 Articles that are so fragile as to prevent their safe carriage in the mail regardless of packaging.

.134 Articles not adequately prepared to withstand normal handling in the mail, see part 121. As a general rule, any package that is mailable should be insurable.

162.2 FEES AND LIABILITY

.21 FEES (IN ADDITION TO POSTAGE)

Liability	*Fee*
$0.01 to $15	$0.40
15.01 to 50	.60
50.01 to 100	.80
100.01 to 150	1.00
150.01 to 200	1.20

Liability for insured mail is limited to $200

.22 PAYMENT OF FEES AND POSTAGE

Insurance fees must be paid in addition to the postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

162.3 ADDITIONAL SERVICES

.31 RESTRICTED DELIVERY

Restricted delivery may be obtained as set forth in 165.3 and by the payment of additional fees as provided in 165.32. For circumstances under which restricted delivery may be accomplished by delivery other than to the addressee, see 165.34.

.32 RETURN RECEIPT

The sender may obtain a return receipt, Form 3811, by paying the required additional fee as provided in 165.2.

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162.4 MAILING

.41 WHERE TO MAIL

Mailers must mail parcels that they insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mail boxes. They must not be left on, but may be placed in, rural mail boxes.

.42 INQUIRY AS TO CONTENTS AND PREPARATION

The postal employee at the window is required to ask whether the package presented for insurance contains fragile, perishable, or flammable matter. If the package does not contain such matter and to all outward appearances is adequately prepared, no further inquiry as to contents will be made. If the package contains such matter, detailed inquiry will be made to determine whether contents are admissible in the mail and are adequately packed.

.43 INDIVIDUAL RECEIPTS FOR MAILING

Mailers are issued a receipt for each insured parcel mailed on one of the following forms:

a. Form 3813, *Receipt For Domestic Insured Parcel*, when the package is insured for $15 or less.
b. Form 3813–P, *Receipt For Insured Mail, Domestic-International*, when the package is insured for more than $15.

The post office keeps no record of the mailing of insured packages. Mailers must enter the name and address of the addressee on the receipt and retain it. Mailers must exhibit the receipt if claim for loss is made. The receipt should be shown if an inquiry is filed. A telephone request for inquiry is acceptable if the mailer can furnish particulars of mailing from his receipt. A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

.44 FIRM MAILINGS

.441 *Firm Mailing Books*

Mailing books, Form 3877, are furnished without charge to customers who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. Any alterations must be initialed by the mailer and accepting employee. The sheets of these books become the senders' receipts. The books must be presented with the parcels to be mailed. Following are instructions for their use:

a. Parcels to be insured for $15 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare one copy only.
b. For parcels to be insured for more than $15, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond.
c. The parcels must be conspicuously endorsed with the stamped or printed official insurance endorsement.
d. All entries made in firm mailing books will be made by typewriter, ink, or ball-point pen. All unused portions of the *addressee* column will be obliterated by drawing a diagonal line through the unused portion.

162.6 RECEIPTS

.61 UNNUMBERED PACKAGES

Unnumbered packages will be delivered as ordinary mail.

.62 NUMBERED PACKAGES

Postal employees will take signed receipts for the delivery of numbered packages on the following forms:

a. Form 3849, when delivery is made by carrier, and window delivery at post offices with 190 or more revenue units.
b. Form 3850, Form 3849, for window deliveries made at post offices with 189 or fewer revenue units.
c. Form 3883, when addressees regularly receive an average of three or more packages at one time.
d. Also, Form 3811, *Return Receipt*, when this service is requested by the sender.

162.7 INTERNAL CONTROLS

.71 FIRM MAILINGS

Accept large mailings of packages from reliable firms as follows:

a. Count the packages when they are received.
b. Check your count against the total number of packages listed on the mailing bill.
c. Receipt the mailing bill and return it to the mailer if your count and the total number on the bill are the same.
d. Check 5 percent of a representative mailing once each month to determine whether the correct postage and fees have been paid and whether the packages are correctly listed on the mailing bills.
e. Issue a temporary receipt on Form 3824 for the total number of packages received when your count is not the same as the total on the mailing bill. Check the entire mailing as soon as possible to determine which listed packages are not received. Correct the mailing bill and return it to the mailer.
f. Postmark each package unless meter postage is used.

.72 FILING OF DELIVERY RECORDS

File delivery records as follows:

a. File Form 3849 in the consolidated file, with those for registered and certified mail, by the last two digits of the insurance number. If quantity accumulated over the filing period is less than 200, use last digit only for breaking file. When the number is not entirely legible, file the receipt alphabetically by the name of the addressee. File Form 3883, *Firm Delivery Bill*, alphabetically by the name of the addressee or by the date of delivery.
b. Delivery receipts for numbered insured packages returned to senders may be kept separately from delivery receipts covering packages delivered to addressees.

.73 CHECK OF RECORDS

To make sure that delivering employees are obtaining the required delivery receipts and that receipts are properly filed, offices having carrier delivery service should:

a. Make a selective check at least quarterly, including a check of firm delivery bills. Use Form 3871, *Receipt Verification—Insured Mail*.
b. Keep a record for 1 year, showing dates of the selective checks and results of the checks.

.74 DISPATCH FROM POST OFFICES

Dispatch insured mail as ordinary mail. Handle it as ordinary mail while it is in transit.

Part 163

COD MAIL

163.1 DESCRIPTION

.11 PURPOSE

Customers may mail an article for which they have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery or COD service. The amount collected is returned to the mailer by a postal money order. The fees for COD service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee.

.12 MAIL WHICH MAY BE SENT COD

First-, third-, and fourth-class matter may be sent as COD mail.

.13 CONDITIONS

.131 The mail must bear the complete names and addresses of sender and addressee.

.132 Amount collected from the addressee will not exceed $300.

.133 The amount to be collected or the amount of insurance coverage desired, whichever is higher, determines the COD fee.

.134 The sender guarantees to pay any return postage unless otherwise specified on the mail.

.135 The goods shipped must have been ordered by the addressee.

.14 PROHIBITIONS

COD service cannot be used for:

a. Collection agency purposes.
b. Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.
c. Sending only bills or statements of indebtedness, even though the sender may establish that the addressee has agreed to collection in this manner. However, when a legitimate COD shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a COD article, provided the addressee has consented in advance to such action.
d. Parcels containing moving-picture films mailed by exhibitors to moving-picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

.15 RESTRICTIONS ON COD SERVICE TO MILITARY INSTALLATIONS

COD service is not available for articles having an APO or FPO designation as part of the address, including official shipments and shipments to Armed Forces agencies.

.16 SERVICE WITH U.S. POSSESSIONS AND TERRITORIES

There is no COD service with the Canal Zone, or Canton Island.

.17 ADDITIONAL SERVICES

.171 *Restricted Delivery*

Restricted delivery may be obtained as set forth in 165.3 and by the payment of additional fees as provided in 165.32. For circumstances under which restricted delivery may be accomplished by delivery other than to the addressee, see 165.34.

.172 *Alteration of COD Charges or Designation of New Addressee*

The sender of a COD package may alter the COD charges or direct delivery to a new addressee by filing a request with the postmaster at the office of mailing on Form 3818, *Authorization to Change COD Charges or Addressee* and paying the fee listed for this service in 163.21. The postmaster will send the directions to the office of delivery by telegram if the sender pays the costs.

.173 *Notice to Sender*

Senders desiring a notice of undelivered COD mail must request Form 3849–D *Notice to Sender of Undelivered COD Mail*, by endorsement on the address label. This request must appear conspicuously, directly under the return name and address of the sender, and separate from any other instructions, as follows:

FORM 3849–D REQUESTED

A mailer's request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions, reading: "*Do not deliver to mailer's designated representative without collecting COD charges,*" or "*Deliver without collecting COD charges to mailer's designated representative.*" The notice will be sent in accordance with 163.511.

.174 *Registered COD Mail*

Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $300, but additional indemnity may be obtained over $300 up to the regular registry limit of $10,000 by payment of a higher fee. Registered COD mail is subject to a handing charge applicable to other registered mail, except that the basis of the handling charge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. Envelopes used as covers must not be smaller than 4 x 7¾ inches.

.18 DELAYS IN REMITTANCE

Mailers should be encouraged to report instances in which there has been undue delay in receiving money orders in payment for COD parcels. The mailer should normally receive payment within 45 days of the day of mailing (75 days for parcels sent by surface ocean transportation). Delays in excess of these periods should be reported to the local postal inspector-in-charge giving the date of mailing, parcel number, address of delivery, date payment was received, and the number and date on the payment money order. Payments not received within these periods may be considered a loss for purposes of filing a claim in accordance with Part 164.

163.2 FEES

.21 IN ADDITION TO POSTAGE

Amount to be collected or insurance coverage desired	COD fees
$0.01 to $10	$0.85
$10.01 to $25	1.05
$25.01 to $50	1.25
$50.01 to $100	1.45
$100.01 to $200	1.65
$200.01 to $300	1.85
Restricted delivery	$0.60
Notice of nondelivery	.25
Alteration of COD charges or designation of new addressee	.50

.22 PAYMENT OF FEES AND POSTAGE

Fees and postage must be prepaid. If the mailer includes in the charges to be remitted the postage and fee prepaid, the COD fee will be based on the total COD charges, which include the postage and fee.

163.3 MAILER PRINTED TAGS

.31 APPROVAL

Many mailers use specially designed and privately printed COD tags which may offer advantages in processing economies or in advertising value. Such economies can often be realized by computer oriented firms when the computer can prepare the tag, develop the equivalent of Form 3877, *Firm Mailing Book for Registered, Registered COD, and Certified Mail*, and also routinely provide a numerical listing of all parcels returned by the Postal Service. Mailers desiring to print their own labels should consult printers capable of printing business forms meeting the requirements of these regulations. COD tags must be submitted to the Office of Mail Classification, Washington, DC 20260 through the local postmaster for approval before printing.

.32 BASIC TAG REQUIREMENTS

.321 Tags may be similar in design to tags provided by the Postal Service, or may be of a multi-layer design if each layer fulfills the function of a part of the tag provided by the Postal Service. COD tags must meet the requirements of this section by July 1, 1975.

.322 Tags shall, as a minimum, contain the equivalent of Form 3816a–L, *Tag for COD Articles*, or Form 3816a–S, *COD Card for Use on Sealed COD Parcels*, provided by the Postal Service; i.e., the delivery office coupon, containing name and address of addressee and mailer, the charges and fees, space for postmarks, and space for the addressee's signature, space for the date of delivery, and space for the signature of the delivery employee and the delivery employee's coupon. A remittance coupon to be returned to the mailer with the money order, may also be included.

.323 To facilitate filing and retrieval at the delivery office, the delivery office coupon should be the approximate size of the Postal Service tag (min: 3" x 3", max. 3.5" high x 4") and have space for the COD article number at the top of the tag.

.324 Tags must be conspicuously marked *COD*.

b. At offices with 949 or fewer revenue units record particulars of unidentified loose tags on Form 3850 or 3814-C in the same manner as incoming COD packages. Add a notation *Loose Tag*.
c. If a loose tag is found in transit and it cannot be connected with the package, send it to the postmaster at the office of address for handling in accordance with these instructions.

.65 PROTECTION

Accord COD mail every reasonable safeguard. Prevent access to the mail by unauthorized persons. Keep such mail in locked cabinets, if available.

.66 PARCELS BEARING TAPE-ON TAGS

When tape-on tags, Form 3816a–S, have been used on the parcels, fasten the loose ends down before the parcels are forwarded or returned.

.67 RETURNED COD

Make a selective check to determine that receipts are being obtained for returned COD's, except where such items are listed on firm delivery bills at the post office before being given to carriers. Use Form 3871.

163.7 SPECIAL INSTRUCTIONS

.71 OFFICES WITH 950 OR MORE REVENUE UNITS

.711 *Mail Opening Units*

Handle the mail as follows:
a. Give COD special delivery mail to the special delivery unit without recording it or obtaining a receipt.
b. Separate all COD mail not to be delivered from stations and give it to the recording or delivery unit without making a record or obtaining a receipt.
c. COD mail for delivery by stations may be dispatched to stations with ordinary and insured mail or may be separated and dispatched in separate sacks labeled COD and marked for the superintendent. Do not postmark the tags or make a record on any bill.

.712 *Recording Section*

a. Assign mail for delivery as follows—Give mail for window delivery to the delivery section without receipt. Assign mail for delivery by both parcel post and foot carriers. Get a receipt from the carrier, in duplicate, on the left side of Form 3821, *Bulk Receipts for C.O.D. Mail and Funds*, for the number of packages given him for delivery. Remove the delivery employee's coupons from the tags and keep them with both copies of Form 3821.
b. Clear carriers as follows:
   (1) At the end of each trip, or daily, give the carrier a receipt, in duplicate, on the right side of Form 3821. Show number of receipted tags, total amount collected, including money order fees, and number of returned packages.
   (2) The carrier will retain the copy of Form 3821, and deposit the original for the chief accountant or other designated supervisory employee (under system B, the station or branch superintendent or his designee) in a slotted and locked receptacle provided for the purpose. If a receptacle is not provided, make arrangements for the custody of these forms to prevent access by unauthorized persons.
   (3) Carriers must retain their copies of Form 3821 for 3 months from the last day of the month in which issued.

(4) Give a receipt on one copy of Form 3821 for the total number of packages turned in by a carrier to a station other than the one from which received. Enter total number of packages on the receipt. The carrier must turn in the receipt at the end of his trip, at the place where the packages were assigned, for clearance purposes.

(5) Destroy the delivering employee's coupons for delivered packages after clearing carriers. Fasten coupons to the related tags for packages to be given renewed delivery service.

c. Dispose of undelivered packages as follows. Give to the delivery section, without receipt, undelivered packages awaiting call of addressee. Prepare for dispatch and send to outgoing mail unit packages brought back by carriers which are to be forwarded or returned. Parcels to be returned to sender must be clearly endorsed to show reason for nondelivery. Record mail forwarded, returned, or abandoned on Form 3814 to show disposition of each package.

d. File Forms 3814 at the main office, alphabetically by name of addressee, or by the last two digits of the COD number. If preferred, Forms 3814 may be filed with the COD tags of delivered parcels.

.713 Delivery Section

a. If an on-hand record is necessary to provide the best means of handling, and the number of on-hand articles averages at least 100, use Form 3814 for this purpose. Enter on Form 3814 the name and address of addressee, amount of charges, and bin number if needed. Retain for 6 months if they would be useful in handling inquiries. Otherwise, destroy them.

b. Each employee delivering COD mail to the public shall make a report on Form 3821 to the chief accountant or designated supervisor (under system B, the station or branch superintendent or his designee). Prepare Form 3821 in duplicate. Keep the copy as a personal record and deposit the original in the locked receptacle provided for carriers.

c. Dispose of Form 3821 as follows:

(1) Under system A, remove Form 3821 from the locked receptacle each day for transmission to the chief accountant. No employee having responsibility for preparation of Form 3822, *COD Tag Transmittal*, or Form 1412, *Daily Cash Report*, shall have access to the Forms 3821 deposited in the locked receptacle for transmission to the chief accountant.

(2) Under system B, Forms 3821 are removed from the locked receptacle by the station or branch superintendent or his designee.

.714 Special Delivery Section

Operate the same as the recording section in assigning and clearing carriers. Turn over undelivered COD special delivery mail to the recording section if another attempt to deliver is to be made within 5 days; otherwise, to the delivery section.

.715 Remitting Units

a. All units effecting delivery of COD mail must complete Form 3822, *COD Tag Transmittal*, in duplicate, each day.

b. If both carrier and window deliveries are being accounted for at the same unit, enter the collections for both on the same Form 3822.

c. System A and system B are authorized. System A applies when all COD money orders are issued at the main office (unless otherwise stated, instructions in 163.71 relate to system A). System B applies when COD money orders are issued at delivery stations and branches including rural stations and branches.

d. At offices operating under system A, verify and forward the original copy of Form 3822, *COD Tag Transmittal*, and the adding machine tape listing separately the amount of charges and money order fee for each tag to the superintendent of the main post office window units, or to the assistant postmaster at offices with receipts of less than $1 million. Keep the tags in the same order as amounts shown on the tape. Forward the duplicate copy of Form 3822 to the chief accountant in support of Form 1412, *Daily Cash Report*, or to the postmaster at offices with receipts of less than $1 million. Merge the COD funds with other funds into a single remittance either to a bank or to the main office opening unit. Show COD funds as trust items in A/C 16601 on Form 1412. If station funds are remitted directly to a bank, forward the COD tags by ordinary mail to the main office.

e. At offices operating under system B:

(1) The COD clerk must (a) deliver direct to the money order clerk the COD tags with adding machine tape listing separately the amount of the charges and money order fee for each, the cash and Form 3822 in duplicate; (b) obtain the money order clerk's receipt on Form 3822; and (c) deliver the original to the station or branch superintendent or his designee, and retain the copy for 3 months.

(2) The money order clerk must verify the cash, the number of COD tags, and the amount shown on Form 3822, receipt and return Form 3822 in duplicate to the COD clerk, issue the money orders the same day delivery is effected, if practical, and send to senders with identification coupons, if any. He shall attach the customers' receipts to the corresponding COD tags and deliver them with adding machine tape separately listing charges and money order fees to the superintendent or designee, with funds representing COD money orders not issued.

(3) The station or branch superintendent, or designee, shall receive the receipted original Form 3822 from the COD clerk and compare the amounts thereon with the totals on Forms 3821, *Bulk Receipt for COD Mail and Funds*. These must agree. He shall receive the COD tags from the money order clerk with customers' receipts attached. Funds representing COD money orders not issued shall be recorded as trust funds on Forms 1412 and 3683, *Trust Accounts Receipts and Withdrawals*. He shall send the COD tags to the main office for filing. The original Form 3822 and supporting Forms 3821 shall be retained at the delivering station or branch and filed by date. The cash shall be accounted for as money order funds on *Daily Cash Report*, Form 1412.

(4) The station or branch superintendent, or designee, is responsible for ensuring that the check required by 163.716g is performed at the station/branch.

(5) COD delivery units of the main office shall follow the procedures in system A.

.716 Main Office Window Unit

a. Issue the money orders. (see 163.62)

b. Staple the customer's receipt to the COD tag.

c. Add separately the amounts of the money orders and fees covering the tags from each unit. If the totals agree with those on Form 3822 and the adding machine tape, no further verification is necessary.

d. Complete the money order accountability report.

e. Forward receipted Form 3822 to the chief accountant.

f. File COD tags in a separate file for semimonthly, monthly, or quarterly periods, by the last two digits of the package numbers. Postmasters may maintain this file in the inquiry section if more advantageous.

g. Check one day's COD business each month to make sure money orders are being properly prepared and promptly issued. The check must be made by employees who do not issue money orders. This check shall be performed under both systems A and B.

.717 *Inquiries and Claims*

Do not assign an employee engaged in the handling of COD mail or funds or in the issuance of COD money orders to handle inquiries or claims covering COD mail, unless this is unavoidable.

.718 *Exceptions to Special Instructions*

a. *Combining Sections.* If the quantity of mail does not justify separate recording and delivery sections and the duties can be performed in one section, or if the duties of one or both sections can be performed in the registry section, submit a statement of the facts to the Regional Director, Customer Services.

b. *Alternate Procedure.* Offices with 950 or more revenue units, receiving a daily average of less than 25 COD packages, may handle mail and funds in accordance with the instructions applicable to offices with 190 through 949 revenue units, as outlined in 163.72.

.72 OFFICES HAVING FROM 190 THROUGH 949 REVENUE UNITS

.721 *Assignment of Clerks*

Assign different clerks to the following work if possible:

a. Recording clerk, to list incoming COD mail on Form 3814-C, *Recording and Checking COD Parcels and Funds at Offices having from 190 Through 949 Revenue Units.*

b. COD delivery clerk, to effect window delivery, assign to and clear carriers for COD mail, and prepare undelivered COD mail for return to sender, forwarding to addressee or making other disposition at expiration of retention period.

c. Money order clerk, to issue money orders in payment of COD charges.

.722 *Opening Unit*

Segregate COD packages from other mail and give them to the recording clerk.

.723 *Recording Clerk*

a. Transfer all COD mail, including special delivery, to the COD delivery clerk. Get a receipt for the mail in duplicate on the Form 3814-C. Give the original to the delivery clerk and the copy to the postmaster.

b. If different employees are assigned to window delivery and assignment of mail to carriers, prepare a separate list for each, in duplicate. Get receipt in duplicate, giving the original with the mail and the copy to the postmaster.

.724 *Delivery Clerk*

a. Charge mail to carriers on the delivering employee's coupon of COD tags. At the end of each trip, or daily, clear the carrier on the same coupon.

b. Receipt the coupons and give them to the carriers on return of the amounts collected and receipted COD tags, or on return of the packages. Carriers must retain the coupons for 2 years, filed numerically, or by date of mailing office postmark. Carriers must surrender coupons for articles that are reassigned for delivery and, when requested, for other reasons.

c. Each day when making window delivery of COD mail or receiving funds from carriers, give the receipted COD tags and collections to the money order clerk. Get a receipt in the column on Form 3814-C headed *Initials of M. O. Clerk*, opposite the entry of the delivered packages.

d. Enter the final disposition of each COD package and the date in the column headed *Disposition of Parcel* on Form 3814-C. Show *D* for delivered; *R* for return to sender; and *F* and name of the post office involved if

package was forwarded to the original addressee. Show also if the package was delivered without collection, abandoned, sold at auction (baby chicks, etc.), forwarded to others than the original addressee, or returned to other than the sender. If the latter two, enter the name and complete address of the person or firm to whom forwarded or returned.

.725 *Check of COD Business*

a. *Intervals.* At irregular intervals, but not less than twice a month, the postmaster must make a critical examination of the COD business.

b. *Method.* Perform the examination as follows:

(1) Select at random three or more sheets of Form 3814-C covering packages received for delivery during the period to be checked.

(2) Check "open" items against the on-hand packages. Packages should be on-hand.

(3) Check the COD tag file for record of money orders covering packages shown on Form 3814-C to have been delivered. Compare dates of money orders with dates of delivery as shown on the COD tags and Form 3814-C.

(4) Compare the date of mailing office postmark with incoming postmark to detect any pattern of delay beyond normal transit time that would suggest incoming postmarks are being falsified.

(5) Select at random several delivering employees' receipts and compare dates of delivery with recorded dates of COD money orders.

(6) Assure that senders' return instructions are being observed, and that returned packages are properly endorsed to show the reason for nondelivery and the dates addressees were notified.

.726 *Reports*

Report immediately to the inspector in charge any irregularity indicating possible manipulation of COD funds or records. Do not reveal to employees the fact that report has been or will be made.

.727 *Inquiries and Claims*

All inquiries and claims relating to COD mail must be handled by the postmaster or his designated representative.

.728 *Exception to Special Instructions*

If any office with from 190 through 949 revenue units receives a daily average of less than 10 COD packages, mail and funds may be handled in accordance with special instructions to offices with 189 or fewer revenue units.

.73 OFFICES WITH 189 OR FEWER REVENUE UNITS

.731 *Recording and Postmarking*

Postmark tags to show date of receipt and record packages promptly on Form 3850, *Record of Delivered Registered, Numbered Insured and COD Mail.*

.732 *Delivery at Post Office*

Deliver packages in accordance with 163.51.

.733 *Assignment to Rural Carriers*

a. Get the receipt of the carrier for the packages on the delivering employee's coupon on each COD tag.

b. Complete and initial the delivering employee's coupons and give them to the rural carrier when he turns in the charges collected, the receipted tags, and undelivered packages.

.734 *Delivery by Rural Carriers*

a. Initial the delivering employee's coupons of COD tags covering parcels assigned for delivery and deliver parcels in accordance with 163.51.

b. At the end of each trip turn in charges collected, receipted tags, and undelivered packages.

c. Retain for two years the delivering employee's coupons of COD tags which have been initialed by clearing employee. File numerically, or by date of mailing office postmark.

.735 Delivery From Rural Station

a. Turn parcels over to rural carrier without obtaining receipt. Carrier will deliver parcel to the rural station without obtaining a receipt.
b. Delivery at station in accordance with 163.51.
c. Issue money orders for delivered parcels at the station and mail them to the senders.
d. Send the post office voucher portions of money orders to the main office with other vouchers daily.
e. Attach customer's receipt portions of money orders to delivery office portions of COD tags and send them to the main post office.
f. The main post office will complete Form 3850 to show delivery, and file COD tags and customer's receipt portions of money orders.
g. Independent rural stations will maintain a record on Form 3850 of COD parcels received for delivery.

163.8 REGISTERED COD MAIL

.81 ACCEPTANCE

.811 Packages

Endorse the COD tag with the word *Registered*. Place the registration number on the tag and place a COD endorsement, registry endorsement, and registration number on the address side of the package.

.812 Envelopes

If the COD article is in the form of an envelope, fasten the tag to the address side of the envelope by means of adhesive tape, if this can be done without obscuring any portion of the address, return card, or directions of the sender. If it cannot be properly fastened to the address side, fasten the tag to the back of the article in such a manner as to permit inspection of the postmark.

.82 RECEIPTS AND OFFICE RECORDS

.821 Mark the sender's receipt and the office registration record *COD*, and show separately the amount of COD charges, COD fee, and postage paid, in addition to particulars required to be kept of registered mail.

.822 Detach and destroy the mailing office and sender's receipt portion of COD tags, as firm registration receipts, Forms 3877, and other registration records take the place of these records.

.823 In individual registration receipts, Forms 3805 or 3806, are used, enter the COD data on the back of the receipt.

.83 DISPATCH FROM POST OFFICES

Dispatch registered COD mail in the same manner as other registered mail. Do not enter the amount of COD charges on the dispatch record. If the dispatch does not consist entirely of registered COD mail, enter the word *COD* opposite the entry of each registered COD article.

.84 HANDLING AT OFFICE OF ADDRESS

Handle as follows:

a. Include the mail with other registered mail, and handle in accordance with the methods prescribed for handling other registered mail. Obtain addressee's receipt on Form 3849 as well as on the COD tag.

a. Use the information on the original Form 3841 to complete as much of the duplicate Form 565 as possible. The signature of the customer who initiated the claim and the supporting documents is not necessary.
b. Mark the top of the Form 565 *Duplicate*.
c. Annotate the original Form 3841 to indicate that a duplicate claim has been initiated and the date forwarded to the second post office.
d. Process through normal channels.

164.9 PAYMENT CONDITIONS AND RECOVERY OF ARTICLES OR REIMBURSEMENT

164.91 PAYMENT CONDITIONS

.911 If, through established error by the Postal Service, a fee less than that required to cover the amount of insurance coverage requested at the time of mailing was charged, the mailer may be permitted to pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

.912 If commercial insurance is carried on a registered, insured, or COD article, the total amount of insurance to be received will be prorated between the Postal Service and the insurance company using the following formula:

$$\frac{\text{Postal Insurance or Actual Value (whichever is less)}}{\text{Postal Insurance or Actual Value (whichever is less)} + \text{Total Private Insurance}} \times \text{Actual Value or Cost of Repairs} = \text{Postal Liability}$$

.913 If the insured or COD article was lost or the *entire* contents totally damaged, the payment check will include an additional amount for postage (not fee) paid by the mailer.

.914 If both mailer and addressee claim insurance, they should decide between themselves who should receive payment. If no agreement is reached, payment may be made to the mailer, the person with whom the Postal Services contract of insurance was made.

.915 If the mailer is incompetent or deceased, payment will ordinarily be made to the legal representative. If there is no legal representative, payment may be made to such relative or representative of the mailer as may be entitled to receive the amount due, in accordance with applicable State laws.

.92 DISPOSITION OF ARTICLE

When a lost registered, insured, or COD article is recovered, the payee may accept the article and reimburse the Postal Service for the full amount paid if the article is undamaged, or such amount as may be determined equitable by the Postal Service if the article is damaged or has depreciated in value or if the contents are not intact.

.93 HANDLING REIMBURSEMENT

If reimbursement is tendered representing an overpayment, erroneous or improper payment, or a voluntary indemnity refund, accept it and issue a receipt. Send all reimbursements to the St. Louis Postal Data Center, with the applicable certifying office claim number and date of certification. Personal checks, money orders, or other negotiable instruments should be made payable to the Postal Service. If the instrument is made payable to the postmaster, he should sign his name and restrictively endorse it *Pay to Postal Service* and remit as above. Do not mark an entry in the cashbook.

.94 CONTROL OVER RECOVERY CLAIMS

When an overpayment, erroneous, or improper indemnity claim payment is disclosed and repayment is not tendered, report it to the Director, St. Louis Postal Data Center, by memorandum, to be placed under accounts receivable control.

Part 165

CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

165.1 CERTIFICATES OF MAILING

.11 PURPOSE

Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

.12 FEES

.121 *Individual Pieces*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail.	10¢ for each piece of mail described.
Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail.	10¢ for each piece of mail described.

.122 *Bulk Pieces*

Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	50¢
For each additional 1,000 pieces, or fraction	10¢
Duplicate copy	10¢

.13 FORMS

.131 *Who Prepares*

a. Certificates of mailing are prepared by the mailer, except mailers on rural routes or at nonpersonnel rural stations and branches. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

b. Customers of rural routes and nonpersonnel rural stations and branches may deliver mail to the rural carrier with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

c. Certificates of mailing must be prepared using typewriter, ink, or ballpoint pen.

.132 *Individual Certificates*

Form 3817, *Certificate of Mailing*, is used for an individual certificate for ordinary mail of any class. Forms specially printed at the mailer's expense may be used also.

.133 *Firm Mailing Books*

Firm mailing books Form 3877 or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time.

.134 *Bulk Mailings*

Form 3606, *Sender's Statement and Certificate of Bulk Mailing of Matter Paid With Stamps or Meter Postage*, is used to issue certificates that a specified number of pieces have been mailed. These certificates are furnished only for mailings of identical pieces of first- and third-class matter paid with ordinary stamps, precanceled stamps, or meter stamps. A certificate will not be issued for bulk mailings paid with permit imprints.

.135 *Quantity Mailings*

When the number of articles ordinarily presented justifies such action, mailers must comply with the following:

a. When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles should also be lightly numbered at a uniform place to permit relating the parcels and certificates.

b. When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles lightly numbered to show the sheet and line number on which they are described.

.14 ADDITIONAL CERTIFICATES AFTER MAILING

To obtain an additional certificate after mailing, the sender must present the original certificate and an additional certificate endorsed *duplicate* or *copy* showing the original dates of mailing. The additional certificate will be postmarked to show the current date.

.15 PAYMENT AND CERTIFICATION

Mailers must affix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required.

165.2 RETURN RECEIPTS

.21 PURPOSE

Return receipts furnish the mailer evidence of delivery. The fee paid for a return receipt does not insure the article against loss or damage. Return receipts may be obtained for mail which is sent COD, is insured for more than $15.00, or which is registered or certified. For international return receipts, see parts 425 and 437 of Publication 42, *International Mail*.

.22 FEES (IN ADDITION TO POSTAGE AND OTHER FEES)

Requested at Time of Mailing:	
Showing to whom (signature) and date delivered	$0.25
Showing to whom (signature) and date and address where delivered	.45
Requested After Mailing:	
Showing to whom and date delivered	.45

.23 PROCEDURES AT MAILING OFFICE

.231 The sender may request a return receipt, Form 3811, at the time of mailing by informing the postal clerk or writing on the mail *Return Receipt Requested* or *Return Receipt Requested Showing Address Where Delivered*. Firm mailers will complete the mailer's entries on the form, including the article identification number, attach the form, and *place the required endorsement on the article*. Individual mailers will also normally complete the mailer's entries on the form, but in those cases where the article is mailed with the endorsement and the correct postage but without Form 3811 attached, the clerk shall complete the form and attach it to the article.

.232 The sender may request a return receipt after mailing an article which is registered, certified, COD, or insured for more than $15.00 by paying the required fee. To do so, the sender shall complete Form 3811–A, *Request for Return Receipt (After Mailing)*, attach the proper postage, and mail the Form 3811–A to the delivery post office. The sender will be provided the date of delivery and the name of the person who signed for the article as shown in delivery records. Neither the signature of the recipient nor the address of delivery will be provided.

.233 In the event a mailer does not, after a reasonable period of time, receive a return receipt he has paid for, he may, within one year of mailing, request a duplicate if he can produce a receipt for such payment. The mailer may request the duplicate by presenting the receipt at any post office, branch, or station. The clerk shall assist the customer in completing Form 3811–A, postmark it, and mail it to the delivering post office. No charge for such duplicate is to be made.

.234 Return of Form 3811 or Form 3811–A by airmail may be obtained by the mailer affixing postage stamps to the form to cover the postal card airmail rate and endorsing it *Return by Airmail*.

.235 Payment for return receipts shall be noted on the receipt given for purchase of the COD, registry, certified mail, or insurance service.

.24 PROCEDURES AT OFFICE OF DELIVERY

.241 *Return Receipt, Form 3811*

a. Delivery employees shall obtain the signature of addressee or his agent. Delivery shall only be made to the addressee if so requested on the Form 3811, except as provided in 165.341. The address of delivery shall be filled in only if requested on Form 3811. The delivery employee shall examine the card for completeness and make any corrections necessary. Return receipts shall be given to the clearing clerk daily when the carrier returns to the post office.
b. The clearing clerk shall check all return receipts to make sure they are properly signed and dated. If the mail was restricted in delivery, check to see that delivery was not made to an agent, except as provided in 165.341. If delivery was improper, have addressee sign a second return receipt. Take prompt corrective action with delivery employees if return receipts are improperly handled or completed. Postmark all return receipts legibly and mail no later than the first working day after delivery. Undeliverable articles will be handled in accordance with 159.272 and the appropriate endorsement will be made in block 6 of Form 3811.

.242 *Request for Duplicate or Return Receipt After Mailing, Form 3811–A*

a. Records of delivery shall be checked and the date of delivery and name of the individual who signed for the article shall be placed on Form 3811–A.
b. If a signed receipt is not found for certified mail, send the addressee Form 1572, *Inquiry About Receipt of Mail*. If the reply indicates that the addressee has received the certified mail, file completed Form 1572 with Forms 3849 as a receipt. The delivery information contained on Form 1572 shall be used to complete Form 3811–A. If the addressee does not return completed Form 1572 within 14 days, Form 3811–A shall be completed to show no record of delivery and returned to the mailer.
c. Form 3811—A shall be postmarked and the 45¢ postage for receipt after mailing shall be canceled. A line is to be drawn through the address of the delivery post office on the front of Forms 3811–A (1973 and later printings) and the form mailed back to the mailer.

.25 REFUNDS

Return receipt fees will only be refunded when failure to furnish a receipt was the fault of the Postal Service.

165.3 RESTRICTED DELIVERY

.31 PURPOSE

Restricted delivery provides a means by which a mailer may direct that delivery be made only to the addressee or to an agent of the addressee who has been specifically authorized in writing by the addressee to receive his mail. This service is available only for articles addressed to natural persons specified by name (see section 165.34 for circumstances under which this service is not provided). Restricted delivery may be obtained for mail which is COD, insured for more than $15, registered, or certified. For international restricted delivery, see Part 426, Publication 42.

.32 FEE (IN ADDITION TO POSTAGE AND OTHER FEES)

Restricted delivery, $0.60.

.33 PROCEDURES

.331 *At the Time of Mailing:* The sender shall inform the postal clerk or write on the mail *Restricted Delivery*. Customers should be advised that famous personalities and executives of large organizations normally will authorize an agent to sign for such mail as provided for in section 165.341. The clerk shall stamp the article *Restricted Delivery* if the mailer has not done so. Firm mailers are expected to place the required endorsement on the article being mailed and enter the appropriate fee in the proper column of the *Firm Mailing Bill*. In the case of mail for which a return receipt has been requested, the appropriate block on the Form 3811 shall be checked to indicate restricted delivery is desired.

.332 *After Mailing:* The mailer may request restricted delivery after mailing by notifying the mailing post office in writing, providing appropriate identification of the article including the parcel number and addressee, and payment of the appropriate fee. The mailer will be required to pay for the postage, telegram, or telephone call required to effect the restricted delivery. Failure to provide the service because of prior delivery will not be grounds for refund of the fee or communication charges.

Post Office Services (Domestic) TL-41, 12-31-76, Issue 116

.34 PROCEDURES AT OFFICE OF DELIVERY

.341 Mail marked *Restricted Delivery* will be delivered only to the addressee or to the person he specifically authorizes in writing to receive his restricted delivery mail:

a. Addressees who regularly receive restricted delivery mail may authorize an agent by use of Form 3801, *Standing Delivery Order*, or by a letter to the postmaster. These authorizations are for post office records. The notation *This authorization is extended to include Restricted Delivery Mail* must be made by the addressee on the part of the Form 3801 provided for signatures of authorized agents.
b. Form 3849, *Notice of Mail Arrival or Attempted Delivery*, may be left for this authorization if the post office has no standing delivery order or letter on file. On the back of the form the addressee may enter the name of the person designated in the *Deliver Article To* block, and sign and date the authorization. The agent must sign for receipt of the article on the front of the form in the normal manner.
c. Proof of identification should be required of the addressee (or agent) if not known by the delivery employee when restricted delivery mail is delivered.

.342 Restricted delivery mail addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States or of the States and possessions, and their political subdivisions, or to members of the diplomatic corps, may be delivered either to the addressee or to a person authorized by these persons to receive their mail.

.343 Restricted delivery mail addressed to the commander, staff sections or other officials of military organizations by name and title may be delivered to the unit mail clerk, mail orderly, postal clerk, assistant postal clerk, or postal finance clerk, when such individuals have been designated on DD Form 285 to receipt for all mail addressed to the units for which they are designated. If the mail clerk, etc., has been designated on DD Form 285 to receipt for ordinary mail only, then restricted delivery mail addressed to the commander, etc., by name and title may be delivered to the mail clerk, etc., only if authorized by the addressee in a letter to the post office, on Form 3849, or Form 3801.

.344 Restricted delivery mail addressed to minors or to individuals under guardianship may be delivered to their parents or guardians if the parent or guardian so requests.

.345 Restricted delivery mail addressed to an inmate of a city, State, or Federal penal institution, in cases where a personal signature cannot be obtained, may be delivered to the warden or his authorized representative.

.346 When mail marked *Restricted Delivery* is addressed jointly to two or more persons (as indicated by the word *and* or symbol & connecting their names), all addressees or their agents will be notified to be present to accept delivery together. The delivery receipt obtained and the return receipt, if any, must be signed by all of the joint addressees or their agents. The mail may then be delivered to any of the addressees or their agents unless one or more addressee or their agents objects, in which case delivery will not be made until all the addressees or their agents sign a statement designating who is to receive the mail.

.347 The endorsements *Deliver to Addressee Only* or *Deliver to Addressee or Order* are obsolete. Any mail bearing such endorsements will be handled in accordance with the procedures prescribed for *Restricted Delivery* mail.

.35 REFUNDS

Restricted delivery fees will be refunded only when failure to give restricted delivery was the fault of the Postal Service.

Part 166

SPECIAL DELIVERY

166.1 DESCRIPTION

.11 POINTS OF DELIVERY

Special delivery mail is given immediate delivery at the office of address during prescribed hours to:

a. Points within a radius of 1 mile of any post office, station, or branch (except contract and rural stations and branches).
b. Points within the city delivery limits of any post office having this service. These conditions apply to customers of rural routes residing within the 1-mile limitation.
c. Residences on rural routes if the road is passable and is located within one-half mile of rural route; otherwise, mail is left in the box. Delivery will be made by carrier on his regular trip.
d. Customers of nonpersonnel rural stations and branches if their residence is within one-half mile of the unit and if there is a passable road leading to it. Otherwise, mail is left in customer's box at the unit.
e. Points within one-half mile of a star route by the star route carrier who may make such delivery on his regular trip if the deviation from his regular route will not delay him in meeting schedule requirements.
f. Boxes erected on the city delivery boundary line and if customer lives no more than 3 blocks beyond and there is a passable walk or street to the residence. If there is no passable walk or street, the article is left in the box if the box will accommodate it. Otherwise, a notice is left in the box.

.12 TRANSPORTING AND DELIVERING

Special delivery mail is given preferential handling to the extent practicable in dispatch and transportation. Payment of a special delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should be registered also. Insured, certified, and COD mail may be sent special delivery.

166.2 PAYMENT FOR SPECIAL DELIVERY

.21 SPECIAL DELIVERY FEES

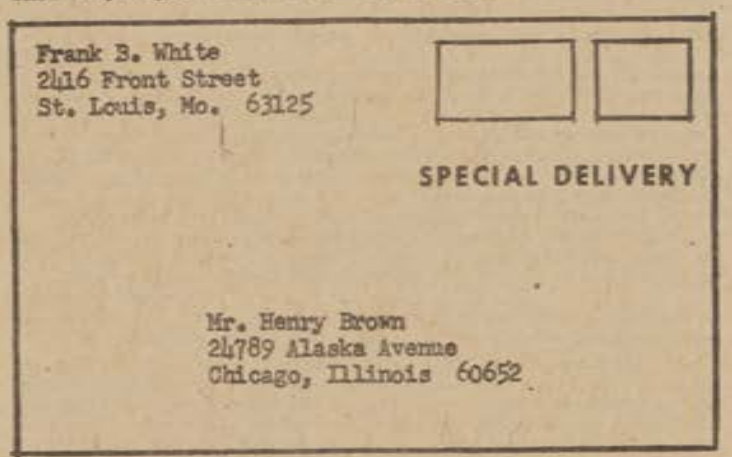
Class of mail	Weight		
	Not more than 2 pounds (cents)	More than 2 pounds but not more than 10 pounds (cents)	More than 10 pounds (cents)
First-class, airmail, and priority mail	$1.25	$1.50	$1.75
All other classes	1.75	1.85	2.15

.22 PREPAYMENT OF FEE

Prepay the special delivery fee by special delivery stamps, ordinary postage stamps, or meter stamps. The special delivery fee must be prepaid in addition to regular postage except on *Postage and Fees Paid* mail (official mail). Official matter in penalty or franked envelopes is not entitled to free special delivery, except urgent official communications of the Postal Service.

.23 MARKING

Mailers should mark prominently the words *Special Delivery* preferably below the postage and above the name of the addressee as follows:



166.3 WHEN TO DELIVER

.31 HOURS OF DELIVERY

.311 *At City Delivery Offices*

a. Normal hours of delivery begin at 7 a.m. and end at 11 or 12 p.m., the ending time being contingent upon the last major mail receipt. However, depending on local conditions, first-trip delivery may begin as early as 6 a.m. or as late as 8 a.m. Delivery on the first trip should be completed within four hours of the messengers departure from the office.
b. Special delivery messengers should leave delivery unit ahead of regular letter carriers serving the same territory. Every effort should be made to deliver specials ahead of ordinary mail.
c. Deliver specials in business sections by regular letter carrier on first trip when delivery before 8:30 a.m. and ahead of special delivery messengers can be assured.

.312 *At Noncity Delivery Offices*

Normal hours of special delivery are 7 a.m. until closing hour of the post office. Unless there is a demand for earlier delivery, postmasters may authorize messengers to depart as late as 8 a.m. on the first trip. Specials arriving after the office is closed, but not later than 9 p.m., will be delivered provided the postmaster or an employee is on duty.

.313 *Sundays and Holidays*

Sunday and holiday deliveries should be scheduled as needed, but not to exceed a maximum of three delivery trips, one each in the morning, afternoon and evening.

.314 *Outside Regular Delivery Hours*

If specials arrive outside regular delivery hours, notify customers by telephone, if practicable; also notify customer if requested. Attempt to telephone rural customer if specials arrive after the rural carrier has departed on his route.

.315 *Unusual Conditions*

Postmasters and postal employees are expected to display interest and ingenuity to effect the prompt delivery of specials.

.32 FREQUENCY OF DELIVERY

A maximum of four daily city-wide trips will be made. If unusual conditions exist and postmasters feel additional trips are needed, obtain specific authority from the Regional Postmaster General. Fixed schedules will be established to connect major mail receipts to insure that the maximum available specials are delivered on each trip. Establish an additional mid-morning trip in the central business sections, if needed. Schedule one of the city-wide trips in the mid or late afternoon to provide delivery of all available specials to firms prior to the normal closing hour. The last city-wide trip should connect with the last major mail receipt; however, messengers should not leave after 9 p.m.

166.4 DELIVERY PROCEDURES

.41 TO WHOM DELIVERY MAY BE MADE

Ordinary special delivery mail is delivered to the addressee or to anyone authorized to receive his mail. At city delivery offices, special delivery mail, other than registered and insured, addressed to a post office box or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special delivery mail is received at a city delivery office addressed to a street address and the addressee usually receives his mail through a post office box or through the general delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general delivery window. At offices not having city delivery service, all special delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general delivery window.

.42 DELIVERY IN MAIL RECEPTACLES

When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on Form 3955, *Special Delivery Notice*.

.43 NOTICE OF ATTEMPTED DELIVERY

When mail cannot be delivered as described in 166.42, the Form 3955, left under the door, between the door and doorjamb, or in the receptacle, will state where the special delivery mail is being held.

.44 RURAL AND STAR ROUTE CARRIERS

If delivery is attempted and cannot be made to a customer's residence or place of business, the special delivery matter is deposited in his box and a notice of nondelivery on Form 3955 is left at his residence or place of business.

.45 MILITARY POSTS AND CAMPS

No special delivery service is provided by military personnel at military posts and camps. Special delivery by messenger is made only to addresses such as officers' homes, headquarters, hospitals, and other places where it is definitely known that delivery can be made.

.46 FORWARDED SPECIAL DELIVERY MAIL

Special delivery mail that is forwarded is not entitled to special delivery at the second office, unless a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail.

Part 167

SPECIAL HANDLING

167.1 DESCRIPTION

Special handling service is available for third- and fourth-class mail only, including that which is insured or sent COD. It provides preferential handling to the extent practicable in dispatch and transportation, but does not provide special delivery. Special handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

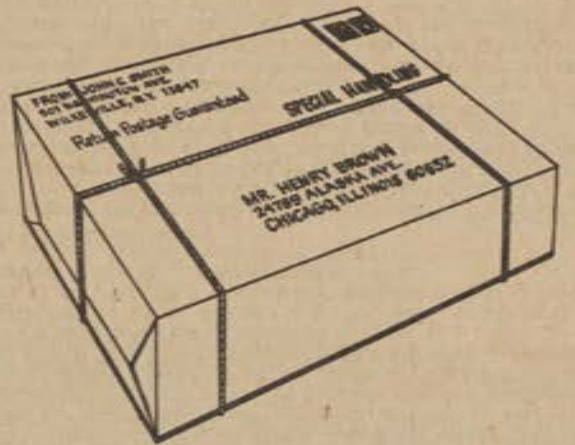
167.2 FEES

Weight	Fee
Not more than 2 pounds	$0.50
More than 2 pounds but not more than 10 pounds	.70
More than 10 pounds	1.00

The special handling fee is in addition to regular third- or fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

167.3 MARKING OF PARCELS

Mailers should mark the words *Special Handling* above the name of the addressee and below the stamps as illustrated:



167.4 FORWARDING

Parcels undeliverable as originally addressed and forwarded to the addressee at a new address are given special handling without requiring an additional special handling fee. Additional postage at the regular third- or fourth-class rate is collected on delivery.

Part 168

CERTIFIED MAIL

168.1 DESCRIPTION

Certified mail service provides a receipt to the sender and a record of delivery at the office of address. No record is kept at the office at which mailed. It will be dispatched and handled in transit as ordinary mail. No insurance coverage is provided. Return receipts and restricted delivery services may be obtained as set forth in part 165 and by the payment of additional fees as provided in 165.22 and 165.32. For circumstances under which restricted delivery may be accomplished by delivery other than to the addressee, see 165.34. Certified mail will be endorsed in the following manner:



168.2 CLASS OF MAIL TO WHICH APPLICABLE

Any mailable matter of no intrinsic value on which postage at the first-class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other similar matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Special delivery services are available on payment of the prescribed fees. Penalty and franked mail may be accepted as certified mail if the fee is prepaid. Official matter of the Postal Service may be sent as certified mail without payment of the fee. Business reply mail must be fully prepaid with postage and fees.

168.3 FEES

.31 FEE IN ADDITION TO POSTAGE ..... 60 cents

.32 RESTRICTED DELIVERY ..... 60 cents

.33 RETURN RECEIPTS

Requested at time of mailing:
- Showing to whom and date delivered ..... 25 cents
- Showing to whom, date, and address where delivered ..... 45 cents

Requested after mailing:
- Showing to whom and date delivered ..... 45 cents

168.4 MAILING

.41 PAYMENT OF FEES AND POSTAGE

The fee and postage may be paid by ordinary postage stamps, meter stamps, or by permit imprints.

.42 POINTS TO WHICH MAILABLE

Certified mail may be addressed for delivery only—
a. In the United States, its territories and possessions.
b. In the Canal Zone.
c. Through Army, Air Force (APO) and Navy (FPO) post offices.
d. Through the United Nations, N.Y. post office.

.43 WHERE TO MAIL

Customers may mail certified mail at the post office, branch, or station or give it to a rural carrier. It may also be deposited in mail drops in post offices, street letterboxes, nonpersonnel rural stations and branches, or any other receptacles for first-class mail, provided the specific directions in 168.44 are followed.

.44 HOW TO MAIL

Obtain blank certified mail coupons, Forms 3800, *Receipt for Certified Mail* (no charge) at the post office or from rural mail carriers. Also obtain blank return receipt forms if needed. Observe the following procedure:
a. Enter on the receipt portion of the certified mail coupon the name and complete address of the person or firm to whom the mail is addressed.
b. If return receipt is wanted, check block on the mailing receipt to show the fee and endorse the article on the address side near the certified mail endorsement *Return Receipt Requested* or *Return Receipt Requested Showing Address Where Delivered*. The mailer must enter the certified mail number on the return receipt card, address it to himself, and attach

.62 RETURNS

Check carrier and messenger returns in the manner described in 161.763c. Carrier will turn in all undelivered articles, delivery receipts, and return receipts for delivered articles.

.63 CLEARANCE

Carrier will prepare Form 3868, *Carrier's Clearance Receipt*, to show the combined total of returned certified letters and delivery receipts. The clearing clerk will sign this receipt and return to the carrier or messenger as his personal record.

.64 DELIVERY TO MILITARY INSTALLATIONS

Certified mail addressed for delivery at military installations within the continental United States must be delivered to the military installations in the same manner as numbered insured mail.

.65 FILING DELIVERY RECEIPTS

File individual delivery receipts, Form 3849, by the last two digits of the certified mail number in the consolidated delivery receipt file unless quantity accumulated over the filing period is less than 200 in which case use last digit only for breaking file. File firm delivery receipts, Form 3883, by the name of the addressee or chronologically by date.

.66 UNDELIVERABLE

Handle certified mail that is undeliverable or is to be forwarded in accordance with 159.27.

168.7 VERIFIED MAILING RECEIPTS

.71 INDIVIDUAL MAILINGS

Verify as follows:
a. Compare name and address of addressee on the article and on Form 3800.
b. If sender has checked blocks on Form 3800 for return receipt or restricted delivery service, make sure the article bears the proper endorsement.
c. Examine the return receipt card to determine whether appropriate blocks in instructions to delivering employee have been checked, and that the card is securely attached. Make sure address is properly completed by the sender.
d. Make certain that proper postal charges have been paid by stamps affixed; endorse mail if airmail or special delivery.
e. Postmark receipt portion and give to mailer. Initial, by the entry on the receipt in ink, time article was mailed if requested to do so by sender.
f. Deposit article in mail. Do not return to the mailer.

.72 QUANTITY MAILINGS

If the certified mail numbers are listed on firm mailing bills in consecutive order and the mail is similarly arranged, verify quantity mailings as follows:
a. Count the pieces of mail and listings on the bill. These should agree.
b. Compare certified mail numbers on first and last articles with the first and last numbers listed on the bill. These should agree.
c. Make a spot check to determine that mailings are properly prepared, and that postal charges have been fully prepaid.
d. Postmark receipt and give to mailer. Enter time articles were mailed if requested to do so by the sender, placing your initials by the entry. Use ink to enter time and initials in the space for the name of accepting employee.
e. Deposit articles in mail. Do not return to mailer.

Part 169
POST OFFICE LOCKBOX AND CALLER SERVICE

169.1 PURPOSE AND DEFINITION OF SERVICE

.11 GENERAL PURPOSE

Post Office Lockbox and Caller Service are premium services provided for the convenience of the public. These two services, provided in addition to available carrier or general delivery, afford customers privacy and permit them to obtain their mail at their convenience during the hours the lobby is open. Both services make use of the traditional post office box number as the address.

.12 DESCRIPTION OF SERVICE

.121 *Lockbox Service*

a. Lockbox service is provided only through the use of post office lockboxes. The term drawer is hereby abolished and all boxes previously referred to by that term are to be considered the same as lockboxes for all purposes, including rental rates. The terms lockbox and box are to be considered the same for purposes of these regulations and the term boxholder is to be applied to those who use lockboxes.
b. Lockboxes are located only in Postal facilities. Customers receive their mail in these boxes and may open the boxes by means of a key or combination. Numbers are assigned to the boxes and the customers must use their assigned post office box number in their addresses immediately above the city, state and ZIP Code.
c. Five sizes of lockboxes are available for rent and customers are assigned a lockbox of a certain size in accordance with their needs as determined by the postmaster.
d. Boxes without doors for customer access, formerly identified as *Call Boxes*, shall be used only in conjunction with general delivery service, and no rent shall be charged for their use.
e. Lockbox service does not include *alternate means of delivery* established to replace, simplify, or extend carrier delivery service. Examples are Vertical Improved Mail (VIM) units, neighborhood cluster box units, apartment house units, rural non-personnel units, etc. These *alternate means of delivery* shall not be administered or charged for under provisions of this part.

.122 *Caller Service*

a. Caller Service is provided through the use of sacks, pouches, trays, bundles, and other devices. Normally, mail is handed to the customer or his agent at a call window or from a loading dock. Caller service users are termed Callers throughout these regulations.
b. Caller service will be provided to customers under the following conditions:
   (1) When boxholders regularly receive more mail than their lockboxes will hold and boxes of adequate size are not available. To determine when this condition exists, the following guidelines apply:
   (a) For this purpose, *regularly*, is interpreted to be when the mail exceeds the capacity of the box for three out of five days.

   (b) Types of mail which are to be considered in making this determination are: letters, flats, second-class publications, SPRs and any items which could be placed in a box in the absence of other mail. Excluded are large boxes, phonograph records, thick catalogs, or any similar item that has greater dimensions than the lockbox.
   (2) To customers who wish to rent more than five lockboxes in any one facility. Five lockboxes may be rented to one customer, but additional separation may be provided only through the use of caller service.
c. Continue to distribute the mail to the box for up to 10 days. If at the end of that time the customer has not paid the rent or left other instructions, remove the mail from the box and treat that mail and any subsequent mail addressed to the customer at that box as undeliverable mail, unless it is possible to deliver it by carrier or general delivery.
d. At the end of 10 days, close the box if the customer has not paid his rent or submitted other instructions.
e. If the customer pays his rent, unplug the lock or notify him of his new combination.

.542 *Callers*

a. If a caller fails to pay his fee by the due date, does not submit a change of address order, and does not attempt to obtain his mail, retain his mail for a period not exceeding 10 days, then treat his mail as undeliverable mail unless it may be readily delivered by carrier.
b. If a caller fails to pay his fee by the due date, does not submit a change of address order, and attempts to obtain his mail within 10 days, explain to him or his agent that at the end of the tenth day after the due date, if payments or a change of address order is not received, his mail will be delivered to his street address. Explain also that he will lose the use of his post office or caller box number(s) and may not obtain his mail at the postal facility. Continue to give him his mail until the end of the ten-day period, but do not provide him in excess of one separation (in case multiple separations had been provided) during that period.

.55 WHEN A BOX IS SURRENDERED

.551 *Rerental of a Surrendered Box*

If a customer surrenders a box before the end of the payment period, the box may be rented to another customer after 15 days. If the box has been closed by the Judicial Officer, the box may be rented to another customer after 20 days. (See 169.8.)

.552 *Surrender of a Box*

A box shall be considered to have been surrendered if:
a. The boxholder submits a permanent change of address order.
b. The boxholder refuses or fails to pay appropriate rent or fees by the due date.
c. The boxholder submits in writing an order to discontinue service.

.553 *Nonsurrender of a Box*

A box shall not be considered to have been surrendered if:
a. The boxholder dies or disappears before the end of the period for which he has rented the box.
b. The boxholder submits a temporary change of address order.
c. There is a change of address order issued for mail going to the box by any person other than the boxholder.

.554 Refund of Box Rent and Caller Fees

a. Handle all refunds under this section in accordance with 147.26.
b. When a lockbox is closed or surrendered or caller service is terminated, no portion of the rent or fees shall be refunded for the remainder of the semiannual payment period in which the action occurs, unless such closure or termination is the result of discontinuance or relocation of a facility (see 169.554c). A customer, who has paid for a semiannual rental period subsequent to that in which the closure or termination occurs, may apply for a refund of the entire box rent or caller fee applicable to the subsequent period.
c. Former lockbox or caller service customers of discontinued or relocated postal facilities may obtain a refund of unused box rent or caller service fees whenever additional travel of .4 kilometers (.25 miles) or more (from the address listed on the applicable Form 1093) is required to obtain equivalent service. For refunds under this section, one-sixth of a semiannual rental fee may be refunded for each month remaining in the rental period. If the effective date of the facility discontinuance falls on or before the 15th of the month, the refund shall be computed from the first day of that month. If the effective date is after the 15th day of the month, the refund shall be computed from the first day of the following month.

169.6 OPERATIONS

.61 PLACING IN BOXES

Place mail addressed to post office boxes in proper boxes immediately after distribution. If the flow of the mail allows it and no lengthy delays will occur, attempt to place larger items such as newspapers, catalogs, and magazines in boxes prior to placing smaller items such as letter mail and flats into the boxes.

.62 WITHDRAWAL FROM BOXES

Mail may be delivered to authorized persons who have forgotten their keys or cannot open their boxes. However, mail should not be handed out to persons properly supplied with keys who can open their boxes but who make it a practice of requesting that their mail be given to them.

.63 DELIVERY BY CARRIER

Do not remove mail from boxes of address for delivery by carrier except for the case of box service discontinued due to failure to pay rent.

.64 MULTI-PICKUP CALLERS

Callers who desire to call at a postal facility for their mail more than once in any 24-hour period as a regular practice shall make provisions with the postmaster for the establishment of a proper and reasonable schedule of pickup. Postmasters shall determine the times and places most satisfactory to the post office.

.65 STANDARDS

.651 Box Service

If the postmaster determines that safety and security provisions allow it and if he determines that there is sufficient public demand, then he may keep the box lobby open to the public 24 hours per day.

.652 Caller Service

Caller service shall be provided during normal hours of business. Caller service may be provided at all other hours during which mail is undergoing distribution within the facility if it is consistent with normal operations.

.66 CHANGES OF ADDRESS ORDER

.661 Standard Procedure For Use In Facilities Without Central Markup System

a. When the number of Forms 3575, *Change of Address Order*, averages five or more per month, maintain a change of address order book (supply item 0-391-M) in the box and caller section.
b. Use a separate *Address Change Sheet*, Form 1564, for each letter of the alphabet separated by item 0-89 (b), Index.
c. As Forms 3575 are received, post pertinent information chronologically on appropriate sheet. Make appropriate entries on Forms 1564 whenever a former boxholder fails to furnish a forwarding order at the time he surrenders a lockbox or when it is closed for nonpayment of rent.
d. Maintain one set of Forms 1564 at the main office, station, or branch providing the service.
e. After entry to Forms 1564, file Forms 3575 chronologically by months or alphabetically, in a manner that will permit withdrawal at the end of the month after requests are 2 years old. See 158.2 for forwarding time limit.

Subchapter 170 NONMAIL SERVICES

Part 171

MONEY ORDERS

171.1 ISSUANCE OF DOMESTIC MONEY ORDERS

.11 WHERE SOLD

Domestic money orders may be purchased at all post offices, branches, and stations in the United States and its possessions, except for certain offices in Alaska. Money order facilities are also provided for members of the Armed Forces of the United States.

.12 AMOUNTS, FEES, PAYMENTS

.121 *Money Order Amounts*

The maximum amount for a single money order is $300. There is no limitation on the number of orders that may be purchased at one time, except when the Postal Service may impose temporary restrictions.

.122 *Money Order Fees*

a. The fee for a postal money order issued to authorized civilian military personnel and/or their dependents by an Armed Forces Postal Clerk on board any ship or at any Military Post Office (APO or NPO) located outside the 50 States, Puerto Rico, and Guam is 15¢, regardless of the amount of the money order. Postal money orders issued to others shall be charged at the fees indicated below.

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of money order	Amount of fee
	Domestic
$0.01 to $10	$0.50
$10.01 to $50	.70
$50.01 to $300	.90

.123 *Paying for Money Orders*

Money orders must be paid for in United States money. Coins are legal tender in any amounts.

.13 ISSUE PROCEDURES FOR MONEY ORDERS

.131 *General*

All orders will be issued on the money order imprinter. Manual issuance is prohibited.

.132 *Imprinter Preparation*

At the start of a duty tour, the issuing clerk receipts for blank money order sets and a numbered validation plate unless already in his possession, by signing control registers maintained on item 0–127a. At the work station, the clerk verifies that the office number plate is affixed and uses the non-metallic

stylus to set the appropriate date into the dating device on the imprinter. (The setting from left to right is year, month, and day, such as 740402 for April 2, 1974.) The validation plate is then placed in the designated position on the imprinter as described in the operating instructions.

.133 *Imprinting the Order*

Before imprinting each money order, clerks will verify that the proper date is set, the validation plate is in place and the print handle is positioned to the extreme left. Set the five amount keys to the requested amount (never more than $300) and verify the setting as registered in the small windows above the keys. Next, select and insert the limitation plate for the same or next higher amount, and insert the blank money order form set so that it lies flat on the machine within the form guides. Finally, imprint the order by moving the print handle in one continuous motion to the extreme right position and returning it in a continuous motion to the starting position.

.134 *Completing the Transaction*

Remove the imprinted form set, snap-out the carbons and dispose of the carbons and stub as trash. Verify that all information (including validation plate and limitation plate imprint) is clearly imprinted on the money order, and that the date, office number, and amount are clear and completely legible on all parts. (See 171.162 for spoiled orders.) Both customer and clerk should verify the amount on the order. Next, collect payment for the face amount and the fee and then hand the money order and customer's receipt to the customer. Finally, place the voucher in the proper receptacle for end of day reporting, replace the limitation plate in its storage slot and move the amount keys back to their asterisk position. If two or more clerks share a single imprinter at the same time, each must remove his validation plate from the imprinter after his own sale.

.135 *Inoperable Imprinter Procedures*

Manual issuance of money orders is not permitted. Inoperable imprinters must be replaced or restored to service as quickly as possible. While service is disrupted, customers will be advised of the anticipated time that service will be restored and of the location of nearby facilities where service is available. Also, they will be allowed to apply on Form 6001, *Application for Domestic Money Order* for immediate issuance of an order upon restoration of service. In such instances, procedures as prescribed for issuance to rural customers (171.15) will apply, except that mailing of orders to payee, and orders and/or customer receipt to customers will be at Postal Service expense.

.14 COMPLETION OF MONEY ORDER BY PURCHASER

Clerks should remind the purchaser of the necessity to complete the information on both the order and the customer's receipt. The Postal Service is not liable for money orders lost before completion by the purchaser. Purchasers must fill in the following information on the money order and the customer's receipt:

a. *Name and address of payee and name and address of purchaser.* The customer should do this promptly to protect his rights in the event the order is lost. Also, he should complete and safeguard the customer receipt since if must be presented if inquiries are made later. Money orders may be made payable to:
   (1) The purchaser, if desired.
   (2) Only one person or firm. Show complete name to avoid redemption difficulties.
   (3) Payee by his official title. *Examples:* Director of Internal Revenue, Baltimore; Cashier, First National Bank, Richmond, VA.

Mail Matter, should be initiated and processed immediately if loss is believed to have occurred in the mail.

(3) Application for a duplicate of a mutilated order or an order void by too many endorsements, on Form 6401, may be filed at any time if the order is attached.

(4) If the customer's receipt is presented, the post office shall endorse it "Form 6401 (date)" and return it to the applicant. *The postmaster shall not keep any record of the filing of the form.* Reply will be made directly to the inquirer.

b. *Issuance of Duplicate Order*

(1) The Money Order Division will issue a duplicate money order in accordance with the wishes of the purchaser applicant without the consent of the payee or endorsee, provided the records indicate that payment has not been made. However, the purchaser has no claim on COD orders.

(2) Send a mutilated or void order to the Money Order Division with a properly completed Form 6401.

(3) The Money Order Division will forward the duplicate to the payee named on Form 6401. The customer's receipt will be sent to the person submitting Form 6401, when he is not the payee of the duplicate.

c. *Orders Recovered After Duplicate Issued*

When a duplicate order has been issued, write *Canceled-Duplicate Issued* on the original order and send it to the Money Order Division. If the postal employee does not know whether a duplicate was actually issued, send the recovered order with Form 6401.

d. *Payment of Duplicate Orders*

A duplicate money order is payable only to the payee named thereon or to his endorsee.

171.2 INTERNATIONAL MONEY ORDERS

.21 ISSUANCE

.211 Where Sold, Amounts and Fees

An authorization to issue an international money order may be purchased at almost all post offices with 950 or more revenue units. Some post offices with fewer than 950 revenue units have been designated to provide this service. Post offices not designated but having sufficient need for the service will make application to the regional controller. International money orders will be issued to addressees in those countries that have agreed with the United States to conduct such business. The maximum amount for an international order is $300, EXCEPT THAT ORDERS PAYABLE IN GREAT BRITAIN SHOULD NOT EXCEED £50 (APPROXIMATELY $115) AND THOSE PAYABLE IN SYRIA $250. The fees are as follows:

Amount of International Order:	*Fee*
$0.01 to $10	$0.45
$10.01 to $50	.65
$50.01 to $300	.75

.212 Application

a. For most countries and localities (see 171.218 and 171.219), the authorization to issue an international money order form is used. Application must be made on Form 6701, *Application for International Money Order*. For Mexico an optional application Form 6701–A, *Application For a Money Order Payable in Mexico*, is provided. In most cases, the amount is written in United States dollars and converted into foreign currency in the country where payable. For this reason, only approximations may be given for amounts in foreign currency, except Canadian.

b. Purchasers must complete Form 6083, *Supplemental International Money Order Advice*, written in the foreign language *if possible*, when they send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

c. Purchasers will be given a receipt. The postmaster will send the authorization form to the Money Order Division where the international order is issued.

d. Purchasers must state the following details in their application regarding the payee: full name, exact address, name of city, town, or village; name of the canton, department, or district as the case may be. If the payee is a woman, state whether single, married, or widowed. The purpose of the payment should also be stated.

.213 Domestic International Money Orders

For certain countries the domestic money order form is used. There is no application. See 171.217.

.214 Issuing Procedures

a. *When Domestic Form Is Used.* Handle in the same manner as for domestic orders. (See 171.13 and .14.) For Canada, the amount on the order must be expressed in both U.S. and Canadian money. Consult the current conversion table. Put the amount received in U.S. money and select the limitation plate in the usual manner. *Write* the Canadian equivalent on the *For* line in the *Purchased By* block and put *Canadian* before it.

b. *When Authorization to Issue an International Money Order is Used*

(1) *Reviewing Application.*—Verify that Forms 6701 or 6701A are *properly and legibly completed* in accordance with the instructions on the back. Incomplete Form 6701 will delay transmission to country. *Make sure that the country of payment is one of those listed in 171.218 and 171.219.* Do not accept applications for countries not included on those lists. Every effort should be made to have customers specify the purpose of payment as an aid to the recipient in identifying the sender. However, the form may still be accepted if they refuse to do so. Verify also that the customer has properly completed and submitted Form 6083 when required.

(2) *Imprinter Preparation.*—Prepare the imprinter for issuance of the form set, *authorization to issue an international money order*, exactly the same as described in 171.132 for domestic form set. Make a practice of verifying that the date is correctly set.

(3) *Imprinting the Form Set.*—Imprint the authorization form set exactly the same as the domestic form set as described in 171.133. Manual issuance is prohibited. The imprinted amount on form sets will always be in U.S. money. If a customer insists on the foreign equivalent for an order payable in one of the following countries, obtain the conversion rate from a local bank or firm which deals in foreign currency: Belgium, Denmark, France, Great Britain, and Northern Ireland, Guyana, Ireland, Luxemburg, Netherlands, New Zealand, Norway, Republic of South Africa, Surinam, Sweden, Switzerland, and Tunisia. If no such source is available locally, call the International Exchange Section, Money Order Division, St. Louis PDC, on 314–622–4933. Advise the customer in all cases that the quoted foreign equivalent is only approximate and will not necessarily be the amount paid in the foreign country.

(4) *Completing the Transaction.*—

(a) Remove the imprinted form set and snap-out the carbons.

(b) Dispose of the carbon and stub as trash.

dates of the individual certificates occurring before April 26, 1967. No interest accrues after that date, but the face value of a certificate and the interest due to anniversary date will be paid whenever the certificate is surrendered.

173.2 RECORDS OF ACCOUNTS

The records of accounts with outstanding balances, Form 600, *Record of Postal Savings Account*, which were established when the accounts were opened, have been transferred to the Treasury Department. They will be maintained there as the official records of the accounts.

173.3 WITHDRAWALS

All withdrawals will be paid by the Treasury Department. Postmasters should advise customers to mail the endorsed certificates to the Treasury Department, Bureau of Government Financial Operations, Division of Financial Management, Claims Review and Settlement Branch, Washington, DC 20226.

173.4 INQUIRIES FROM DEPOSITORS AND CLAIMANTS

If a person claims to have a postal savings account, but does not have any certificates evidencing deposits, or requests information about an account as an entitled claimant, the postmaster will tell the person inquiring to write the Treasury Department at the above address for information and assistance.

[FR Doc.77-1324 Filed 1-17-77;8:45 am]

federal register

TUESDAY, JANUARY 18, 1977

PART VII

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Flood Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. FI-2641]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of section 202 of the Flood Disaster Protection Act of 1973 (PL-93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the FEDERAL REGISTER at 41 FR 46178-46286.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC ss 4001-4128).

The prohibition does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

Each of the communities listed below received notice of its designation as flood-prone prior to April 1, 1976, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., SW, Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.6 List of eligible communities. At that time the sanctions of section 202 will no longer apply to the communities listed below.

* UNINCORPORATED AREAS ONLY

ALABAMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
010095	AKRON, TOWN (HALE CO)	JULY 18, 1975
010229	ALLGOOD, TOWN (BLOUNT CO)	JANUARY 24, 1975
010242	BABBIE, TOWN (COVINGTON CO)	JANUARY 10, 1975
010083A	BELK, TOWN OF (FAYETTE CO.)	SEPTEMBER 13, 1974
010257	BLACK, TOWN OF (GENEVA COU)	FEBRUARY 07, 1975
010092	BOLIGEE, CITY OF (GREENE CO.)	DECEMBER 13, 1974
010056A	BRANTLEY, TOWN OF (CRENSHAW CO.)	JUNE 28, 1974 AND JUNE 04, 1976
010209	CARBON HILL, TOWN (WALKER CO)	OCTOBER 31, 1975
010119A	CARDIFF, TOWN OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AND JANUARY 23, 1976
010240	CAROLINA, TOWN (COVINGTON CO)	JANUARY 10, 1975
010228	CLEVELAND, TOWN (BLOUNT CO)	MARCH 05, 1976
010239	COFFEE COUNTY *	JANUARY 17, 1975
010101	COLUMBIA, TOWN OF (HOUSTON CO)	FEBRUARY 20, 1976
010244	COVINGTON COUNTY *	DECEMBER 13, 1974
010103A	COWARTS, TOWN OF (HOUSTON CO.)	AUGUST 16, 1974
010056A	DOZIER, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010212	ELBERTA, TOWN OF (BALDWIN CO.)	NOVEMBER 15, 1974
010027	FIVE POINTS, TOWN OF (CHAMBERS CO.)	NOVEMBER 15, 1974
010038	FULTON, TOWN (CLARKE CO)	JULY 18, 1975
010053A	GANTT, TOWN OF (COVINGTON CO.)	JUNE 07, 1974 AND JANUARY 02, 1976
010258	GENEVA COUNTY *	FEBRUARY 20, 1976
010057A	GLENWOOD, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010293	HARPERSVILLE, TOWN (SHELBY CO)	APRIL 11, 1975
010294A	HELENA, TOWN (SHELBY CO)	JANUARY 10, 1975 AND FEBRUARY 13, 1976
010357	HENAGAR, TOWN OF (DEKALB CO.)	MARCH 12, 1976
010232	OHATCHEE, TOWN OF (CALHOUN CO)	JANUARY 31, 1975
010360	PISGAH, TOWN OF (JACKSON CO.)	MARCH 12, 1976
010075	POLLARD, TOWN OF (ESCAMBIA CO)	JANUARY 31, 1975
010159	PROVIDENCE, TOWN OF (MARENGO CO.)	NOVEMBER 01, 1974
010182	RANDOLPH COUNTY *	SEPTEMBER 13, 1974
010243	RED LEVEL, TOWN (COVINGTON CO)	JANUARY 10, 1975
010253	REECE CITY, CITY OF (ETOWAH CO)	FEBRUARY 21, 1975
010288	RIVERSIDE, TOWN (ST. CLAIR CO)	APRIL 04, 1975
010034	SILAS, TOWN (CHOCTAW CO)	JULY 11, 1975
010227	SNEAD, TOWN (BLOUNT CO)	JUNE 27, 1975
010291	STEELE, TOWN OF (ST. CLAIR COU)	FEBRUARY 07, 1975
010140A	SWEETWATER, TOWN (MARENGO CO)	JULY 18, 1975 AND DECEMBER 10, 1976
010108	TAYLOR, TOWN OF (HOUSTON CO.)	SEPTEMBER 13, 1974
010292	VINCENT, TOWN (SHELBY CO)	APRIL 11, 1975

TOTAL IN THE STATE 39

* UNINCORPORATED AREAS ONLY

ALASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
020108	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 28, 1974

TOTAL IN THE STATE 1

* UNINCORPORATED AREAS ONLY

ARIZONA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
040026	GILA COUNTY *	NOVEMBER 01, 1974
040106	TOMBSTONE, CITY (COCHISE CO)	AUGUST 15, 1975
	TOTAL IN THE STATE 2	

* UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050377	ALEXANDER, TOWN OF (PULASKI & SALINE)	APRIL 18, 1975
050378	ALICIA, TOWN (LAWRENCE CO.)	JULY 11, 1975
050380	ALMYRA, TOWN (ARKANSAS CO.E	AUGUST 15, 1975
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND OCTOBER 03, 1975
050381	ALTUS, CITY (FRANKLIN CO.)	JULY 25, 1975
050303	AMITY, CITY OF (CLARK CO)	FEBRUARY 21, 1975
050382	ASH FLAT, TOWN (SHARP CO.)	JUNE 27, 1975
050123	AUBREY, TOWN OF (LEE CO.)	DECEMBER 06, 1974
050305	BARLING, CITY OF (SEBASTIAN)	FEBRUARY 14, 1975
050306	BERRYVILLE, CITY (CARROLL CO)	APRIL 18, 1975
050384	BETHEL HEIGHTS, TOWN (BENTON CO.)	APRIL 25, 1975
050390	BLEVINS, CITY (HEMPSTEAD CO.)	APRIL 18, 1975
050391	BLUFF CITY, TOWN (NEVADA CO.)	JULY 18, 1975
050392	BONANZA, TOWN (SEBASTIAN CO.)	AUGUST 15, 1975
050131	BRADFORD, CITY OF (WHITE CO)	FEBRUARY 21, 1975
050393	BRANCH, CITY (FRANKLIN CO.)	MAY 02, 1975
050394	BULL SHOALS, CITY (MARION CO.)	APRIL 25, 1975
050310	CAMMACK, TOWN (PULASKI CO)	APRIL 18, 1975
050397	CAULKSVILLE, TOWN (LOGAN CO.)	JUNE 27, 1975
050313	CAVE CITY, CITY (INDEP.-SHARP COS)	JULY 18, 1975
050400	CHIDESTER, CITY (OUACHITA CO)	JULY 25, 1975
050404	DAMASCUS, TOWN (FAULKNER + VAN BUREN COS.)	APRIL 18, 1975
050405	DELIGHT, CITY (PIKE CO)	APRIL 18, 1975
050406	DENNING, TOWN (FRANKLIN CO.)	AUGUST 08, 1975
050320	DIERKS, CITY OF (HOWARD)	FEBRUARY 14, 1975
050408	DYER, TOWN (CRAWFORD CO.)	JULY 11, 1975
050214	ELKINS, TOWN OF (WASHINGTON CO.)	DECEMBER 20, 1974
050410	EMERSON, TOWN (COLUMBIA CO)	APRIL 25, 1975
050019A	EVERTON, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND APRIL 09, 1976
050413	FISHER, TOWN (POINSETT CO)	APRIL 11, 1975
050414	FOUNTAIN HILL, TOWN OF (ASHLEY CO)	FEBRUARY 21, 1975
050224A	GARNER, TOWN OF (WHITE CO.)	AUGUST 30, 1974 AND NOVEMBER 07, 1975
050324	GENTRY, CITY (BENTON CO)	MAY 02, 1975
050247	GRIFFITHVILLE, TOWN (WHITE CO)	SEPTEMBER 26, 1975
050248	GUION, TOWN (IZARD CO)	APRIL 11, 1975
050249	GUM SPRINGS, TOWN (CLARK CO)	JUNE 27, 1975
050330	HARDY, TOWN (SHARP CO)	APRIL 25, 1975
050250	HARRELL, TOWN (CALHOUN CO)	APRIL 18, 1975
050234A	HAVANA, CITY OF (YELL CO.)	AUGUST 23, 1974
050254	HECTOR, TOWN (POPE CO)	APRIL 25, 1975
050058	HICKORY RIDGE, CITY (CROSS CO)	MARCH 05, 1976
050225A	HIGGINSON, TOWN OF (WHITE CO.)	AUGUST 16, 1974 AND JANUARY 09, 1976
050334A	HUNTINGTON, TOWN (SEBASTIAN CO)	SEPTEMBER 19, 1975
050120A	IMBODEN, TOWN (LAWRENCE CO)	MAY 03, 1974 AND OCTOBER 10, 1975

* UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050334	JUNCTION CITY, CITY [UNION CO]	APRIL 18, 1975
050260	KNOXVILLE, TOWN OF [JOHNSON CO]	FEBRUARY 21, 1975
050261	LEOLA, TOWN OF [GRANT CO]	FEBRUARY 21, 1975
050336	LINCOLN, CITY [WASHINGTON CO]	JULY 18, 1975
050339	LOCKESBURG, TOWN [SEVIER CO]	APRIL 18, 1975
050341	LONOKE, CITY [LONOKE CO]	MARCH 26, 1976
050347	MARSHALL, CITY [SEARCY CO]	APRIL 25, 1975
050170	MARVELL, CITY [PHILLIPS CO]	MARCH 12, 1976
050343	MCNEIL, CITY [COLUMBIA CO]	MAY 02, 1975
050348	MELBOURNE, CITY [IZARD CO]	APRIL 11, 1975
050266	MENIFEE, TOWN [CONWAY CO]	APRIL 25, 1975
050069	MITCHELLVILLE, TOWN OF [DESHA CO.]	NOVEMBER 08, 1974
050095	MOUNT PLEASANT, TOWN OF [IZARD CO.]	NOVEMBER 22, 1974
050352	MOUNTAIN VIEW, CITY [STONE CO]	JUNE 27, 1975
050051A	MOUNTAINBURG, TOWN OF [CRAWFORD CO.]	MAY 02, 1975 AND NOVEMBER 28, 1975
050268	MORVELL, TOWN [CRITTENDEN CO]	AUGUST 15, 1975
050269	OAK GROVE, TOWN OF [CARROLL CO]	FEBRUARY 21, 1975
050270	OGDEN, TOWN [LITTLE RIVER CO]	SEPTEMBER 19, 1975
050272	OKOLONA, TOWN [CLARK CO]	JULY 11, 1975
050273	OXFORD, TOWN [IZARD CO]	APRIL 25, 1975
050271	OZEAN, TOWN [RANDOLPH CO]	APRIL 18, 1975
050360	PANGBURN, CITY [WHITE CO]	APRIL 18, 1975
050007A	PARKDALE, CITY OF [ASHLEY CO.]	MARCH 29, 1974 AND OCTOBER 31, 1975
050363	PLAINVIEW, CITY [YELL CO]	APRIL 18, 1975
050364	PLUMERVILLE, CITY [CONWAY CO]	JUNE 27, 1975
050279	PRATTSVILLE, TOWN [GRANT CO]	APRIL 25, 1975
050040A	RISON, CITY OF [CLEVELAND CO.]	MARCH 08, 1974 AND OCTOBER 10, 1975
050284	RUSSELL, TOWN [WHITE CO]	APRIL 11, 1975
050286	SCRANTON, TOWN [LOGAN CO]	APRIL 18, 1975
050369	STEPHENS, CITY [OUACHITA CO]	JUNE 27, 1975
050290	SULPHUR ROCK, TOWN [INDEPENDENCE CO]	APRIL 25, 1975
050292	THORNTON, TOWN [CALHOUN CO]	JULY 25, 1975
050043A	WALDO, CITY OF [COLUMBIA CO.]	APRIL 05, 1974 AND OCTOBER 17, 1975
050374	WHEATLEY, TOWN [ST. FRANCIS CO]	SEPTEMBER 19, 1975
050298	WICKES, TOWN [POLK CO]	JUNE 27, 1975
050299	WILTON, TOWN [LITTLE RIVER CO]	APRIL 11, 1975
050077A	WINCHESTER, TOWN OF [DREW CO.]	AUGUST 30, 1974 AND OCTOBER 10, 1975
050301	WINTHROP, TOWN [LITTLE RIVER CO]	SEPTEMBER 19, 1975

TOTAL IN THE STATE 82

* UNINCORPORATED AREAS ONLY

CALIFORNIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
060271	BARSTOW, CITY [SAN BERNARDINO CO]	JANUARY 17, 1975
060017	BUTTE COUNTY *	SEPTEMBER 06, 1974
060196A	CARMEL BY-THE-SEA, CITY OF [MONTEREY CO.]	JUNE 14, 1974
060249	COACHELLA, CITY OF [RIVERSIDE CO.]	MAY 17, 1974
060110A	COMMERCE, CITY OF [LOS ANGELES CO.]	JUNE 28, 1974
060090	EL DORADO COUNTY *	AUGUST 02, 1974
060495A	FERNDALE, CITY [HUMBOLDT CO.]	DECEMBER 20, 1974 AND MARCH 26, 1976
060255A	INDIO, CITY OF [RIVERSIDE CO.]	MAY 31, 1974 AND AUGUST 08, 1975
060089	LEMOORE, CITY OF [KINGS CO.] [CA.	FEBRUARY 06, 1976
060461	MONTAGUE, TOWN [SISKIYOU CO]	MARCH 26, 1976
060309	PISMO BEACH, CITY [SAN LUIS OBISPO CO]	MARCH 26, 1976
060056A	SELMA, CITY OF [FRESNO CO.]	MAY 24, 1974
060062	SHAFTER, CITY OF [KERN CO.]	FEBRUARY 06, 1976

TOTAL IN THE STATE 13

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
COLORADO		
080229	AGUILAR, TOWN OF (LAS ANIMAS CO.)	JULY 11, 1975
080003	BENNETT, TOWN OF (ADAMS CO.)	NOVEMBER 22, 1974
080148A	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER 06, 1974 AND JANUARY 09, 1976
080210	COAL CREEK TOWN (FREMONT CO)	AUGUST 15, 1975
080111	CROOK, TOWN OF (LOGAN CO.)	NOVEMBER 08, 1974
080237A	DILLON, TOWN OF (SUMMIT CO.)	AUGUST 08, 1975 AND AUGUST 13, 1976
080120A	DINOSAUR, TOWN OF (MOFFAT CO.)	AUGUST 30, 1974
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY 29, 1974 AND NOVEMBER 28, 1975
080056A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND FEBRUARY 06, 1976
080212	EMPIRE, TOWN OF (CLEAR CREEK CO.)	MAY 02, 1975
080242	FLAGER TOWN (KIT CARSON CO)	SEPTEMBER 19, 1975
080112	FLEMING, TOWN OF (LOGAN CO.)	NOVEMBER 08, 1974
080073A	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER 06, 1974
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY 01, 1974 AND JUNE 28, 1974
080219A	GRAND LAKE TOWN (GRAND CO)	AUGUST 15, 1975 AND SEPTEMBER 17, 1976
080074A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER 22, 1974
080044A	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE 21, 1974 AND SEPTEMBER 17, 1976
080268A	IGNACIO, TOWN (LA PLATA CO)	MARCH 22, 1974
080207	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER 27, 1974
080057A	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER 06, 1974 AND FEBRUARY 27, 1976
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER 13, 1974
080096A	LEADVILLE, CITY OF (LAKE CO.)	MAY 17, 1974
080253A	MANASSA TOWN (CONEJOS CO)	AUGUST 08, 1975 AND JULY 16, 1976
080254	MOUNTAIN VIEW TOWN (JEFFERSON CO)	MARCH 26, 1976
080255	NEDERLAND TOWN (BOULDER CO)	AUGUST 22, 1975
080256	NEW CASTLE TOWN (GARFIELD CO)	JULY 25, 1975
080127A	NUCLA, TOWN OF (MONTROSE CO.)	MAY 24, 1974 AND MARCH 26, 1976
080178A	OTIS, TOWN OF (WASHINGTON CO.)	MAY 24, 1974 AND OCTOBER 31, 1975
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER 15, 1974
085077A	PUEBLO, CITY OF (PUEBLO CO.)	AUGUST 24, 1973
080240	REDCLIFF TOWN (EAGLE CO)	SEPTEMBER 19, 1975
085078A	RIFLE, CITY OF (GARFIELD CO.)	JUNE 15, 1973
080221	ROCKVALE TOWN (FREMONT CO)	JUNE 27, 1975
080150	RYE, TOWN (PUEBLO CO)	JULY 18, 1975
080223	SILT TOWN (GARFIELD CO)	JULY 25, 1975
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER 13, 1974
080058	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER 13, 1974
080104A	STARKVILLE, TOWN OF (LAS ANIMAS CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
080263	STRATTON TOWN (KIT CARSON CO)	MARCH 26, 1976
080224	SUGAR CITY TOWN (CROWLEY CO)	AUGUST 15, 1975
080226	VICTOR CITY (TELLER CO)	MAY 02, 1975
080264	WINDSOR TOWN (WELD CO)	MARCH 26, 1976

TOTAL IN THE STATE 42

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	CONNECTICUT	
090154	SALEM, TOWN OF (NEW LONDON CO.)	FEBRUARY 21, 1975
	TOTAL IN THE STATE	1

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	DELAWARE	
100013A	KENTON, TOWN OF (KENT CO.)	SEPTEMBER 13, 1974
100014A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
100056	ODESSA, TOWN OF (NEW CASTLE CO.)	JANUARY 31, 1975
	TOTAL IN THE STATE	4

* UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
120323	BITHLO, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER 13, 1974
120014A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST 30, 1974
120086	BUNNELL, TOWN OF (FLAGLER CO.)	JULY 11, 1975
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER 06, 1974 AND JANUARY 30, 1976
120390	LAKE WALES, CITY OF (POLK CO.)	OCTOBER 17, 1975
120269	NORTH DAVENPORT, CITY OF (POLK CO.)	JUNE 28, 1974
120130A	SNEADS, TOWN OF (JACKSON CO.)	AUGUST 02, 1974 AND MAY 21, 1976

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE 14, 1974 AND JANUARY 23, 1976
130360	AILEY, TOWN (MONTGOMERY CO.)	APRIL 04, 1975
130358	ALVATON, TOWN (MERIWEATHER CO.)	APRIL 04, 1975
130001	APPLING COUNTY	MARCH 12, 1976
130270A	BAKER COUNTY *	MARCH 28, 1975 AND DECEMBER 26, 1975
130205A	BALDWIN, TOWN OF (BANKS CO.)	JUNE 28, 1974 AND JANUARY 23, 1976
130423	BALL GROUND, CITY (CHEROKEE CO.)	APRIL 04, 1975
130116	BARTOW, CITY (JEFFERSON CO.)	AUGUST 22, 1975
130309A	BELLVILLE, CITY (EVANS CO.)	JULY 18, 1975
130272	BETHLEHEM, TOWN (BARROW COUNTY)	JULY 11, 1975
130402	BOSTON, CITY (THOMAS CO.)	APRIL 18, 1975
130362	BOSTWICK, TOWN (MORGAN CO.)	APRIL 04, 1975
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL 18, 1975
130268	BRINSON, TOWN (COLQUITT CO.)	JULY 18, 1975
130369	BUCKHEAD, TOWN (MORGAN CO.)	JULY 11, 1975
130323	BUFORD, CITY (GWINNETT + HALL COS.)	APRIL 04, 1975
130273	CARL, TOWN (BARROW COUNTY)	APRIL 11, 1975
130435	CHALYBEATE SPRINGS, TOWN (MERIWEATHER CO.)	APRIL 18, 1975
130293	CHATTAHOOCHEE COUNTY	FEBRUARY 20, 1976
130036	CHATTOOGA COUNTY	MARCH 26, 1976
130332	CLERMONT, TOWN (HALL CO.)	APRIL 11, 1975
130418	CLEVELAND, CITY (WHITE CO.)	APRIL 11, 1975
130398	COBBTOWN, CITY (TATTNALL CO.)	APRIL 11, 1975
130279A	COCHRAN, CITY (BLECKLEY CO.)	APRIL 04, 1975 AND SEPTEMBER 03, 1976
130146A	CRAWFORD, CITY OF (OGLETHORPE CO.)	JUNE 07, 1974 AND JANUARY 23, 1976
130064	DAWSONVILLE, CITY (DAWSON CO.)	JANUARY 17, 1975
130356	DEARING, TOWN (MCDUFFIE CO.)	APRIL 04, 1975
130330	DEMOREST, TOWN (HABERSHAM CO.)	APRIL 04, 1975
130215	DENTON, CITY OF (JEFF DAVIS CO.)	DECEMBER 13, 1974
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	APRIL 25, 1975
130432	FAYETTE COUNTY	FEBRUARY 20, 1976
130359	FORSYTH, CITY (MONROE CO.)	APRIL 11, 1975
130428	FORT OGLETHORPE, CITY OF (MACON CO.)	APRIL 04, 1975
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL 04, 1975
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER 06, 1974 AND JANUARY 23, 1976
130419	GLENNWOOD, CITY (WHEELER CO.)	APRIL 04, 1975
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY 11, 1975
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER 20, 1974
130311A	HAGAN, CITY (EVANS CO.)	APRIL 18, 1975 AND JANUARY 23, 1976
130107A	HAMPTON, CITY OF (HENRY CO.)	JUNE 28, 1974
130299	HARALSON, TOWN (COWETA + MERRIWEATHER COS.)	APRIL 18, 1975
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER 06, 1974 AND

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	GEORGIA	
130385	HILLTONIA, TOWN (SCREVEN CO.)	OCTOBER 17, 1975
130221A	HIRAM, CITY OF (PAULDING CO.)	APRIL 11, 1975
		OCTOBER 18, 1974 AND
130291	HOMELAND, TOWN (CHARLTON CO.)	JANUARY 23, 1976
130271	HOMER, TOWN (BANKS COUNTY)	APRIL 11, 1975
130344	HOSCHTON, TOWN (JACKSON COUNTY)	APRIL 18, 1975
130375	JASPER, CITY (PICKENS CO.)	APRIL 11, 1975
130093A	JONESBORO, CITY OF (CLAYTON CO.)	APRIL 11, 1975
		MAY 24, 1974 AND
130277	KINGSTON, CITY (BARTOW CO)	MARCH 05, 1976
130409	LINWOOD, TOWN (WALKER CO.)	APRIL 18, 1975
130326	LOGANVILLE, CITY (GWINNETT + WALTON COS.)	APRIL 04, 1975
130441	LOUISVILLE, CITY (JEFFERSON CO.)	APRIL 04, 1975
130128A	LUDOWICI, CITY OF (LONG CO.)	AUGUST 15, 1975
		JUNE 14, 1974 AND
130224	MADISON, CITY OF (MORGAN CO)	JANUARY 23, 1976
130392A	MARTIN, TOWN (STEPHENS CO)	FEBRUARY 27, 1975
		APRIL 04, 1975 AND
130342	MCDONOUGH, CITY (HENRY CO.)	MAY 28, 1976
130357	MCDUFFIE COUNTY *	APRIL 11, 1975
130421	MCINTYRE, TOWN (WILKINSON CO.)	MARCH 26, 1976
130295	MENLO, TOWN (CHATTOOGA CO.)	APRIL 11, 1975
130029	MIDVILLE, CITY (BURKE CO)	APRIL 18, 1975
130376	MOLENA, CITY (PIKE CO.)	JULY 11, 1975
130139	MONTGOMERY COUNTY	APRIL 11, 1975
130252A	MOUNTAIN CITY, TOWN (RABUN CO.)	MARCH 19, 1976
		JANUARY 17, 1975 AND
130094A	MOUNTAIN VIEW, CITY OF (CLAYTON CO.)	OCTOBER 22, 1976
130353	NAYLOR, TOWN (LOWNDES CO.)	MAY 10, 1974
		APRIL 25, 1975
130161A	NEWINGTON, TOWN OF (SCREVEN CO.)	SEPTEMBER 06, 1974
130269	OAK PARK, TOWN (EMANUEL CO.)	JULY 18, 1975
130189A	ODUM, CITY (WAYNE CO)	JANUARY 03, 1975 AND
		DECEMBER 19, 1975
130367	OXFORD, TOWN (NEWTON CO.)	APRIL 11, 1975
130284	PULASKI, TOWN (CANDLER, CO.)	APRIL 04, 1975
130267	RIVERSIDE, TOWN (COLQUITT CO.)	JULY 18, 1975
130162A	ROCKY FORD, TOWN OF (SCREVEN CO.)	SEPTEMBER 06, 1974
130363	RUTLEDGE, TOWN (MORGAN CO.)	AUGUST 08, 1975
130439	SALE CITY, TOWN (MITCHELL CO.)	APRIL 04, 1975
130188A	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	AUGUST 30, 1974
130301	SENOIA, CITY (COWETA CO.)	APRIL 04, 1975
130339	SHILOH, CITY (HARRIS CO.)	APRIL 04, 1975
130308	STILLMORE, TOWN (EMANUEL CO.)	APRIL 11, 1975
130260A	STONE MOUNTAIN, CITY OF (DEKALB CO.)	MAY 12, 1974
130389	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	APRIL 11, 1975
130003	SURRENCY, TOWN (APPLING CO)	JANUARY 03, 1975
130328	SUWANEE, CITY (GWINNETT CO.)	APRIL 04, 1975
130394	TALBOT COUNTY	MARCH 26, 1976
130360	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS.)	APRIL 25, 1975
130288	TEMPLE, TOWN (CARROLL CO.)	APRIL 11, 1975
130381	TIGER, TOWN (RABUN CO.)	JULY 11, 1975
130173	TOOMBS COUNTY	MARCH 19, 1976
130422	TOOMSBORO, TOWN (WILKINSON CO.)	APRIL 04, 1975
130361	UVALDA, TOWN (MONTGOMERY CO.)	APRIL 25, 1975
130186	WADLEY, CITY (JEFFERSON CO)	AUGUST 22, 1975
130297	WINTERVILLE, CITY (CLARKE CO.)	APRIL 11, 1975
130436	WOODBURY, TOWN (MERIWETHER CO.)	JUNE 27, 1975
	TOTAL IN THE STATE	93

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	IDAHO	
160092	ALBION, TOWN (CASSIA CO)	JANUARY 10, 1975
160160	BUHL, CITY (TWIN FALLS CO)	JUNE 27, 1975
160015A	CHATCOLET, CITY OF (BENEWAH CO.)	SEPTEMBER 13, 1974 AND
		FEBRUARY 27, 1976
160005A	COUNCIL, CITY OF (ADAMS CO.)	MAY 03, 1974 AND
		DECEMBER 12, 1975
160137	FRANKLIN, CITY (FRANKLIN CO)	SEPTEMBER 05, 1975
160004A	GARDEN CITY, CITY OF (ADA CO.)	DECEMBER 17, 1973
160139	HAGERMAN, CITY (GOODING CO)	MAY 02, 1975
160177	MACKAY CITY (CUSTER CO)	MAY 02, 1975
160197	MALTA, TOWN OF (CASSIA CO.)	DECEMBER 13, 1974
160178	MARSING CITY (ONWEE CO)	JUNE 27, 1975
160203	MOYIE SPRINGS, CITY (BOUNDARY CO)	AUGUST 22, 1975
160045A	OAKLEY, TOWN OF (CASSIA CO.)	OCTOBER 18, 1974 AND
		NOVEMBER 19, 1976
160185	POTLATCH CITY (LATAH CO)	JULY 11, 1975
160186	PRESTON CITY (FRANKLIN CO)	AUGUST 29, 1975
160152	ROBERTS, CITY (JEFFERSON CO)	JANUARY 24, 1975
160153	ST. CHARLES, CITY (BEAR LAKE CO)	MARCH 19, 1976
160154	SWAN VALLEY CITY (BONNEVILLE CO)	AUGUST 29, 1975
160139A	VICTOR, CITY OF (TETON CO.)	SEPTEMBER 06, 1974 AND
		DECEMBER 05, 1975
160196	WENDELL CITY (GOODING CO)	JULY 11, 1975
	TOTAL IN THE STATE	19

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	ILLINOIS HAZARD AREA IDENTIFIED	
170835	ADELINE, VILLAGE (OGLE CO.)	JULY 11, 1975	
170866	ALBION, VILLAGE (EDWARDS CO)	AUGUST 15, 1975	
170844	ALVIN, VILLAGE OF (VERMILION CO)	FEBRUARY 21, 1975	
170489	ANCHOR, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974	
170657A	ANNA, CITY OF (UNION CO.)	MARCH 29, 1974 AND	
		APRIL 30, 1976	
170741	ASTORIA, TOWN OF (FULTON CO)	JANUARY 31, 1975	
170742A	AVON, VILLAGE OF (FULTON CO.)	OCTOBER 18, 1974 AND	
		APRIL 16, 1976	
170470A	BARDOLPH, VILLAGE OF (MCDONOUGH CO.)	SEPTEMBER 13, 1974	
170859	BARTELSO, VILLAGE OF (CLINTON CO)	MARCH 28, 1975	
170444A	BATH, VILLAGE OF (MASON CO.)	DECEMBER 17, 1973	
170845	BELGIUM, VILLAGE OF (VERMILION CO)	MARCH 28, 1975	
170408A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1974 AND	
		JANUARY 30, 1976	
170848	BRAIDWOOD, CITY (WILL CO)	APRIL 11, 1975	
170468A	BROOKPORT, CITY OF (MASSAC CO.)	JUNE 07, 1974	
170226	BROWNS, VILLAGE OF (EDWARDS CO.)	NOVEMBER 15, 1974	
170747	BRUSSELS, VILLAGE OF (CALHOUN CO.)	NOVEMBER 22, 1974	
170746	BRYANT, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974	
170850	BUREAU JUNCTION, VILLAGE OF (BUREAU CO)	MARCH 28, 1975	
170471B	BUSHNELL, CITY OF (MCDONOUGH CO.)	JUNE 07, 1974 AND	
		APRIL 02, 1976 AND	
		AUGUST 20, 1976	
170785A	CAMARGO, VILLAGE OF (DOUGLAS CO.)	APRIL 05, 1974	
170260A	CARROLLTON, CITY OF (GREEN CO.)	JUNE 07, 1974 AND	
		MARCH 05, 1976	
170039A	CASEY, CITY OF (CLARK CO.)	JUNE 28, 1974	
170842	CEDARVILLE, VILLAGE (STEPHENSON CO)	APRIL 11, 1975	
170839	CLEAR LAKE, VILLAGE OF (SANGAMON CO)	FEBRUARY 21, 1975	
170044	CLINTON COUNTY *	DECEMBER 20, 1974	
170823	CORNELL, VILLAGE OF (LIVINGSTON CO)	MARCH 21, 1975	
170444A	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	MARCH 01, 1974 AND	
		APRIL 30, 1976	
170422A	CULLOM, VILLAGE OF (LIVINGSTON CO.)	FEBRUARY 22, 1974	
170292A	DANFORTH, VILLAGE OF (IROQUOIS CO.) (IROQUOIS CO.)	FEBRUARY 22, 1974	
		SEPTEMBER 13, 1974 AND	
170751A	DE SOTO, VILLAGE OF (JACKSON CO.)	FEBRUARY 06, 1974	
		APRIL 05, 1974 AND	
		APRIL 02, 1976	
170447	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	JUNE 28, 1974	
170458A	DONGOLA, VILLAGE OF (UNION CO.)	MARCH 08, 1974 AND	
		JULY 02, 1976	
170875	DOWELL, VILLAGE (JACKSON CO)	APRIL 18, 1975	
170846	DUBOIS, VILLAGE OF (WASHINGTON CO)	MARCH 28, 1975	
170873	EAST BROOKLYN, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975	
170432A	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JULY 19, 1974	
170441A	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1974 AND	
		JULY 02, 1976	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	ILLINOIS HAZARD AREA IDENTIFIED	
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND	
		JANUARY 16, 1976	
170889A	ELLISVILLE, VILLAGE OF (FULTON CO.)	MARCH 22, 1974	
170849	ELWOOD, VILLAGE OF (WILL CO)	FEBRUARY 21, 1975	
170818	FARMER CITY, CITY OF (DE WITT CO)	MARCH 21, 1975	
170444	FITHIAN, VILLAGE OF (VERMILLION CO.)	AUGUST 01, 1975	
170827	FOREST CITY, VILLAGE OF (MASON CO)	MARCH 28, 1975	
170283A	GALVA, CITY OF (HENRY CO.)	JUNE 14, 1974	
170044A	GERMANTOWN, VILLAGE OF (CLINTON CO.)	MARCH 29, 1974 AND	
		JULY 30, 1976	
170234A	GIBSON CITY, CITY OF (FORD CO.)	MARCH 29, 1974 AND	
		JANUARY 30, 1976	
170326A	GILBERTS, VILLAGE OF (KANE CO.)	SEPTEMBER 06, 1974 AND	
		MAY 07, 1976	
170885	GOLDEN GATE, VILLAGE (WAYNE CO)	JUNE 27, 1975	
170002A	GOLDEN, VILLAGE OF (ADAMS CO.)	JUNE 07, 1974	
170252A	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1974 AND	
		JULY 16, 1976	
170862	GREENUP, VILLAGE OF (CUMBERLAND CO)	MARCH 28, 1975	
170548A	HAMMOND, VILLAGE OF (PIATT CO.)	JUNE 14, 1974 AND	
		APRIL 09, 1976	
170247A	HANCOCK COUNTY	JANUARY 24, 1975 AND	
		FEBRUARY 20, 1976	
170465A	HAVANA, CITY OF (MASON CO.)	APRIL 05, 1974 AND	
		JANUARY 30, 1976	
170666	HENNING, VILLAGE (VERMILLION CO)	AUGUST 29, 1975	
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE 14, 1974	
170253A	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1974 AND	
		JULY 30, 1976	
170184A	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 01, 1974 AND	
		JUNE 04, 1976	
170852	HOLLOWAYVILLE, VILLAGE OF (BUREAU CO)	MARCH 28, 1975	
170369	INDIAN CREEK, VILLAGE OF (LAKE CO.)	AUGUST 23, 1974	
170315A	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE 07, 1974 AND	
		JUNE 04, 1976	
170757A	JOPPA, VILLAGE OF (MASSAC CO.)	NOVEMBER 23, 1973 AND	
		APRIL 23, 1976	
170826	JUNCTION CITY, VILLAGE OF (MARION CO)	MARCH 21, 1975	
170860	KEYESPORT, VILLAGE OF (CLINTON CO)	MARCH 21, 1975	
170837	KINDERHOOK, VILLAGE OF (PIKE CO)	MARCH 21, 1975	
170760	LA PRAIRIE, TOWN OF (ADAMS CO.)	APRIL 25, 1975	
170457A	LACON, CITY OF (MARSHALL CO.)	NOVEMBER 30, 1973 AND	
		FEBRUARY 20, 1976	
170373A	LAKE BLUFF (VILLAGE OF (LAKE CO.)	FEBRUARY 01, 1974 AND	
		FEBRUARY 06, 1976	
170458	LAROSE, VILLAGE OF (MARSHALL CO.)	OCTOBER 25, 1974	
170500A	LEXINGTON, CITY OF (MCLEAN CO.)	JUNE 28, 1974	
170114A	LINCOLNWOOD, VILLAGE OF (COOK CO.)	JUNE 21, 1974	
170342	LISBON, VILLAGE OF (KENDALL CO.)	NOVEMBER 01, 1974	

* UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170884	LITTLE YORK, VILLAGE OF (WARREN CO)	APRIL 11, 1975
170794A	LIVINGSTON, VILLAGE OF (MADISON CO.)	MARCH 22, 1974 AND JUNE 11, 1976
170301A	MAKANDA, VILLAGE OF (JACKSON CO.)	AUGUST 23, 1974 AND DECEMBER 26, 1975
170187A	MALTA, VILLAGE OF (DEKALB CO.)	JUNE 07, 1974
170549	MANSFIELD, VILLAGE (PIATT CO)	JANUARY 03, 1975
170836	MAPLETON, VILLAGE OF (PEORIA CO)	MARCH 28, 1975
170351	MAQUON, VILLAGE OF (KNOX CO.)	NOVEMBER 15, 1974
170769	MARIETTA, VILLAGE OF (MARIETTA CO)	JANUARY 31, 1975
170650A	MARQUETTE HEIGHTS, CITY OF (TAZEWELL CO.)	MARCH 08, 1974 AND MARCH 26, 1976
170041A	MARTINSVILLE, CITY OF (CLARK CO.)	NOVEMBER 23, 1973 AND MARCH 26, 1976
170963	MASON COUNTY *	JANUARY 31, 1975
170833	MATHERVILLE, VILLAGE OF (MERCER CO)	MARCH 28, 1975
170684	MAUNIE, VILLAGE OF (WHITE CO.)	JANUARY 09, 1974
170361A	METTAWA, VILLAGE OF (LAKE CO.)	OCTOBER 18, 1974 AND JULY 23, 1976
170880	MIDDLETOWN, VILLAGE OF (LOGAN CO)	MARCH 28, 1975
170685A	MILL SHOALS, VILLAGE OF (WHITE CO.)	JULY 19, 1974 AND JULY 02, 1976
170230A	MONTROSE, VILLAGE OF (EFFINGHAM CO.)	AUGUST 23, 1974
170309A	MASON, CITY OF (JEFFERSON CO.)	AUGUST 16, 1974
170767	NAUVOO, CITY (HANCOCK CO)	OCTOBER 10, 1975
170853	NEW BEDFORD, VILLAGE (BUREAU CO.)	JUNE 27, 1975
170555A	NEW CANTON, TOWN OF (PIKE CO.)	AUGUST 16, 1974
170847	NEW MINDEN, VILLAGE (WASHINGTON CO)	JUNE 27, 1975
170769	NEWMAN, VILLAGE OF (DOUGLAS CO.)	NOVEMBER 29, 1974
170303A	NEWTON, CITY OF (JASPER CO.)	DECEMBER 17, 1973 AND MAY 28, 1976
170430A	NIANTIC, VILLAGE OF (MACON CO.)	MARCH 01, 1974
170770A	NORRIS, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170832	OAKFORD, VILLAGE OF (MENARD CO)	MARCH 21, 1975
170831	OAKWOOD HILLS, VILLAGE (MCHENRY CO.)	APRIL 18, 1975
170362A	ONEIDA, CITY OF (KNOX CO.)	JUNE 07, 1974
170491A	ORANGEVILLE, VILLAGE OF (STEPHENSON CO.)	AUGUST 16, 1974 AND MARCH 26, 1976
170871	ORIENT, VILLAGE (FRANKLIN CO)	APRIL 04, 1975
170797A	PECATONICA, VILLAGE OF (WINNEBAGO CO.)	APRIL 05, 1974 AND APRIL 02, 1976
170538	PERRY COUNTY *	DECEMBER 13, 1974
170542	PIATT COUNTY *	JANUARY 31, 1975
170272A	PONTOOSUC, VILLAGE OF (HANCOCK CO.)	JANUARY 16, 1974 AND MAY 28, 1976
170824	REDDICK, VILLAGE (LIVINGSTON CO.)	APRIL 18, 1975
170883	REYNOLDS, VILLAGE (ROCK ISLAND CO)	APRIL 18, 1975
170493A	RIDOTT, VILLAGE OF (STEPHENSON CO.)	DECEMBER 17, 1973
170603A	RIVERTON, VILLAGE OF (SANGMON CO.)	NOVEMBER 16, 1973 AND

* UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
170867	ROYALTON, VILLAGE OF (FRANKLIN CO)	MARCH 05, 1976
170855	SADORUS, VILLAGE OF (CHAMPAIGN CO)	MARCH 21, 1975
170605A	SCHUYLER COUNTY	MARCH 21, 1975
		JANUARY 03, 1975 AND JULY 02, 1976
170595A	SILVIS, CITY OF (ROCK ISLAND CO.)	MAY 31, 1974 AND MAY 21, 1976
170190	SOMONAUK, VILLAGE (DEKALB CO)	JANUARY 24, 1975
170619A	SOUTH JACKSONVILLE, CITY OF (MORGAN CO.)	MARCH 29, 1974 AND JUNE 04, 1976
170874	SOUTH WILMINGTON, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170459A	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER 23, 1973 AND MARCH 05, 1976
170887	SPRING BAY, VILLAGE OF (WOODFORD CO)	MARCH 28, 1975
170686	SPRINGERTON, VILLAGE OF (WHITE CO.)	DECEMBER 06, 1974
170600A	STONEFORT, VILLAGE OF (SALINE CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
170775	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170801A	ST. FRANCISVILLE, VILLAGE OF (LAWRENCE CO.)	MARCH 29, 1974
170820	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170005A	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY 10, 1974 AND JUNE 11, 1976
170778	THOMSON, VIL (CARROLL CO)	OCTOBER 17, 1975
170828	TOPEKA, TOWN OF (MASON CO)	MARCH 21, 1975
170869	URBAIN, VILLAGE OF (FRANKLIN CO)	MARCH 21, 1975
170559A	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER 17, 1973 AND MARCH 19, 1976
170781A	VERMONT, VILLAGE OF (FULTON CO.)	NOVEMBER 29, 1974
170380A	WALTONVILLE, VILLAGE OF (JEFFERSON CO.)	AUGUST 23, 1974 AND MARCH 19, 1976
170456A	WAMAC, CITY OF (WASHINGTON, MARION & CLINTON COS.)	JUNE 28, 1974
170864	WATERMAN, VILLAGE OF (DE KALB CO)	MARCH 21, 1975
170865	WAYNE, VILLAGE (DUPAGE CO)	AUGUST 15, 1975
170254A	WHITE HALL, CITY OF (GREENE CO.)	APRIL 05, 1974 AND JUNE 04, 1976
170821	YALE, VILLAGE OF (JASPER CO)	MARCH 21, 1975
170356A	YATES CITY, VILLAGE OF (KNOX CO.)	JUNE 14, 1974 AND JANUARY 30, 1976

TOTAL IN THE STATE 138

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	INDIANA NAME	HAZARD AREA IDENTIFIED
180012A	ADVANCE, TOWN OF (BOONE CO.)	SEPTEMBER 20, 1974
180031A	ALTON, TOWN OF (CRAWFORD CO.)	JANUARY 23, 1974 AND
		JULY 02, 1976
180303	AMBOY, TOWN OF (MIAMI CO.)	NOVEMBER 29, 1974
180097A	ANDREWS, TOWN OF (HUNTINGTON CO.)	JUNE 07, 1974
180315A	ARCADIA, TOWN OF (HAMILTON CO.)	FEBRUARY 01, 1974
180371	ATLANTA, TOWN (HAMILTON CO.)	JULY 11, 1975
180316A	BLOOMFIELD, TOWN OF (GREENE CO.)	NOVEMBER 23, 1973
180273A	BOONVILLE, CITY OF (WARRICK CO.)	DECEMBER 28, 1973 AND
		MAY 28, 1976
180087A	BROWNSBURG, TOWN OF (HENDRICKS CO.)	NOVEMBER 23, 1973 AND
		JUNE 18, 1976
180318A	BURLINGTON, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973 AND
		JUNE 11, 1976
180258A	CATUSA, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND
		MAY 21, 1976
180167A	CONVERSE, TOWN OF (MIAMI CO.)	MAY 17, 1974
180054	DUBOIS COUNTY *	DECEMBER 13, 1974
180106	DUPONT, TOWN OF (JEFFERSON CO.)	NOVEMBER 29, 1974
180261A	FAIRVIEW PARK, TOWN OF (VERMILLION CO.)	SEPTEMBER 20, 1974 AND
		JUNE 11, 1976
180390	FARMLAND, TOWN OF (RANDOLPH CO)	FEBRUARY 21, 1975
180372A	FORTVILLE, TOWN (HANCOCK CO.)	JULY 11, 1975
180267A	FOUNTAIN CITY, CITY OF (RAY	MAY 10, 1974 AND
		APRIL 16, 1976
180369	FORLERTON, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180366	FRANCISO, TOWN OF (GIBSON CO)	MARCH 21, 1975
180360A	GASTON, TOWN OF (DELAWARE CO)	FEBRUARY 21, 1975 AND
		OCTOBER 24, 1975
180325A	GOSPORT, TOWN OF (OWEN CO.)	NOVEMBER 23, 1973
180365	GREENVILLE, TOWN OF (FLOYD CO)	MARCH 21, 1975
180080	HAMILTON COUNTY *	DECEMBER 13, 1974
180327A	HAILETON, TOWN OF (GIBSON CO.)	NOVEMBER 23, 1973 AND
		SEPTEMBER 24, 1976
180225A	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	OCTOBER 18, 1974
180108	JENNINGS COUNTY *	DECEMBER 13, 1974
180193A	JUDSON, TOWN OF (PARKE CO.)	DECEMBER 17, 1973 AND
		JUNE 11, 1976
180377	KENNARD, TOWN OF (HENRY CO)	MARCH 21, 1975
180090B	KNIGHTSTOWN, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973 AND
		DECEMBER 26, 1975 AND
		NOVEMBER 19, 1976
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	MAY 24, 1974 AND
		DECEMBER 26, 1975
180035A	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	NOVEMBER 30, 1973
180398	LITTLE YORK, TOWN OF (WASHINGTON CO)	MARCH 21, 1975
180278A	LIVONIA, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND
		JUNE 11, 1976
180307	MACY, TOWN OF (MIAMI CO.)	DECEMBER 04, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	INDIANA NAME	HAZARD AREA IDENTIFIED
180330A	MECCA, TOWN OF (PARKE CO.)	JANUARY 23, 1974 AND
		JUNE 18, 1976
180362	MILFORD, TOWN OF (KOSCIUSKO CO)	MARCH 21, 1975
180363	MILLERSBURG, TOWN (ELKHART CO.)	JULY 11, 1975
180010	MONTPELIER, TOWN OF (BLACKFORD CO.)	DECEMBER 07, 1973
180176	MORGAN COUNTY *	DECEMBER 20, 1974
180336A	NEW PALESTINE, TOWN OF (HANCOCK CO.)	NOVEMBER 30, 1973
180337A	NEWBERRY, TOWN OF (GREENE CO.)	FEBRUARY 01, 1974
180262A	NEWPORT, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND
		MAY 21, 1976
180374	NORTH SALEM, TOWN OF (HENDRICKS CO)	FEBRUARY 21, 1975
180072A	OAKLAND CITY, CITY OF (GIBSON CO.)	MAY 10, 1974 AND
		JUNE 11, 1976
180250A	ORLAND, TOWN OF (STEUBEN CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180188A	ORLEANS, TOWN OF (ORANGE CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180229A	OSCEOLA, TOWN OF (ST. JOSEPH CO.)	DECEMBER 17, 1973 AND
		DECEMBER 05, 1975
180189A	PADLI, TOWN OF (ORANGE CO.)	NOVEMBER 23, 1973 AND
		OCTOBER 31, 1975
180338	PARAGON, TOWN OF (MORGAN CO.)	FEBRUARY 01, 1974
180192	PARKE COUNTY *	DECEMBER 20, 1974
180340A	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973 AND
		JULY 23, 1976
180395A	PERRTSVILLE, TOWN (VERMILLION CO.)	NOVEMBER 23, 1973 AND
		JUNE 11, 1976
180388	PINES, TOWN OF (PORTER CO)	MARCH 21, 1975
180213	PUTNAM COUNTY	JANUARY 03, 1975
180342A	RILEY, TOWN OF (VIGO CO.)	FEBRUARY 01, 1974
180096A	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 28, 1973 AND
		JULY 23, 1976
180071A	ROCHESTER, CITY OF (FULTON CO.)	FEBRUARY 15, 1974 AND
		APRIL 09, 1976
180343A	ROSEDALE, TOWN OF (PARKE CO.)	NOVEMBER 30, 1973 AND
		AUGUST 08, 1975
180218A	RUSSELLVILLE, TOWN OF (PUTNAM CO.)	SEPTEMBER 20, 1974
180373	SHIRLEY, TOWN (HANCOCK AND HENRY COS.)	JULY 11, 1975
180344A	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180346A	STINESVILLE, TOWN OF (MONROE CO.)	FEBRUARY 01, 1974 AND
		MARCH 05, 1976
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	FEBRUARY 01, 1974 AND
		APRIL 09, 1976
180370	SWEETSER, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180350A	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974 AND
		JUNE 18, 1976
180351A	UNIVERSAL, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974
180349	WAKARUSA, TOWN OF (ELKHART CO)	FEBRUARY 21, 1975
180175A	WAYNETOWN, TOWN OF (MONTGOMERY CO.)	MAY 31, 1974 AND

* UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180265	WEST TERRE HAUTE, TOWN (VIGO CO)	APRIL 09, 1976
180379	WHEATFIELD, TOWN (JASPER CO.)	NOVEMBER 22, 1974
180313A	WHITING, CITY (LAKE CO)	JUNE 27, 1975
		JANUARY 10, 1975
	TOTAL IN THE STATE	72

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190538	AFTON, CITY OF (UNION CO.)	SEPTEMBER 26, 1975
190525	AINSWORTH, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190138A	ALDEN, CITY OF (HARDIN CO.)	JUNE 21, 1974 AND
		DECEMBER 26, 1975
190387	ALEXANDER, CITY OF (FRANKLIN CO.)	MARCH 26, 1976
190543	ALLERTON, CITY OF (WAYNE CO.)	SEPTEMBER 26, 1975
190546	ALTOONA, CITY OF(POLK CO)	SEPTEMBER 26, 1975
190092A	ARION, CITY OF (CRAWFORD CO.)	SEPTEMBER 06, 1974 AND
		MAY 14, 1976
190217	ASHTON, CITY OF (OSCEOLA CO.)	JULY 11, 1975
190548	ATKINS, CITY OF(BENTON CO)	AUGUST 22, 1975
190498	AURORA, CITY OF (BUCHANAN)	AUGUST 22, 1975
190701	BARNES CITY, CITY OF (MAHASKA & POWESHIEK CO'S)	SEPTEMBER 19, 1975
190551	BATAVIA, CITY OF(JEFFERSON CO)	SEPTEMBER 26, 1975
190423	BATTLE CREEK, CITY OF (IDA CO.)	SEPTEMBER 26, 1975
190552	BAXTER, CITY OF(JASPER CO)	SEPTEMBER 12, 1975
190452	BEACON, CITY OF (MAHASKA CO.)	SEPTEMBER 19, 1975
190400	BEAMAN, CITY OF (GRUNDY CO.)	AUGUST 22, 1975
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AND
		AUGUST 22, 1975
190320	BLAIRSTOWN, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190704	BLAKESBURG, CITY OF (KAPELLO CO.)	AUGUST 29, 1975
190517	BLOCKTON, CITY OF (TAYLOR CO.)	SEPTEMBER 26, 1975
190707	BONDURANT, CITY (POLK)	SEPTEMBER 05, 1975
190555	BOONE, CITY (BOONE CO)	SEPTEMBER 12, 1975
190706	BORMOLM, CITY OF (BOONE)	MARCH 26, 1976
190556	BOYDEN, CITY OF (SIOUX CO.)	AUGUST 29, 1975
190557	BRIGHTON, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190558	BRITT, CITY (HANCOCK CO)	AUGUST 08, 1975
190093	BUCK GROVE, CITY OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, CITY OF (WEBSTER CO.)	NOVEMBER 08, 1974
190492	CARTER LAKE, CITY (POTTAWATTAMIE CO)	SEPTEMBER 19, 1975
190713	CASTALIA, CITY OF (WINNESHIEK CO.)	SEPTEMBER 05, 1975
190462	CASTANA, CITY OF (MONONA CO.)	AUGUST 29, 1975
190269	CHILLICOTHE, CITY OF (KAPELLO CO.)	NOVEMBER 08, 1974
190395	CHURDAN, CITY OF (GREENE CO.)	AUGUST 29, 1975
190336	CLARKSVILLE, CITY OF (BUTLER CO.)	SEPTEMBER 19, 1975
190839	COLO, CITY OF (STORY CO.)	MARCH 26, 1976
190562	CORYDON, CITY OF (WAYNE CO.)	SEPTEMBER 19, 1975
190723	CRESCENT, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 26, 1975
190421	DAKOTA CITY, CITY OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190726	DALLAS, CITY OF (MARION CO.)	AUGUST 08, 1975
190109	DAVIS CITY, CITY OF (DECATUR CO.)	JULY 18, 1975
190496	DEEP RIVER, CITY OF (POWESHIEK CO.)	SEPTEMBER 19, 1975
190566A	DELHI, CITY (DELAWARE CO)	MARCH 19, 1976
190095A	DELOIT, CITY OF (CRAWFORD CO.)	AUGUST 30, 1974 AND
		DECEMBER 26, 1975
190359	DESOTO, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975
190501	DIAGONAL, CITY OF (RINGGOLD CO.)	AUGUST 29, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	IOWA NAME	HAZARD AREA IDENTIFIED
190355	DICKENS, CITY OF (CLAY CO)	SEPTEMBER 05, 1975
190726	DIXON, CITY (SCOTT)	SEPTEMBER 19, 1975
190505	DONAHUE, CITY OF (SCOTT CO.)	MARCH 19, 1976
190496	DOON, CITY OF (LYON CO.)	SEPTEMBER 19, 1975
190305A	DOWS, CITY OF (WRIGHT CO.)	JUNE 21, 1974 AND
		DECEMBER 26, 1975
190569	DYSART, CITY (TAMA CO)	JULY 25, 1975
190571	EARLVILLE, CITY (DELAWARE CO)	MARCH 19, 1976
190573	EDGEWOOD, CITY OF (CLAYTON AND DELAWARE COS.)	AUGUST 29, 1975
190414	ELMA, CITY OF (HOWARD CO.)	SEPTEMBER 19, 1975
190356	EVERLY, CITY OF (CLAY CO.)	SEPTEMBER 19, 1975
190678	FARLEY, CITY OF (DUBUQUE CO.)	AUGUST 29, 1975
190730	FARNHAMVILLE, CITY OF (CALHOUN CO.)	MARCH 26, 1976
190390	FARRAGUT, CITY OF (FREMONT CO.)	SEPTEMBER 26, 1975
190437	FENTON, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190457	FERGUSON, CITY OF (MARSHALL CO.)	SEPTEMBER 26, 1975
190382	FLOYD, CITY OF (FLOYD CO.)	MARCH 19, 1976
190579	FONTANELLE, CITY (ADAIR CO)	JULY 18, 1975
190027	FREDERIKA, CITY OF (BREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, CITY OF (LOUISA CO.)	FEBRUARY 14, 1975
190731	GARDEN GROVE, CITY OF (DECATUR CO.)	SEPTEMBER 12, 1975
190580	GARNAVILLO, CITY (CLAYTON CO)	AUGUST 08, 1975
190321	GARRISON, CITY OF (BENTON CO.)	AUGUST 08, 1975
190733	GOODELL, CITY OF (HANCOCK CO.)	AUGUST 15, 1975
190279A	GOWRIE, CITY OF (WEBSTER CO.)	JUNE 28, 1974 AND
		FEBRUARY 06, 1976
190737	GRANVILLE, CITY OF (SIOUX)	SEPTEMBER 26, 1975
190738	GRAVITY, CITY OF (TAYLOR CO.)	SEPTEMBER 19, 1975
190159A	GREEN ISLAND, CITY OF (JACKSON CO.)	OCTOBER 25, 1974
190587	GREENFIELD, CITY (ADAIR CO)	SEPTEMBER 19, 1975
190228	GRIMES, CITY OF (POLK CO.)	MARCH 05, 1976
190236A	HANCOCK, CITY OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND
		DECEMBER 26, 1975
190240A	HARCOURT, CITY OF (WEBSTER CO.)	DECEMBER 06, 1974
190589	HARTFORD, CITY (WARREN CO)	MARCH 19, 1976
190455	HARVEY, CITY OF (MARION CO.)	MARCH 19, 1976
190204	HASTINGS, CITY OF (MILLS CO.)	SEPTEMBER 19, 1975
190484	HAVELOCK, CITY OF (POCAHONTAS CO.)	MARCH 19, 1976
190592	HENDRICK, CITY OF (KEOKUK CO.)	MARCH 19, 1976
190593	HOLSTEIN, CITY (IDA CO)	SEPTEMBER 19, 1975
190275A	INDIANOLA, CITY OF (WARREN CO.)	JUNE 07, 1974 AND
		APRIL 30, 1976
190511	IRETON, CITY OF (SIOUX CO.)	JANUARY 24, 1975
190023A	JANESVILLE, CITY OF (BLACK HAWK CO. & BREMER COS.)	DECEMBER 28, 1973 AND
		JANUARY 16, 1976
190601	KALONA, CITY (WASHINGTON CO)	SEPTEMBER 26, 1975
190169A	KELLOGG, CITY OF (JASPER CO.)	JUNE 21, 1974 AND
		JANUARY 16, 1976
190435	KEOTA, CITY OF (KEOKUK CO.)	SEPTEMBER 26, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	IOWA NAME	HAZARD AREA IDENTIFIED
190602	KEYSTONE, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190430	LA MOTTE, CITY OF (JACKSON CO.)	SEPTEMBER 26, 1975
190425	LADORA, CITY OF (IOWA CO.)	SEPTEMBER 19, 1975
190340	LAKE CITY, CITY (CALHOUN CO)	SEPTEMBER 26, 1975
190763	LAKOTA, CITY OF (KOSSUTH CO.)	MARCH 19, 1976
190331	LAMONT, CITY OF (BUCHANAN CO.)	SEPTEMBER 12, 1975
190389	LATIMER, CITY OF (FRANKLIN CO.)	MARCH 26, 1976
190310	LEHIGH, CITY OF (WEBSTER CO.)	SEPTEMBER 19, 1975
190311	LETTS, CITY OF (LOUISA CO.)	DECEMBER 27, 1974
190759	LIBERTYVILLE, CITY OF (JEFFERSON CO.)	SEPTEMBER 26, 1975
190417	LIME SPRINGS, CITY OF (HOWARD CO.)	SEPTEMBER 19, 1975
190761	LINEVILLE, CITY OF (WAYNE CO.)	SEPTEMBER 26, 1975
190032A	LINN GROVE, CITY OF (BUENA VISTA CO.)	AUGUST 16, 1974 AND
		MARCH 05, 1976
190607	LISBON, CITY (LINN CO)	MARCH 19, 1976
190762	LISCOMB, CITY OF (MARSHALL)	SEPTEMBER 19, 1975
190078A	LITTLEPORT, CITY OF (CLAYTON CO.)	AUGUST 23, 1974 AND
		FEBRUARY 06, 1976
190765	LORIMOR, CITY OF (UNION CO.)	SEPTEMBER 19, 1975
190611	LOST NATION, CITY (CLINTON CO)	AUGUST 22, 1975
190612	LOVILIA, CITY (MONROE CO)	SEPTEMBER 19, 1975
190766	LOW MOOR, CITY OF (CLINTON CO.)	MARCH 19, 1976
190768	LUVERNE, CITY OF (KOSSUTH & HUMBOLDT COS.)	SEPTEMBER 19, 1975
190165	LYNNVILLE, CITY OF (JASPER CO.)	JANUARY 03, 1975
190498	MALCOM, CITY OF (POWESHIEK CO.)	SEPTEMBER 19, 1975
190619	MARCUS, CITY OF (CHEROKEE CO.)	MARCH 19, 1976
190512	MAURICE, CITY OF (SIOUX CO.)	MARCH 19, 1976
190458	MC INTIRE, CITY OF (MITCHELL CO.)	SEPTEMBER 26, 1975
190415	MEDIAPOLIS, CITY OF (DES MOINES CO.)	SEPTEMBER 26, 1975
190617	MELCHER, CITY (MARION CO)	AUGUST 08, 1975
190522	MILTON, CITY OF (VAN BUREN CO.)	MARCH 19, 1976
190166	MINGO, CITY OF (JASPER CO.)	SEPTEMBER 05, 1975
190419	MITCHELLVILLE, CITY (POLK CO)	SEPTEMBER 19, 1975
190198A	MODALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190161	MONMOUTH, CITY OF (JACKSON CO.)	JANUARY 17, 1975
190620	MONONA, CITY OF (CLAYTON CO.)	FEBRUARY 21, 1975
190782	MONTOUR, CITY OF (TAMA)	SEPTEMBER 05, 1975
190312	MORNING SUN, CITY OF (LOUISA CO.)	JANUARY 17, 1975
190625	MURRAY, CITY OF (CLARKE CO.)	SEPTEMBER 05, 1975
190493	NEOLA, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190007A	NEW ALBIN, CITY OF (ALLAMAKEE CO.)	MAY 17, 1974
190003	NODAWAY, CITY OF (ADAMS CO.)	AUGUST 22, 1975
190384	NORA SPRINGS, CITY OF (FLOYD CO.)	SEPTEMBER 26, 1975
190082A	NORTH BUENAVISTA, CITY OF (CLAYTON CO.)	OCTOBER 18, 1974 AND
		MARCH 19, 1976
190629	NORTH ENGLISH, CITY (IOWA AND KEOKUK COS)	MARCH 19, 1976
190632	NORWAY, CITY OF (BENTON CO.)	SEPTEMBER 26, 1975
190634	OGDEN, CITY OF (BOONE CO.)	AUGUST 29, 1975
190788	OKOBOJI, CITY OF (DICKINSON CO.)	SEPTEMBER 19, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	IOWA NAME	HAZARD AREA IDENTIFIED
902944	OTO, CITY OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AND
		JANUARY 23, 1976
901724	OXFORD, CITY OF (JOHNSON CO.)	MAY 10, 1974 AND
		FEBRUARY 06, 1976
190397	PATON, CITY OF (GREENE CO.)	SEPTEMBER 19, 1975
190367	PETERSON, CITY OF (CLAY CO.)	MARCH 26, 1976
190151	PISGAH, CITY OF (HARRISON CO.)	DECEMBER 06, 1974
190836	PLEASANTVILLE, CITY OF (MARION CO.)	MARCH 26, 1976
190061A	PLYMOUTH, CITY OF (CERRO GORDO CO.)	NOVEMBER 08, 1974 AND
		MAY 21, 1976
190692	PRAIRIE CITY, CITY (JASPER CO)	AUGUST 29, 1975
190431	PRESTON, CITY OF (JACKSON CO.)	SEPTEMBER 19, 1975
190419	PROTIVIN, CITY OF (HOWARD CO.)	SEPTEMBER 12, 1975
190392	RANDOLPH, CITY OF (FREMONT CO.)	MARCH 19, 1976
190167A	REASNOR, CITY OF (JASPER CO.)	NOVEMBER 01, 1974
190480	REMSEN, CITY OF (PLYMOUTH CO.)	MARCH 19, 1976
190795	RHODES, CITY OF (MARSHALL CO.)	SEPTEMBER 19, 1975
190418	RICEVILLE, CITY OF (HOWARD CO.)	MARCH 19, 1976
190447	RICHLAND, CITY OF (KEOKUK CO.)	SEPTEMBER 26, 1975
190100	RICKETTS, CITY OF (CRAWFORD CO.)	NOVEMBER 22, 1974
190373	RINGSTED, CITY OF (EMMET CO.)	MARCH 19, 1976
190493	ROBINS, CITY OF (LINN CO.)	MARCH 26, 1976
190343	ROCKWELL CITY, CITY OF (CALHOUN CO.)	MARCH 26, 1976
190352	ROCKWELL, CITY OF (CERRO GORDO CO.)	MARCH 26, 1976
190487	ROLFE, CITY OF (POCAHONTAS CO.)	SEPTEMBER 05, 1975
190800	RUNNELLS, CITY OF (POLK CO.)	SEPTEMBER 19, 1975
190801	RYAN, CITY OF (DELAWARE CO.)	MARCH 26, 1976
190651A	SANBORN, CITY (O'BRIEN CO)	SEPTEMBER 19, 1975 AND
		JULY 16, 1976
190665	SEYMOUR, CITY OF (WAYNE CO.)	MARCH 26, 1976
190132A	SHEFFIELD, CITY OF (FRANKLIN CO.)	JUNE 28, 1974 AND
		JUNE 04, 1976
190657	SIDNEY, CITY OF (FREMONT CO.)	AUGUST 29, 1975
190178A	SIGOURNEY, CITY OF (KEOKUK CO.)	MARCH 15, 1974
190659	SLATER, CITY (STORY CO)	MARCH 26, 1976
190461	STACYVILLE, CITY OF (MITCHELL CO.)	MARCH 26, 1976
190056A	STANHOPE, CITY OF (CEDAR CO.)	AUGUST 09, 1974 AND
		MAY 14, 1976
190191	STEAMBOAT ROCK, CITY OF (HARDIN CO.)	JANUARY 03, 1975
190808	STOCKPORT, CITY OF (VAN BUREN)	MARCH 26, 1976
190663	STUART, CITY OF (ADAIR-GUTHRIE COS.)	MARCH 26, 1976
190471	SUTHERLAND, CITY OF (O'BRIEN CO.)	SEPTEMBER 26, 1975
190664	SWEA CITY, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190666	THOMPSON, CITY OF (WINNEBAGO CO.)	SEPTEMBER 19, 1975
190173	TIFFIN, CITY OF (JOHNSON CO.)	NOVEMBER 22, 1974
190667	TOLEDO, CITY (TAMA CO)	SEPTEMBER 12, 1975
190816	TREYNOR, CITY OF (POTTAWATTAMIE CO.)	MARCH 26, 1976
190669	TRIPOLI, CITY (BREMER CO)	MARCH 26, 1976
190494	UNDERWOOD, CITY OF (POTTAWATTAMIE CO.)	MARCH 26, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	IOWA NAME	HAZARD AREA IDENTIFIED
190671A	UNIVERSITY PARK, TOWN (MAHASKA CO)	MARCH 19, 1976
190464	UTE, CITY OF (MONONA CO.)	MARCH 19, 1976
190673	VAN HORNE, CITY (BENTON CO)	MARCH 26, 1976
190362	VAN METER, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975
190674	WALNUT, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190677	WASHINGTON, CITY (WASHINGTON CO)	SEPTEMBER 19, 1975
190678	WAUKEE, CITY (DALLAS CO)	MARCH 26, 1976
190090A	WHEATLAND, CITY OF (CLINTON CO.)	JUNE 28, 1974 AND
		APRIL 02, 1976
190070	WOODBURN, CITY OF (CLARKE CO.)	DECEMBER 20, 1974
	TOTAL IN THE STATE	184

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	KANSAS	
200360	ALTA VISTA, CITY OF (WABAUNSEE CO.)	MARCH 19, 1976
200962	ALTAMONT, CITY OF (LABETTE CO.)	MARCH 26, 1976
200381	ALTON, CITY OF (OSBORNE CO.)	MARCH 19, 1976
200384	ARCADIA, CITY OF (CRAWFORD CO.)	AUGUST 15, 1975
200464	ARLINGTON, CITY OF (RENO CO.)	SEPTEMBER 26, 1975
200465	ARMA, CITY OF (CRAWFORD CO.)	MARCH 26, 1976
200340	ATHOL, CITY OF (SMITH CO.)	DECEMBER 13, 1974
200387A	ATTELL, CITY OF (MARSHALL CO.)	MARCH 26, 1976 AND
		AUGUST 20, 1976
200388	BARNES, CITY OF (WASHINGTON CO.)	AUGUST 22, 1975
200389	BEATTIE, CITY OF (MARSHALL CO.)	AUGUST 29, 1975
200467	BENNINGTON, CITY OF (OTTAWA CO.)	MARCH 26, 1976
200391	BISON, CITY OF (RUSH CO.)	AUGUST 29, 1975
200470	BLUE RAPIDS, CITY OF (MARSHALL CO.)	MARCH 26, 1976
200128	BLUFF CITY, CITY OF (HARPER CO.)	DECEMBER 27, 1974
200393	BRONSON, CITY OF (BOURBON CO.)	JULY 18, 1975
200473	BURDEN, CITY OF (COWLEY CO.)	SEPTEMBER 19, 1975
200394	BURDETT, CITY OF (PAWNEE CO.)	MARCH 26, 1976
200397	BURNS, CITY OF (MARION CO.)	MARCH 26, 1976
200474	CALDWELL, CITY OF (SUMNER CO.)	SEPTEMBER 19, 1975
200477	CEDAR VALE, CITY OF (CHEUTAUQUA CO.)	AUGUST 15, 1975
200478	CHENEY, CITY OF (SEDGWICK CO.)	MARCH 26, 1976
200479	CHEROKEE, CITY OF (CRAWFORD CO.)	MARCH 26, 1976
200480	CHETOPA, CITY OF (LABETTE CO.)	SEPTEMBER 19, 1975
200004	COLONY, CITY OF (ANDERSON CO.)	DECEMBER 20, 1974
200484	COTTONWOOD FALLS, CITY OF (CHASE CO.)	MARCH 26, 1976
200400	CUBA, CITY OF (REPUBLIC CO.)	JULY 25, 1975
200401	CUNNINGHAM, CITY OF (KINGMAN CO.)	MARCH 26, 1976
200403	DEARING, CITY OF (MONTGOMERY CO.)	JULY 25, 1975
200139	DELIA, CITY OF (JACKSON CO.)	AUGUST 30, 1974
200079	DENTON, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200404	DEXTER, CITY OF (COWLEY CO.)	JULY 25, 1975
200489	DOUGLAS, CITY OF (BUTLER CO.)	JULY 18, 1975
200235	DUNLAP, CITY OF (MORRIS CO.)	JANUARY 03, 1975
200406	DWIGHT, CITY OF (MORRIS CO.)	SEPTEMBER 19, 1975
200491	EASTBOROUGH, CITY OF (SEDGWICK CO.)	SEPTEMBER 19, 1975
200234A	ELKHART, CITY OF (MORTON CO.)	MAY 24, 1974 AND
		DECEMBER 05, 1975
200271	EMMETT, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200409	ENSIGN, CITY OF (GRAY CO.)	MARCH 26, 1976
200410	ESBON, CITY OF (JEWELL CO.)	AUGUST 29, 1975
200493	ESKRIDGE, CITY OF (WABAUNSEE CO.)	AUGUST 22, 1975
200028	FAIRVIEW, CITY OF (BROWN CO.)	NOVEMBER 08, 1974
200221	FONTANA, CITY OF (MIAMI CO.)	DECEMBER 20, 1974
200411	FORD, CITY OF (FORD CO.)	MARCH 26, 1976
200029	FULTON, CITY OF (BOURBON CO.)	JANUARY 10, 1975
200497	GALVA, CITY OF (MCPHERSON CO.)	AUGUST 15, 1975
200342	GAYLORD, CITY OF (SMITH CO.)	DECEMBER 27, 1974
200414	GEUDA SPRINGS, CITY OF (COWLEY-SUMNER COS)	SEPTEMBER 12, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	KANSAS	
200227	GLEN ELDER, CITY OF (MITCHELL CO.)	DECEMBER 27, 1974
200206	GOESSEL, CITY OF (MARION CO.)	NOVEMBER 22, 1974
200239A	GOFF, CITY OF (NEMAHA CO.)	NOVEMBER 08, 1974 AND
		DECEMBER 26, 1975
200111	GRANDVIEW PLAZA, CITY OF (GEARY CO.)	FEBRUARY 01, 1974 AND
		AUGUST 09, 1974
200019	GREAT BEND, CITY OF (BARTON CO.)	MARCH 19, 1976
200004	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200417	GREENLEAF, CITY OF (WASHINGTON CO.)	AUGUST 08, 1975
200418	GRENOLA, CITY OF (ELK CO.)	SEPTEMBER 26, 1975
200064	GRISLEY, CITY OF (COFFEY CO.)	NOVEMBER 22, 1974
200355	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER 27, 1974
200029	HAMLIN, CITY OF (BROWN CO.)	SEPTEMBER 19, 1975
200502	HANOVER, CITY OF (WASHINGTON CO.)	JULY 18, 1975
200421	HARDTNER, CITY OF (BARBER CO.)	AUGUST 15, 1975
200422	HARTFORD, CITY OF (LYON CO.)	SEPTEMBER 26, 1975
200352	HARVEYVILLE, CITY OF (WABAUNSEE CO.)	NOVEMBER 08, 1974
200504	HAVILAND, CITY OF (KIOWA CO.)	AUGUST 22, 1975
200506	HOLYROOD, CITY OF (ELLSWORTH CO.)	AUGUST 08, 1975
200424	HOPE, CITY OF (DICKINSON CO.)	SEPTEMBER 19, 1975
200012	HURON, CITY OF (ATCHISON CO.)	DECEMBER 13, 1974
200118	INGALLS, CITY OF (GRAY CO.)	DECEMBER 20, 1974
200425	IUKA, CITY OF (PRATT CO.)	SEPTEMBER 26, 1975
200512	KENSINGTON, CITY OF (SMITH CO.)	AUGUST 22, 1975
200007	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER 22, 1974
200329	KISMET, CITY OF (SEWARD CO.)	NOVEMBER 22, 1974
200196A	LA CYGNE, CITY OF (LINN CO.)	MARCH 15, 1974 AND
		DECEMBER 26, 1975
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER 27, 1974
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER 20, 1974
200514	LEON, CITY OF (BUTLER CO.)	MARCH 26, 1976
200066A	LEROY, CITY OF (COFFEY CO.)	DECEMBER 28, 1973 AND
		OCTOBER 24, 1975
200518	LEWIS, CITY OF (EDWARDS CO.)	MARCH 26, 1976
200309	LIEBENTHAL, CITY OF (RUSH CO.)	JANUARY 03, 1975
200431	LINN, CITY OF (WASHINGTON CO.)	SEPTEMBER 05, 1975
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER 06, 1974
200310	MCCRACKEN, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200540	MOHAN, CITY OF (ALLEN CO.)	MARCH 26, 1976
200055	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER 20, 1974
200032	MORRILL, CITY OF (BROWN CO.)	NOVEMBER 22, 1974
200356	MORROWVILLE, CITY OF (WASHINGTON CO.)	DECEMBER 06, 1974
200197A	MOUND CITY, CITY OF (LINN CO.)	MARCH 01, 1974 AND
		NOVEMBER 21, 1975 AND
		APRIL 16, 1976
200440	MULLINVILLE, CITY OF (KIOWA CO.)	AUGUST 29, 1975
200014A	MUSCOTAH, CITY OF (ATCHISON CO.)	NOVEMBER 22, 1974 AND
		JULY 09, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	KANSAS NAME	HAZARD AREA IDENTIFIED
200360	NEOSHO FALLS, CITY OF (WOODSON CO)	JANUARY 31, 1975
200204	NEOSHO RAPIDS, CITY (LYON CO)	JANUARY 03, 1975
200144	NETAWAKA, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200491	NORCATUR, CITY (DECATUR CO.)	SEPTEMBER 12, 1975
200150A	NORTONVILLE, CITY OF (JEFFERSON CO.)	MARCH 01, 1974 AND JUNE 18, 1976
200494	OLPE, CITY (LYON CO.)	SEPTEMBER 26, 1975
200252A	OSAGE CITY, CITY OF (OSAGE CO)	MARCH 01, 1974 AND FEBRUARY 28, 1975
200545	OSWEGO, CITY (LABETTE CO.)	SEPTEMBER 19, 1975
200311	OTIS, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200546	OVERBROOK, CITY (OSAGE CO.)	AUGUST 15, 1975
200547	OXFORD, CITY (SUMNER CO.)	AUGUST 08, 1975
200357	PALMER, CITY OF (WASHINGTON CO.)	DECEMBER 20, 1974
200198	PARKER, CITY OF (LINN COU)	FEBRUARY 07, 1975
200447	PERU, CITY (CHAUTAUQUA CO.)	SEPTEMBER 26, 1975
200105A	POMONA, CITY OF (FRANKLIN CO.)	FEBRUARY 08, 1974 AND DECEMBER 26, 1975
200448	POTWIN, CITY (BUTLER CO.)	SEPTEMBER 26, 1975
200288	REPUBLIC, CITY OF (REPUBLIC CO.)	DECEMBER 06, 1974
200453	ROLLA, CITY (MORTON CO.)	MARCH 26, 1976
200312	RUSH CENTER, CITY OF (RUSH CO.)	NOVEMBER 22, 1974
200315B	RUSSELL, CITY OF (RUSSELL CO.)	FEBRUARY 08, 1974 AND NOVEMBER 08, 1974
200455	SCAMMON, CITY (CHEROKEE CO.)	SEPTEMBER 19, 1975
200097	SCHOENCHEN, CITY (ELLIS CO)	JANUARY 17, 1975
200529	SEDAN, CITY (CHAUTAUQUA CO.)	AUGUST 22, 1975
200083	SEVERANCE, CITY OF (DONIPHAN CO.)	DECEMBER 20, 1974
200457A	SEVERY, CITY (GREENWOOD CO.)	SEPTEMBER 26, 1975 AND JUNE 11, 1976
200458	SHARON, CITY (BARBER CO.)	AUGUST 22, 1975
200195	SOLDIER, CITY OF (JACKSON CO.)	NOVEMBER 22, 1974
200459	SOUTH HAVEN, CITY (SUMNER CO)	SEPTEMBER 19, 1975
200531	SPEARVILLE, CITY (FORD CO.)	SEPTEMBER 19, 1975
200176	SPRING HILL, CITY OF (JOHNSON CO.) KS.	FEBRUARY 06, 1976
200532	STAFFORD, CITY (STAFFORD CO.)	MARCH 26, 1976
200524	ST. FRANCIS, CITY (CHEYENNE CO.E	SEPTEMBER 19, 1975
200274	ST. GEORGE, CITY (POTTAWATOMIE CO)	JANUARY 03, 1975
200526	ST. PAUL, CITY (NEOSHO CO.)	SEPTEMBER 19, 1975
200367	TORONTO, CITY (WOODSON CO)	SEPTEMBER 19, 1975
200534	TOWANDA, CITY (BUTLER CO.)	AUGUST 08, 1975
200368	TREECE, CITY (CHEROKEE CO)	MARCH 26, 1976
200535	TRIBUNE, CITY (GREELEY CO.)	SEPTEMBER 19, 1975
200369	TURON, CITY OF (RENO COU)	FEBRUARY 07, 1975
200370	TYRO, CITY (MONTGOMERY CO)	JULY 25, 1975
200154A	VALLEY FALLS, CITY OF (JEFFERSON CO.)	OCTOBER 10, 1975
200374	WALTON, CITY (HARVEY CO)	JANUARY 24, 1975
200556	WATERVILLE, CITY (MARSHALL CO.)	AUGUST 29, 1975
200557	WEIR, CITY (CHEROKEE CO.)	SEPTEMBER 19, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	KANSAS NAME	HAZARD AREA IDENTIFIED
200277A	WESTMORELAND, CITY OF (POTTAWATOMIE CO.)	MARCH 08, 1974 AND DECEMBER 26, 1975
200008	WESTPHALIA, CITY (ANDERSON CO)	DECEMBER 20, 1974
200376	WETMORE, CITY OF (NEMAHA)	FEBRUARY 14, 1975
200377	WHITE CITY, CITY (MORRIS CO)	SEPTEMBER 19, 1975
200086	WHITE CLOUD, CITY OF (DONIPHAN CO.)	DECEMBER 27, 1974
200559	WHITEWATER, CITY (BUTLER CO.)	SEPTEMBER 19, 1975
200196	WHITING, CITY OF (JACKSON CO.)	NOVEMBER 29, 1974
200379	WOODSTON, CITY (NOOKS CO)	SEPTEMBER 26, 1975

TOTAL IN THE STATE 110

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	KENTUCKY HAZARD AREA IDENTIFIED
210070A	ALLEN, TOWN OF (FLOYD CO.)	JANUARY 23, 1979 AND
		FEBRUARY 27, 1976
210043A	ARLINGTON, TOWN OF (CARLISLE CO.)	MAY 17, 1979
210044A	BARDWELL, TOWN OF (CARLISLE CO.)	MAY 17, 1979 AND
		FEBRUARY 27, 1976
210106A	BERRY, TOWN OF (HARRISON CO.)	AUGUST 16, 1979 AND
		FEBRUARY 20, 1976
210187A	BOONEVILLE, CITY OF (OWSLEY CO.)	FEBRUARY 01, 1979 AND
		FEBRUARY 20, 1976
210161A	BRADFORDSVILLE, CITY OF (MARION CO.)	MAY 10, 1979 AND
		FEBRUARY 20, 1976
210023	BREATHITT COUNTY	JANUARY 03, 1975
210201A	BROOKHEAD, CITY OF (ROCK CASTLE CO.)	MAY 17, 1979 AND
		FEBRUARY 27, 1976
210154A	CALHOUN, TOWN OF (MCLEAN CO.)	FEBRUARY 01, 1979
210042	CARLISLE COUNTY *	OCTOBER 18, 1979
210053	CASEY COUNTY *	DECEMBER 13, 1979
210057	CLAY COUNTY *	DECEMBER 27, 1979
210111A	CLINTON, TOWN OF (HICKMAN CO.)	MAY 17, 1979 AND
		SEPTEMBER 24, 1976
210263	COAL RUN, CITY (PIKE CO)	JANUARY 10, 1975
210143	CRAB ORCHARD, TOWN OF (LINCOLN CO.)	JUNE 14, 1979
210060	CUMBERLAND COUNTY	JANUARY 03, 1975
210238A	FLORENCE, TOWN OF (BOONE CO.)	FEBRUARY 01, 1979 AND
		FEBRUARY 20, 1976
210038B	FORT THOMAS, CITY OF (CAMPBELL CO.)	JANUARY 25, 1979 AND
		JUNE 25, 1976
210272	FOSTER, CITY (BRACKEN CO)	AUGUST 01, 1975
210030	FREDONIA, TOWN (CALDWELL CO)	JULY 25, 1975
210081	GARRARD COUNTY *	OCTOBER 18, 1979
210046A	GHENT, TOWN OF (CARROLL CO.)	JANUARY 16, 1979
210251	GILBERTSVILLE, CITY (MARSHALL CO.)	JULY 25, 1975
210078A	GLENCOE, CITY OF (GALLATIN CO.)	FEBRUARY 01, 1979 AND
		JUNE 04, 1976
210099	HARDIN COUNTY *	OCTOBER 18, 1979
210303A	HARDIN, CITY OF (MARSHALL CO.)	JUNE 14, 1979 AND
		AUGUST 13, 1976
210165	HARDIN, TOWN OF (MARSHALL CO.)	MAY 10, 1979
210032A	HAZEL, TOWN OF (CALLOWAY CO.)	AUGUST 09, 1979
210110	HENRY COUNTY *	OCTOBER 18, 1979
210077A	HICKMAN, CITY OF (FULTON CO)	JUNE 28, 1979 AND
		JUNE 04, 1976
210112A	HOPKINS COUNTY *	OCTOBER 18, 1979 AND
		APRIL 23, 1976
210139	LAUREL COUNTY *	DECEMBER 27, 1979
210304A	LEBANON JUNCTION, CITY OF (BULLITT CO.)	MARCH 15, 1979
210085A	LEITCHFIELD, TOWN OF (GRAYSON CO.)	MAY 10, 1979 AND
		SEPTEMBER 03, 1976
210141	LEWIS COUNTY *	DECEMBER 20, 1979

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	KENTUCKY HAZARD AREA IDENTIFIED
210166	MARTIN COUNTY *	DECEMBER 13, 1979
210071A	MARTIN, TOWN OF (FLOYD CO.)	MAY 24, 1979 AND
		FEBRUARY 27, 1976
210233A	MCHENRY, TOWN OF (OHIO CO.)	OCTOBER 25, 1979
210153	MCLEAN COUNTY *	DECEMBER 06, 1979
210014A	MILLERSBURG, CITY OF (BOURBON CO.)	MAY 10, 1979 AND
		FEBRUARY 20, 1976
210242A	MORGANTOWN, TOWN OF (BUTLER CO.)	FEBRUARY 01, 1979
210186	OWEN COUNTY *	OCTOBER 18, 1979
210244A	PETERSBURG, TOWN OF (BOONE CO.)	JANUARY 23, 1979
210299	PHELPS, CITY (PIKE CO)	AUGUST 01, 1975
210245A	ROCKPORT, TOWN OF (OHIO CO.)	FEBRUARY 01, 1979
210260	SADIEVILLE, CITY (SCOTT CO)	JANUARY 03, 1975
210209	SHELBY COUNTY *	OCTOBER 18, 1979
210294	SOUTH CARROLLTON, CITY (MUHLENBERG CO)	JULY 25, 1975
210276	SOUTHGATE, CITY (CAMPBELL CO)	AUGUST 01, 1975
210123A	ST. MATTHEWS, CITY OF (JEFFERSON CO.)	DECEMBER 06, 1979
210212	TAYLOR COUNTY *	OCTOBER 18, 1979
210218A	UNIONTOWN, TOWN OF (UNION CO.)	MAY 17, 1979
210270	UNION, TOWN (BOONE CO)	AUGUST 01, 1975
210192A	VICCO, CITY OF (PERRY CO.)	MAY 10, 1979 AND
		MARCH 05, 1976
210094A	VINE GROVE, CITY OF (HARDIN CO.)	MAY 17, 1979 AND
		MARCH 05, 1976
210248A	WHEAT CROFT, TOWN OF (WEBSTER CO.)	FEBRUARY 15, 1979 AND
		MARCH 05, 1976
210307	WINSTON PARK, TOWN OF (KENTON CO.)	JANUARY 23, 1979
	TOTAL IN THE STATE	57

* UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
220114A	ALBANY, VILLAGE OF	(LIVINGSTON PARISH)	APRIL	12, 1974	AND
			OCTOBER	15, 1976	
220231	ANGIE, VILLAGE	(WASHINGTON PARISH)	JANUARY	03, 1975	
220354	ATHENS, VILLAGE OF	(CLAIBORNE PARISH)	FEBRUARY	21, 1975	
220024	BEAUREGARD PARISH		JANUARY	17, 1975	
220314	BONITA VIL	(MOREHOUSE CO)	AUGUST	22, 1975	
220197A	BOYCE, TOWN OF	(RAPIDES PARISH)	APRIL	05, 1974	
220103	CARENCRO, TOWN	(LAFAYETTE PARISH)	MARCH	26, 1976	
220318	CHATHAM TOWN	(JACKSON CO)	SEPTEMBER	19, 1975	
220320	CLARKS VIL	(CALDWELL CO)	AUGUST	15, 1975	
220268	CONVERSE VIL	(SABINE PARISH)	AUGUST	29, 1975	
220234A	DOYLINE, VILLAGE OF	(WEBSTER PARISH)	APRIL	05, 1974	AND
			OCTOBER	17, 1975	
220280	DRY PRONG VIL	(GRANT CO)	SEPTEMBER	26, 1975	
220281	DUBBERLY VIL	(WEBSTER CO)	MARCH	26, 1976	
220329	ELIZABETH TOWN	(ALLEN CO)	JULY	25, 1975	
220269	EVERGREEN, VILLAGE OF	(AVOYELLES PARISH)	SEPTEMBER	26, 1975	
220325	FARMERVILLE TOWN	(UNION CO)	MAY	02, 1975	
220324	FLORIEN VIL	(SABINE PARISH)	JULY	25, 1975	
220285	FOLSOM VIL	(ST. TAMMANY CO)	JULY	18, 1975	
220117A	FRENCH SETTLEMENT, VILLAGE OF	(LIVINGSTON PAR.)	OCTOBER	25, 1974	AND
			MARCH	12, 1976	
220288	GEORGETOWN VIL	(GRANT CO)	AUGUST	15, 1975	
220327	GIBSLAND TOWN	(BIENVILLE CO)	JULY	11, 1975	
220290	GOLDONNA VIL	(NATCHITOCHES CO)	SEPTEMBER	19, 1975	
220291	GRAND CANE VIL	(DE SOTO CO)	MAY	02, 1975	
220293	HEFLIN VIL	(WEBSTER CO)	MARCH	26, 1976	
220331	HODGE VIL	(JACKSON CO)	JULY	11, 1975	
220332	HORNBECK VIL	(VERNON CO)	AUGUST	15, 1975	
220252	JONESBORO, TOWN	(JACKSON PARISH)	SEPTEMBER	12, 1975	
220335	JUNCTION CITY, CITY	(CLAIBORNE-UNION CO)	JULY	18, 1975	
220188	LIVINGSTON, VILLAGE	(LIVINGSTON PARISH)	SEPTEMBER	19, 1975	
220336	LOGANSPORT TOWN	(DE SOTO CO)	AUGUST	15, 1975	
220338	MARION VIL	(UNION CO)	MAY	02, 1975	
220254	MONTGOMERY, TOWN	(GRANT PARISH)	SEPTEMBER	19, 1975	
220307	NORWOOD VIL	(EAST FELICIANA CO)	JULY	11, 1975	
220017A	OBERLIN, CITY OF	(ALLEN PARISH)	JUNE	21, 1974	AND
			NOVEMBER	14, 1975	
220203A	PEARL RIVER, TOWN OF	(ST. TAMMANY PARISH)	MAY	24, 1974	AND
			JULY	09, 1976	
220305	POLLOCK, VILLAGE OF	(GRANT PARISH)	AUGUST	15, 1975	
220307	REEVES VIL	(ALLEN CO)	AUGUST	15, 1975	
220212A	ROSELAND, TOWN OF	(TANGIPAHOA PARISH)	OCTOBER	26, 1973	AND
			APRIL	09, 1976	
220258	SIBLEY, VILLAGE OF	(WEBSTER PARISH)	FEBRUARY	07, 1975	
220050A	SICILY ISLAND, VILLAGE OF	(CATAHOULA PARISH)	DECEMBER	28, 1973	
220310	SIKES, VILLAGE OF	(RINN PARISH)	APRIL	25, 1975	
220311	SIMPSON VIL	(VERNON CO)	AUGUST	08, 1975	
220259	SLAUGHTER, TOWN	(E. FELICIANA PAR)	SEPTEMBER	19, 1975	

* UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
220120	SPRINGFIELD, TOWN OF	(LIVINGSTON PARISH)	AUGUST	23, 1974	
220137A	STERLINGTON, TOWN OF	(OUACHITA PARISH)	DECEMBER	17, 1973	AND
			JANUARY	09, 1976	
220206A	SUN, VILLAGE OF	(ST. TAMMANY PARISH)	AUGUST	30, 1974	AND
			APRIL	16, 1976	
220069A	TURKEY CREEK, VILLAGE OF	(EVANGELINE PARISH)	AUGUST	30, 1974	AND
			OCTOBER	31, 1975	
220234A	VARNADO, VILLAGE OF	(WASHINGTON PARISH)	OCTOBER	25, 1974	AND
			APRIL	30, 1976	
220351	VIVIAN TOWN	(CADDO CO)	MARCH	26, 1976	
220230	WASHINGTON PARISH		JANUARY	10, 1975	
220352	WILSON VIL	(EAST FELICIANA CO)	JULY	18, 1975	
220260	WOODWORTH, VIL	(RAPIDES PARISH)	MARCH	26, 1976	

TOTAL IN THE STATE 52

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	MAINE HAZARD AREA IDENTIFIED
230303A	ALEXANDER, TOWN OF (WASHINGTON CO.)	DECEMBER 06, 1974 AND
		NOVEMBER 12, 1976
230083	ALNA, TOWN (LINCOLN CO)	JANUARY 03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975
230208	ARROWSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975
230200	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975
230252	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975
230144A	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1974 AND
		JULY 30, 1976
230374	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230130A	BURNHAM, TOWN OF (WALDO CO.) ME	JULY 26, 1974 AND
		SEPTEMBER 24, 1976
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 28, 1975
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230378	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230380	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975
230309	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975
230146A	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1974 AND
		JULY 30, 1976
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL 18, 1975
230084A	DRESDEN, TOWN OF (LINCOLN CO.)	SEPTEMBER 20, 1974 AND
		DECEMBER 03, 1976
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1975 AND
		APRIL 23, 1976
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975
230166	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230388	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230425	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230362	JACKMAN, TOWN (SOMERSET CO)	JANUARY 24, 1975
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230393	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY 28, 1975
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975
230427	LINNEUS, TOWN OF (AROOSTOOK CO.)	FEBRUARY 21, 1975
230428	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230286	MARIAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975
230410	MEDFORD,TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230176A	MERCER, TOWN OF (SOMERSET CO.)	JANUARY 31, 1975 AND
		SEPTEMBER 24, 1976
230261	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975
230363	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975
230218	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230180	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230289	OTIS, TOWN (HANCOCK CO)	APRIL 18, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	MAINE HAZARD AREA IDENTIFIED
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230193A	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND
		OCTOBER 29, 1976
230030	PERHAM, TOWN (AROOSTOOK CO)	APRIL 18, 1975
230244	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975
230204	SEBAGO, TOWN (CUMBERLAND CO)	JANUARY 17, 1975
230198	SHAPLEIGH, TOWN (YORK CO)	JANUARY 17, 1975
230415	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY 24, 1975
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230035	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY 10, 1975
230294A	STONINGTON, TOWN OF (HANCOCK CO)	FEBRUARY 21, 1975 AND
		JUNE 04, 1976
230183	ST. FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230324	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH 14, 1975
230248	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1975
230403A	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1975 AND
		JULY 30, 1976
230439	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY 21, 1975
230301	WALTHAM, TOWN (HANCOCK CO)	JANUARY 03, 1975
230082A	WASHINGTON, TOWN OF (KNOX CO.)	SEPTEMBER 06, 1974 AND
		OCTOBER 22, 1976
230039	WESTON, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230222	WESTPORT, TOWN (LINCOLN CO)	JANUARY 03, 1975
230087	WHITEFIELD, TOWN OF (LINCOLN CO.)	JULY 26, 1974
230328	WHITING, TOWN OF (WASHINGTON COU)	FEBRUARY 07, 1975
230404	WINN, TOWN (PENOBSCOT CO)	JANUARY 24, 1975

TOTAL IN THE STATE 6

* UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
240102A	DEER PARK, TOWN OF (GARRETT CO.)	NOVEMBER 08, 1974
240106	GALESTOWN, TOWN OF (DORCHESTER CO.)*	JULY 11, 1975
240114	LUKE, TOWN OF (ALLEGANY CO.)	JULY 18, 1975
240069A	QUEEN ANNE, TOWN OF (QUEEN ANNE'S CO.)	AUGUST 09, 1974

TOTAL IN THE STATE 4

* UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
250094A	ACUSHNET, TOWN OF (BRISTOL CO.)	SEPTEMBER 06, 1974 AND
		OCTOBER 15, 1976
250134	BLANDFORD, TOWN OF (HAMPDEN CO.)	JULY 26, 1974
250135	BRIMFIELD, TOWN OF (HAMPDEN CO.)	JULY 19, 1974
250136A	CHESTER, TOWN OF (HAMPDEN CO.)	JULY 19, 1974 AND
		NOVEMBER 19, 1976
250300A	CLINTON, TOWN OF (WORCESTER CO.)	AUGUST 09, 1974 AND
		AUGUST 06, 1976
250191A	DUNSTABLE, TOWN OF (MIDDLESEX CO.)	NOVEMBER 29, 1974 AND
		JULY 16, 1976
250140	EAST HAMPTON, TOWN OF (HAMPSHIRE CO.)	JUNE 21, 1974
255211A	FALMOUTH, TOWN OF (BARNSTABLE CO.)	MAY 10, 1973
250306A	GARDNER, CITY OF (WORCESTER CO.)	SEPTEMBER 06, 1974 AND
		MARCH 12, 1976
250071	GOSNOLD, TOWN OF (DUKES CO.)	DECEMBER 20, 1974
250139A	GRANVILLE, TOWN OF (HAMPDEN CO.)	AUGUST 30, 1974 AND
		OCTOBER 22, 1976
250311A	HUBBARDSTON, TOWN OF (WORCESTER CO.)	SEPTEMBER 06, 1974 AND
		DECEMBER 24, 1976
250068	IPSWICH, TOWN OF	DECEMBER 06, 1974
250121	LEYDEN, TOWN OF (FRANKLIN COU)	FEBRUARY 07, 1975
250146	MONTGOMERY, TOWN OF (HAMPDEN CO.)	NOVEMBER 22, 1974
250032	NEW ASHFORD, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974
250329A	OAKHAM, TOWN OF (WORCESTER CO.)	AUGUST 02, 1974 AND
		AUGUST 20, 1976
250326A	PAXTON, TOWN OF (WORCESTER CO.)	JULY 26, 1974 AND
		JULY 30, 1976
250168A	PELHAM, TOWN OF (HAMPSHIRE CO.)	JUNE 28, 1974 AND
		DECEMBER 10, 1976
250036	PERU, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974
250169A	PLAINFIELD, TOWN OF (HAMPSHIRE CO.)	NOVEMBER 01, 1974 AND
		NOVEMBER 05, 1976
250101A	ROWLEY, TOWN OF (ESSEX CO.)	JULY 26, 1974 AND
		NOVEMBER 12, 1976
250128	SHUTESBURY, TOWN OF (FRANKLIN CO)	FEBRUARY 21, 1975
250151	TOLLAND, TOWN OF (HAMPDEN CO)	APRIL 04, 1975
255222A	TRURO, TOWN OF (BARNSTABLE CO.)	APRIL 20, 1973
250093	TYRINGHAM, TOWN OF (BERKSHIRE CO.)	NOVEMBER 29, 1974
250130	WARWICK, TOWN OF (FRANKLIN CO)	JANUARY 24, 1975
250044A	WASHINGTON, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974 AND
		OCTOBER 08, 1976
250131	WENDELL, TOWN OF (FRANKLIN CO)	JANUARY 17, 1975
250079	WEST TISBURY, TOWN OF (DUKES)	FEBRUARY 14, 1975
250047	WINDSOR, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974

TOTAL IN THE STATE 31

* UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260535	ANN ARBOR, TOWNSHIP (WASHTENAW CO.)	AUGUST 15, 1975
260556	ATHENS, VILLAGE (CALHOUN CO)	SEPTEMBER 19, 1975
260520	BANCROFT, VILLAGE (SHIAWASSEE CO.)	OCTOBER 10, 1975
260210A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY 10, 1975 AND JANUARY 09, 1976
260551	BARAGA, VILLAGE (BARAGA CO)	OCTOBER 31, 1975
260192A	BERLIN, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST 23, 1974 AND AUGUST 06, 1976
260027A	BLAINE, TOWNSHIP OF (BENZIE CO.)	SEPTEMBER 20, 1974 AND JULY 09, 1976
260386	BRAMPTON, TOWNSHIP (DELTA CO.)	OCTOBER 10, 1975
260530	BREEDSVILLE, VILLAGE (VAN BUREN CO.)	SEPTEMBER 26, 1975
260505	BROCKWAY, TOWNSHIP (ST. CLAIR CO.)	OCTOBER 24, 1975
260601	BRYON, VILLAGE OF (SHIAWASSEE CO.) MI	SEPTEMBER 19, 1975
260597	CAROL VILLAGE (TUSCOLA CO)	OCTOBER 24, 1975
260509	CENTREVILLE, VILLAGE (ST. JOSEPH CO.)	JULY 11, 1975
260599	CHELSEA, VILLAGE (WASHTENAW CO)	OCTOBER 03, 1975
260560	CLARENCE, TOWNSHIP (CALHOUN CO)	SEPTEMBER 26, 1975
260579	CLIFFORD, VILLAGE (LAPEER CO)	OCTOBER 24, 1975
260437A	CLINTON, VILLAGE (LENAWEE CO.)	APRIL 18, 1975 AND OCTOBER 01, 1976
260196A	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	JULY 24, 1974 AND JUNE 04, 1976
260510	COLON, TOWNSHIP (ST. JOSEPH CO.)	JULY 18, 1975
260433	COLUMBIAVILLE, VILLAGE (LAPEER CO.)	JULY 11, 1975
260531	COLUMBIA, TOWNSHIP (VAN BUREN CO.)	SEPTEMBER 05, 1975
260491	COOPERSVILLE, VILLAGE OF	SEPTEMBER 26, 1975
260454	CUSTER, VILLAGE (MASON CO.)	SEPTEMBER 26, 1975
260600	DEXTER, VILLAGE OF (WASHTENAW CO.)	OCTOBER 17, 1975
260391	EATON RAPIDS, TOWNSHIP (EATON CO.)	SEPTEMBER 12, 1975
260369	EDWARDSBURG, VILLAGE (CASS CO.)	JULY 11, 1975
260553	ELBERTA, VILLAGE (BENZIE CO)	SEPTEMBER 19, 1975
260569	ELKTON, VILLAGE OF (HURON COUNTY)	OCTOBER 03, 1975
260349	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL 11, 1975
260327A	EVART, CITY (OSCEOLA CO.)	APRIL 25, 1975 AND FEBRUARY 06, 1976
260586A	EXETER, TOWNSHIP (MONROE CO)	OCTOBER 03, 1975 AND JULY 30, 1976
260404	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO.)	JULY 11, 1975
260576	GALESBURG, CITY (KALAMAZOO CO)	OCTOBER 24, 1975
260525	GILFORD, TOWNSHIP (TUSCOLA CO.)	SEPTEMBER 19, 1975
260610	GRANT, TOWNSHIP OF (CHEBOYGAN CO.)	OCTOBER 24, 1975
260570	HARBOR BEACH, CITY OF (HURON COUNTY)	JANUARY 30, 1976
260543	HARRISVILLE, CITY (ALCONA CO.)	SEPTEMBER 26, 1975
260532	HARTFORD, CITY (VAN BUREN CO.)	JULY 11, 1975
260347	HEATH, TOWNSHIP (ALLEGAN CO.)	AUGUST 22, 1975
260489	HERSEY, VILLAGE (OSCEOLA CO.)	JULY 11, 1975
260485	HESPERIA, VILLAGE (OCEANA CO.)	JULY 11, 1975

* UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260137A	HINTON, TOWNSHIP OF (NEWAYGO CO.)	SEPTEMBER 06, 1974 AND JULY 23, 1976
260462	HOLLAND, TOWNSHIP (MISSAUKEE CO.)	AUGUST 01, 1975
260568	HOUGHTON, CITY OF (HOUGHTON COUNTY)	OCTOBER 24, 1975
260418	HUBBARDSTON, VILLAGE (IONIA + CLINTON COS.)	SEPTEMBER 26, 1975
260493	HUDSONVILLE, CITY (OTTAWA CO.)	SEPTEMBER 05, 1975
260084	ITHACA, CITY OF (GRATIOT CO.)	DECEMBER 27, 1974
260408	JONESVILLE, VILLAGE (HILLSDALE CO.)	SEPTEMBER 26, 1975
260599	KIMBALL, TOWNSHIP (ST. CLAIR CO)	SEPTEMBER 19, 1975
260361	KINDERHOOK, TOWNSHIP (BRANCH CO.)	AUGUST 08, 1975
260501	KOCHVILLE, TOWNSHIP (SAGINAW CO.)	JULY 25, 1975
260364	LAGRANGE, TOWNSHIP (CASS CO.)	OCTOBER 17, 1975
260412	LAKE LINDEN, VILLAGE (HOUGHTON CO.)	APRIL 11, 1975
260463A	LAKEVIEW, VILLAGE (MONTCALM CO.)	JULY 11, 1975 AND OCTOBER 01, 1976
260533	LAWTON, VILLAGE (VAN BUREN CO.)	SEPTEMBER 26, 1975
260014	LINCOLN, TOWNSHIP OF (ARENAC CO.)	JUNE 14, 1974
260398	LINDEN, VILLAGE (GENESEE CO.)	SEPTEMBER 26, 1975
260581	LUDINGTON, CITY OF (MASON CO.)	OCTOBER 03, 1975
260409	MARATHON, TOWNSHIP OF (LAPEER CO.)	OCTOBER 24, 1975
260563	MARENGO, TOWNSHIP OF (CALHOUN COUNTY)	SEPTEMBER 19, 1975
260328	MARION, VILLAGE (OSCEOLA CO.)	APRIL 25, 1975
260487	MCMILLAN, TOWNSHIP (ONTONAGON CO.)	OCTOBER 03, 1975
260584	MECOSTA, VILLAGE	OCTOBER 10, 1975
260310	MELVINDALE, CITY (WAYNE CO)	JANUARY 10, 1975
260356	MIDDLEVILLE, VILLAGE (BARRY CO.)	JULY 18, 1975
260486	MILLS, TOWNSHIP (OGEMAW CO.)	JULY 25, 1975
260358	MONITOR, TOWNSHIP (BAY CO.)	JULY 25, 1975
260521	NEW HAVEN, TOWNSHIP (SHIAWASSEE CO.)	JULY 25, 1975
260340	NEWAYGO, CITY (NEWAYGO, CO.)	SEPTEMBER 12, 1975
260338	NORTH BRANCH, VILLAGE (LAPEER CO.)	SEPTEMBER 12, 1975
260332	NORWAY, CITY (DICKINSON CO.)	JULY 11, 1975
260502	OAKLEY, VILLAGE (SAGINAW CO.)	SEPTEMBER 26, 1975
260413	OSCEOLA, TOWNSHIP (HOUGHTON CO.)	SEPTEMBER 26, 1975
260425	PARMA, VILLAGE (JACKSON CO.)	JULY 11, 1975
260598	PAW PAW, VILLAGE (VAN BUREN CO)	OCTOBER 10, 1975
260434	PERRINGTON, VILLAGE OF (GRATIOT CO.)	AUGUST 29, 1975
260571	PIGEON, VILLAGE (HURON CO)	OCTOBER 10, 1975
260534	PINE GROVE, TOWNSHIP (VAN BUREN CO.)	JULY 25, 1975
260418	PORT AUSTIN, VILLAGE OF (HURON CO.)	JANUARY 30, 1976
260460	POWERS, VILLAGE (MENOMINEE CO.)	JULY 11, 1975
260464	RAVENNA, VILLAGE (MUSKEGON CO.)	SEPTEMBER 26, 1975
260402	RICHFIELD, TOWNSHIP (GENESEE CO.)	JULY 11, 1975
260522	RUSH, TOWNSHIP (SHIAWASSEE CO.)	AUGUST 08, 1975
260523	SHIAWASSEE, TOWNSHIP (SHIAWASSEE CO.)	OCTOBER 10, 1975
260557	STEVENSVILLE, VILLAGE (BERRIEN CO)	SEPTEMBER 26, 1975
260573	STOCKBRIDGE, VILLAGE (INGHAM CO)	OCTOBER 03, 1975
260503	TAYMOUTH, TOWNSHIP (SAGINAW CO.)	AUGUST 15, 1975
260504	TITTABAWASEE, TOWNSHIP (SAGINAW CO.)	AUGUST 15, 1975

* UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260351	TURNER, TOWNSHIP OF (ARENAC CO.)	JULY 18, 1975
260334	ULBY, VILLAGE OF (HURON CO.)	APRIL 11, 1975
260024	VERNON, VILLAGE OF (SHIAWASEE CO.)	JULY 11, 1975
260567	WAKEFIELD, CITY OF (GOGEBIC CO.)	SEPTEMBER 19, 1975
260508	WALES, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST 08, 1975
260049A	WEESAW, TOWNSHIP OF (BERRIEN CO.)	JUNE 28, 1974 AND SEPTEMBER 03, 1976
260470	WHITE CLOUD, CITY OF (NEWAYGO CO.)	APRIL 11, 1975
260417	WHITE OAK, TOWNSHIP OF (INGHAM CO.)	OCTOBER 10, 1975
260329	YALE, CITY OF (ST. CLAIR CO.)	APRIL 11, 1975
260432	YATES, TOWNSHIP OF (LAKE CO.)	AUGUST 15, 1975
260541	YORK, TOWNSHIP OF (WASHTENAW CO.)	JULY 18, 1975

TOTAL IN THE STATE 99

* UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270492	ALDRICH, CITY OF (WADENA COU)	FEBRUARY 07, 1975
270345A	ASKOV, CITY OF (PINE CO.)	OCTOBER 25, 1974 AND AUGUST 29, 1975
270417A	AURORA, CITY OF (ST. LOUIS CO.)	APRIL 05, 1974 AND JUNE 25, 1976
270552	AVOCA, CITY (MURRAY CO)	JANUARY 10, 1975
270554	BAUDETTE, CITY OF (LAKE OF THE WOODS CO.)	DECEMBER 27, 1974
270556A	BEJOU, CITY (MAHNOMEN CO)	JANUARY 03, 1975 AND MAY 14, 1976
270261	BISCAY, CITY OF (MCLEOD CO.)	NOVEMBER 15, 1974
270556	BLACKDUCK, CITY (BELTRAMI CO)	AUGUST 01, 1975
270333A	BLUFFTON, CITY OF (OTTER TAIL CO.)	AUGUST 09, 1974 AND JUNE 25, 1976
270293	BOWLUS, CITY OF (MORRISON CO.)	OCTOBER 25, 1974
270070A	BRANCH, CITY OF (CHISAGO CO.)	AUGUST 30, 1974 AND OCTOBER 01, 1976
270319	BREWSTER, CITY (NOBLES CO)	APRIL 25, 1975
270557	BROOK PARK, CITY OF (PINE CO.)	OCTOBER 25, 1974
270388A	BROOKS, CITY OF (RED LAKE CO.)	AUGUST 09, 1974
270262A	BROWNTON, CITY OF (MCLEOD CO.)	MAY 03, 1974
270294A	BUCKMAN, CITY OF (MORRISON CO.)	AUGUST 09, 1974
270281	CEDAR MILLS, CITY OF (MEEKER)	FEBRUARY 14, 1975
270275	CEYLON, CITY (MARTIN CO)	APRIL 11, 1975
270312A	CHANDLER, CITY OF (MURRAY CO.)	AUGUST 09, 1974 AND NOVEMBER 21, 1975
270464A	CHOKIO, CITY OF (STEVENS CO.)	MAY 03, 1974
270444A	CLEAR LAKE, CITY (SHERBURNE CO.)	JANUARY 03, 1975 AND SEPTEMBER 12, 1975
270559	CLEARBROOK, CITY OF (CLEARWATER CO.)	NOVEMBER 01, 1974
270560	CLEVELAND, CITY OF (LESUEUR CO.)	DECEMBER 27, 1974
270363A	CLIMAX, CITY OF (POLK CO.)	SEPTEMBER 20, 1974 AND JUNE 11, 1976
270024A	CLINTON, CITY OF (BIG STONE CO.)	MAY 17, 1974 AND JUNE 04, 1976
270448A	CLONTARF, CITY OF (SWIFT CO.)	JULY 19, 1974
270561	COBDEN, CITY OF (BROWN CO.)	NOVEMBER 01, 1974
270562	COLOGNE, CITY OF (CARVER CO.)	NOVEMBER 01, 1974
270035A	COMFREY, CITY OF (BROWN CO.)	SEPTEMBER 20, 1974 AND DECEMBER 26, 1975
270025	CORRELL, CITY (BIG STONE CO)	JANUARY 24, 1975
270282A	COSMOS, CITY OF (MEEKER CO.)	MAY 17, 1974
270314A	COURTLAND, CITY OF (NICOLLET CO.)	JULY 19, 1974
270313A	CURRIE, CITY OF (MURRAY CO.)	AUGUST 02, 1974 AND JULY 16, 1976
270369A	CYRUS, CITY OF (POPE CO.)	AUGUST 09, 1974
270395	DANUBE, CITY OF (RENVILLE CO.)	SEPTEMBER 20, 1974
270469A	DANVERS, CITY OF (SWIFT CO.)	AUGUST 09, 1974
270334A	DEER CREEK, CITY OF (OTTER TAIL CO.)	AUGUST 16, 1974 AND JUNE 04, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	MINNESOTA HAZARD AREA IDENTIFIED
270470A	DEGRAFF, CITY OF (SWIFT CO.)	AUGUST 09, 1974 AND
		SEPTEMBER 10, 1976
270187A	DELAVAN, CITY OF (FAIRBAULT CO.)	AUGUST 16, 1974 AND
		JUNE 04, 1976
270563	DELHI, CITY OF (REDWOOD CO.)	OCTOBER 25, 1974
270346	DENHAM, CITY (PINE CO)	JANUARY 24, 1975
270225	DONALDSON, CITY (KITTSON CO)	JANUARY 24, 1975
270566A	DOVER, CITY OF (OLMSTEAD CO.)	NOVEMBER 01, 1974 AND
		OCTOBER 17, 1975
270059A	EAST GULL LAKE, CITY OF (CASS CO.)	DECEMBER 20, 1974 AND
		OCTOBER 10, 1975
270283A	EDEN VALLEY, CITY OF (STEARNS CO.)	MAY 03, 1974 AND
		AUGUST 13, 1976
270320A	ELLSWORTH, CITY OF (NOBLES CO.)	MAY 03, 1974
270295A	ELMDALE, CITY OF (MORRISON CO.)	AUGUST 09, 1974
270119A	ELMORE, CITY OF (FARIBAULT CO.)	MAY 14, 1974
270657	EMMONS, CITY OF (FREEBORN CO.)	DECEMBER 27, 1974
270336A	ERHARD, CITY OF (OTTER TAIL CO.)	AUGUST 09, 1974
270422A	EVELETH, CITY OF (ST. LOUIS CO.)	JUNE 07, 1974 AND
		JULY 16, 1976
270329A	EYOTA, CITY OF (OLMSTEAD CO.)	APRIL 12, 1974
270274A	FAIRMONT, CITY OF (MARTIN CO.)	JUNE 07, 1974 AND
		DECEMBER 12, 1975
270346A	FISHER, CITY OF (POLK CO.)	AUGUST 02, 1974
270569	FRANKLIN, CITY (ST. LOUIS CO)	APRIL 25, 1975
270570	FRAZEE, CITY OF (BECKER CO.)	NOVEMBER 15, 1974
270494A	FREEPORT, CITY OF (STEARNS CO.)	MAY 03, 1974 AND
		AUGUST 08, 1975
270571	FUNKLEY, CITY (BELTRAMI CO)	JULY 11, 1975
270136A	GENEVA, CITY OF (FREEBORN CO.)	SEPTEMBER 06, 1974 AND
		JULY 02, 1976
270296	GENOLA, CITY OF (MORRISON COU)	FEBRUARY 07, 1975
270439A	GIBBON, CITY OF (SIBLEY CO.)	JUNE 21, 1974
270088A	GONVICK, CITY OF (CLEARWATER CO.)	AUGUST 23, 1974 AND
		JUNE 04, 1976
270142B	GOODHUE, CITY OF (GOODHUE CO.)	MAY 24, 1974 AND
		APRIL 23, 1976
270026A	GRACEVILLE, CITY OF (BIG STONE CO.)	MAY 17, 1974 AND
		NOVEMBER 14, 1975
270277A	GRANADA, CITY OF (MARTIN CO.)	AUGUST 02, 1974
270497A	GREENWALD, CITY OF (STEARNS CO.)	AUGUST 23, 1974 AND
		JUNE 11, 1976
270061A	HACKENSACK, CITY OF (CASS CO.)	SEPTEMBER 20, 1974
270573	HADLEY, CITY (MURRAY CO)	APRIL 11, 1975
270227	HALMA, CITY OF (KITTSON CO)	JANUARY 31, 1975
270574	HANLEY FALLS, CITY (YELLOW MEDICINE CO)	JULY 11, 1975
270071A	HARRIS, CITY OF (CHISAGO CO.)	SEPTEMBER 20, 1974 AND
		OCTOBER 24, 1975
270356	HATFIELD, CITY OF (PIPESTONE CO)	JANUARY 31, 1975

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COMMUNITY NUMBER	NAME	MINNESOTA HAZARD AREA IDENTIFIED
270338A	HENNING, CITY OF (OTTER TRAIL CO.)	MAY 03, 1974 AND
		OCTOBER 31, 1975
270002A	HILL CITY, CITY OF (AITKIN CO.)	NOVEMBER 08, 1974
270409A	HILLS, CITY OF (ROCK CO.)	APRIL 12, 1974
270578A	HOFFMAN, CITY OF (GRANT CO)	JANUARY 31, 1975
270498A	HOLDINGFORD, CITY OF (STEARNS CO.)	MAY 17, 1974
270366A	HOLLAND, CITY OF (PIPESTONE CO.)	AUGUST 30, 1974 AND
		DECEMBER 05, 1975
270471	HOLLORAY, CITY OF (SWIFT CO.)	SEPTEMBER 06, 1974
270357A	IHLEN, CITY OF (PIPESTONE CO.)	AUGUST 02, 1974 AND
		JULY 02, 1976
270235A	INTERNATIONAL FALLS, CITY OF (KOOCHICHING CO.)	JUNE 07, 1974 AND
		MARCH 26, 1976
270579	IONA, CITY OF (MURRAY CO.)	DECEMBER 20, 1974
270580	IRON JUNCTION, CITY OF (ST. LOUIS CO.)	OCTOBER 25, 1974
270098A	JENKINS, CITY OF (CROW WING CO.)	AUGUST 23, 1974 AND
		JULY 09, 1976
270206A	KEEWATIN, CITY OF (ITASCA CO.)	MAY 03, 1974
270656	KELLOGG, CITY OF (WABASHA CO)	JANUARY 31, 1975
270523	KENT, CITY (WILKIN CO)	AUGUST 01, 1975
270143A	KENYON, CITY OF (GOODHUE CO.)	MAY 24, 1974 AND
		JULY 16, 1976
270206A	LA PRAIRIE, CITY OF (ITASCA CO.)	AUGUST 23, 1974 AND
		OCTOBER 17, 1975
270517A	MADELIA, CITY OF (WATONWAN CO.)	APRIL 12, 1974 AND
		MAY 28, 1976
270667	MAPLE LAKE, CITY (WRIGHT CO.)	JANUARY 10, 1975
270032A	MAPLETON, CITY (BLUE EARTH CO)	APRIL 25, 1975 AND
		OCTOBER 03, 1975
270243A	MARIETTA, CITY OF (LAC QUI PARLE CO.)	SEPTEMBER 06, 1974 AND
		JULY 09, 1976
270053A	MAYER, CITY OF (CARVER CO.)	NOVEMBER 23, 1973
270587	MAYNARD, CITY OF (CHIPPEWA CO.)	NOVEMBER 15, 1974
270487A	MAZEPPA, CITY OF (WABASHA CO.)	JULY 19, 1974
270588	MCINTOSH, CITY OF (POLK CO.)	NOVEMBER 29, 1974
270493B	MENAHGA, CITY OF (WADENA CO.)	APRIL 12, 1974 AND
		AUGUST 29, 1975 AND
		JANUARY 30, 1976
270110A	MENDOTA HEIGHTS, CITY OF (DAKOTA CO.)	NOVEMBER 23, 1973 AND
		APRIL 16, 1976
270109A	MENDOTA, CITY OF (DAKOTA CO.)	FEBRUARY 08, 1974
270367A	MENTOR, CITY OF (POLK CO.)	DECEMBER 20, 1974 AND
		JULY 02, 1976
270270A	MIDDLE RIVER, CITY OF (MARSHALL CO.)	JULY 19, 1974
270111A	MIESVILLE, CITY OF (DAKOTA CO.)	JULY 19, 1974 AND
		JANUARY 23, 1976
270488A	MILLVILLE, CITY OF (WABASHA CO.)	AUGUST 02, 1974 AND
		MARCH 26, 1976
270489	MINNEISKA, CITY OF (WABASHA CO.)	JULY 11, 1975

* UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270122A	MINNESOTA LAKE, CITY OF (FARIBAULT CO.)	MAY 17, 1974
270405A	MORRISTOWN, CITY OF (RICE CO.)	MARCH 29, 1974 AND SEPTEMBER 12, 1975
270300A	MOTLEY, CITY OF (MORRISON CO.)	AUGUST 02, 1974 AND DECEMBER 19, 1975
270424A	MOUNTAIN IRON, VILLAGE OF (ST. LOUIS CO.)	MAY 24, 1974 AND NOVEMBER 26, 1976
270451	NEW MUNICH, CITY OF (STEARNS CO.)	OCTOBER 25, 1974
270497A	NEW RICHLAND, CITY OF (WASECA CO.)	APRIL 12, 1974
270315A	NICOLLET, CITY OF (NICOLLET CO.)	APRIL 05, 1974
270590	NIELSVILLE, CITY OF (POLK CO.)	NOVEMBER 01, 1974
270591	NIMROD, CITY OF (WADENA CO.)	APRIL 18, 1975
270592	NORCROSS, CITY OF (GRANT CO.)	DECEMBER 13, 1974
270072A	NORTH BRANCH, CITY OF (CHISAGO CO.)	MAY 10, 1974 AND APRIL 09, 1976
270512A	OAK PARK HEIGHTS, CITY OF (WASHINGTON CO.)	MARCH 22, 1974 AND APRIL 16, 1976
270594	ODIN, CITY OF (WATONWAN CO.)	DECEMBER 13, 1974
270595	OKABENA, CITY OF (JACKSON CO.)	DECEMBER 27, 1974
270389	OKLEE, CITY OF (RED LAKE CO.)	JULY 11, 1975
270648	ORR, CITY OF (ST. LOUIS CO.)	DECEMBER 13, 1974
270658	OSSEO, CITY OF (HENNEPIN CO.)	JANUARY 10, 1975
270004A	PALISADE, CITY OF (AITKIN CO.)	AUGUST 02, 1974 AND JUNE 11, 1976
270291A	PEASE, CITY OF (MILLE LACS CO.)	AUGUST 02, 1974 AND FEBRUARY 13, 1976
270128A	PETERSON, CITY OF (FILLMORE CO.)	AUGUST 30, 1974
270063A	PILLAGER, CITY OF (CASS CO.)	JULY 19, 1974
270596	PLATO, CITY OF (MCLEOD CO.)	NOVEMBER 01, 1974
270221	PRINSBURG, CITY OF (KANDIYOHI CO.)	AUGUST 23, 1974
270218A	QUAMBA, CITY OF (KANABEC CO.)	AUGUST 09, 1974
270223A	REGAL, CITY OF (KANDIYOHI CO.)	JANUARY 31, 1975 AND FEBRUARY 13, 1976
270065	REMER, CITY OF (CASS CO.)	JULY 11, 1975
270565	REVERE, CITY OF (REDWOOD CO.)	APRIL 11, 1975
270597	RICE, CITY OF (BENTON CO.)	JANUARY 17, 1975
270453A	RICHMOND, CITY OF (STEARNS CO.)	MARCH 29, 1974
270341	RICHVILLE, CITY OF (OTTER TAIL CO.)	OCTOBER 25, 1974
270021	ROMNEBY, CITY OF (BENTON CO.)	JULY 11, 1975
270455A	ROSCOE, CITY OF (STEARNS CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
270073A	RUSH CITY, CITY OF (CHISAGO CO.)	MAY 10, 1974 AND MARCH 19, 1976
270340A	RUTHTON, CITY OF (PIPESTONE CO.)	AUGUST 09, 1974
270360A	RUTLEDGE, CITY OF (PINE CO.)	AUGUST 09, 1974 AND AUGUST 20, 1976
270402A	SACRED HEART, CITY OF (RENVILLE CO.)	MAY 03, 1974
270044A	SCANLON, CITY OF (CARLTON CO.)	NOVEMBER 02, 1973 AND JULY 09, 1976

* UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270602	SEAFORTH, CITY OF (REDWOOD CO.)	DECEMBER 13, 1974
270494B	SEBEKA, CITY OF (WADENA CO.)	APRIL 12, 1974 AND JULY 11, 1975 AND MAY 28, 1976
270662	SILVER LAKE, CITY (MCLEOD CO.)	JANUARY 24, 1975
270672	SKYLINE, CITY (BLUE EARTH CO.)	JUNE 27, 1975
270206	SQUAW LAKE, CITY (ITASCA CO.)	AUGUST 01, 1975
270362	STURGEON LAKE, CITY OF (PINE CO.)	OCTOBER 25, 1974
270601	ST. ANTHONY, CITY OF (STEARNS CO.)	JULY 11, 1975
270033A	ST. CLAIR, CITY OF (BLUE EARTH CO.)	AUGUST 23, 1974
270458A	ST. STEPHEN, CITY OF (STEARNS CO.)	AUGUST 23, 1974
270460B	S. INTERNATIONAL FALLS, CITY (KOOCHICHING CO.)	JANUARY 17, 1975 AND SEPTEMBER 12, 1975 AND JULY 30, 1976
270604	TAOPI, CITY (MOWER CO.)	JANUARY 24, 1975
270260A	TAUNTON, CITY OF (LYON CO.)	JULY 19, 1974 AND NOVEMBER 14, 1975
270047A	THOMSON, CITY OF (CARLTON CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
270605	TOWER, CITY OF (ST. LOUIS CO.)	DECEMBER 13, 1974
270361A	TROSKY, CITY OF (PIPESTONE CO.)	AUGUST 09, 1974 AND JULY 16, 1976
270606	TURTLE RIVER, CITY (BELTRAMI CO.)	AUGUST 01, 1975
270139A	TWIN LAKES, CITY OF (FREEBORN CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
270306	UPSALA, CITY OF (MORRISON CO.)	OCTOBER 25, 1974
270607	VERNDALE, CITY OF (WADENA CO.)	OCTOBER 25, 1974
270608	VERNON CENTER, CITY (BLUE EARTH CO.)	JANUARY 03, 1975
270609	VESTA, CITY (REDWOOD CO.)	JANUARY 10, 1975
270498	WALDORF, CITY OF (WASECA CO.)	AUGUST 09, 1974
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	MAY 10, 1974 AND AUGUST 29, 1975
270230A	WARBA, CITY OF (ITASCA CO.)	SEPTEMBER 13, 1974 AND DECEMBER 26, 1975
270286A	WATKINS, CITY OF (MEEKER CO.)	APRIL 12, 1974 AND JULY 02, 1976
270610	WATSON, CITY OF (CHIPPEWA CO.)	DECEMBER 04, 1974
270666	WAVERLY, CITY (WRIGHT CO.)	JANUARY 17, 1975
270279A	WELCOME, CITY OF (MARTIN CO.)	MAY 10, 1974 AND JULY 16, 1976
270612	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	NOVEMBER 29, 1974
270613	WINGER, CITY OF (POLK CO.)	JANUARY 31, 1975
270427A	WINTON, CITY OF (ST. LOUIS CO.)	AUGUST 02, 1974 AND JULY 02, 1976
270529A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST 09, 1974 AND DECEMBER 19, 1975
270615	WOOD LAKE, CITY (YELLOW MEDICINE CO.)	JANUARY 17, 1975
270048A	WRIGHT, CITY OF (CARLTON CO.)	SEPTEMBER 13, 1974
270211	ZEMPLE, CITY (ITASCA CO.)	JUNE 27, 1975

TOTAL IN THE STATE 177

* UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
280087	BAY SPRINGS, TOWN (JASPER CO.)	AUGUST 01, 1975	
280156A	BRAXTON, VILLAGE OF (SIMPSON CO.)	JULY 19, 1974	AND
		JULY 16, 1976	
280240	CHUNKY, TOWN OF (NEWTON CO.)	DECEMBER 20, 1974	
280220	CLARKE COUNTY *	NOVEMBER 29, 1974	
280188	EDEN, VILLAGE OF (YAZOO CO.)	JULY 19, 1974	
280006	ETHEL, TOWN OF (ATTALA COU)	FEBRUARY 07, 1975	
280117A	GATTMAN, VILLAGE OF (MONROE CO.)	JULY 19, 1974	AND
		AUGUST 13, 1976	
280045A	GEORGETOWN, TOWN OF (COPIAH CO.)	AUGUST 02, 1974	
280093	LAFAYETTE COUNTY *	DECEMBER 27, 1974	
280149A	LAKE, TOWN OF (SCOTT CO.)	JULY 19, 1974	AND
		JUNE 25, 1976	
280204	LENA, TOWN (LEAKE CO)	OCTOBER 25, 1974	
280008	MCCOOL, VILLAGE OF (ATTALA CO)	JANUARY 31, 1975	
280225	MONTICELLO, TOWN OF (LAWRENCE CO.)	DECEMBER 27, 1974	
280048	MT. OLIVE, TOWN (COVINGTON CO)	AUGUST 01, 1975	
280219	PACHUTA, TOWN OF (CLARKE CO.)	NOVEMBER 08, 1974	
280234	PONTOTOC COUNTY *	NOVEMBER 29, 1974	
280147A	PUCKETT, TOWN OF (RANKIN CO.)	AUGUST 23, 1974	AND
		JULY 02, 1976	
280009A	SALLIS, VILLAGE OF (ATTALA CO.)	AUGUST 09, 1974	AND
		JANUARY 30, 1976	
280151	SEBASTOPOL, VILLAGE OF (SCOTT COU)	FEBRUARY 07, 1975	
280049	SEMINARY, VILLAGE OF (COVINGTON CO.)	AUGUST 01, 1975	
280034A	SHUBUTA, TOWN OF (CLARKE CO.)	JUNE 07, 1974	AND
		JUNE 25, 1976	
280226	SILVER CREEK, TOWN OF (LAWRENCE CO.)	JULY 11, 1975	
280263	TOCCOPOLA, TOWN OF (POTOTOC CO.)	DECEMBER 13, 1974	
280237	UNION COUNTY *	DECEMBER 13, 1974	
280122	UNION, TOWN OF (NEWTON COU)	FEBRUARY 07, 1975	
280098A	WALNUT GROVE, TOWN OF (LEAKE CO)	JUNE 28, 1974	AND
		JULY 16, 1976	
280238	WAYNE COUNTY *	DECEMBER 20, 1974	
280025A	WINSTONVILLE, TOWN OF (BOLIVAR CO.)	JULY 19, 1974	AND
		JUNE 25, 1976	

TOTAL IN THE STATE 28

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY 14, 1975	
290005A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST 16, 1974	AND
		FEBRUARY 06, 1976	
290762	AMORET, CITY OF (BATES CO)	FEBRUARY 21, 1975	
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY 17, 1974	AND
		DECEMBER 26, 1975	
290287	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY 07, 1975	
290229A	ANNISTON, TOWN OF (MISSISSIPPI CO.)	MAY 03, 1974	
290281	APPLETON, CITY OF (ST. CLAIR COU)	FEBRUARY 07, 1975	
290765	ASBURY, CITY OF (JASPER CO)	FEBRUARY 21, 1975	
290461	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER 06, 1974	
290767	BAKERSFIELD, VILLAGE (OZARK CO.)	APRIL 25, 1975	
290769	BATES, VILLAGE OF (LAFAYETTE CO.)	AUGUST 08, 1975	
290766	BEVIER, CITY OF (MACON)	FEBRUARY 14, 1975	
290757	BILLINGS, CITY (CHRISTIAN CO.)	JUNE 27, 1975	
290768	BISMARCK, CITY OF (ST. FRANCIS COU)	FEBRUARY 07, 1975	
290139	BLAND, CITY OF (GASCONADE CO.)	MAY 17, 1974	
290772	BLOOMSDALE, CITY (STE. GENEVIEVE CO.)	JULY 11, 1975	
290463	BOSWORTH, CITY (CARROLL CO)	JANUARY 17, 1975	
290274	BRAGG CITY, CITY OF (PEMISCOT COU)	FEBRUARY 07, 1975	
290616	BRASHEAR, CITY OF (ADAIR)	FEBRUARY 14, 1975	
290759	BRAYMER, CITY (CALDWELL CO.)	APRIL 25, 1975	
290760	BRECKENRIDGE, CITY OF (CALDWELL COU)	FEBRUARY 07, 1975	
290739	BUFFALO, CITY (DALLA CO.)	MAY 02, 1975	
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL 25, 1975	
290119A	BUNKER, TOWN OF (REYNOLDS CO.)	SEPTEMBER 06, 1974	AND
		APRIL 09, 1976	
290620	CAINSVILLE, CITY (HARRISON CO.)	APRIL 25, 1975	
290623	CALLAO, CITY OF (MACON)	FEBRUARY 14, 1975	
290124A	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH 29, 1974	AND
		JUNE 11, 1976	
290625	CENTERTOWN, VILLAGE (COLE CO.)	MAY 02, 1975	
290626	CENTERVIEW, CITY (JOHNSON CO.)	APRIL 25, 1975	
290303A	CENTER, TOWN OF (RALLS CO.)	JULY 26, 1973	
290627	CHILHOWEE, CITY OF (JOHNSON CO.)	APRIL 25, 1975	
290628	CHULA, CITY (LIVINGSTON CO.)	MAY 02, 1975	
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY 21, 1975	
290629	CLARK, CITY OF (RUDOLPH CO)	FEBRUARY 21, 1975	
290599	CLEARMONT, CITY (NODAWAY CO.)	JULY 18, 1975	
290601	COBALT CITY, VILLAGE (MADISON CO.)	MARCH 26, 1976	
290028A	COLE CAMP, CITY OF (BENTON CO.)	JUNE 14, 1974	
290602	CONCEPTION JUNTION, CITY (NODAWAY CO.)	APRIL 25, 1975	
290196A	CONWAY, TOWN OF (LACLEDE CO.)	MAY 10, 1974	AND
		NOVEMBER 21, 1975	
290159	CORNING, TOWN OF (HOLT CO.)	FEBRUARY 06, 1976	
290605	CORGILL, TOWN (CALDWELL CO.)	APRIL 18, 1975	
290610	CROSS TIMBERS, VILLAGE OF (HICKORY CO)	FEBRUARY 21, 1975	

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290464	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER 13, 1974
290612	DE KALB, VILLAGE (BUCHANAN CO.)	MARCH 26, 1976
290747	DEEPWATER, CITY (HENRY CO.)	SEPTEMBER 26, 1975
290055	DELTA, CITY OF (CAPE GIRARDEAU CO.)	DECEMBER 06, 1974
290453	DENVER, VILLAGE OF (DORTH CO.)	NOVEMBER 22, 1974
290613	DES ARC, VILLAGE (IRON CO.)	APRIL 18, 1975
290465A	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER 06, 1974 AND
		APRIL 02, 1976
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1974 AND
		OCTOBER 24, 1975
290586	EAGLEVILLE, VILLAGE (HARRISON CO.)	APRIL 18, 1975
290466A	ELLSINORE, CITY OF (CARTER CO.)	OCTOBER 18, 1974 AND
		NOVEMBER 15, 1975
290219	ELMER, CITY OF (MACON CO.)	DECEMBER 06, 1974
290588	EOLIA, VILLAGE (PIKE CO.)	MARCH 26, 1976
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY 21, 1975
290591	FAIR GROVE, CITY (GREENE CO.)	JUNE 27, 1975
290292	FARLEY, TOWN (PLATTE CO)	JANUARY 24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY 07, 1975
290044A	FREEMAN,TOWN OF (CASS CO.)	NOVEMBER 08, 1974 AND
		JANUARY 16, 1976
290477	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY 21, 1975
290431A	GALENA, CITY OF (STONE CO.)	AUGUST 30, 1974 AND
		OCTOBER 31, 1975
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY 14, 1975
290151A	GALT, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974 AND
		APRIL 02, 1976
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY 21, 1975
290594	GRAHAM, CITY (NODAWAY CO.)	AUGUST 15, 1975
290460	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER 08, 1974
290710	GREENFIELD, CITY (DADE CO.)	APRIL 25, 1975
290596	GREENTOP, CITY OF (SCHYLER CO)	FEBRUARY 21, 1975
290597A	HALE, CITY OF (CARROLL CO)	FEBRUARY 21, 1975
290712	HALLSVILLE, CITY OF (BOONE)	FEBRUARY 14, 1975
290308A	HENRIETTA, CITY OF (RAY CO.)	OCTOBER 18, 1974
290572	HERMITAGE, CITY (HICKORY CO)	APRIL 25, 1975
290575	HOUSTONIA, CITY (PETTIS CO)	SEPTEMBER 19, 1975
290716	HUMANSVILLE, CITY (POLK CO.)	JULY 11, 1975
290577	HUME, CITY OF (BATES CO)	FEBRUARY 21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY 21, 1975
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY 14, 1975
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY 07, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE 27, 1975
290244A	KOSHKONONG, CITY OF (OREGON CO.)	SEPTEMBER 04, 1974 AND
		DECEMBER 12, 1975
290696	LA BELLE, CITY OF (LEWIS)	FEBRUARY 14, 1975
290703	LA PALTA, CITY OF (MACON)	FEBRUARY 14, 1975
290152A	LAREDO, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290560	LEADINGTON, VILLAGE (ST. FRANCOIS CO)	APRIL 18, 1975
290561	LEASBURG, VILLAGE OF (CRAWFORD CO)	JANUARY 31, 1975
290707	LEXINGTON, CITY (LAFAYETTE CO.)	JULY 25, 1975
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	OCTOBER 25, 1974 AND
		NOVEMBER 28, 1975
290115	LOCK SPRINGS, TOWN (DAVIESS CO)	JULY 11, 1975
290082A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER 18, 1974 AND
		OCTOBER 31, 1975
290031A	LUTESVILLE, CITY OF (DOLLINGER CO.)	MAY 10, 1974 AND
		DECEMBER 19, 1975
290565	MARQUAND, CITY (MADISON CO)	APRIL 18, 1975
290494A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER 13, 1974
290369A	MARY RIDGE, VILLAGE OF (ST. LOUIS CO.)	APRIL 05, 1974 AND
		DECEMBER 26, 1975
290686	MATSVILLE, CITY (DE KALB CO.)	JULY 25, 1975
290566	MEADVILLE, CITY (LINN CO)	APRIL 25, 1975
290567A	MERCER, CITY (MERCER CO)	APRIL 04, 1975
290271A	META, TOWN OF (OSAGE CO.)	SEPTEMBER 13, 1974 AND
		NOVEMBER 28, 1975
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER 13, 1974
290570	MINDENMINES, CITY (BARTON CO)	APRIL 18, 1975
290571	MINERAL POINT, VILLAGE (WASHINGTON CO)	AUGUST 08, 1975
290207	MONTICELLO, VILLAGE OF (LEWIS CO.)	DECEMBER 27, 1974
290690	MONTROSE, CITY (HENRY CO.)	APRIL 18, 1975
290405A	NELSON, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND
		DECEMBER 26, 1975
290548	NEW BLOOMFIELD, CITY (CALLAWAY CO)	MAY 02, 1975
290549	NEW CAMBRIA, CITY (MACON CO)	JULY 25, 1975
290550	NEW HAMPTON, CITY (HARRISON CO)	AUGUST 08, 1975
290078A	NIXA, CITY OF (CHRISTIAN CO)	JUNE 28, 1974 AND
		JANUARY 16, 1976
290218A	NOEL, TOWN OF (MCDONALD CO.)	MAY 24, 1974 AND
		NOVEMBER 14, 1975
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL 05, 1974
290293A	NORTHMOOR, TOWN OF (PLATTE CO.)	JULY 19, 1974 AND
		NOVEMBER 14, 1975
290670	OREGON, CITY (HOLT CO.)	JULY 18, 1975
290555	OSBORN, CITY (CLINTON CO)	JULY 18, 1975
290556	OTTERVILLE, CITY (COOPER CO)	APRIL 25, 1975
290229A	PALMYRA, CITY OF (MARION CO.)	MARCH 29, 1974 AND
		JULY 18, 1975
290533	PARNELL, CITY (NODAWAY CO)	MAY 02, 1975
290676	PERRY, CITY OF (PALLS COU)	FEBRUARY 14, 1975
290535	PINEVILLE, CITY (MCDONALD CO)	APRIL 18, 1975
290428A	PUXICO, TOWN OF (STODDARD CO.)	MARCH 08, 1974 AND
		JULY 02, 1976
290541	RAVENWOOD, CITY (NODAWAY CO)	JUNE 27, 1975
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	FEBRUARY 14, 1975
290655	RICH HALL, CITY OF (BATES)	FEBRUARY 14, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI	
290485	RITCHEY, TOWN (NEWTON CO)	JANUARY 10, 1975
290438	ROCKAWAY BEACH, TOWN(TANEY CO)	JANUARY 10, 1975
290518	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290008	ROSENDALE, CITY OF (ANDREW)	FEBRUARY 14, 1975
290663	SALISBURY, CITY OF (CHARITON COU)	FEBRUARY 07, 1975
290519	SCHELL CITY, CITY (VERNON CO)	APRIL 18, 1975
290521	SELIGMAN, CITY (BARRY CO)	APRIL 25, 1975
290665	SHELBINA, CITY (SHELBY CO.)	APRIL 25, 1975
290666	SHELBYVILLE, CITY (SHELBY CO.)	APRIL 18, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY 31, 1975
290467A	SHOAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST 16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST 30, 1974 AND JANUARY 16, 1976
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY 07, 1975
290488	STELLA, CITY OF (NEWTON CO)	FEBRUARY 21, 1975
290136A	ST. CLAIR, TOWN OF (FRANKLIN CO.)	APRIL 12, 1974 AND DECEMBER 05, 1975
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	JANUARY 31, 1975
290076	SUMNER, TOWN (CHARITON CO)	JANUARY 10, 1975
290640	TIPTON, CITY (MONITEAU CO.)	JANUARY 17, 1975
290228A	TUSCUMBIA, VILLAGE OF (MILLER CO.)	OCTOBER 25, 1974 AND NOVEMBER 21, 1975
290514	URBANA, VILLAGE (DALLAS CO)	JUNE 27, 1975
290644	VIBURNUM, CITY OF (IRON CO)	FEBRUARY 21, 1975
290633	WARDSVILLE, CITY (COLE CO.)	JULY 11, 1975
290648	WARRENTON, CITY OF (WARREN COU)	FEBRUARY 07, 1975
290024	WASHBURN, TOWN (BARRY CO)	JANUARY 10, 1975
290644	WAVERLY, CITY OF (LAFAYETTE CO.)	JULY 11, 1975
290651	WELLINGTON, CITY (LAFAYETTE CO.)	SEPTEMBER 19, 1975
290483	WENTWORTH, TOWN (NEWTON CO)	JANUARY 10, 1975
290635	WESTBORO, VILLAGE (ATCHISON CO.)	JULY 11, 1975
290452A	WILLIAMSVILLE, CITY OF (WAYNE CO.)	OCTOBER 18, 1974 AND MARCH 05, 1976
290654A	WRIGHT CITY, CITY OF (WARREN COU)	FEBRUARY 07, 1975 AND NOVEMBER 14, 1975
290086A	WYACONDA, CITY OF (CLARK CO.)	OCTOBER 18, 1974 AND NOVEMBER 14, 1975
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	OCTOBER 25, 1974 AND NOVEMBER 07, 1975

TOTAL IN THE STATE 154

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MONTANA	
300089A	ALBERTON, TOWN (MINERAL CO)	JUNE 27, 1975
300066	BAINVILLE, TOWN (ROOSEVELT CO)	JANUARY 03, 1975
300090	BROCKTON, TOWN (ROOSEVELT CO)	JUNE 27, 1975
300107A	CASCADE, CITY OF (CASCADE)	FEBRUARY 14, 1975
300091	CLYDE PARK, TOWN (PARK CO)	JANUARY 03, 1975
300020	DENTON, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300053	DODSON, TOWN OF (PHILLIPS CO.)	DECEMBER 27, 1974
300092	DUTTON, TOWN (TETON CO)	APRIL 25, 1975
300064A	FAIRVIEW, TOWN OF (RICHLAND CO.)	AUGUST 16, 1974 AND MAY 14, 1976
300070A	FORSYTH, CITY OF (ROSEBUD CO.)	MARCH 08, 1974 AND JANUARY 16, 1976
300013A	FORT BENTON, CITY OF (CHOUTEAU CO.)	MAY 10, 1974 AND NOVEMBER 28, 1975
300093	FROID, TOWN (ROOSEVELT CO)	APRIL 18, 1975
300081	GLASGOW, CITY OF (VALLEY CO.)	JANUARY 09, 1974
300021	GRASS RANGE, TOWN OF (FERGUS CO.)	DECEMBER 27, 1974
300095	HINGHAM, TOWN (HILL CO)	JULY 11, 1975
300006	JOLIET, TOWN OF (CARBON CO.)	DECEMBER 27, 1974
300116	JORDAN, TOWN (GARFIELD CO)	JUNE 27, 1975
300096	KEVIN, TOWN (TOOLE CO)	JUNE 27, 1975
300031	LAVINA, TOWN (GOLDEN VALLEY CO)	JANUARY 24, 1975
300100	MOORE, TOWN (FERGUS CO)	AUGUST 08, 1975
300074A	PLAINS, TOWN OF (SANDERS CO.)	MARCH 22, 1974 AND DECEMBER 19, 1975
300119	POLSON, CITY (LAKE CO)	SEPTEMBER 26, 1975
300122	RONAN, CITY (LAKE CO)	APRIL 25, 1975
300069	ROSEBUD COUNTY *	AUGUST 02, 1974
300124A	SCOBEY, CITY (DANIELS CO)	JULY 18, 1975
300126	SHERIDAN, TOWN (MADISON CO)	SEPTEMBER 19, 1975
300037A	STANFORD, TOWN OF (JUDITH BASIN CO.)	JUNE 28, 1974
300123	ST. IGNATIUS, TOWN OF (LAKE)	FEBRUARY 14, 1975
300127	SUNBURST, TOWN (TOOLE CO)	JANUARY 10, 1975
300128	SUPERIOR, TOWN (MINERAL CO)	MAY 02, 1975
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)	FEBRUARY 07, 1975
300134	WALKERVILLE, CITY (SILVER BOW CO)	JULY 18, 1975
300104	WESTBY, TOWN (SHERIDAN CO)	AUGUST 15, 1975
300047A	WHITE SULPHUR SPRINGS, CITY OF (MEAGER CO.)	MAY 24, 1974 AND JANUARY 16, 1976
300052	WINNETT, TOWN OF (PETROLEUM CO.)	DECEMBER 27, 1974

TOTAL IN THE STATE 35

* UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310293	ALEXANDRIA, VILLAGE OF (THAYER CO.)	SEPTEMBER 12, 1975
310011	ALLIANCE, CITY OF (BOX BUTTE CO)	MARCH 12, 1976
310341	ARAPAHOE, CITY OF (FURNAS CO.)	JULY 25, 1975
310342	ARNOLD, VILLAGE OF (CUSTER CO.)	AUGUST 15, 1975
310004	ARTHUR, VILLAGE OF (ARTHUR CO)	JANUARY 10, 1975
310296	ASHTON, VILLAGE OF (SHERMAN CO.)	JULY 11, 1975
310297	AVOCA, VILLAGE OF (CASS CO.)	JULY 11, 1975
310298	BARTLEY, VILLAGE OF (RED WILLOW CO.)	JULY 25, 1975
310348	BEAVER CITY, CITY OF (FURNAS CO.)	JULY 11, 1975
310299	BELGRADE, VILLAGE OF (NANCE CO.)	MAY 02, 1975
310024	BELLWOOD, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974
310250	BENEDICT, VILLAGE OF (YORK CO.)	APRIL 18, 1975
310349	BENKELMAN, CITY OF (DUNDY CO.)	AUGUST 08, 1975
310044	BIG SPRINGS, VILLAGE OF (DEUEL CO.)	DECEMBER 20, 1974
310252	BLADEN, VILLAGE OF (WEBSTER CO.)	JULY 11, 1975
310253	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975
310169	BURCHARD, VILLAGE OF (PAWNEE CO.)	NOVEMBER 08, 1974
310161	BURR, VILLAGE OF (OTOE CO.)	DECEMBER 06, 1974
310255	BUSHNELL, VILLAGE OF (KIMBALL CO.)	MARCH 26, 1976
310355	CALLAWAY, VILLAGE OF (CUSTER CO.)	SEPTEMBER 19, 1975
310256	CAMPBELL, VILLAGE OF (FRANKLIN CO.)	AUGUST 22, 1975
310257	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE OF (BOONE CO.)	JANUARY 10, 1975
310260	CHAPMAN, VILLAGE OF (MERRICK CO.)	MARCH 26, 1976
310359	CLARKSON, CITY OF (COLFAX CO.)	JANUARY 17, 1975
310040A	CLAY CENTER, CITY OF (CLAY CO.)	MARCH 22, 1974
310263	CODY, VILLAGE OF (CHERRY CO.)	MARCH 26, 1976
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310267	DAVENPORT, VILLAGE OF (THAYER CO.)	JULY 11, 1975
310268	DAWSON, VILLAGE OF (RICHARDSON CO.)	JULY 11, 1975
310041	DEWEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310269	DILLER, VILLAGE OF (JEFFERSON CO.)	AUGUST 29, 1975
310270	DIX, VILLAGE OF (KIMBALL CO.)	SEPTEMBER 26, 1975
310363	DODGE, VILLAGE OF (DODGE CO.)	AUGUST 15, 1975
310271	DORCHESTER, VILLAGE OF (SALINE CO.)	MARCH 26, 1976
310007	DUNNING, VILLAGE OF (BLAINE CO.)	DECEMBER 20, 1974
310273	DWIGHT, VILLAGE OF (BUTLER CO.)	JULY 18, 1975
310040A	EDDYVILLE, VILLAGE OF (DAWSON CO.)	NOVEMBER 29, 1974 AND OCTOBER 22, 1976
310126A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310364	ELMWOOD, VILLAGE OF (CASS CO.)	AUGUST 29, 1975
310365	ELWOOD, VILLAGE OF (GOSPER CO.)	SEPTEMBER 05, 1975
310276	EUSTIS, VILLAGE OF (FRONTIER CO.)	SEPTEMBER 19, 1975
310114A	EWING, VILLAGE OF (HOLT CO.)	MAY 03, 1974 AND MAY 14, 1976
310277	FAIRFIELD, CITY OF (CLAY CO.)	AUGUST 22, 1975
310061A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND

* UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310278	GILTNER, VILLAGE OF (HAMILTON CO.)	DECEMBER 05, 1975
310279	GLENVIL, VILLAGE OF (CLAY CO.)	APRIL 25, 1975
310373	GREELEY, VILLAGE OF (GREELEY CO.)	JULY 18, 1975
310374	GREENWOOD, VILLAGE OF (CASS CO.)	JULY 11, 1975
310280	GURLEY, VILLAGE OF (CHEYENNE CO.)	SEPTEMBER 26, 1975
310281	HAIGLER, VILLAGE OF (DUNDY CO.)	JULY 18, 1975
310376	HARTINGTON, CITY OF (CEDAR CO.)	AUGUST 15, 1975
3102134	HAY SPRINGS, CITY OF (SHERIDAN CO)	SEPTEMBER 26, 1975 MARCH 22, 1974 AND NOVEMBER 07, 1975
310377A	HEMINGFORD, VILLAGE OF (BOX BUTTE CO.)	AUGUST 08, 1975
310287	HOLBROOK, VILLAGE OF (FURNAS CO.)	JULY 11, 1975
310288	HOLSTEIN, VILLAGE OF (ADAMS CO.)	JULY 18, 1975
310380	HORNELL, VILLAGE OF (COLFAX CO.)	JANUARY 17, 1975
310381A	HUMPHREY, VILLAGE OF (PLATTE CO.)	JULY 11, 1975 AND OCTOBER 03, 1975
310292	JACKSON, VILLAGE OF (DAKOTA CO.)	DECEMBER 20, 1974
310293	JUNIATA, VILLAGE OF (ADAMS CO.)	JANUARY 17, 1975
310097	LEWELLEN, VILLAGE OF (GARDEN CO)	JANUARY 10, 1975
310177A	LINDSAY, VILLAGE OF (PLATTE CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310294	LONG PINE, CITY OF (BROWN CO.)	AUGUST 08, 1975
310387	LYMAN, VILLAGE OF (SCOTTS BLUFF CO.)	APRIL 25, 1975
310085	MAYWOOD, VILLAGE OF (FRONTIER CO.)	DECEMBER 20, 1974
310302	MERNA, VILLAGE OF (CUSTER CO.)	MAY 02, 1975
310304	MONROE, VILLAGE OF (PLATTE CO.)	AUGUST 29, 1975
310391	MORRILL, VILLAGE OF (SCOTTS BLUFF CO.)	AUGUST 15, 1975
310156A	NEMAHA, VILLAGE OF (NEMAHA CO.)	AUGUST 30, 1974 AND MAY 14, 1976
310070A	NICKERSON, TOWN OF (DODGE CO.)	JANUARY 23, 1974
310159	OAK, VILLAGE OF (NUCKOLLS CO.)	NOVEMBER 15, 1974
310081	OMAHA, VILLAGE OF (FILLMORE CO.)	NOVEMBER 08, 1974
310044	ONG, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310396	OXFORD, VILLAGE OF (FURNAS-HARLAN CO.)	MAY 02, 1975
310307	PALMER, VILLAGE OF (MERRICK CO.)	JUNE 27, 1975
310165A	PALMYRA, VILLAGE OF (OTOE CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
310216	PILGER, VILLAGE OF (STANTON CO.)	DECEMBER 06, 1974
310309	PLEASANT DALE, VILLAGE OF (SEWARD CO.)	JULY 11, 1975
310310	POLK, VILLAGE OF (POLK CO.)	JUNE 27, 1975
310047A	PONCA, CITY OF (DIXON CO.)	APRIL 12, 1974 AND JANUARY 23, 1976
3102024	PRAGUE, VILLAGE OF (SAUNDERS CO.)	NOVEMBER 15, 1974 AND DECEMBER 26, 1975
310397	RANDOLPH, CITY OF (CEDAR CO.)	APRIL 25, 1975
310136A	RAYMOND, VILLAGE OF (LANCASTER CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
310312	RISING CITY, VILLAGE OF (BUTLER CO.)	JULY 11, 1975
310139	ROCA, VILLAGE OF (LANCASTER CO.)	NOVEMBER 29, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEBRASKA	
310313	ROSALIE, VILLAGE OF (THURSTON CO.)	APRIL 25, 1975
310314	ROSELAND, VILLAGE OF (ADAMS CO.)	JULY 18, 1975
310214A	RUSHVILLE, CITY OF (SHERIDAN CO.)	MAY 03, 1974 AND
		APRIL 02, 1976
310315	RUSKIN, VILLAGE OF (NUCKOLLS CO)	JANUARY 31, 1975
310316	SCOTIA, VILLAGE OF (GREELEY CO.)	MAY 02, 1975
310317	SHICKLEY, VILLAGE OF (FILLMORE CO.)	MAY 02, 1975
310318	SHUBERT, VILLAGE OF (RICHARDSON CO.)	JULY 18, 1975
310398	SPALDING, VILLAGE OF (GREELEY CO.)	JANUARY 10, 1975
310320	SPRINGVIEW, VILLAGE OF (KEYA PAHA CO.)	JULY 11, 1975
310322	STAPLEHURST, VILLAGE OF (SEWARD CO.)	JANUARY 10, 1975
310323	STAPLETON, VILLAGE OF (LOGAN CO)	FEBRUARY 21, 1975
310171	STEINAUER, VILLAGE OF (PAWNEE CO.)	NOVEMBER 22, 1974
310324	STELLA, VILLAGE OF (RICHARDSON CO.)	JULY 11, 1975
310106	STOCKHAM, VILLAGE OF (HAMILTON CO.)	DECEMBER 06, 1974
310172	TABLE ROCK, VILLAGE OF (PAWNEE CO.)	NOVEMBER 01, 1974
310324	THEDFORD, VILLAGE OF (THOMAS CO.)	JULY 11, 1975
310328	UPLAND, VILLAGE OF (FRANKLIN CO.)	JULY 11, 1975
310403	VALENTINE, CITY OF (CHERRY CO.)	JULY 11, 1975
310330	VERDON, VILLAGE OF (RICHARDSON CO.)	SEPTEMBER 26, 1975
310331	WACO, VILLAGE OF (YORK CO.)	MAY 02, 1975
310404	WAKEFIELD, CITY OF (DIXON-WAYNE COS.)	AUGUST 29, 1975
310332	WALLACE, VILLAGE OF (LINCOLN CO.)	JULY 25, 1975
310405	WAUSA, VILLAGE OF (KNOX CO.)	AUGUST 08, 1975
310205A	WESTON, VILLAGE OF (SAUNDERS CO.)	OCTOBER 18, 1974 AND
		FEBRUARY 20, 1976
310334	WINSIDE, VILLAGE OF (WAYNE CO.)	JULY 18, 1975
310049A	WISNER, TOWN OF (CUMING CO.)	DECEMBER 07, 1973 AND
		SEPTEMBER 03, 1976
310337	WYNOT, VILLAGE OF (CEDAR CO.)	APRIL 25, 1975
	TOTAL IN THE STATE	112

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW HAMPSHIRE	
330152	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974
330174	ALBANY, TOWN OF (CARROLL CO)	JANUARY 17, 1975
330041	ALEXANDRIA, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330175	ATKINSON, TOWN OF (ROCKINGHAM CO)	JANUARY 03, 1975
330176	AUBURN, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN OF (BELKNAP CO)	JANUARY 03, 1975
330180	BROOKLINE, TOWN OF (HILLSBOROUGH CO)	APRIL 04, 1975
330126A	CANDIA, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975 AND
		NOVEMBER 19, 1976
330030A	CARROLL, TOWN OF (COOS CO)	JANUARY 24, 1975 AND
		NOVEMBER 12, 1976
330181A	CHATHAM, TOWN OF (CARROLL CO)	JANUARY 03, 1975 AND
		DECEMBER 10, 1976
330182	CHESTER, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330109A	CHICHESTER, TOWN OF (MERRIMACK CO.)	APRIL 05, 1974 AND
		DECEMBER 24, 1976
330184	CLARKSVILLE, TOWN OF (COOS CO)	JANUARY 03, 1975
330185	COLUMBIA, TOWN OF (COOS CO)	JANUARY 03, 1975
330156	CROYDON, TOWN OF (SULLIVAN CO.)	NOVEMBER 29, 1974
330199	DANVILLE, TOWN OF (ROCKINGHAM CO)	JANUARY 17, 1975
330050	DORCHESTER, TOWN OF (GRAFTON CO)	MARCH 14, 1975
330201	DUMMER, TOWN OF (COOS CO)	JANUARY 17, 1975
330202	DUNBARTON, TOWN OF (MERRIMACK CO)	JANUARY 17, 1975
330204A	EATON, TOWN OF (CARROLL CO)	JANUARY 17, 1975 AND
		OCTOBER 01, 1976
330012	EFFINGHAM, TOWN OF (CARROL CO.)	JANUARY 17, 1975
330206	ERROL, TOWN OF (COOS CO)	JANUARY 17, 1975
330013A	FREEDOM, TOWN OF (CARROLL CO.)	AUGUST 30, 1974 AND
		AUGUST 13, 1976
330131A	FREMONT, TOWN OF (ROCKINGHAM CO.)	AUGUST 09, 1974 AND
		OCTOBER 29, 1976
330208	GILMANTON, TOWN OF (BELKNAP CO.)	JANUARY 17, 1975
330054	GRAFTON, TOWN OF (GRAFTON CO)	JANUARY 17, 1975
330209	GREENFIELD, TOWN OF (HILLSBOROUGH CO)	APRIL 04, 1975
330212	HARRISVILLE, TOWN OF (CHESHIRE CO)	JANUARY 24, 1975
330114	HENNIKER, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330092A	HUDSON, TOWN OF (HILLSBOROUGH CO.)	MARCH 08, 1974 AND
		OCTOBER 01, 1976
330215	JAFFREY, TOWN OF (CHESHIRE CO)	JANUARY 24, 1975
330033A	JEFFERSON, TOWN OF (COOS CO)	FEBRUARY 21, 1975 AND
		SEPTEMBER 10, 1976
330217	KINGSTON, TOWN OF (ROCKINGHAM CO)	JANUARY 17, 1975
330060A	LANDAFF, TOWN OF (GRAFTON CO.)	DECEMBER 06, 1974 AND
		NOVEMBER 19, 1976
330159	LANGDON, TOWN OF (SULLIVAN CO)	JANUARY 03, 1975
330160	LEMPSTER, TOWN OF (SULLIVAN CO.)	JANUARY 31, 1975
330062	LINCOLN, TOWN OF (GRAFTON CO)	FEBRUARY 21, 1975
330117	LOUDON, TOWN OF (MERRIMACK CO.)	AUGUST 02, 1974
330218	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975

* UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330219	MADBURY, TOWN (STRAFFORD CO)	JANUARY 17, 1975
330220	MADISON, TOWN (CARROLL CO)	JANUARY 17, 1975
330221	MASON, TOWN OF (HILLSBOROUGH CO)	FEBRUARY 21, 1975
330222	MIDDLETON, TOWN OF (STRAFFORD CO.)	JANUARY 31, 1975
330035	MILAN, TOWN OF (COOS CO)	JUNE 28, 1974
330149	MILTON, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975
330048	MONROE, TOWN OF (GRAFTON CO.)	NOVEMBER 29, 1974
330224	MOUNT VERNON, TOWN (HILLSBOROUGH CO)	JANUARY 17, 1975
330227A	NEW DURHAM, TOWN OF (STRAFFORD COU)	JANUARY 07, 1975 AND DECEMBER 10, 1976
330228A	NEWFIELDS, TOWN (ROCKINGHAM CO)	MARCH 12, 1976
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975
330137A	NOTTINGHAM, TOWN OF (ROCKINGHAM CO)	JUNE 28, 1974 AND NOVEMBER 19, 1976
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY 10, 1975
330186	PITTSBURG, TOWN OF (COOS CO.)	JANUARY 31, 1975
330187	RANDOLPH, TOWN (COOS CO)	JANUARY 03, 1975
330188	RICHMOND, TOWN (CHESHIRE CO)	JANUARY 03, 1975
330189	RINDGE, TOWN (CHESHIRE CO)	APRIL 04, 1975
330190	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY 03, 1975
330172	ROXBURY, TOWN OF (CHESIRE)	FEBRUARY 14, 1975
330073	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH 14, 1974
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975
330193A	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST 02, 1974 AND NOVEMBER 26, 1976
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY 10, 1975
330195	STODDARD, TOWN (CHESCHIRE CO)	JANUARY 17, 1975
330197	STRATHAM, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975
330170A	SURRY, TOWN (CHESHIRE CO)	JANUARY 03, 1975 AND SEPTEMBER 03, 1976
330173A	TROY, TOWN (CHESHIRE CO)	JANUARY 03, 1975 AND JULY 23, 1976
330165A	UNITY, TOWN OF (SULLIVAN CO.)	MAY 31, 1974 AND NOVEMBER 26, 1976
330168	WARREN, TOWN OF (GRAFTON CO.)	SEPTEMBER 13, 1974
330166A	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER 27, 1974 AND AUGUST 27, 1976
330235	WEARE, TOWN OF (HILLSBOROUGH)	FEBRUARY 14, 1975
330040A	WHITEFIELD, TOWN OF (COOS CO.)	JULY 26, 1974 AND NOVEMBER 26, 1976
330124A	WILMOT, TOWN OF (MERRIMACK CO.)	AUGUST 16, 1974 AND NOVEMBER 19, 1976

TOTAL IN THE STATE 73

* UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
340122A	AUDUBON PARK, BOROUGH OF (CAMDEN CO.)	JUNE 21, 1974
340529A	GREEN, TOWNSHIP OF (SUSSEX CO.)	NOVEMBER 01, 1974 AND MAY 14, 1976
340345A	KINNELON, BOROUGH OF (MORRIS CO.)	JULY 13, 1973
340540	MENOMAN, BOROUGH OF (MORRIS CO.)	JANUARY 31, 1975
340212A	SOUTH HARRISON, TOWNSHIP OF (GLOUCESTER CO)	JUNE 28, 1974 AND JULY 02, 1976
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY 07, 1975
340544	TAVISTOCK, BOROUGH OF (CAMDEN CO.)	NOVEMBER 29, 1974
340479B	WINFIELD, TOWNSHIP OF (UNION CO.)	MARCH 08, 1974 AND OCTOBER 17, 1975

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
350110	CARRIZOZO, TOWN C(LINCOLN CO)	AUGUST 22, 1975
350050A	CHAMA, VILLAGE OF C(RIO ARRIBA CO.)	AUGUST 16, 1974 AND DECEMBER 12, 1975
350111	CLOUDCROFT, VILLAGE C(OTERO CO)	JUNE 27, 1975
350037	COLUMBUS, VILLAGE OF C(LUNA CO.)	DECEMBER 13, 1974
350100	DES MOINES, VILLAGE C(UNION CO)	JULY 11, 1975
350112A	DEXTER, TOWN C(CHAVES CO)	MAY 02, 1975 AND SEPTEMBER 17, 1976
350114	LOVING, VILLAGE C(EDDY CO)	AUGUST 08, 1975
350074A	MAGDALENA, VILLAGE OF C(SOCORRO CO.)	AUGUST 02, 1974 AND FEBRUARY 20, 1976
350104	MAXWELL, VILLAGE C(COLFAX CO)	SEPTEMBER 19, 1975
350115A	MELROSE, VILLAGE C(CURRY CO)	JULY 25, 1975 AND NOVEMBER 28, 1975
350097	PECOS, VILLAGE OF (SAN MIGUEL CO.)	JUNE 27, 1975
350116	QUESTA, VILLAGE C(TAOS CO)	JANUARY 17, 1975
350032A	TATUM, TOWN OF C(LEA CO.)	JUNE 21, 1974 AND JANUARY 16, 1976
350117	TEXICO, TOWN C(CURRY CO)	AUGUST 29, 1975
350109	WILLARD, VILLAGE C(TORRANCE CO)	SEPTEMBER 05, 1975

TOTAL IN THE STATE 15

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360324B	ADAMS, TOWN OF C(JEFFERSON CO.)	MAY 31, 1974 AND MAY 07, 1976 AND OCTOBER 15, 1976
361361	ALLEN, TOWN OF (ALLEGHANY CO.)	JANUARY 31, 1975
361260	AMBOY, TOWN OF C(OSWEGO CO.)	NOVEMBER 15, 1974
361385	AUSTERLITZ, TOWN OF C(COLUMBIA CO.)	DECEMBER 27, 1974
360518A	AVA, TOWN OF C(ONEIDA CO.)	JUNE 28, 1974 AND SEPTEMBER 10, 1976
361054A	BALDWIN, TOWN OF C(CHEMUNG CO.)	MAY 31, 1974
361096A	BELFAST, TOWN OF C(ALLEGANY CO.)	OCTOBER 18, 1974 AND JULY 16, 1976
361392	BELLMONT, TOWN C(FRANKLIN CO)	JANUARY 17, 1975
361362	BIRDSALL, TOWN C(ALLEGANY CO)	JANUARY 03, 1975
361127A	BLEECKER, TOWN OF C(FULTON CO.)	NOVEMBER 22, 1974 AND NOVEMBER 14, 1975
361915	BOYLSTON, TOWN C(OSWEGO CO)	JANUARY 03, 1975
361207A	BRADFORD, TOWN OF (STEUBEN CO.)	DECEMBER 13, 1974 AND FEBRUARY 27, 1976
360521A	BRIDGEWATER, TOWN OF C(ONEIDA CO.)	SEPTEMBER 06, 1974 AND JULY 16, 1976
361128A	BROADALBIN, TOWN OF C(FULTON CO.)	SEPTEMBER 20, 1974 AND AUGUST 06, 1976
361480	BRUSHTON, VILLAGE OF C(FRANKLIN CO.)	NOVEMBER 15, 1974
361914	BURLINGTON, TOWN OF C(OTSEGO CO.)	NOVEMBER 22, 1974
361098	BURNS, TOWN OF C(ALLEGANY CO.)	NOVEMBER 08, 1974
361445	BUTLER, TOWN OF C(WAYNE CO.)	NOVEMBER 29, 1974
361247A	BUTTERNUTS, TOWN OF C(OTSEGO CO.)	DECEMBER 13, 1974 AND JUNE 25, 1976
361208	CAMERON, TOWN OF C(STEUBEN CO)	JANUARY 10, 1975
361129A	CAROGA, TOWN OF C(FULTON CO.)	NOVEMBER 08, 1974 AND JUNE 25, 1976
360063A	CARROLLTON, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 20, 1974 AND MAY 07, 1976
361563	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY 28, 1975
360328C	CHAMPION, TOWN OF (JEFFERSON COU)	MAY 31, 1974 AND FEBRUARY 07, 1975
360444A	CHARLESTON, TOWN OF C(MONTGOMERY CO.)	JULY 26, 1974 AND MAY 28, 1976
360134A	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY 10, 1974 AND SEPTEMBER 10, 1976
360244A	CHESTERFIELD, TOWN OF C(ESSEX CO.)	SEPTEMBER 06, 1974 AND AUGUST 13, 1976
360609	CHESTER, TOWN OF (WARREN CO.)	FEBRUARY 06, 1976
361254A	CLARENDON, TOWN OF (ORLEANS CO)	MARCH 28, 1975 AND OCTOBER 15, 1976
360524A	CLAYVILLE, VILLAGE OF C(ONEIDA CO.)	MAY 24, 1974 AND JULY 30, 1976
361380	CLINTON, TOWN C(LINTON CO)	JANUARY 24, 1975
360743A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE 07, 1974 AND

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW YORK	
360044A	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 12, 1975
360108A	CONQUEST, TOWN OF (CAYUGA CO.)	JUNE 21, 1974 AND JUNE 25, 1976
360360A	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST 16, 1974 AND SEPTEMBER 12, 1975
361441	COURTLAND, CITY OF (CORTLAND CO.)	AUGUST 09, 1974 AND MAY 28, 1976
361384	CUYLER, TOWN OF (CORTLAN CO)	FEBRUARY 14, 1975
361381	DANNEMORA, TOWN OF (CLINTON COU)	FEBRUARY 28, 1975
361209	DANSVILLE, TOWN (STEUBEN CO)	FEBRUARY 07, 1975
360300A	DANUBE, TOWN OF (HERKIMER CO.)	JANUARY 24, 1975
361368	DELEVAN, VILLAGE (CATTARAUGUS CO)	APRIL 05, 1974 AND JUNE 18, 1976
360364A	DIANA, TOWN OF (LEWIS CO.)	JANUARY 03, 1975
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	SEPTEMBER 13, 1974 AND JUNE 11, 1976
361410	DRESDEN, TOWN OF (WASHINGTON CO.)	NOVEMBER 08, 1974 AND JANUARY 09, 1976
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	FEBRUARY 14, 1975
361463A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	JANUARY 24, 1975 AND FEBRUARY 06, 1976
361499	ELBA, VILLAGE (GENESEE CO)	NOVEMBER 15, 1974 AND FEBRUARY 04, 1976
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY 24, 1975
361382	ELLENBURG, TOWN (CLINTON CO)	JANUARY 24, 1975
361074A	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	MARCH 14, 1975
361374	ERIN, TOWN (CHEMUNG CO)	OCTOBER 25, 1974 AND JULY 09, 1976
361149	ESSEX, TOWN OF (ESSEX CO.)	JANUARY 10, 1975
361418	EXETER, TOWN (OTSEGO CO)	DECEMBER 20, 1974
360071A	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JANUARY 10, 1975
360073A	FRANKLINVILLE, VILLAGE OF (CATTARAUGUS CO.)	JUNE 28, 1974 AND JUNE 11, 1976
361397	FRANKLIN, TOWN (FRANKLIN CO)	MAY 31, 1974
361325	FREETOWN, TOWN (CORTLAND CO)	JULY 18, 1975
361195A	FULTON, TOWN OF (SCHOHARIE CO.)	JANUARY 17, 1975
361561	GALWAY, VILLAGE OF (SARATOGA CO.)	NOVEMBER 08, 1974 AND JANUARY 30, 1976
361101	GENESEE, TOWN OF (ALLEGANY CO.)	JANUARY 31, 1975
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	DECEMBER 13, 1974
360111A	GENOA, TOWN OF (CAYUGA CO.)	NOVEMBER 15, 1974 AND NOVEMBER 14, 1975
361295	GLEN, TOWN (MONTGOMERY CO)	JUNE 28, 1974 AND JUNE 18, 1976
361178	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY 17, 1975
360159A	GREENE, VILLAGE OF (CHENANGO CO.)	JANUARY 24, 1975
361210	GREENWOOD, TOWN (STEUBEN CO)	FEBRUARY 20, 1976 AND MAY 21, 1976
		JANUARY 03, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW YORK	
361451A	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER 15, 1974 AND MAY 28, 1976
361234	HARTFORD, TOWN OF (WASHINGTON CO.)	DECEMBER 27, 1974
361271A	HARTWICK, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974 AND JULY 09, 1976
361513A	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER 15, 1974 AND JULY 02, 1976
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 15, 1974
361434	HOWARD, TOWN OF (STEUBEN CO.)	DECEMBER 27, 1974
360078A	HUMPHREY, TOWN OF (CATTARAUGUS CO.)	AUGUST 30, 1974 AND JULY 16, 1976
361008A	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	SEPTEMBER 06, 1974 AND JUNE 11, 1976
360079A	ISCHUA, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND MAY 21, 1976
360958A	ITALY, TOWN OF (YATES CO.)	JUNE 28, 1974 AND AUGUST 20, 1976
361212A	JASPER, TOWN OF (STEUBEN CO.)	NOVEMBER 01, 1974 AND JULY 02, 1976
361131	JOHNSTOWN, TOWN OF (FULTON CO.)	OCTOBER 25, 1974
360266A	KEESEVILLE, VILLAGE OF (ESSEX CO.)	MAY 31, 1974 AND MAY 21, 1976
361350A	LACONA, VILLAGE OF (OSWEGO CO.)	NOVEMBER 22, 1974 AND JUNE 18, 1976
361419	LAURENS, TOWN (OTSEGO CO)	JANUARY 03, 1975
361285A	LEICESTER, TOWN OF (LIVINGSTON CO.)	OCTOBER 18, 1974 AND AUGUST 20, 1976
361456	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
360080A	LEON, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND JUNE 18, 1976
361152	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER 29, 1974
360368A	LEWIS, TOWN OF (LEWIS CO.)	JUNE 28, 1974 AND JULY 09, 1976
361457A	LIMA, VILLAGE (LIVINGSTON CO)	JANUARY 16, 1974
360309A	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH 15, 1974 AND APRIL 09, 1976
361458	LIVONIA, VILLAGE (LIVINGSTON CO)	JANUARY 10, 1975
361530A	LODI, VILLAGE OF (SENECA CO)	FEBRUARY 28, 1975 AND JANUARY 16, 1976
361404	LONG LAKE, TOWN (HAMILTON CO)	JULY 25, 1975
360083A	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST 09, 1974
360371A	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST 16, 1974 AND JULY 16, 1976
360084A	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER 18, 1974 AND AUGUST 27, 1976
361132	MAYFIELD, TOWN (FULTON CO)	JANUARY 17, 1975
361352	MILFORD, VILLAGE (OTSEGO CO)	JANUARY 10, 1975
361153A	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER 20, 1974 AND JULY 09, 1976

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361125	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER 15, 1974
361383	MOORES, TOWN OF (CLINTON)	FEBRUARY 14, 1975
361488	MOORES, VILLAGE (CLINTON CO)	JANUARY 03, 1975
360117A	MORAVIA, TOWN OF (CAYUGA CO.)	JUNE 14, 1974 AND
		JUNE 18, 1976
361389	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER 22, 1974
360704A	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER 06, 1974 AND
		JULY 16, 1976
361353A	MORRIS, VILLAGE OF (OTSEGO CO.)	NOVEMBER 15, 1974 AND
		MAY 28, 1976
360086A	NAPOLI, TOWN OF (CATTARAUGUS CO.)	JUNE 14, 1974 AND
		JANUARY 02, 1976
361155	NASSAU, TOWN OF (RENSSELAER CO.)	NOVEMBER 22, 1974
360675B	NASSAU, VILLAGE OF (RENSSELAER CO.)	MARCH 22, 1974 AND
		MARCH 05, 1976 AND
		AUGUST 27, 1976
361420	NEW LISBON, TOWN OF (OTSEGO CO.)	JANUARY 31, 1975
361164	NORTH GREENBUSH, TOWN OF (RENSSELAER CO.)	OCTOBER 03, 1975
361400A	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY 31, 1975 AND
		AUGUST 06, 1976
361408	OHIO, TOWN (HERKIMER CO)	JANUARY 03, 1975
361134A	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER 08, 1974 AND
		JUNE 18, 1976
361364A	ORISKANY FALLS, VILLAGE OF (ONEIDA CO.)	NOVEMBER 22, 1974 AND
		JUNE 18, 1976
360090A	OTTO, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND
		SEPTEMBER 19, 1975
361413	PALATINE, TOWN OF (MONTGOMERY CO.)	NOVEMBER 29, 1974
361263	PALERMO, TOWN OF (OSWEGO CO)	FEBRUARY 07, 1975
361425	PARISHVILLE, TOWN (ST. LAWRENCE CO)	JANUARY 17, 1975
360996A	PERRY, TOWN OF (WYOMING CO.)	JUNE 28, 1974 AND
		MAY 07, 1976
361424	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	JANUARY 31, 1975
360375A	PINCKNEY, TOWN OF (LEWIS CO.)	SEPTEMBER 06, 1974
361277	PITTSFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974
361278	PLAINFIELD, TOWN OF (OTSEGO CO.)	NOVEMBER 08, 1974
361029A	PORTAGE, TOWN OF (LIVINGSTON CO.)	AUGUST 16, 1974 AND
		JUNE 18, 1976
361356A	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER 15, 1974
361190A	PROVIDENCE, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974 AND
		AUGUST 06, 1976
360781A	RATHBONE, TOWN OF (STEUBEN CO.)	AUGUST 02, 1974 AND
		SEPTEMBER 17, 1976
361548	RED CREEK, VILLAGE (WAYNE CO)	JANUARY 10, 1975
361366	RED HOUSE, TOWN OF (CATTARAUGUS CO)	FEBRUARY 28, 1975
361265	REDFIELD, TOWN OF (OSWEGO CO.)	NOVEMBER 22, 1974
360014A	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	DECEMBER 06, 1974 AND

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
		SEPTEMBER 03, 1976
361279	RICHFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 18, 1974
361467	RICHVILLE, VILLAGE (ST. LAWERENCE CO)	JANUARY 10, 1975
361186A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974 AND
		MARCH 26, 1976
361426	RUSSEL, TOWN OF (ST. LAWRENCE)	FEBRUARY 14, 1975
361121A	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER 01, 1974 AND
		JUNE 18, 1976
361237	SALEM, TOWN OF (WASHINGTON CO.)	MARCH 26, 1976
360317A	SALISBURY, TOWN OF (HERKIMER CO.)	JUNE 07, 1974 AND
		JULY 16, 1976
361368A	SANDY CREEK, VILLAGE OF (OSWEGO CO.)	NOVEMBER 15, 1974
360171	SARANAC, TOWN (CLINTON CO)	APRIL 18, 1975
361229A	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974 AND
		JUNE 25, 1976
361056	SCHAGHTICOKE, VILLAGE OF (RENSSELAER CO.)	JANUARY 23, 1976
360172A	SCHUYLER FALLS, TOWN OF (CLINTON CO.)	SEPTEMBER 13, 1974 AND
		SEPTEMBER 17, 1976
360122A	SCIPIO, TOWN OF (CAYUGA CO.)	MAY 31, 1974 AND
		MAY 28, 1976
360124A	SENNETT, TOWN OF (CAYUGA CO.)	JUNE 14, 1974 AND
		MAY 14, 1976
361549A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO)	JANUARY 10, 1975
361258A	SHELBY, TOWN OF (ORLEANS CO.)	NOVEMBER 08, 1974 AND
		DECEMBER 12, 1975
361373	SHERMAN, TOWN OF (CHAUTAUQUA CO.)	JANUARY 17, 1975
360099A	SOUTH DAYTON, VILLAGE OF	MAY 31, 1974 AND
		JUNE 18, 1976
360100A	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 06, 1974 AND
		SEPTEMBER 24, 1976
361288A	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER 08, 1974 AND
		JUNE 11, 1976
361118	STAFFORD, TOWN (GENESEE CO)	JANUARY 24, 1975
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO.)	DECEMBER 20, 1974
360555A	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE 28, 1974 AND
		JULY 09, 1976
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER 15, 1974
361157A	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER 25, 1974 AND
		JULY 02, 1976
360956A	ST. JOHNSVILLE, TOWN OF (MONTGOMERY CO.)	AUGUST 16, 1974 AND
		JUNE 04, 1976
361330	TAYLOR, TOWN (CORTLAND CO)	JULY 11, 1975
361213A	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER 25, 1974 AND
		AUGUST 13, 1976
360966A	TORREY, TOWN OF (YATES CO.)	MAY 31, 1974 AND
		JANUARY 09, 1976
360557A	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST 30, 1974 AND
		JUNE 18, 1976
361436	TROUPSBURG, TOWN OF (STEUBEN CO)	FEBRUARY 21, 1975

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
361057A	VETERAN, TOWN OF (CHEMUNG CO.)	OCTOBER 25, 1974 AND	
		JUNE 18, 1976	
360733A	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL 05, 1974	
361224B	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER 13, 1974 AND	
		OCTOBER 10, 1975 AND	
		MAY 28, 1976	
361485	WAMPSVILLE, VILLAGE (MADISON CO)	JANUARY 17, 1975	
361364	WARD, TOWN (ALLEGANY CO)	JANUARY 17, 1975	
360563A	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE 14, 1974 AND	
		JUNE 18, 1976	
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER 29, 1974	
361246	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER 13, 1974	
361236A	WHITE CREEK, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND	
		JULY 23, 1976	
361331A	WILLET, TOWN OF (CORTLAND CO.)	DECEMBER 20, 1974 AND	
		JUNE 11, 1976	
361267A	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER 01, 1974 AND	
		JULY 02, 1976	
361161	WILMINGTON, TOWN (ESSEX CO)	JANUARY 17, 1975	
361103	WIRT, TOWN (ALLEGANY CO)	APRIL 11, 1975	
361283A	WORCESTER, TOWN OF (OTSEGO CO.)	NOVEMBER 01, 1974 AND	
		AUGUST 13, 1976	
361202	WRIGHT, TOWN OF (SCHOHARIE CO.)	NOVEMBER 08, 1974	
361104	YORKSHIRE, TOWN (CATTARAUGUS CO)	APRIL 11, 1975	
	TOTAL IN THE STATE	177	

* UNINCORPORATED AREAS ONLY

NORTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
370356	AUTRYVILLE, TOWN (SAMPSON CO)	JULY 25, 1975	
370088	BATTLEBORO, TOWN (EDGECOMBE CO)	AUGUST 15, 1975	
370210	CHINA GROVE, TOWN OF (ROWAN CO.)	JANUARY 09, 1974	
370321	CRAMERTON, TOWN (GASTON CO)	JULY 11, 1975	
370322	DALLAS, TOWN (GASTON CO)	JUNE 27, 1975	
370359	EAST LAURINBURG, TOWN (SCOTLAND CO)	JULY 11, 1975	
370352	FAITH, TOWN (ROWAN CO)	OCTOBER 17, 1975	
370326	HOOKERTON, TOWN (GREENE CO)	SEPTEMBER 26, 1975	
370138	JOHNSTON COUNTY	JANUARY 03, 1975	
370303	LAWNDALE, TOWN (CLEVELAND CO)	JULY 11, 1975	
370144	LENOIR COUNTY *	DECEMBER 27, 1974	
370323	LOWELL, TOWN (GASTON CO)	AUGUST 15, 1975	
370090A	MACCLESFIELD, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974 AND	
		JUNE 11, 1976	
370101A	MCADENVILLE, CITY OF (GASTON CO.)	JUNE 21, 1974 AND	
		JULY 16, 1976	
370309	MOCKSVILLE, TOWN (DAVIE CO)	JULY 11, 1975	
370349	ORRUM, TOWN (ROBESON CO)	APRIL 25, 1975	
370337	PINE BLUFF, TOWN (MOORE CO)	JULY 11, 1975	
370329	RANLO, TOWN (GASTON CO)	JUNE 27, 1975	
370341	RICHLANDS, TOWN (ONSLOW CO)	JULY 11, 1975	
370104A	ROBBINSVILLE, TOWN OF (GRAHAM CO.)	JUNE 14, 1974 AND	
		AUGUST 27, 1976	
370258A	RONDA, TOWN OF (WILKES CO.)	SEPTEMBER 06, 1974 AND	
		MAY 14, 1976	
370220	SAMPSON COUNTY *	DECEMBER 20, 1974	
370005A	SPARTA, CITY (ALLEGANY CO.)	FEBRUARY 15, 1974 AND	
		JULY 02, 1976	
370093A	SPEED, TOWN OF (EDGECOMBE CO.)	JANUARY 09, 1974 AND	
		APRIL 02, 1976	
370356	SPINDALE, TOWN OF (RUTHERFORD CO.)	JUNE 27, 1975	
370371	STANTONSBURG, TOWN (WILSON CO)	OCTOBER 03, 1975	
370075A	VANCEBORO, TOWN OF (CRAVEN CO.)	MARCH 01, 1974 AND	
		JULY 02, 1976	
370360	WAGRAM, TOWN (SCOTLAND CO)	AUGUST 08, 1975	
370254	WAYNE COUNTY *	DECEMBER 27, 1974	
370345	WINFALL, TOWN (PERQUIMANS CO)	JULY 25, 1975	
370365	WINGATE, TOWN (UNION CO)	OCTOBER 03, 1975	
	TOTAL IN THE STATE	31	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NORTH DAKOTA NAME	HAZARD AREA IDENTIFIED
380152	ADAMS, CITY (WALSH CO)	JULY 25, 1975
380154	ANAMOOSE, CITY (MCHENRY CO)	JANUARY 17, 1975
380156	ARTHUR, CITY OF (CASS)	FEBRUARY 14, 1975
380045	BALFOUR, CITY (MCHENRY CO)	SEPTEMBER 05, 1975
380080	BATHGATE, CITY OF (PEMBINA CO.)	NOVEMBER 22, 1974
380215	BEACH, CITY (GOLDEN VALLEY CO)	JULY 11, 1975
380157	BERTHOLD, CITY (WARD CO)	JULY 11, 1975
380158	BINFORD, CITY OF (GRIGGS)	FEBRUARY 14, 1975
380128	BISBEE, CITY OF (TOWNER CO)	FEBRUARY 21, 1975
380214	BOWBELLS, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380159	BOWDON, CITY (WELLS CO)	JULY 11, 1975
380160	BUFFALO, CITY OF (CASS)	FEBRUARY 14, 1975
380121	COURTENAY, CITY OF (STUTSMAN CO.)	DECEMBER 27, 1974
380039	DAWSON, CITY OF (KIDDER CO.)	DECEMBER 06, 1974
380027	DODGE, CITY (DUNN CO)	APRIL 25, 1975
380222	DRAKE, CITY OF (MC HENRY CO)	FEBRUARY 21, 1975
380226A	ELLENDALE, CITY OF (DICKEY CO)	FEBRUARY 21, 1975 AND SEPTEMBER 12, 1975
380227	FINLEY, CITY OF (STEELE)	FEBRUARY 14, 1975
380149	FLAXTON, CITY OF (BURKE COU)	FEBRUARY 07, 1975
380171	FORTUNA, CITY (DIVIDE CO)	JULY 25, 1975
380172	GACKLE, CITY (LOGAN CO)	AUGUST 22, 1975
380035	GILBY, CITY OF (GRAND FORKS CO.)	NOVEMBER 22, 1974
380174	GLENBURN, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380175	GOLDEN VALLEY, CITY (MERCER CO)	JUNE 27, 1975
380176	GRANVILLE, CITY (MCHENRY CO)	JANUARY 17, 1975
380177	GRENORA, CITY (WILLIAMS CO)	MAY 02, 1975
380229	GWINNER, CITY (SARGENT CO)	JANUARY 10, 1975
380094	HAMPDEN, CITY OF (RAMSEY CO.)	NOVEMBER 29, 1974
380178	HANNAFORD, CITY (GRIGGS CO)	JANUARY 17, 1975
380131A	HATTON, CITY OF (TRAIL CO.)	MAY 10, 1974
380233	HETTINGER, CITY (ADAMS CO)	JULY 11, 1975
380048	KARLSRUHE, CITY (MCHENRY CO)	JANUARY 10, 1975
380234	KENMARE, CITY (WARD CO)	MAY 02, 1975
380075A	LAKOTA, CITY OF (NELSON CO.)	MAY 03, 1974 AND DECEMBER 24, 1975
380164	LANSFORD, CITY OF (BOTTINEAU)	FEBRUARY 14, 1975
380095	LANTON, CITY OF (RAMSEY CO.)	DECEMBER 06, 1974
380003A	LEEDS, CITY OF (BENSON CO.)	APRIL 05, 1974 AND JANUARY 02, 1976
380093	LEHR, CITY OF (LOGAN & MCINTOSH COS.)	NOVEMBER 22, 1974
380237	LIDGERWOOD, CITY OF (RICHLAND)	FEBRUARY 14, 1975
380167	LITCHVILLE, CITY (BARNES CO)	JANUARY 17, 1975
380004A	MADDOCK, CITY OF (BENSON CO.)	MARCH 08, 1974 AND NOVEMBER 15, 1974
380037	MANVEL, CITY (GRAND FORKS CO)	JANUARY 10, 1975
380116	MARMARTH, CITY OF (SLOPE CO.)	NOVEMBER 29, 1974
380008	MAXBASS, CITY OF (BOTTINEAU CO.)	NOVEMBER 22, 1974
380060	MAX, CITY OF (MCLEAN CO.)	NOVEMBER 22, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NORTH DAKOTA NAME	HAZARD AREA IDENTIFIED
380238	MCVILLE, CITY OF (NELSON)	FEBRUARY 14, 1975
380124	MEDINA, CITY OF (STUTSMAN CO.)	DECEMBER 20, 1974
380125	MONTPELIER, CITY OF (STUTSMAN CO.)	NOVEMBER 15, 1974
380189	MUNICH, CITY (CAVALIER CO)	JANUARY 17, 1975
380031A	NEW ROCKFORD, CITY OF (EDDY CO.)	NOVEMBER 23, 1973 AND APRIL 16, 1976
380243	NEW SALEM, CITY OF (MORTON CO)	FEBRUARY 21, 1975
380192	OSNABROCK, CITY OF (CAVALIER CO.)	FEBRUARY 21, 1975
380193	PAGE, CITY OF (CASS)	FEBRUARY 14, 1975
380073	PARSHALL, CITY OF (MOUNTRAIL CO.)	NOVEMBER 29, 1974
380197	REEDER, CITY (ADAMS CO)	FEBRUARY 21, 1975
380129	ROCK LAKE, CITY OF (TOWNER CO.)	NOVEMBER 22, 1974
380201	RYDER, CITY (WARD CO)	SEPTEMBER 19, 1975
380202	SANBORN, CITY OF (BARNES CO)	FEBRUARY 21, 1975
380145	SAWYER, CITY OF (WARD CO)	JANUARY 31, 1975
380203	SHARON, CITY OF (STEELE)	FEBRUARY 14, 1975
380204	SHERWOOD, CITY OF (RENVILLE)	FEBRUARY 14, 1975
380010	SOURIS, CITY OF (BOTTINEAU CO.)	NOVEMBER 29, 1974
380096	STARKWEATHER, CITY OF (RAMSEY CO.)	DECEMBER 06, 1974
380251	STEELE, CITY OF (KIDDER CO)	FEBRUARY 21, 1975
380127	STREETER, CITY OF (STUTSMAN CO.)	NOVEMBER 22, 1974
380249	ST. THOMAS, CITY OF (PEMBINA CO)	FEBRUARY 21, 1975
380206	SURREY, CITY (WARD CO)	JUNE 27, 1975
380040	TAPPEN, CITY OF (KIDDER CO.)	DECEMBER 06, 1974
380208	THOMPSON, CITY OF (GRAND FORKS)	FEBRUARY 14, 1975
380210	TOWER CITY, CITY (BARNES CO.)	JANUARY 10, 1975
380061A	TURTLE LAKE, CITY OF (MCLEAN CO.)	MARCH 22, 1974
380050	UPHAM, CITY OF (MCHENRY CO.)	DECEMBER 06, 1974
380063A	WASHBURN, CITY OF (MCLEAN CO.)	MARCH 22, 1974 AND JANUARY 16, 1976
380074	WHITE EARTH, CITY OF (MOUNTRAIL CO.)	DECEMBER 20, 1974
380211	WILDROSE, CITY (WILLIAMS CO)	AUGUST 15, 1975
380065A	WILTON, CITY OF (MCLEAN AND BURLEIGH CO.)	MAY 24, 1974
380213	WING, CITY (BURLEIGH CO)	JUNE 27, 1975

TOTAL IN THE STATE 77

* UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390727	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY 14, 1975
390688	AMANDA, VILLAGE (FAIRFIELD CO.)	JULY 25, 1975
390015	AMESVILLE, VILLAGE (ATHENS CO)	JULY 25, 1975
390241	ARCADIA, VILLAGE (HANCOCK CO)	JULY 11, 1975
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY 01, 1974 AND DECEMBER 05, 1975
390159A	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE 21, 1974 AND APRIL 14, 1976
390029A	BARNESVILLE, VILLAGE OF (BELMONT CO.)	JUNE 07, 1974 AND OCTOBER 01, 1976
390650A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL 05, 1974
390674	BETHESDA, VILLAGE OF (BELMONT COU)	FEBRUARY 07, 1975
390500A	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL 12, 1974
390074	BLANCHESTER, VILLAGE OF (CLINTON CO.)	APRIL 05, 1974
390728	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY 07, 1975
390753	BURBANK, VILLAGE (WAYNE CO)	APRIL 18, 1975
390488A	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST 02, 1974 AND JULY 16, 1976
390719	BUTLERVILLE, VILLAGE OF (WARREN)	FEBRUARY 14, 1975
390461A	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY 10, 1974 AND AUGUST 27, 1976
390607	CEDARVILLE, VIL (GREENE CO)	JANUARY 10, 1975
390608	CHESAPEAKE, VIL (LAWRENCE CO)	JANUARY 10, 1975
390678	CLIFTON, VILLAGE (CLARK CO.)	AUGUST 08, 1975
390291A	COALTON, VILLAGE OF (JACKSON CO.)	FEBRUARY 01, 1974 AND MAY 21, 1976
390466A	COLUMBUS GROVE, VILLAGE OF (PUTNAM CO.)	FEBRUARY 08, 1974
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	JANUARY 31, 1975
390575A	CRESTON, VILLAGE OF (WAYNE CO.)	FEBRUARY 01, 1974 AND MAY 28, 1976
390187	CROWN CTY, VILLAGE (GALLIA CO)	JANUARY 10, 1975
390712	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	FEBRUARY 07, 1975
390049A	DELLROY, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974
390061A	DONNELSVILLE, VILLAGE OF (CLARK CO.)	FEBRUARY 01, 1974
390720	DOYLESTOWN, VILLAGE OF (WAYNE)	FEBRUARY 14, 1975
390467A	DUPONT, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390747	EDISON, VILLAGE (MORROW CO)	APRIL 18, 1975
390714	ELDORADO, VILLAGE OF (PREBLE CO)	MARCH 28, 1975
390656A	ELIDA, VILLAGE OF (ALLEN CO.)	MARCH 29, 1974
390219A	EVENDALE, VILLAGE OF (HAMILTON CO.)	MARCH 01, 1974 AND AUGUST 27, 1976
390468A	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	MAY 31, 1974 AND SEPTEMBER 03, 1976
390426	FRAZEYSBURG, VILLAGE OF (MUSKINGHAM CO.)	AUGUST 30, 1974
390185	GALLIA COUNTY *	DECEMBER 27, 1974
390612	GENOA, VIL (OTTAWA CO)	JULY 18, 1975
390469A	GILBOA, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974
390442A	GLENFORD, VILLAGE OF (PERRY CO.)	AUGUST 23, 1974
390735	GLENWILLOW, VILLAGE (CUYAHOGA CO)	AUGUST 08, 1975

* UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390614	GRAFTON, VILLAGE OF (LORAIN CO.)	DECEMBER 20, 1974
390554B	HAMDEN, VILLAGE OF (VINTON CO.)	FEBRUARY 01, 1974 AND MAY 07, 1976
390264	HAMLER, VILLAGE OF (HENRY CO.)	APRIL 12, 1974
390250A	HARDIN COUNTY	JANUARY 03, 1975 AND NOVEMBER 26, 1976
390514	HARTVILLE, VILLAGE (STARK CO)	JULY 25, 1975
390741	IRONDALE, VILLAGE (JEFFERSON CO)	JULY 11, 1975
390505A	JACKSON CENTER, VILLAGE OF (SHELBY CO.)	MAY 31, 1974 AND JULY 09, 1976
390019A	JACKSONVILLE, VILLAGE OF (ATHENS CO.)	MAY 17, 1974
390246A	JENERA, VILLAGE OF (HANCOCK CO.)	AUGUST 09, 1974
390471B	KALIDA, VILLAGE OF (PUTNUM CO.)	MARCH 01, 1974
390201A	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)	DECEMBER 06, 1974
390306	KNOX COUNTY *	JANUARY 31, 1975
390270A	LEESBURG, VILLAGE OF (HIGHLAND CO.)	APRIL 05, 1974
390050A	LEESVILLE, VILLAGE OF (CARROLL CO.)	SEPTEMBER 20, 1974
390617	LEWISBURG, VIL (PREBLE CO)	AUGUST 08, 1975
390085A	LISBON, VILLAGE OF (COLUMBIANA CO.)	APRIL 12, 1974
390691	LOCKBOURNE, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390223	LOCKLAND, CITY OF (HAMILTON CO.)	FEBRUARY 15, 1974
390661A	LUCAS, VILLAGE OF (RICHLAND CO.)	APRIL 05, 1974 AND SEPTEMBER 24, 1975
390748	MARBLEHEAD, VILLAGE (OTTAWA CO)	APRIL 18, 1975
390226A	MARIEMONT, VILLAGE OF (HAMILTON CO.)	FEBRUARY 08, 1974 AND JANUARY 10, 1975
390376	MARION, CITY (MARION CO)	SEPTEMBER 05, 1975
390756	MARSEILLES, VILLAGE (WYANDOT CO)	APRIL 18, 1975
390264A	MCGUFFEY, VILLAGE OF (HARDIN CO.)	MAY 10, 1974
390378	MEDINA COUNTY	JANUARY 10, 1975
390392	MERCER COUNTY *	FEBRUARY 14, 1975
390689	MILLERSPORT, VILLAGE OF (FAIRFIELD COU)	JANUARY 31, 1975
390491A	MILLVILLE, VILLAGE OF (BUTLER CO.)	JUNE 07, 1974 AND MAY 07, 1976
390404	MONROE COUNTY *	FEBRUARY 14, 1975
390396A	MONTEZUMA, VILLAGE OF (MERCER CO.)	AUGUST 09, 1974 AND MAY 28, 1976
390581A	MONTPELIER, VILLAGE OF (WILLIAMS CO.)	MAY 31, 1974
390420	MORGAN COUNTY	JANUARY 10, 1975
390746A	MORRAL, VILLAGE (MARION CO)	APRIL 18, 1975 AND AUGUST 27, 1976
390249A	MOUNT CORY, VILLAGE OF (HANCOCK CO.)	SEPTEMBER 20, 1974
390621A	MOUNT ORAB, VIL (BROWN CO)	JULY 25, 1975 AND MAY 07, 1976
390722A	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY 14, 1975 AND NOVEMBER 19, 1976
390285A	NORTH FAIRFIELD, VILLAGE OF (HURON CO.)	MARCH 15, 1974 AND APRIL 09, 1976
390679	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY 07, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	OHIO	
390736A	NORTH RANDALL, VILLAGE OF (CUYAHOGA CO.)	APRIL 18, 1975
390726A	NORTHFIELD, VILLAGE OF (SUMMIT COU)	FEBRUARY 07, 1975
390622	NORTHWOOD, VIL (WOOD CO.)	JULY 25, 1975
390433A	OAK HARBOR, VILLAGE OF (OTTAWA CO.)	MARCH 01, 1974 AND APRIL 16, 1976
390176A	OBETZ, VILLAGE OF (FRANKLIN CO.)	FEBRUARY 15, 1974
390737	ORANGE, VILLAGE (CUYAHOGA CO.)	APRIL 18, 1975
390141A	OSGOOD, VILLAGE OF (DARKE CO.)	AUGUST 30, 1974
390150A	OSTRANDER, VILLAGE OF (DELAWARE CO.)	SEPTEMBER 20, 1974
390680	OWENSVILLE, VILLAGE OF (CLERMONT CO.)	MARCH 28, 1975
390439A	PAYNE, VILLAGE OF (PAULDING CO.)	MAY 03, 1974
390287A	PLYMOUTH, VILLAGE OF (HURON CO.)	MAY 03, 1974 AND MAY 21, 1976
390453A	PORTAGE COUNTY *	DECEMBER 27, 1974 AND DECEMBER 10, 1976
390700	PROCTORVILLE, VILLAGE (LAWRENCE CO.)	APRIL 18, 1975
390499A	RARDEN, VILLAGE OF (SCIOTO CO.)	AUGUST 23, 1974 AND MAY 21, 1976
390724	RICHMOND, VILLAGE (JEFFERSON CO.)	AUGUST 22, 1975
390692	RIVERLEA, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390744	ROCHESTER, VILLAGE (LORAIN CO.)	AUGUST 08, 1975
390645A	ROGERS, VILLAGE OF (COLUMBIANA CO.)	MARCH 22, 1974
390003	ROME, VILLAGE (ADAMS CO.)	JULY 25, 1975
390627	SABINA, VIL (CLINTON CO.)	JULY 25, 1975
390706	SARAHSVILLE, VILLAGE OF (NOBLE CO.)	MARCH 28, 1975
390503	SHELBY COUNTY *	DECEMBER 20, 1974
390647A	SHREVE, VILLAGE OF (WAYNE CO.)	MARCH 29, 1974
390046	SOMERVILLE, VILLAGE (BUTLER CO.)	JULY 25, 1975
390312	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO.)	JUNE 21, 1974
390485A	SOUTH SALEM, VILLAGE OF (CROSS CO.)	AUGUST 23, 1974
390059A	ST. PARIS, VILLAGE OF (CHAMPAIGN CO.)	JUNE 07, 1974
390546A	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)	MAY 31, 1974 AND JUNE 11, 1976
390632	SWANTON, VIL (FULTON CO.)	JULY 25, 1975
390765	TONTOGANY, VILLAGE (WOOD CO.)	APRIL 18, 1975
390704	UNION, VILLAGE OF (MONTGOMERY)	FEBRUARY 14, 1975
390648A	VAN BUREN, VILLAGE OF (HANCOCK CO.)	MARCH 22, 1974
390475	VAUGHNSVILLE, TOWN OF (PUTNAM CO.)	NOVEMBER 15, 1974
390469A	VERNONA, VILLAGE OF (PREBLE CO.)	OCTOBER 18, 1974 AND MAY 28, 1976
390189	VINTON, VILLAGE OF (GALLIA CO.)	DECEMBER 27, 1974
390499A	WAITE HILL, VILLAGE OF (LAKE CO.)	DECEMBER 17, 1973 AND JUNE 25, 1976
390733	WARSAW, VILLAGE (COSHOCTON CO.)	APRIL 18, 1975
390087A	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING	NOVEMBER 09, 1973 AND JUNE 04, 1976
390293A	WELLSTON, CITY OF (JACKSON CO.)	FEBRUARY 15, 1974 AND JUNE 11, 1976
390638	WEST JEFFERSON, VIL (MADISON CO.)	JULY 25, 1975
390681	WEST LAFAYETTE, VILLAGE (COSHOCTON CO.)	JULY 25, 1975
390072A	WILLIAMSBURG, VILLAGE OF (CLERMONT CO.)	MARCH 29, 1974
390522	WILMOT, VILLAGE (STARK CO.)	AUGUST 08, 1975
390345A	ZANESFIELD, VILLAGE OF (LOGAN CO.)	OCTOBER 18, 1974
390752	ZOAR, VILLAGE (TUSCARAWAS CO.)	APRIL 18, 1975

TOTAL IN THE STATE 123

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	OKLAHOMA	HAZARD AREA IDENTIFIED
400074A	ADDINGTON, TOWN OF (JEFFERSON CO.)		OCTOBER 18, 1974 AND
400344	ARNETT, TOWN (ELLIS CO.)		APRIL 16, 1976
400261	BESSIE, TOWN (WASHITA CO.)		AUGUST 15, 1975
400038A	BOSWELL, TOWN OF (CHOCTAW CO.)		AUGUST 15, 1975
400264	BRAMAN, TOWN (KAY CO.)		MARCH 15, 1974
400051A	BRISTOW, CITY OF (CREEK CO)		JUNE 27, 1975
			JUNE 28, 1974 AND
400149	BURBANK, TOWN (OSAGE CO)		DECEMBER 26, 1975
400175A	BYNG, TOWN OF (PONTOTOC CO.)		JANUARY 10, 1975
			AUGUST 30, 1974 AND
400270	CAMARGO, TOWN (DEWEY CO.)		DECEMBER 05, 1975
400355	CARMEN, TOWN (ALFALFA CO.)		SEPTEMBER 19, 1975
400354	CEMENT, TOWN (CADDO CO.)		SEPTEMBER 19, 1975
400187A	CHELSEA, CITY OF (ROGERS CO.)		AUGUST 29, 1975
			DECEMBER 28, 1973 AND
			DECEMBER 12, 1975
400225	CORN, TOWN (WASHITA CO)		
400122	COUNCIL HILL, TOWN OF (MUSKOGEE CO.)		JANUARY 10, 1975
400224A	DACOMA, TOWN OF (WOODS CO.)		DECEMBER 13, 1974
			NOVEMBER 08, 1974 AND
400204A	DAVIDSON, TOWN OF (TILLMAN CO.)		DECEMBER 12, 1975
400229A	FORT SUPPLY, TOWN OF (WOODWARD CO.)		JULY 26, 1974
			MAY 24, 1974 AND
400032	GENE AUTRY, TOWN OF (CARTER CO.)		JANUARY 16, 1976
400013A	GREENFIELD, TOWN OF (BLAINE CO.)		NOVEMBER 08, 1974
400140A	HARRAH, TOWN OF (OKLAHOMA CO.)		AUGUST 30, 1974
			AUGUST 02, 1974 AND
400029A	HYDRO, TOWN OF (CADDO CO.)		JUNE 04, 1976
			JULY 26, 1974 AND
400007	JET, TOWN OF (ALFALFA CO.)		DECEMBER 05, 1975
400290	KANSAS, TOWN (DELAWARE CO.)		DECEMBER 06, 1974
400169A	KREBS, CITY OF (PITTSBURG CO.)		SEPTEMBER 26, 1975
			DECEMBER 28, 1973 AND
400298	LEEDEY, TOWN (DEWEY CO.)		JANUARY 09, 1976
400096	LOGAN COUNTY *		MAY 02, 1975
400014	LONGDALE, TOWN OF (BLAINE CO.)		DECEMBER 27, 1974
400083	LOYAL, TOWN (KINGFISHER CO)		DECEMBER 13, 1974
400303	MANNSVILLE, TOWN (JOHNSTON CO.)		APRIL 25, 1975
400113	MENO, TOWN OF (MAJOR CO.)		SEPTEMBER 26, 1975
400368	MILBURN, TOWN (JOHNSTON CO.)		NOVEMBER 15, 1974
400314	OAKS, TOWN (DELAWARE CO.)		SEPTEMBER 26, 1975
400217A	OKAY, TOWN OF (WAGONER CO.)		AUGUST 29, 1975
			AUGUST 16, 1974 AND
400158	PEORIA, TOWN OF (OTTAWA CO.)		FEBRUARY 06, 1976
400325	ROCKY, TOWN (WASHITA CO.)		NOVEMBER 22, 1974
400176	ROFF, CITY OF (PONTOTOC CO.)		SEPTEMBER 19, 1975
400061A	SHATTUCK, TOWN OF (ELLIS CO.)		MARCH 22, 1974
			MAY 24, 1974 AND

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	OKLAHOMA	HAZARD AREA IDENTIFIED
400095A	THOMAS, CITY OF (CUSTER CO.)		APRIL 30, 1976
			APRIL 05, 1974 AND
400180	WANETTE, TOWN OF (POTTAWATOMIE CO.)		APRIL 23, 1976
400454	WYNONA, CITY (OSAGE CO.)		DECEMBER 20, 1974
400455	YALE, CITY (PAYNE CO.)		SEPTEMBER 26, 1975
			AUGUST 22, 1975
	TOTAL IN THE STATE	41	

* UNINCORPORATED AREAS ONLY

OREGON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
410004	HALFWAY, TOWN [BAKER CO.]	SEPTEMBER 26, 1975
410037	PRESCOTT, CITY [COLUMBIA CO.]	JANUARY 10, 1975
410186	ST. PAUL, CITY OF [MARION CO.]	NOVEMBER 22, 1974
	TOTAL IN THE STATE	3

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422508	ADDISON, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
421867	ALEPPO, TOWNSHIP OF [GREENE CO.]	DECEMBER 27, 1974
422341	ALLEGHENY, TOWNSHIP OF [BUTLER CO.]	MARCH 28, 1975
422529	ALLEGHENY, TOWNSHIP [VENANGO CO.]	JANUARY 17, 1975
422509	ALLEGHENY, TOWNSHIP [SOMERSET CO.]	JANUARY 03, 1975
421928A	ALLEN, TOWNSHIP OF [NORTHAMPTON CO.]	SEPTEMBER 06, 1974 AND MAY 21, 1976
422361	ASHLAND, TOWNSHIP [CLARION CO.]	JANUARY 10, 1975
422297	ATWOOD, BOROUGH OF [ARMSTRONG CO.]	JANUARY 31, 1975
422428	AYR, TOWNSHIP OF [FULTON COU]	FEBRUARY 07, 1975
422435	BANKS, TOWNSHIP [INDIANA CO.]	JANUARY 17, 1975
421643	BARNETT, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
422440	BARNETT, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 27, 1974
421683	BARREE, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
422472	BASTRESS, TOWNSHIP OF [LYCOMING COU]	FEBRUARY 07, 1975
421738	BEALE, TOWNSHIP [JUNIATA CO]	DECEMBER 06, 1974
422129A	BEALLSVILLE, BOROUGH OF [WASHINGTON CO.]	DECEMBER 13, 1974 AND JULY 16, 1976
422544	BEAR LAKE, BOROUGH OF [WARREN CO.]	DECEMBER 27, 1974
421547A	BEAVER, TOWNSHIP OF [COLUMBIA CO.]	NOVEMBER 01, 1974 AND JULY 09, 1976
422362	BEAVER, TOWNSHIP [CLARION CO.]	JANUARY 24, 1975
422385	BEAVER, TOWNSHIP OF [CRAWFORD CO]	FEBRUARY 28, 1975
422032A	BEAVER, TOWNSHIP OF [SNYDER CO.]	NOVEMBER 01, 1974 AND JULY 30, 1976
422441	BEAVER, TOWNSHIP [JEFFERSON CO.]	JANUARY 17, 1975
421659	BELFAST, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974
420009A	BELLEVUE, BOROUGH OF [ALLEGHENY CO.]	DECEMBER 28, 1973
422244A	BELL, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 13, 1974 AND JULY 23, 1976
422185A	BELL, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER 13, 1974 AND SEPTEMBER 24, 1976
422412	BENEZETTE, TOWNSHIP OF [ELK COU]	FEBRUARY 07, 1975
421749	BENTON, T&P [LACKAWANNA CO]	JANUARY 10, 1975
421052A	BETHEL, TOWNSHIP OF [BERKS CO.]	SEPTEMBER 20, 1974 AND MAY 28, 1976
421606	BETHEL, T&P [DELAWARE CO]	JANUARY 24, 1975
421973	BINGHAM, TOWNSHIP OF [POTTER CO.]	NOVEMBER 29, 1974
420482	BIRMINGHAM, BOROUGH OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421709	BLACK LICK, TOWNSHIP OF [INDIANA CO.]	NOVEMBER 15, 1974
422510	BLACK, TOWNSHIP [SOMERSET CO.]	JANUARY 24, 1975
422141A	BLAINE, TOWNSHIP OF [WASHINGTON CO.]	OCTOBER 18, 1974 AND AUGUST 06, 1976
421332	BLOOMFIELD, TOWNSHIP OF [BEDFORD CO.]	JANUARY 31, 1975
421515	BOGGS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 15, 1974
421301A	BOGGS, TOWNSHIP OF [ARMSTRONG CO.]	AUGUST 30, 1974 AND APRIL 09, 1976
420794A	BOSWELL, BOROUGH OF [SOMERSET CO.]	JULY 26, 1974 AND APRIL 16, 1976

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421267	BRADFORD WOODS, BOROUGH OF (ALLEGHENY CO.)	JANUARY 03, 1975
421514	BRADFORD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 06, 1974
421517	BRADY, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
422241A	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER 25, 1974 AND
		SEPTEMBER 03, 1976
422511	BROTHERSVALLEY, TWP (SOMERSET CO.)	JANUARY 10, 1975
421660	BRUSH CREEK, TOWNSHIP OF (FULTON CO)	MARCH 28, 1975
421710	BRUSH VALLEY, TWP (INDIANA CO)	JANUARY 03, 1975
421711	BUFFINGTON, TOWNSHIP OF (INDIANA CO.)	DECEMBER 27, 1974
421054A	BURLINGTON, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 13, 1974 AND
		MAY 07, 1976
420298	BURNSIDE, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
421303A	BURRELL, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND
		JUNE 11, 1976
421929	BUSHKILL, TOWNSHIP OF (NORTHAMPTON CO.)	NOVEMBER 08, 1974
422364	CALLENSBURG, BOROUGH OF (CLARION CO.)	JANUARY 31, 1975
420213A	CALLERY, BOROUGH OF (BUTLER CO.)	AUGUST 09, 1974
422108	CANAL, TOWNSHIP OF (VENANGO CO.)	DECEMBER 04, 1974
421713	CANOE, TWP (INDIANA CO)	JULY 11, 1975
421665	CARBON, TWP (HUNTINGDON CO)	JANUARY 10, 1975
420795	CASSELMAN, BOROUGH OF (SOMERSET CO.)	NOVEMBER 08, 1974
421664	CASS, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
420129	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER 22, 1974
421417A	CENTER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND
		APRIL 30, 1976
421056A	CENTRE, TOWNSHIP OF (BERKS CO.)	NOVEMBER 01, 1974 AND
		NOVEMBER 07, 1975
422251	CHAPMAN, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
422545	CHERRY GROVE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422530	CHERRYTREE, TOWNSHIP (VENANGO CO.)	JANUARY 10, 1975
422342	CHERRY, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
421885	CHESTNUT HILL, TOWNSHIP OF (MONROE CO.)	NOVEMBER 15, 1974
421519	CHEST, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
422604	CHEST, TOWNSHIP (CAMBRIA CO)	JANUARY 10, 1975
421974A	CLARA, TOWNSHIP OF (POTTER CO.)	OCTOBER 18, 1974 AND
		MAY 14, 1976
421221A	CLARENDON, BOROUGH (WARREN CO)	SEPTEMBER 06, 1974 AND
		MAY 21, 1976
421687	CLAY, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
422343	CLAY, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975
422344	CLEARFIELD, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
421437	CLEARFIELD, TWP (CAMBRIA CO)	JULY 18, 1975
422077	CLIFFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 27, 1974
421761	CLIFTON, TWP (LACKAWANNA CO)	JANUARY 24, 1975
422197	CLINTON, TOWNSHIP OF (WYOMING CO)	NOVEMBER 29, 1974
422345	CLINTON, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
420984	COALMONT, BOROUGH OF (HUNTINGDON CO)	MARCH 28, 1975
421838	COGAN HOUSE, TOWNSHIP (LYCOMING CO)	APRIL 04, 1975
422470	COLD SPRING, TOWNSHIP (LEBANON CO.)	APRIL 04, 1975

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421334	CULEBRA, TWP (BEDFORD CO)	JANUARY 03, 1975
422346	CONCORD, TOWNSHIP (BUTLER CO.)	JANUARY 17, 1975
421715	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER 06, 1974
422404	CONEWAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER 27, 1974
421361	CONNEAUT, TOWNSHIP OF (ERIE CO.)	DECEMBER 13, 1974
422367	CONNEAUT, TOWNSHIP (CRAWFORD CO.)	JANUARY 10, 1975
421623	CONNELLSVILLE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER 20, 1974
421913	CONNOQUENESSING, BOROUGH OF (BUTLER CO.)	NOVEMBER 15, 1974
421549	CONYNGHAM, TWP (COLUMBIA CO)	JANUARY 03, 1975
422184A	COOK, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND
		NOVEMBER 19, 1976
422455	COVINGTON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
421230A	CORANSHANNOCK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 13, 1974 AND
		DECEMBER 31, 1976
421535A	CRAWFORD, TOWNSHIP OF (CLINTON CO.)	DECEMBER 20, 1974 AND
		MAY 28, 1976
421428	DALE, BOROUGH OF (CAMBRIA CO)	MARCH 21, 1975
421319	DARLINGTON, BOROUGH (BEAVER CO)	JANUARY 24, 1975
421440	DEAN, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 08, 1974
421189A	DECATUR, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER 20, 1974 AND
		JUNE 18, 1976
422474A	DEER CREEK, TWP (MERCER CO.)	JANUARY 10, 1975 AND
		JULY 16, 1976
422118	DEERFIELD, TOWNSHIP OF (WARREN CO.)	NOVEMBER 15, 1974
421174A	DEERFIELD, TOWNSHIP OF (TIOGA CO.)	AUGUST 30, 1974 AND
		MAY 21, 1976
420690A	DELAWARE WATER GAP, BOROUGH OF (MONROE CO.)	JUNE 21, 1974 AND
		MAY 28, 1976
421964	DINGMAN, TOWNSHIP OF (PIKE)	FEBRUARY 14, 1975
422194	DONEGAL, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER 06, 1974
422187A	DONEGAL, TOWNSHIP OF (WESTMORELAND CO.)	JUNE 21, 1974 AND
		JULY 02, 1976
421689	DUBLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
421681A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER 08, 1974 AND
		NOVEMBER 19, 1976
422931	DUNKARD, TWP (GREENE CO.)	JANUARY 10, 1975
421716	E WHEATFIELD, TWP (INDIANA CO)	JANUARY 24, 1975
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY 24, 1975
422252	EAST BANGOR, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
420216A	EAST BUTLER, BOROUGH OF (BUTLER CO.)	JULY 26, 1974 AND
		JULY 16, 1976
422268	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY 14, 1975
422254	EAST CONEMAUGH, BOROUGH OF (CAMBRIA CO.)	NOVEMBER 15, 1974
422389	EAST FALLOWFIELD, TOWNSHIP (CRAWFORD CO.)	JANUARY 10, 1975
422147	EAST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER 29, 1974
422218	EAST HOPEWELL, TOWNSHIP OF (YORK CO.)	DECEMBER 27, 1974
422188A	EAST HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND
		MAY 21, 1976
422434	EAST MAHONING, TOWNSHIP (INDIANA CO.)	JANUARY 17, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
420108A	EAST ROCHESTER, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND
		APRIL 16, 1976
422360	EAST SIDE, BOROUGH OF (CARBON CO.)	JANUARY 31, 1975
421337	EAST ST. CLAIR, TOWNSHIP OF (BEDFORD CO)	FEBRUARY 28, 1975
422314	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
420109A	ECONOMY, BOROUGH OF (BEAVER CO.)	APRIL 05, 1974 AND
		JUNE 04, 1976
421772A	EDEN, TOWNSHIP OF (LANCASTER CO.)	AUGUST 30, 1974 AND
		MAY 07, 1976
420226A	EHRENFELD, BOROUGH OF (CAMBRIA CO.)	AUGUST 09, 1974 AND
		SEPTEMBER 24, 1976
421887	ELDRED, TOWNSHIP OF (MONROE CO.)	DECEMBER 06, 1974
422594	ELDRED, TOWNSHIP (WARREN CO.)	JANUARY 17, 1975
422443	ELDRED, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
422048	ELK LICK, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421752A	ELMHURST, TOWN OF (LACKAWANNA CO.)	OCTOBER 18, 1974 AND
		APRIL 30, 1976
422189A	FAIRFIELD, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974 AND
		MAY 21, 1976
422049	FAIRHOPE, TOWNSHIP OF (SOMERSET CO.)	NOVEMBER 15, 1974
421865	FAIRVIEW, TOWNSHIP OF (MERCER CO.)	NOVEMBER 29, 1974
421419A	FORWARD, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND
		APRIL 16, 1976
421502	FOXBURG, BOROUGH OF (CLARION CO.)	DECEMBER 20, 1974
422316	FRANKFORT SPRINGS, BORO (BEAVER CO.)	JANUARY 17, 1975
422593	FRANKLIN, BOROUGH OF (CAMBRIA CO.)	JANUARY 10, 1975
422288	FRANKLIN, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422350	FRANKLIN, TOWNSHIP (BUTLER CO.)	JANUARY 24, 1975
422573	FRANKLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 27, 1974
422595	FRANKLIN, TOWNSHIP (GREENE CO)	JANUARY 03, 1975
422121	FREEHOLD, TWP (WARREN CO)	JANUARY 24, 1975
422432	FREEPORT, TWP (GREENE CO.)	JANUARY 03, 1975
422110	FRENCH CREEK, TOWNSHIP OF (VENANGO CO.)	NOVEMBER 22, 1974
421537	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY 21, 1975
421627	GERMAN, TWP (FAYETTE CO)	JANUARY 03, 1975
422433A	GILMORE, TWP (GREENE CO.)	JANUARY 10, 1975 AND
		SEPTEMBER 03, 1976
420112A	GLASGOW, BOROUGH OF (BEAVER CO.)	AUGUST 16, 1974 AND
		APRIL 30, 1976
422437	GLEN CAMPBELL, BORO (INDIANA CO.)	JANUARY 24, 1975
420306A	GLEN HOPE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 20, 1974 AND
		JUNE 04, 1976
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY 31, 1975
421670A	GREENE, TWP (GREENE CO)	JANUARY 17, 1975 AND
		MAY 14, 1976
421365	GREENFIELD, TOWNSHIP OF (ERIE CO.)	DECEMBER 06, 1974
422454	GREENFIELD, TOWNSHIP (LACKAWANNA CO.)	JANUARY 10, 1975
422512	GREENVILLE, TOWNSHIP (SOMERSET CO.)	APRIL 04, 1975
422390	GREENWOOD, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
421523	GREENWOOD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
421644	GREEN, TWP (FOREST CO)	JANUARY 24, 1975
421539A	GRUGAN, TOWNSHIP OF (CLINTON CO.)	NOVEMBER 08, 1974 AND
		JULY 23, 1976
421889	HAMILTON, TOWNSHIP OF (MONROE CO.)	NOVEMBER 22, 1974
421223A	HANOVER, TOWNSHIP OF (BEAVER CO.)	SEPTEMBER 06, 1974 AND
		OCTOBER 01, 1976
422528	HARTLETON, BOROUGH OF (UNION CO.)	DECEMBER 27, 1974
421728	HEATH, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 06, 1974
421069A	HEIDELBERG, TOWNSHIP OF (BERKS CO.)	DECEMBER 06, 1974 AND
		JUNE 04, 1976
421399	HERRICK, TWP (BRADFORD CO)	APRIL 04, 1975
422289	HIGHLAND, TOWNSHIP OF (CHESTER CO.)	NOVEMBER 29, 1974
422319	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421690	HOPEWELL, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421581	HOPEWELL, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421610A	HORTON, TOWNSHIP OF (ELK CO.)	SEPTEMBER 13, 1974 AND
		AUGUST 06, 1976
420307A	HOUTZDALE, BOROUGH OF (CLEARFIELD CO.)	MAY 17, 1974
421625	HUSTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 20, 1974
421323A	INDEPENDENCE, TOWNSHIP OF (BEAVER CO.)	AUGUST 30, 1974 AND
		JUNE 18, 1976
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420507A	JACKSONVILLE, BOROUGH OF (INDIANA CO.)	DECEMBER 13, 1974 AND
		MAY 21, 1976
421691	JACKSON, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 13, 1974
421552	JACKSON, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER 13, 1974
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 31, 1975
421671A	JACKSON, TOWNSHIP OF (GREENE CO.)	DECEMBER 20, 1974 AND
		JUNE 04, 1976
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH 28, 1975
422535	JACKSON, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421869	JACKSON, TWP (MONROE CO)	JANUARY 03, 1975
421421A	JEFFERSON, TOWNSHIP OF (BUTLER CO.)	NOVEMBER 01, 1974 AND
		JUNE 25, 1976
422457	JEFFERSON, TOWNSHIP (LACKAWANNA CO.)	JANUARY 03, 1975
421629	JEFFERSON, TWP (FAYETTE CO)	JANUARY 03, 1975
422514	JENNERSTOWN, BOROUGH OF (SOMERSET CO.)	DECEMBER 27, 1974
422383	JORDON, TOWNSHIP (CLEARFIELD CO)	JANUARY 17, 1975
420218	KARNS CITY, BOROUGH OF (BUTLER CO.)	NOVEMBER 08, 1974
421526	KARTHAUS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
421981	KEATING, TOWNSHIP OF (POTTER CO.)	NOVEMBER 22, 1974
422423	KINGSLEY, TOWNSHIP OF (FOREST CO.)	DECEMBER 27, 1974
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421209A	KISKIMINTAS, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND
		MAY 21, 1976
421730	KNOX, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 20, 1974
422483	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422057	LAPORTE, BOROUGH OF (SULLIVAN CO.)	DECEMBER 20, 1974

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422515	LARIMER, TOWNSHIP (SOMERSET CO.)	JANUARY 10, 1975
422085	LATHROP, TOWNSHIP OF (SUSQUEHANNA CO.)	NOVEMBER 29, 1974
421454	LAUSANNE, TWP (CARBON CO)	JANUARY 03, 1975
422334	LE RAYSVILLE, BORO (BRADFORD CO.)	JANUARY 24, 1975
422567	LEBANON, TWP (WAYNE CO.)	JANUARY 03, 1975
421540A	LEIDY, TOWNSHIP OF (CLINTON CO.)	DECEMBER 20, 1974 AND MAY 28, 1976
422200	LEMON, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
422084	LENOX, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER 20, 1974
422425	LETTERKENNY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 20, 1974
421662A	LICKING CREEK, TOWNSHIP OF (FULTON CO.)	DECEMBER 20, 1974 AND APRIL 30, 1976
422368	LICKING, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
421430A	LILLY, BOROUGH OF (CAMBRIA CO.)	NOVEMBER 01, 1974 AND JUNE 04, 1976
422584	LIMESTONE, TOWNSHIP (LYCOMING CO)	JANUARY 24, 1975
422547	LIMESTONE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422516	LINCOLN, TOWNSHIP (SOMERSET CO.)	JANUARY 10, 1975
421693	LINCOLN, TWP (HUNTINGDON CO)	JANUARY 03, 1975
421533	LOGANTON, BOROUGH OF (CLINTON CO.)	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421582	LOWER MIFFLIN, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
422517	LOWER TURKEYFOOT, TWP (SOMERSET CO.)	JANUARY 24, 1975
421630	LOWER TYRONE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER 06, 1974
421811	LOWHILL, TOWNSHIP OF (LEHIGH CO.)	DECEMBER 20, 1974
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY 14, 1975
421755	MADISON, TWP (LACKAWANNA CO)	JANUARY 03, 1975
420310A	MAHAFFEY, BOROUGH OF (CLEARFIELD CO.)	AUGUST 30, 1974 AND APRIL 23, 1976
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY 28, 1975
421325	MANNS CHOICE, BOROUGH OF (BEDFORD CO.)	DECEMBER 13, 1974
420219A	MARION TWP (BUTLER CO)	JUNE 02, 1974 AND JULY 02, 1976
421935	MCEWENSVILLE, BOROUGH OF (NORTHUMBERLAND CO.)	DECEMBER 27, 1974
421881	MENNO, TOWNSHIP OF (MIFFLIN CO.)	NOVEMBER 22, 1974
422352	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
422044	MEYERSDALE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 15, 1974
421443	MIDDLE TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
422518	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422519	MILFORD, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
421871B	MILL CREEK, TOWNSHIP OF (MERCER CO.)	DECEMBER 20, 1974 AND JUNE 18, 1976 AND OCTOBER 01, 1976
421695	MILLER, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 29, 1974
421954	MILLER, TWP (PERRY CO)	JANUARY 17, 1975
421613	MILLSTONE, TOWNSHIP OF (ELK CO)	MARCH 21, 1975
422534	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421673	MONONGAHELA, TWP (GREENE CO)	JULY 11, 1975

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY 10, 1975
422426	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 13, 1974
421714	MONTGOMERY, TWP (INDIANA CO)	JANUARY 03, 1975
421674	MORGAN, TOWNSHIP OF (GREENE CO.)	NOVEMBER 01, 1974
421696	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 22, 1974
421847A	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 20, 1974 AND JULY 30, 1976
422263	MUNSTER, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
421348	NAPIER, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
420869A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE 28, 1974 AND OCTOBER 17, 1975
420799	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 08, 1974
422012	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER 27, 1974
422322	NEW GALILEE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY 24, 1975
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
420312A	NEW WASHINGTON, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 20, 1974 AND JUNE 04, 1976
420311	NEWBURG, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
421795	NORTH BEAVER, TOWNSHIP OF (LAWRENCE)	FEBRUARY 14, 1975
422162	NORTH BELLE VERNON, BOROUGH OF (WESTMORELAND CO.)	NOVEMBER 29, 1974
422203	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974
421085A	NORTH FAYETTE, TWP (ALLEGHENY CO)	SEPTEMBER 20, 1974 AND JUNE 18, 1976
422438	NORTH MAHONING, TWP (INDIANA CO.)	JANUARY 10, 1975
422204	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 15, 1974
422111	OAKLAND, TOWNSHIP OF (VENANGO CO.)	DECEMBER 13, 1974
422354	OAKLAND, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975
421615A	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975 AND MARCH 19, 1976
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974
421401	ORSELL, TWP (BRADFORD CO)	JANUARY 24, 1975
420333A	OSCEOLA MILLS, BOROUGH OF (CLEARFIELD CO.)	MARCH 29, 1974
421860	OTTO, TOWNSHIP OF (MCKEAN CO.)	NOVEMBER 15, 1974
422568	OVERFIELD, TOWNSHIP OF (WYOMING CO.)	DECEMBER 27, 1974
421402A	OVERTON, TOWNSHIP OF (BRADFORD CO.)	AUGUST 30, 1974 AND AUGUST 04, 1976
421948	PALMYRA, TOWNSHIP OF (PIKE CO.)	DECEMBER 13, 1974
421891	PARADISE, TWP (MONROE CO)	APRIL 11, 1975
421219A	PARKER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 20, 1974 AND JULY 16, 1976
422325	PATTERSON HEIGHTS, BORO (BEAVER CO.)	JANUARY 17, 1975
422496	PENNSBURG, BOROUGH OF (MONTGOMERY CO.)	DECEMBER 27, 1974
421848	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER 01, 1974
421530	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
422038	PERRY, TWP (SNYDER CO)	JANUARY 03, 1975
420221	PETROLIA, BOROUGH OF (BUTLER CO.)	NOVEMBER 22, 1974
421190A	PIKE, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER 06, 1974 AND

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
421403A	PIKE, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 10, 1976
		NOVEMBER 01, 1974 AND
422445	PINECREEK, TOWNSHIP (JEFFERSON CO.)	AUGUST 20, 1976
422538	PINEGROVE, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421720	PINE, TWP (INDIANA CO)	JANUARY 24, 1975
421984	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	JANUARY 03, 1975
421327	PLEASANTVILLE, BOROUGH OF (BEDFORD CO.)	NOVEMBER 29, 1974
421313A	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 29, 1974
		SEPTEMBER 06, 1974 AND
420504A	PLUMVILLE, BOROUGH OF (INDIANA CO.)	JUNE 18, 1976
		AUGUST 09, 1974 AND
422539	PLUM, TOWNSHIP (VENANGO CO.)	OCTOBER 10, 1975
421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	JANUARY 24, 1975
421986	PORTAGE, TOWNSHIP OF (POTTER CO.)	DECEMBER 06, 1974
422366	PORTERSVILLE, BORO (BUTLER CO.)	DECEMBER 13, 1974
422446	PORTER, TOWNSHIP OF (JEFFERSON)	JANUARY 10, 1975
422327	POTTER, TOWNSHIP OF (BEAVER CO.)	FEBRUARY 14, 1975
421455	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 13, 1974
421721	RAYNE, TWP (INDIANA CO)	DECEMBER 27, 1974
421445	READE, TOWNSHIP OF (CAMBRIA CO.)	JANUARY 17, 1975
421315	REDBANK, TOWNSHIP OF (ARMSTRONG CO.)	DECEMBER 06, 1974
422540	RICHLAND, TOWNSHIP (VENANGO CO.)	DECEMBER 06, 1974
422375	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
422447	RINGGOLD, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
421557A	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	JANUARY 03, 1975
		DECEMBER 13, 1974 AND
422113	ROCKLAND, TWP (VENANGO CO)	SEPTEMBER 03, 1976
422045	ROCKWOOD, BOROUGH OF (SOMERSET CO.)	JANUARY 10, 1975
422256	ROSETO, BOROUGH OF (NORTHAMPTON CO.)	DECEMBER 06, 1974
420824	ROSEVILLE, BOROUGH OF (TIOGA CO.)	NOVEMBER 15, 1974
421734A	ROSE, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974
		SEPTEMBER 20, 1974 AND
422302	RURAL VALLEY, BORO (ARMSTRONG CO.)	JUNE 18, 1976
422192A	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	JANUARY 24, 1975
		SEPTEMBER 20, 1974 AND
422374	SALEM, TOWNSHIP (CLARION CO.)	JUNE 25, 1976
420492	SALTILLO, BOROUGH OF (HUNTINGTON CO.)	JANUARY 10, 1975
420505	SALTSBURG, BORO (INDIANA CO)	JANUARY 31, 1975
421874	SANDY LAKE, TOWNSHIP OF (MERCER CO.)	APRIL 18, 1975
422357	SAXONBURG, BOROUGH OF (BUTLER CO.)	DECEMBER 13, 1974
421767	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 27, 1974
422542A	SCRUBGRASS, TOWNSHIP OF (VENANGO CO)	DECEMBER 27, 1974
420071B	SEWICKLEY HTS, BORO (ALLEGHENY CO)	FEBRUARY 28, 1975
		MARCH 22, 1974 AND
420802	SHANKSVILLE, BOROUGH OF (SOMERSET CO.)	MAY 17, 1974 AND
421586A	SHIPPENSBURG, TWP (CUMBERLAND CO)	JUNE 04, 1976
		NOVEMBER 15, 1974
		SEPTEMBER 06, 1974 AND
		JUNE 25, 1976

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	PENNSYLVANIA	
420117A	SHIPPING PORT, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND
		MAY 14, 1976
422338	SILVERDALE, BORO (BUCKS CO.)	JANUARY 03, 1975
421349	SNAKE SPRING, TWP (BEDFORD CO)	JANUARY 24, 1975
421214A	SOUTH BEND, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND
		MAY 14, 1976
420100A	SOUTH BETHLEHEM, BOROUGH OF (ARMSTRONG CO)	JUNE 28, 1974
421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	NOVEMBER 08, 1974
422330	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422194A	SOUTH HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	AUGUST 09, 1974 AND
		SEPTEMBER 10, 1976
422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY 24, 1975
421586	SOUTH NEWTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421350	SOUTH WOODBURY, TWP (BEDFORD CO)	MARCH 05, 1976
421587	SOUTHAMPTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD COU)	FEBRUARY 07, 1975
422523	SOUTHAMPTON, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
420239	SOUTHMONT, BORO (CAMBRIA CO)	MARCH 19, 1976
422127	SOUTHWEST, TOWNSHIP OF (WARREN CO.)	NOVEMBER 22, 1974
421614	SPRING CREEK, TOWNSHIP OF (ELK CO.)	DECEMBER 06, 1974
422128	SPRING CREEK, TWP (WARREN CO)	MARCH 19, 1976
421677	SPRINGHILL, TWP (GREENE CO)	APRIL 11, 1975
421570A	SPRING, TOWNSHIP OF (CRAWFORD CO.)	MAY 31, 1974 AND
		JULY 09, 1976
421745	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	NOVEMBER 22, 1974
421406A	STANDING STONE, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 20, 1974 AND
		AUGUST 20, 1976
421407A	STEVENS, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974 AND
		JUNE 25, 1976
420152	STRAUSSTOWN, BORO (BERKS CO)	JANUARY 24, 1975
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY 31, 1975
421918	ST. CLAIR, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND
		JUNE 18, 1976
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422549	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY 24, 1975
421558	SUGARLOAF, TWP (COLUMBIA CO)	APRIL 04, 1975
422399	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 31, 1975
422056	SUMMIT, TWP (SOMERSET CO)	JANUARY 03, 1975
421990	SYLVANIA, TOWNSHIP OF (POTTER CO.)	DECEMBER 06, 1974
421469A	TAYLOR, TOWNSHIP OF (CENTRE CO.)	DECEMBER 20, 1974 AND
		MAY 28, 1976
422339	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY 10, 1975
421664	THOMPSON, TOWNSHIP (FULTON CO.)	DECEMBER 13, 1974
422574	THREE SPRINGS, BORO (HUNTINGDON CO.)	JANUARY 24, 1975
422448	TIMBLIN, BORO (JEFFERSON CO.)	JANUARY 24, 1975
420468A	TIONESTA, TOWNSHIP OF (FOREST CO.)	NOVEMBER 29, 1974 AND
		JUNE 25, 1976
421113A	TOWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY 26, 1974 AND
		JUNE 18, 1976

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	PENNSYLVANIA	
422550	TRIUMPH, TWP (WARREN CO.)	JANUARY 17, 1975
420315	TROUTVILLE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	NOVEMBER 08, 1974
421898	TUNKHANNOCK, TOWNSHIP OF (MONROE CO.)	JANUARY 31, 1975
421961	TYRONE, TOWNSHIP OF (PERRY CO.)	JANUARY 31, 1975
422569	UNIONDALE, BORO (SUSQUEHANNA CO.)	JANUARY 24, 1975
421704	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER 06, 1974
422430	UNION, TOWNSHIP OF (FULTON CO.)	DECEMBER 27, 1974
421573A	UNION, TOWNSHIP OF (CRAWFORD CO.)	AUGUST 30, 1974 AND MAY 21, 1976
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421352	UNION, TOWNSHIP OF (BEDFORD CO.)	JANUARY 03, 1975
421531A	UNION, TWP (CLEARFIELD CO)	JANUARY 17, 1975 AND OCTOBER 22, 1976
421188A	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974 AND OCTOBER 01, 1976
421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	DECEMBER 27, 1971
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421120	UPR TULPEHOCKEN, TWP(BERKS CO)	JANUARY 10, 1975
420841A	UTICA, BOROUGH OF (VENANGO CO.)	AUGUST 16, 1974 AND MAY 28, 1976
421620	VANDERBILT, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975
421748	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY 14, 1975
420356A	VENANGO, BOROUGH OF (CRAWFORD CO.)	AUGUST 30, 1974
422359	VENANGO, TOWNSHIP (BUTLER CO.)	JANUARY 24, 1975
422543	VICTORY, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421577	W FALLOWFIELD, TWP (CRAWFORD CO)	JANUARY 17, 1975
422577	WALKER, TWP (HUNTINGDON CO.)	JANUARY 10, 1975
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 08, 1974
420082	WALL, BOROUGH OF (ALLEGHENY CO.)	APRIL 25, 1975
421408	WARREN, TOWNSHIP OF (BRADFORD CO.)	JANUARY 31, 1975
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER 27, 1974
421705	WARRIORS MARK, TWP (HUNTINGDON CO)	JANUARY 17, 1975
422450	WARSAW, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
422207	WASHINGTON, TOWNSHIP OF (WYOMING CO.)	DECEMBER 06, 1974
421383	WASHINGTON, TOWNSHIP OF (BERKS CO.)	NOVEMBER 22, 1974
422378	WASHINGTON, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
421448	WASHINGTON, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
422468	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	FEBRUARY 07, 1975
421678A	WASHINGTON, TOWNSHIP OF (GREENE CO.)	NOVEMBER 01, 1974 AND OCTOBER 01, 1976
421317	WASHINGTON, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER 15, 1974
420224A	WASHINGTON, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND MAY 21, 1976
421722	WASHINGTON, TWP (INDIANA CO)	DECEMBER 22, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
422551	WATSON, TWP (WARREN CO.)	JANUARY 10, 1975
421679	WAYNE, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974
422027	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 29, 1974
421599	WAYNE, TWP (DAUPHIN CO)	JANUARY 17, 1975
422526	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	JANUARY 31, 1975
421760A	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 20, 1974 AND JUNE 18, 1976
422507	WEST BEAVER, TWP (SNYDER CO.)	JANUARY 24, 1975
422156	WEST BETHLEHEM, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER 29, 1974
422028	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	JANUARY 10, 1975
422106	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	NOVEMBER 01, 1974
422665	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER 27, 1974
422304	WEST FRANKLIN, TWP (ARMSTRONG CO.)	JANUARY 10, 1975
421542	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	DECEMBER 06, 1974
421723	WEST MAHONING, TWP (INDIANA CO)	JANUARY 24, 1975
422029	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER 15, 1974
421123A	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)	SEPTEMBER 13, 1974
422403	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY 17, 1975
421460	WEST TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
421661	WETMORE, TWP (MCKEAN CO)	JULY 25, 1975
421680A	WHITELEY, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974 AND APRIL 30, 1976
422258	WHITE, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974
420157A	WOMELSDORF, BOROUGH OF (BERKS CO.)	MAY 24, 1974
421330	WOODBURY, BOROUGH OF (BEDFORD CO.)	DECEMBER 06, 1974
421355A	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975 AND MAY 21, 1976
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER 13, 1974
421532	WOODWARD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER 27, 1974
422304	WORTHINGTON, BORO (ARMSTRONG CO.)	DECEMBER 27, 1974
422492	WORTH, TWP (MERCER CO.)	JANUARY 24, 1975
420946A	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY 23, 1974 AND MARCH 19, 1976

TOTAL IN THE STATE 425

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	SOUTH CAROLINA	HAZARD AREA IDENTIFIED
450201	ALLENDALE COUNTY *		NOVEMBER 29, 1974
450203	BAMBERG COUNTY *		NOVEMBER 29, 1974
450204	BARNWELL COUNTY *		DECEMBER 20, 1974
450116	BETHUNE, TOWN	(KERSHAW CO)	JULY 18, 1975
450032	CAMERON, TOWN	(CALHOUN CO)	JANUARY 03, 1975
450077	COWARD, TOWN OF	(FLORENCE CO.)	OCTOBER 25, 1974
450124A	CROSS HILL, TOWN OF	(LAURENS CO.)	SEPTEMBER 06, 1974 AND
			JUNE 18, 1976
450040	DARLINGTON COUNTY *		DECEMBER 27, 1974
450065A	DILLON, TOWN OF	(DILLON CO.)	MAY 17, 1974 AND
			JUNE 18, 1976
450074A	EDGEFIELD, TOWN OF	(EDGEFIELD CO.)	MAY 24, 1974 AND
			MARCH 05, 1976
450022A	EHRHARDT, TOWN OF	(BAMBERG CO.)	JULY 19, 1974 AND
			JUNE 18, 1976
450118	ELGIN, TOWN	(KERSHAW CO)	JANUARY 24, 1975
450010A	FAIRFAX, TOWN OF	(ALLENDALE CO.)	MAY 31, 1974 AND
			APRIL 23, 1976
450132	GILBERT, TOWN OF	(LEXINGTON CO.)	OCTOBER 25, 1974
450210	GRAY COURT, TOWN OF	(LAURENS CO.)	DECEMBER 13, 1974
450037A	HOLLYWOOD, TOWN OF	(CHARLESTON CO.)	SEPTEMBER 06, 1974 AND
			APRIL 23, 1976
450220	JAMESTOWN, TOWN OF	(BERKELEY COU)	FEBRUARY 07, 1975
450063	LAMAR, TOWN	(DARLINGTON CO)	JULY 18, 1975
450128	LYNCHBURG, TOWN	(LEE CO)	JULY 18, 1975
450225	MAYESVILLE, TOWN OF	(SUMTER CO.)	MARCH 19, 1976
450150	MCCOLL, TOWN	(MARLBORO CO)	JULY 25, 1975
450080A	OLANTA, TOWN OF	(FLORENCE CO.)	MAY 24, 1974
450081A	PAMPLICO, TOWN OF	(FLORENCE CO.)	MAY 10, 1974
450136A	PELION, TOWN OF	(LEXINGTON CO.)	AUGUST 09, 1974 AND
			JUNE 04, 1976
450218	REEVESVILLE, TOWN OF	(DORCHESTER CO.)	DECEMBER 27, 1974
450071A	RIDGEVILLE, TOWN OF	(DORCHESTER CO.)	MAY 31, 1974 AND
			APRIL 30, 1976
450165A	RONEVILLE, TOWN OF	(ORANGEBURG CO.)	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF	(OCONEE CO.)	NOVEMBER 08, 1974
450145A	SELLERS, TOWN OF	(MARION CO.)	JUNE 07, 1974 AND
			JULY 23, 1976
450155	SILVERSTREET, TOWN	(NEWBERRY CO)	JANUARY 24, 1975
450057A	SHOAKS, TOWN OF	(COLLETON CO.)	SEPTEMBER 06, 1974 AND
			JUNE 18, 1976
450011	SYCAMORE, TOWN OF	(ALLENDALE CO.)	OCTOBER 25, 1974
450084A	TIMMONSVILLE, TOWN OF	(FLORENCE CO.)	MAY 24, 1974
	TOTAL IN THE STATE		33

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	SOUTH DAKOTA	HAZARD AREA IDENTIFIED
460152	ALCESTER, CITY	(UNION CO)	JULY 11, 1975
460153	ALEXANDRIA, CITY	(HANSON CO)	JUNE 27, 1975
460096	ALPENA, TOWN OF	(JERAULD CO.)	SEPTEMBER 26, 1975
460077	ASHTON, CITY OF	(SPINK CO.)	DECEMBER 06, 1974
460098	AURORA, TOWN	(BROOKINGS CO)	JUNE 27, 1975
460058	BALTIC, TOWN OF	(MINNEHAHA CO.)	DECEMBER 06, 1974
460155	BERESFORD, CITY	(LINCOLN CO.)	JULY 18, 1975
460105	CLAREMONT, TOWN	(BROWN CO)	APRIL 25, 1975
460013	CLARK, TOWN	(CLARK CO)	MARCH 12, 1976
460165	CLEAR LAKE, CITY OF		AUGUST 08, 1975
460008	COLUMBIA, TOWN OF	(BROWN CO.)	DECEMBER 06, 1974
460107	CRESBARD, TOWN	(FAULK CO)	JULY 18, 1975
460168	DE SMET, CITY	(KINGSBURY CO)	JULY 11, 1975
460079	DOLAND, TOWN OF	(SPINK COU)	FEBRUARY 07, 1975
460169	DUPREE, CITY OF	(ZIEBACH CO.)	APRIL 25, 1975
460024A	EDGEMONT, CITY OF	(FALL RIVER CO.)	AUGUST 02, 1974 AND
			JANUARY 16, 1976
460112	GARY, CITY OF	(DEUEL CO.)	JUNE 27, 1975
460115	HAYTI, TOWN	(HAMLIN CO)	JUNE 27, 1975
460181	HERREID, CITY	(CAMPBELL CO)	JULY 11, 1975
460118	HUMBOLDT, TOWN	(MINNEHAHA CO)	SEPTEMBER 06, 1975
460120	IRENE, TOWN	(YANKTON CO.)	JULY 11, 1975
460121	INGOUDIS, CITY	(BEADLE CO.)	JULY 18, 1975
460186	KIMBALL, CITY	(BRULE CO)	AUGUST 08, 1975
460124	LAKE NORDEN, CITY	(HAMLIN CO)	SEPTEMBER 19, 1975
460190	LEAD, CITY OF	(LAWRENCE COU)	FEBRUARY 07, 1975
460192A	LENNOX, CITY	(LINCOLN CO)	SEPTEMBER 26, 1975
460193	LEOLA, CITY	(MCPHERSON CO)	JUNE 27, 1975
460195	MCINTOSH, CITY	(CORSON CO)	SEPTEMBER 19, 1975
460208	MURDO, CITY	(JONES CO)	SEPTEMBER 19, 1975
460127	NEW EFFINGTON, TOWN	(ROBERTS CO)	JULY 25, 1975
460209	NEWELL, CITY	(BUTTE CO)	JULY 18, 1975
460080	NORTHVILLE, TOWN OF	(SPINK CO.)	DECEMBER 13, 1974
460211	PARKER, CITY	(TURNER CO)	JUNE 27, 1975
460130	PEEVER, CITY	(ROBERTS CO)	AUGUST 15, 1975
460133	PUKWANA, TOWN	(BRULE CO)	SEPTEMBER 19, 1975
460134	RAMONA, TOWN	(LAKE CO)	JULY 25, 1975
460137	ROSLYN, TOWN	(DAY CO)	APRIL 25, 1975
460214	SELBY, CITY	(WALWORTH CO)	JULY 25, 1975
460138	ST. FRANCIS, TOWN	(TODD CO)	SEPTEMBER 19, 1975
460139	ST. LAWRENCE, TOWN	(HAND CO)	JULY 18, 1975
460141	SUMMIT, TOWN	(ROBERTS CO)	JULY 18, 1975
460143	TEA, TOWN	(LINCOLN CO)	SEPTEMBER 19, 1975
460145	TULARE, TOWN	(SPINK CO)	JULY 25, 1975
460082	TURTON, TOWN OF	(SPINK CO.)	DECEMBER 20, 1974
460221	VALLEY SPRINGS, TOWN	(MINNEHAHA CO)	SEPTEMBER 26, 1975
460146	VEBLEN, TOWN OF	(MARSHALL CO.)	APRIL 25, 1975
460147	WESSINGTON, CITY	(BEADLE CO.)	AUGUST 22, 1975
460151	WORTHING, TOWN	(LINCOLN CO)	AUGUST 22, 1975
	TOTAL IN THE STATE		48

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TENNESSEE	
470234	ADAIR, TOWN OF (MADISON COU)	FEBRUARY 07, 1975
470159	ADAMS, TOWN OF (ROBERTSON CO.)	NOVEMBER 15, 1974
470262	ARLINGTON, TOWN (SHELBY CO)	JULY 25, 1975
470285	ATWOOD, TOWN OF (CARROLL CO.)	JULY 18, 1975
470007A	BELL BUCKLE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974
470220	BELLS, TOWN OF (CROCKETT CO.)	JANUARY 10, 1975
470218	BENTON COUNTY	JANUARY 10, 1975
470128A	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE 28, 1974 AND
		APRIL 02, 1976
470057A	BRADFORD, TOWN OF (GIBSON CO.)	JUNE 21, 1974 AND
		APRIL 23, 1976
470120A	CHAPEL WILL, TOWN OF (MARSHALL CO.)	JUNE 14, 1974
470160	CROSS PLAINS, TOWN (ROBERTSON CO)	JANUARY 24, 1975
470094	DICKSON COUNTY *	DECEMBER 06, 1974
470166A	EAGLEVILLE, TOWN OF (RUTHERFORD CO.)	AUGUST 23, 1974 AND
		JULY 02, 1976
470271A	ENGLEWOOD, CITY OF (MCMINN CO.)	MAY 17, 1974 AND
		JULY 02, 1976
470242	FAIRVIEW, CITY (WILLIAMSON CO)	APRIL 11, 1975
470129A	FINGER, TOWN OF (MCNAIRY CO.)	SEPTEMBER 06, 1974
470221	GADSDEN, TOWN OF (CROCKETT CO.)	JANUARY 24, 1975
470269	GARLAND, TOWN OF (TIPTON COU)	JANUARY 31, 1975
470286	GIBSON, TOWN OF (GIBSON CO.)	JULY 18, 1975
470190A	GILT EDGE, CITY OF (TIPTON CO.)	SEPTEMBER 13, 1974 AND
		JULY 02, 1976
470255	GRAND JUNCTION, CITY OF (HARDEMAN COU)	JANUARY 31, 1975
470161A	GREENBRIER, CITY OF (ROBERTSON CO.)	JUNE 21, 1974 AND
		JUNE 18, 1976
470226	HANCOCK COUNTY	JANUARY 24, 1975
470088	HENDERSON COUNTY *	DECEMBER 20, 1974
470259A	HENNING, TOWN (LAUDERDALE CO)	JANUARY 03, 1975
470288	HORNSBY, TOWN OF (HARDEMAN CO.)	MARCH 05, 1976
470101A	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE 14, 1974 AND
		JUNE 25, 1976
470052	JAMESTOWN, CITY OF (FENTRESS CO)	MARCH 28, 1975
470224	KENTON, TOWN OF (GIBSON CO.)	DECEMBER 27, 1974
470269	KINGSTON SPRINGS, CITY OF (CHEATHAM CO.)	JULY 18, 1975
470121A	LEWISBURG, CITY OF (MARSHALL CO.)	MARCH 01, 1974 AND
		AUGUST 06, 1976
470065A	LYNNVILLE, CITY OF (GILES CO.)	JUNE 14, 1974
470251	MEDINA, CITY (GIBSON CO)	JANUARY 03, 1975
470139	MORGAN COUNTY	JANUARY 17, 1975
470291	PEGRAM, TOWN OF (CHEATHAM CO.)	JULY 18, 1975
475492A	PIGEON FORGE, CITY OF (SEVIER CO.)	AUGUST 31, 1972
470149	PUTNAM COUNTY *	SEPTEMBER 13, 1974
470131	RAMER, TOWN OF (MCNAIRY CO.)	NOVEMBER 29, 1974
470277A	RICHARD CITY, CITY OF (MARION CO.)	FEBRUARY 01, 1974 AND
		OCTOBER 15, 1976
470162A	RIDGETOP, CITY OF (ROBERTSON CO.)	JUNE 07, 1974 AND
		JUNE 18, 1976
470235	RIVES, CITY OF (OBION CO.) (OBION CO.)	JANUARY 03, 1975
470041A	RUTHERFORD, TOWN OF (GIBSON CO.)	JUNE 07, 1974 AND
		JUNE 25, 1976
470083A	SALTILLO, TOWN OF (HARDIN CO.)	JUNE 14, 1974 AND
		AUGUST 06, 1976
470078A	SIGNAL MOUNTAIN, TOWN OF (HAMILTON CO.)	JUNE 14, 1974 AND
		SEPTEMBER 03, 1976
470256	STANTON, TOWN (HAYWOOD CO)	JANUARY 03, 1975
470180	STEWART COUNTY *	SEPTEMBER 13, 1974
470279A	SURGOINSVILLE, CITY OF (HAWKINS CO.)	MAY 17, 1974
470280A	TELLICO PLAINS, CITY OF (MONROE CO.)	MARCH 08, 1974 AND
		AUGUST 13, 1976
470282A	TRACY CITY, CITY OF (GRUNDY CO.)	MAY 10, 1974 AND
		JULY 02, 1976
470223	TRIMBLE, TOWN OF (DYER CO.)	JANUARY 03, 1975
470239	TUSCULUM, CITY OF (GREENE CO.)	FEBRUARY 07, 1975
470009B	WARTRACE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974 AND
		APRIL 23, 1976
470248	WHITE BLUFF, TOWN (DICKSON CO)	JULY 11, 1975
470158A	WHITWELL, CITY OF (MARION CO.)	FEBRUARY 15, 1974 AND
		AUGUST 13, 1976
470254	YORKVILLE, CITY (GIBSON CO)	JUNE 27, 1975
	TOTAL IN THE STATE	55

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	TEXAS	HAZARD AREA IDENTIFIED
480960	ADRIAN, CITY	[OLDHAM CO]	JULY 25, 1975
480968	ALEDO, TOWN	[PARKER CO]	JULY 11, 1975
480740	ALTO, TOWN	[CHEROKEE CO]	AUGUST 29, 1975
480397A	ALVARADO, CITY OF	[JOHNSON CO.]	AUGUST 09, 1974 AND JANUARY 23, 1976
481052	ALVORD, TOWN	[WISE CO]	SEPTEMBER 19, 1975
480894	AMHERST, CITY	[LAMB CO]	JULY 11, 1975
480007	ANGELINA COUNTY *		DECEMBER 27, 1974
480132A	ANNA, CITY OF	[COLLIN CO.]	AUGUST 09, 1974 AND APRIL 23, 1976
480775	ARGYLE, CITY	[DENTON CO]	AUGUST 29, 1975
480567	ARP, CITY OF	[SMITH CO.]	AUGUST 16, 1974
480046A	BAILEYS PRAIRIE, TOWN OF	[BRAZORIA CO.]	NOVEMBER 08, 1974
480707	BARTLETT, CITY	[BELL CO]	SEPTEMBER 12, 1975
480967	BECKVILLE, TOWN	[PANOLA CO]	AUGUST 29, 1975
480743	BELLEVUE, TOWN	[CLAY CO]	JULY 11, 1975
480888	BENJAMIN, CITY	[KNOX CO]	JUNE 27, 1975
481037	BIG SANDY, TOWN	[UPSHUR CO]	JULY 11, 1975
481068	BLACKWELL, TOWN	[COKE AND NOLAN COS]	AUGUST 15, 1975
480754	BLUE RIDGE, TOWN	[COLLIN CO]	JULY 11, 1975
480350	BLUM, CITY OF	[HILL CO.]	NOVEMBER 01, 1974
480676A	BOYD, CITY OF	[WISE CO.]	DECEMBER 28, 1973 AND MARCH 05, 1976
480398A	BRIAR OAKS, CITY OF	[JOHNSON CO.]	MARCH 29, 1974 AND JUNE 18, 1976
480827	BRYSON, CITY	[JACK CO]	JULY 11, 1975
480856	BUDA, TOWN OF	[HAYS COU]	FEBRUARY 07, 1975
480649	BURTON, CITY OF	[WASHINGTON CO.]	DECEMBER 20, 1974
480744	BYERS, CITY	[CLAY CO]	JUNE 27, 1975
480490A	CACTUS, CITY OF	[MOORE CO.]	JUNE 14, 1974 AND MARCH 26, 1976
480364A	CADDO MILLS, CITY OF	[HUNT CO.]	JUNE 28, 1974 AND MARCH 12, 1976
480365A	CELESTE, CITY OF	[HUNT CO.]	JUNE 21, 1974 AND MAY 28, 1976
480566A	CENTER, CITY OF	[SHELBY CO.]	MARCH 01, 1974 AND JANUARY 02, 1976
481202	CHILLICOTHE, CITY OF	[HARDEMAN CO.]	JULY 18, 1975
481141	CHINA GROVE, CITY	[BEXAR CO]	APRIL 25, 1975
480702	CHRISTINE, CITY	[ATASCOSA CO]	JULY 11, 1975
480535	CLARKSVILLE, CITY OF	[GREGG CO.]	JULY 11, 1975
480169A	COCKRELL HILL, CITY OF	[DALLAS CO.]	DECEMBER 07, 1973 AND JUNE 11, 1976
480144	COLORADO COUNTY *		OCTOBER 25, 1974
480104A	COMBES, TOWN OF	[CAMERON CO.]	MAY 10, 1974 AND MAY 21, 1976
480193A	COOPER, CITY OF	[DELTA CO.]	JANUARY 09, 1974 AND SEPTEMBER 03, 1976
480527A	CORRIGAN, CITY OF	[POLK CO.]	MAY 24, 1974 AND APRIL 09, 1976
480909A	CRANDALL, CITY OF	[KAUFMAN CO.]	MARCH 08, 1974 AND MAY 21, 1976
481144	DODD CITY, TOWN	[FANNIN CO]	JULY 18, 1975
480761	DODSON, TOWN	[COLLINGSWORTH CO]	APRIL 25, 1975
480088A	EARLY, CITY OF	[BROWN CO.]	MAY 17, 1974 AND JANUARY 30, 1976
480895	EARTH, CITY	[LAMB CO]	MAY 02, 1975
481145	EASTON, VILLAGE	[GREGG AND RUSK COS]	JULY 18, 1975
480809	ECTOR, TOWN	[FANNIN CO]	JULY 11, 1975
480763	EDEN, VILLAGE	[CONCHO CO]	MAY 02, 1975
480635A	EDGEWOOD, CITY OF	[VAN ZANDT CO.]	JUNE 14, 1974 AND APRIL 02, 1976
480977	EMORY, TOWN	[RAINS CO]	AUGUST 08, 1975
480207A	ENNIS, CITY OF	[ELLIS CO.]	JUNE 28, 1974 AND DECEMBER 10, 1976
480277	ESTELLINE, CITY OF	[HALL CO.]	NOVEMBER 08, 1974
481069	FAIRVIEW, TOWN	[COLLIN CO]	JANUARY 10, 1975
480224A	FLOYDADA, CITY OF	[FLOYD CO.]	MAY 31, 1974 AND JANUARY 09, 1976
480944A	FOLLETT, CITY OF	[LIPSCOMB CO.]	JUNE 28, 1974 AND AUGUST 15, 1975
480003A	FRANKSTON, CITY OF	[ANDERSON CO.]	AUGUST 16, 1974 AND JANUARY 09, 1976
480523A	FRIONA, CITY OF	[PARMER CO.]	APRIL 12, 1974
480935A	GIDDINGS, CITY	[LEE CO.]	JUNE 28, 1974 AND JANUARY 16, 1976
480574A	GLEN ROSE, CITY	[SOMERVELL CO]	AUGUST 23, 1974 AND FEBRUARY 06, 1976
480880	GODLEY, TOWN	[JOHNSON CO]	AUGUST 22, 1975
480934	GOLDTHWAITE, CITY	[MILLS CO]	AUGUST 29, 1975
480869	GOREE, CITY	[KNOX CO]	JULY 11, 1975
480964	GRAFORD, TOWN	[PALO PINTO CO.]	JULY 11, 1975
480881	GRANDVIEW, CITY	[JOHNSON CO]	JULY 11, 1975
481046	GRANGER, CITY OF	[WILLIAMSON COU]	FEBRUARY 07, 1975
480328	GUN BARREL CITY, CITY OF	[HENDERSON CO.]	NOVEMBER 08, 1974
480832	GUNTER, TOWN	[GRAYSON CO]	JULY 11, 1975
480163A	GUSTINE, TOWN OF	[COMANCHE CO.]	AUGUST 02, 1974 AND MARCH 19, 1976
480273A	HALE CENTER, CITY OF	[HALE CO.]	MAY 10, 1974
481011	HAPPY, CITY OF	[RANDALL & SWISHER]	FEBRUARY 14, 1975
480738	HART, CITY	[CASTRO CO]	JUNE 27, 1975
480600	HASLET, CITY OF	[TARRANT CO.]	NOVEMBER 01, 1974
481056	HAWKINS, CITY	[WOOD CO]	SEPTEMBER 12, 1975
480201A	HEDLEY, CITY OF	[DONLEY CO.]	NOVEMBER 08, 1974 AND JANUARY 23, 1976
480458A	HEWITT, CITY OF	[MCLENNAN CO.]	JANUARY 23, 1974 AND MARCH 12, 1976

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480843	HICO, TOWN (HAMILTON CO.)	AUGUST 22, 1975
481105	HIGHLAND VILLAGE, CITY OF (DENTON CO.)	SEPTEMBER 19, 1975
480699	HOLLIDAY, CITY (ARCHER CO.)	APRIL 18, 1975
480810	HONEY GROVE, CITY (FANNIN CO.)	JULY 11, 1975
480373	HUTCHINSON COUNTY *	FEBRUARY 07, 1975
481072	IREDELL, TOWN OF (BOSQUE CO.)	NOVEMBER 01, 1974
480800	ITALY, TOWN (ELLIS CO.)	AUGUST 15, 1975
480882	JOSHUA, CITY (JOHNSON CO.)	JUNE 27, 1975
480674A	KERMIT, CITY OF (WINKLER CO.)	MAY 24, 1974 AND
		JULY 23, 1976
480690A	KNOX CITY, CITY (KNOX CO.)	AUGUST 15, 1975 AND
		JULY 23, 1976
481012	KRESS, CITY OF (SWISHER CO.)	FEBRUARY 21, 1975
480779	KRUM, CITY (DENTON CO.)	JULY 25, 1975
480476A	LACOSTE, CITY OF (MEDINA CO.)	JANUARY 09, 1974 AND
		FEBRUARY 27, 1976
480811	LADONIA, TOWN (FANNIN CO.)	JULY 11, 1975
481169	LAKEPORT, TOWN (GREGG CO.)	AUGUST 29, 1975
480278	LAKEVIEW, TOWN OF (HALL CO.)	DECEMBER 06, 1974
480812	LEONARD, CITY (FANNIN CO.)	JULY 25, 1975
480902	LEXINGTON, TOWN OF (LEE CO.)	FEBRUARY 21, 1975
480569A	LINDALE, CITY OF (SMITH CO.)	MARCH 22, 1974 AND
		JANUARY 23, 1976
480900	LOMETA, TOWN (LAMPASAS CO.)	MAY 02, 1975
480368	LONE OAK, CITY (HUNT CO.)	JUNE 27, 1975
481109	LORAINE, TOWN OF (MITCHELL CO.)	JUNE 27, 1975
481110	LUCAS, TOWN OF	JULY 25, 1975
480768	MARION, CITY OF (GUADALUPE CO.)	JANUARY 09, 1974
480208	MAYPEARL, CITY OF (ELLIS CO.)	NOVEMBER 29, 1974
480257A	MCLEAN, CITY OF (GRAY CO.)	MAY 17, 1974 AND
		JANUARY 30, 1976
480596	MCLENDON-CHISHOLM, CITY (ROCKWALL CO.)	SEPTEMBER 26, 1975
481020	MEADOW, TOWN (TERRY CO.)	AUGUST 22, 1975
480700	MEGARGEL, TOWN (ARCHER CO.)	AUGUST 22, 1975
481016	MERKEL, CITY (TAYLOR CO.)	MAY 02, 1975
480376A	MERTZON, CITY OF (IRION CO.)	JULY 26, 1974 AND
		FEBRUARY 27, 1976
480591A	MIAMI, CITY OF (ROBERTS CO.)	MAY 24, 1974 AND
		JUNE 11, 1976
480802	MILFORD, TOWN (ELLIS CO.)	AUGUST 29, 1975
480679A	MINEOLA, CITY OF (WOOD CO.)	MAY 03, 1974 AND
		JUNE 04, 1976
480518	MINGUS, CITY (PALO PINTO CO.)	MAY 02, 1975
480937	MITCHELL COUNTY	APRIL 12, 1974
481003	MORAN, CITY (SHACKLEFORD CO.)	APRIL 25, 1975
480433A	MOULTON, TOWN OF (LAVACA CO.)	APRIL 05, 1974 AND
		MARCH 05, 1976
480767	MUENSTER, CITY (COOKE CO.)	JULY 25, 1975
480920	NEW HOME, TOWN (LYNN CO.)	SEPTEMBER 05, 1975

* UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
481124	NEWARK, CITY (WISE CO.)	JUNE 27, 1975
480500A	NEWTON, CITY OF (NEWTON CO.)	JUNE 07, 1974 AND
		JUNE 04, 1976
480437A	OAKWOOD, TOWN OF (LEON CO.)	MAY 24, 1974 AND
		FEBRUARY 06, 1976
480206A	ODESSA, CITY OF (ECTOR CO.)	JUNE 28, 1974
480495	OMAHA, CITY OF (MORRIS CO.)	FEBRUARY 06, 1976
481062	OZONA, CITY OF (CROCKETT CO.)	DECEMBER 07, 1973
480852	O'BRIEN, CITY (HASKELL CO.)	JULY 25, 1975
480771	PADUCAH, CITY OF (COTTLE CO.)	JUNE 27, 1975
480509A	PERRYTON, CITY OF (OCHILTREE CO.)	SEPTEMBER 13, 1974
480783	PILOT POINT, TOWN (DENTON CO.)	AUGUST 08, 1975
480116A	PITTSBURG, CITY OF (CAMP CO.)	JANUARY 23, 1974 AND
		MAY 28, 1976
480784	PONDER, CITY (DENTON CO.)	AUGUST 22, 1975
480834	POTTSBORO, TOWN (GRAYSON CO.)	SEPTEMBER 19, 1975
480757	PRINCETON, CITY (COLLIN CO.)	JULY 25, 1975
480191A	PROSPER, TOWN OF (COLLIN CO.)	JUNE 21, 1974 AND
		JANUARY 30, 1976
480695A	PYOTE, CITY OF (WARD CO.)	AUGUST 16, 1974
480370A	QUINLAN, CITY OF (HUNT CO.)	APRIL 12, 1974 AND
		APRIL 16, 1976
481097	QUITMAN, CITY (WOOD CO.)	SEPTEMBER 12, 1975
480205A	RANGER, CITY OF (EASTLAND CO.)	MAY 17, 1974 AND
		APRIL 23, 1976
480628A	RANKIN, CITY OF (UPTON CO.)	MAY 10, 1974 AND
		MARCH 12, 1976
480803	RED OAK, TOWN (ELLIS CO.)	MAY 02, 1975
481158	RETREAT, TOWN (NAVARRO CO.)	JULY 11, 1975
480957	RICE, CITY (NAVARRO CO.)	SEPTEMBER 26, 1975
480567A	RICHLAND SPRINGS, CITY OF (SAN SABA CO.)	NOVEMBER 08, 1974 AND
		MARCH 05, 1976
480958	RICHLAND, TOWN (NAVARRO CO.)	JULY 25, 1975
480785	ROANOKE, CITY (DENTON CO.)	SEPTEMBER 05, 1975
480749	ROBERT LEE, CITY (COKE CO.)	JUNE 27, 1975
480225A	ROBY, CITY OF (FISHER CO.)	MAY 17, 1974
481120	RUNGE, TOWN (KARNES CO.)	APRIL 25, 1975
481039	SABINAL, CITY (UVALDE CO.)	SEPTEMBER 26, 1975
480667A	SAN PERLITA, CITY OF (WILLACY CO.)	OCTOBER 25, 1974 AND
		JUNE 18, 1976
480751	SANTA ANNA, TOWN (COLEMAN CO.)	JUNE 27, 1975
480119A	SANTA ROSA, CITY OF (CAMERON CO.)	MAY 17, 1974 AND
		APRIL 02, 1976
480728	SKELLYTOWN, TOWN (CARSON CO.)	MAY 02, 1975
481163	SOUTHMAYD, TOWN (GRAYSON CO.)	SEPTEMBER 12, 1975
480488A	SPLENDORA, CITY OF (MONTGOMERY CO.)	AUGUST 30, 1974 AND
		MARCH 05, 1976
480375A	STINNETT, CITY OF (HUTCHINSON CO.)	MAY 31, 1974 AND
		JANUARY 16, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TEXAS	
480673A	STOCKDALE, CITY OF (WILSON CO.)	MAY 31, 1974 AND OCTOBER 10, 1975
481009	STRATFORD, TOWN (SHERMAN CO)	JULY 11, 1975
480995	TATUM, CITY (RUSK CO)	JULY 11, 1975
481049	THRALL, CITY OF (WILLIAMSON CO)	FEBRUARY 21, 1975
480835	TIOGA, TOWN (GRAYSON CO)	AUGUST 08, 1975
480868	TOLAR, TOWN (HOOD CO)	JULY 18, 1975
480836	TOM BEAN, TOWN (GRAYSON CO)	JULY 15, 1975
480315	TOMBALL, CITY (HARRIS CO)	JANUARY 24, 1975
480814	TRENTON, TOWN (FANNIN CO)	AUGUST 15, 1975
481017	TUSCOLA, TOWN (TAYLOR CO)	AUGUST 29, 1975
481018	TYE, CITY (TAYLOR CO)	JULY 11, 1975
480849	UNCERTAIN, CITY (HARRISON CO)	JULY 18, 1975
480837	VAN ALSTYNE, TOWN OF (GRAYSON CO.)	JULY 18, 1975
480883	VENUS, TOWN (JOHNSON CO)	JULY 11, 1975
480663A	VERNON, CITY OF (WILBARGER CO.)	MAY 17, 1974 AND JANUARY 16, 1976
480741	WELLS, TOWN (CHEROKEE CO)	JULY 11, 1975
480652	WHARTON COUNTY *	AUGUST 02, 1974
480841	WHITE OAK, TOWN (GREGG CO)	AUGUST 22, 1975
480838	WHITESBORO, TOWN (GRAYSON CO)	JULY 11, 1975
480675A	WINK, CITY OF (WINKLER CO.)	JUNE 28, 1974 AND AUGUST 13, 1976
480573A	WINONA, CITY OF (SMITH CO.)	NOVEMBER 01, 1974 AND JANUARY 23, 1976
480372A	WOLFE CITY, CITY OF (HUNT CO.)	JUNE 28, 1974
480434A	YOAKUM, CITY OF (LAVACA CO.)	MAY 10, 1974 AND OCTOBER 15, 1976
480687	ZAPATA COUNTY *	AUGUST 02, 1974

TOTAL IN THE STATE 173

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	UTAH	
490123	AURORA, TOWN OF (SEVIER CO)	JANUARY 31, 1975
490194	BEAR RIVER, CITY (BOX ELDER CO)	SEPTEMBER 05, 1975
490002	BEAVER, CITY OF (BEAVER CO.)	JUNE 11, 1974
490095A	CIRCLEVILLE, TOWN OF (PIUTE CO.)	AUGUST 02, 1974 AND JUNE 11, 1976
490007	ELWOOD, TOWN (BOX ELDER CO)	JANUARY 24, 1975
490169A	ENTERPRISE, CITY OF (WASHINGTON CO.)	AUGUST 16, 1974
490198	FIELDING, TOWN (BOX ELDER CO)	AUGUST 08, 1975
490199	FRANCIS, TOWN (SUMMIT CO)	JULY 25, 1975
490154	GENOLA, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490155	GOSHEN, TOWN OF (UTAH COU)	FEBRUARY 07, 1975
490188A	HUNTSVILLE, TOWN OF (WEBER CO.)	JUNE 21, 1974
490185	LOA, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974
490202	MANILA, TOWN (DAGGETT CO)	SEPTEMBER 19, 1975
490203	PLYMOUTH, TOWN (BOX ELDER CO)	AUGUST 22, 1975
490100A	RANDOLPH, TOWN OF (RICH CO.)	AUGUST 16, 1974
490030	TRENTON, TOWN (CACHE CO)	JUNE 27, 1975
490147	UINTAH COUNTY *	FEBRUARY 14, 1975
490037A	WELLINGTON, CITY OF (CARBON CO.)	JULY 26, 1974 AND APRIL 09, 1976

TOTAL IN THE STATE 18

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF (WINDHAM CO.)	DECEMBER 06, 1974
500227	BELVIDERE, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500236A	BROOKFIELD, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974 AND
		OCTOBER 15, 1976
500245A	BROWNINGTON, TOWN OF (ORLEANS CO.)	DECEMBER 13, 1974 AND
		NOVEMBER 05, 1976
500107A	CABOT, VILLAGE OF (WASHINGTON CO.)	SEPTEMBER 06, 1974
500083A	CHARLESTON, TOWN OF (ORLEANS CO.)	AUGUST 09, 1974 AND
		NOVEMBER 19, 1976
500185	DANVILLE, TOWN (CALEDONIA CO)	JANUARY 17, 1975
500249	DERBY CENTER, VILLAGE OF (ORLEANS CO)	MARCH 28, 1975
500229	EDEN, TOWN OF (LAMOILLE CO.)	DECEMBER 06, 1974
500318	ELMORE, TOWN (LAMOILLE CO)	APRIL 11, 1975
500051	ENOSBURG, TOWN OF (FRANKLIN CO.)	AUGUST 09, 1974
500035A	ESSEX JCT., VILLAGE OF (CHITTENDEN CO.)	JUNE 28, 1974 AND
		JULY 30, 1976
500210	FERDINAND, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500251	GLOVER, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974
500129A	GRAFTON, TOWN OF (WINDHAM CO.)	DECEMBER 06, 1974 AND
		APRIL 02, 1976
500211	GRANBY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500003	GRANVILLE, TOWN OF (ADDISON CO.)	JANUARY 24, 1975
500187A	HARDWICK, VILLAGE OF (CALEDONIA CO.)	DECEMBER 20, 1974 AND
		DECEMBER 24, 1976
500313A	HUBBARDTON, TOWN OF (RUTLAND CO.)	DECEMBER 13, 1974 AND
		SEPTEMBER 10, 1976
500252A	IRASBURG, TOWN OF (ORLEANS CO.)	DECEMBER 20, 1974 AND
		OCTOBER 22, 1976
500253A	JAY, TOWN OF (ORLEANS CO.)	SEPTEMBER 13, 1974 AND
		NOVEMBER 05, 1976
500188	KIRBY, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974
500048	LUNENBURG, TOWN OF (ESSEX CO.)	JUNE 28, 1974
500213	MAIDSTONE, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500167	MONKTON, TOWN (ADDISON CO)	JANUARY 24, 1975
500255	MORGAN, TOWN OF (ORLEANS CO.)	JANUARY 31, 1975
500262	MT. TABOR, TOWN (RUTLAND CO)	JANUARY 10, 1975
500285	N WESTMINSTER, VILL (WINDHAM CO)	JANUARY 10, 1976
500190	NEWARK, TOWN (CALEDONIA CO.)	JANUARY 10, 1975
500284	NEWFANE, VILLAGE (WINDHAM CO)	JANUARY 03, 1975
500256A	NEWPORT, TOWN OF (ORLEANS CO.)	NOVEMBER 01, 1974 AND
		DECEMBER 17, 1976
500180	NORTH BENNINGTON, VILLAGE OF (BENNINGTON CO)	FEBRUARY 21, 1975
500214	NORTON, TOWN OF (ESSEX CO)	MARCH 28, 1975
500296	PERKINSVILLE, VILL (WINDSOR CO)	JANUARY 03, 1975
500181	PERU, TOWN (BENNINGTON CO)	JANUARY 10, 1975
500183	SANDGATE, TOWN OF (BENNINGTON CO.)	JANUARY 31, 1975
500184	SEARSBURG, TOWN OF (BENNINGTON CO.)	NOVEMBER 15, 1974
500287	SOMERSET, TOWN OF (WINDHAM CO.)	NOVEMBER 22, 1974
500321	STRATTON, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500269	SUDBURY, TOWN (RUTLAND CO)	JANUARY 24, 1975
500198A	SUTTON, TOWN OF (CALEDONIA CO.)	DECEMBER 13, 1974 AND
		SEPTEMBER 24, 1976
500270	TINMOUTH, TOWN OF (RUTLAND CO.)	DECEMBER 06, 1974
500288	TOWNSEND, VILLAGE OF (WINDHAM CO.)	NOVEMBER 29, 1974
500242	VERSHIRE, TOWN OF (ORANGE CO.)	JANUARY 17, 1975
500215	VICTORY, TOWN OF (ESSEX CO.)	DECEMBER 13, 1974
500077A	WASHINGTON, TOWN OF (ORANGE CO)	JUNE 28, 1974 AND
		FEBRUARY 20, 1976
500233A	WATERVILLE, TOWN OF (LAMOILLE CO.)	DECEMBER 20, 1974 AND
		SEPTEMBER 17, 1976
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST 09, 1974
500272	WEST HAVEN, TOWN (RUTLAND CO)	JANUARY 03, 1975
500257A	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER 06, 1974 AND
		DECEMBER 24, 1976
500203	WESTFORD, TOWN (CHITTENDEN CO)	JANUARY 03, 1975
500190	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	DECEMBER 20, 1974
500311A	WESTMORE, TOWN (ORLEANS CO)	JANUARY 03, 1975 AND
		OCTOBER 01, 1976
500204	WHEELOCK, TOWN OF (CALEDONIA CO.)	NOVEMBER 15, 1974
	TOTAL IN THE STATE	54

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VIRGINIA	
510242A	BELLE HAVEN, TOWN OF (ACCOMACK CO.)	NOVEMBER 01, 1974 AND
		SEPTEMBER 10, 1976
510218A	HALLWOOD, TOWN OF (ACCOMACK CO.)	AUGUST 09, 1974 AND
		MAY 28, 1976
510121A	JAYMARKET, TOWN OF (PRINCE WILLIAM CO.)	AUGUST 09, 1974
510314A	HILLSBORO, TOWN (LOUDON CO)	APRIL 04, 1975 AND
		SEPTEMBER 17, 1976
510309	LUNENBURG COUNTY *	JULY 25, 1975
510226A	NEW CASTLE, TOWN OF (CRAIG CO.)	AUGUST 09, 1974
510322	ROTKINS, TOWN OF (SOUTHAMPTON CO.)	MAY 31, 1974
510308	SPOTSYLVANIA COUNTY *	JULY 11, 1975

TOTAL IN THE STATE 8

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WASHINGTON	
530107	ALMIRA, TOWN OF (LINCOLN CO.)	DECEMBER 06, 1974
530280A	CONNELL, TOWN (FRANKLIN CO)	JULY 11, 1975 AND
		NOVEMBER 12, 1976
530108A	CRESTON, TOWN OF (LINCOLN CO.)	DECEMBER 20, 1974 AND
		APRIL 02, 1976
530246	ELMER CITY, TOWN (OKANOGAN CO)	AUGUST 22, 1975
530150A	FRIDAY HARBOR, TOWN OF (SAN JUAN CO.)	NOVEMBER 29, 1974
530110	HARRINGTON, TOWN OF (LINCOLN CO.)	DECEMBER 13, 1974
530269	KALAMA, TOWN (COWLITZ CO)	JULY 11, 1975
530178	LATAH, TOWN OF (SPOKANE CO.)	DECEMBER 06, 1974
530250	MALDEN, TOWN (WHITMAN CO)	JULY 18, 1975
530235	MUKILTEO, TOWN (SNOHOMISH CO)	JULY 11, 1975
530259	PRESCOTT, TOWN (WALLA WALLA CO)	JULY 18, 1975
530112	REARDAN, TOWN (LINCOLN CO)	JANUARY 10, 1975
530042A	REPUBLIC, TOWN OF (FERRY CO.)	JUNE 07, 1974 AND
		JANUARY 16, 1976
530039	ROCK ISLAND, TOWN (DOUGLAS CO)	JANUARY 24, 1975
530262	ROY, TOWN (PIERCE CO)	JULY 18, 1975
530264	SPRINGDALE, TOWN (STEVENS CO)	MAY 02, 1975
530031	STARBUCK, CITY (COLUMBIA CO)	JANUARY 03, 1975
530265	TIETON, TOWN (YAKIMA CO)	JULY 11, 1975
530303	TOLEDO, TOWN (LEWIS CO)	JULY 11, 1975
530266A	VADER, TOWN (LEWIS CO)	SEPTEMBER 05, 1975
530184	WAVERLY, TOWN OF (SPOKANE CO.)	NOVEMBER 15, 1974
530308	WOODWAY, TOWN (SNOHOMISH CO)	SEPTEMBER 19, 1975
530309	YARROW POINT, TOWN (KING CO)	AUGUST 08, 1975

TOTAL IN THE STATE 23

* UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
540051	HARDY COUNTY *	APRIL 25, 1975
540085	LEWIS COUNTY *	FEBRUARY 21, 1975
540183	ROANE COUNTY *	APRIL 25, 1975
540213	WOOD COUNTY	JANUARY 17, 1975

TOTAL IN THE STATE *

* UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
550174A	BARNEVELD, VILLAGE OF (IOWA CO.)	MAY 17, 1974 AND
550052A	BEAR CREEK, VILLAGE OF (OUTAGAMIE CO.)	DECEMBER 26, 1975
550066A	BELL CENTER, VILLAGE OF (CRAWFORD CO.)	NOVEMBER 22, 1974
550493A	BIG FALLS, VILLAGE OF (WAUPACA CO.)	JANUARY 09, 1974
550148A	BOSCOBEL, CITY OF (GRANT CO.)	AUGUST 30, 1974
550161A	BROWNTOWN, VILLAGE OF (GREEN CO.)	DECEMBER 17, 1973
		JANUARY 09, 1974 AND
550018A	CABLE, VILLAGE OF (BAYFIELD CO.)	JUNE 04, 1976
		AUGUST 30, 1974 AND
550011A	CAMERON, VILLAGE OF (BARRON CO.)	NOVEMBER 21, 1975
		DECEMBER 28, 1973 AND
550358A	CAZENOVIA, VILLAGE OF (RICHLAND CO.)	MAY 28, 1976
		AUGUST 23, 1974 AND
550371A	CONRATH, VILLAGE OF (RUSK CO.)	OCTOBER 24, 1975
		AUGUST 30, 1974 AND
550069A	DESOTO, VILLAGE (CRAWFORD CO.)	MARCH 19, 1976
		JANUARY 09, 1974 AND
550461A	EAGLE RIVER, CITY OF (VILAS CO.)	MAY 14, 1976
550417A	ELAND, VILLAGE OF (SHAWANO CO.)	DECEMBER 28, 1973
		AUGUST 23, 1974 AND
550299A	ELDERON, VILLAGE OF (MARATHON CO.)	MARCH 19, 1976
		JULY 19, 1974 AND
550129A	FAIRCHILD, VILLAGE OF (EAU CLAIRE CO.)	JULY 30, 1976
		MAY 31, 1974 AND
550250A	FENWOOD, VILLAGE OF (MARATHON CO.)	JUNE 04, 1976
		AUGUST 02, 1974 AND
550110A	FORESTVILLE, VILLAGE OF (DOOR CO.)	MAY 14, 1976
550367	FORTVILLE, VILLAGE OF (CROCK CO.)	NOVEMBER 30, 1973
550238A	FRANCIS CREEK, VILLAGE OF (MANITOWOC CO.)	MAY 31, 1974
550372	GLEN FLORA, VILLAGE OF (RUSK CO.)	MAY 17, 1974
550050A	GRANTON, VILLAGE OF (CLARK CO.)	NOVEMBER 08, 1974
550202A	HUSTLER, VILLAGE OF (JUNEAU CO.)	AUGUST 30, 1974
		AUGUST 23, 1974 AND
550374A	INGRAM, VILLAGE OF (RUSK CO.)	MAY 14, 1976
550393A	IRONTON, VILLAGE OF (SAUK CO.)	SEPTEMBER 06, 1974
550396A	LIME RIDGE, VILLAGE OF (SAUK CO.)	AUGUST 16, 1974
		AUGUST 23, 1974 AND
550102A	LOWELL, VILLAGE OF (DODGE CO.)	APRIL 23, 1976
550434A	LUBLIN, VILLAGE OF (TAYLOR CO.)	MAY 17, 1974
550370A	MARQUETTE, VILLAGE OF (GREEN LAKE CO.)	SEPTEMBER 20, 1974
550419A	MATTOON, VILLAGE OF (SHAWANO CO.)	DECEMBER 28, 1973
550286A	MELVINA, VILLAGE OF (MONROE CO.)	AUGUST 30, 1974
		AUGUST 30, 1974 AND
550152A	MOUNT HOPE, VILLAGE OF (GRANT CO.)	MAY 28, 1976
		AUGUST 30, 1974 AND
550205A	NECEDAH, VILLAGE OF (JUNEAU CO.)	MAY 14, 1976
		JANUARY 09, 1974 AND
550046A	NEW AUBURN, CITY OF (CHIPPEWA CO.)	MAY 28, 1976
		JULY 19, 1974 AND

* UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
550360A	NORTH BAY, VILLAGE OF (RACINE CO.)	AUGUST 13, 1976
550500A	OGDENSBURG, VILLAGE OF (WAUPACA CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 10, 1976
550113A	OLIVER, VILLAGE OF (DOUGLAS CO.)	AUGUST 23, 1974 AND MAY 28, 1976
550457A	ONTARIO, VILLAGE OF (VERNON CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
550427A	OOSTBURG, VILLAGE OF (SHEBOYGAN CO.)	JANUARY 09, 1974
550155A	POTOSI, VILLAGE OF (GRANT CO.)	JUNE 28, 1974 AND JUNE 04, 1976
550401A	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER 28, 1973
550458A	READSTOWN, VILLAGE OF (VERNON CO.)	DECEMBER 07, 1973
550506A	REDGRANITE, VILLAGE OF (WAUSHARA CO.)	DECEMBER 07, 1973 AND APRIL 16, 1976
550222	ROCKLAND, VILLAGE OF (LA CROSSE CO)	MAY 17, 1974 AND MAY 28, 1976
550554	SHOREWOOD HILLS, VILLAGE OF (DANE COU)	JULY 11, 1975
550230A	SHULLSBURG, CITY OF (LAFAYETTE CO.)	JANUARY 31, 1975
550231A	SOUTH WAYNE, VILLAGE OF (LAFAYETTE CO.)	MAY 17, 1974 AND MAY 28, 1976
550388	STANTON, TOWN OF (ST. CROIX CO.)	DECEMBER 07, 1973 AND MAY 28, 1976
550387A	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	NOVEMBER 15, 1974
550353A	STURTEVANT, VILLAGE OF (RACINE CO.)	DECEMBER 28, 1973 AND MAY 28, 1976
550406	TROY, VILLAGE OF (SAUK CO.) (SAUK CO.)	MAY 24, 1974
550207	UNION CENTER, VILLAGE OF (JUNEAU CO.)	DECEMBER 06, 1974
550257A	UNITY, CITY OF (MARATHON CO.)	NOVEMBER 15, 1974
550519A	VESPER, VILLAGE OF (WOOD CO.)	SEPTEMBER 20, 1974
550507A	WILD ROSE, VILLAGE OF (WAUSHARA CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
550156A	WOODMAN, VILLAGE OF (GRANT CO.)	MAY 31, 1974 AND JUNE 04, 1976
		JANUARY 16, 1974 AND AUGUST 08, 1975

TOTAL IN THE STATE 55

* UNINCORPORATED AREAS ONLY

WYOMING

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
560091A	CHUGWATER, TOWN OF (PLATTE CO.)	DECEMBER 13, 1974 AND NOVEMBER 26, 1976
560059	CONLEY, TOWN (BIG HORN CO)	SEPTEMBER 19, 1975
560018A	DUBOIS, TOWN OF (FREMONT CO.)	JANUARY 23, 1974 AND AUGUST 27, 1976
560025A	EAST THERMOPOLIS, TOWN OF (HOT SPRINGS CO.)	NOVEMBER 08, 1974 AND FEBRUARY 06, 1976
560061	ENCAMPMENT, TOWN (CARBON CO)	SEPTEMBER 26, 1975
560062	GLENDO, TOWN (PLATTE CO)	AUGUST 15, 1975
560005A	GREYBULL, TOWN (BIG HORN CO)	JUNE 21, 1974
560063	HANNA, TOWN (CARBON CO)	AUGUST 22, 1975
560026	KAYCEE, TOWN OF (JOHNSON CO.)	NOVEMBER 22, 1974
560035A	KEMMERER, TOWN OF (LINCOLN CO.)	MARCH 29, 1974 AND DECEMBER 17, 1976
560064	LINGLE, TOWN (GOSHEN CO)	AUGUST 15, 1975
560075	LYMAN, TOWN (UINTA CO)	SEPTEMBER 19, 1975
560094A	RANCHESTER, TOWN OF (SHERIDAN CO.)	SEPTEMBER 06, 1974 AND MARCH 12, 1976
560021A	RIVERTON, CITY OF (FREMONT CO.)	MARCH 29, 1974 AND AUGUST 06, 1976
560003	ROCK RIVER, CITY OF (ALBANY COU)	FEBRUARY 07, 1975
560078	SHOSHONI, TOWN (FREMONT CO)	AUGUST 15, 1975
560067	SINCLAIR, TOWN (CARBON CO)	JULY 25, 1975
560055	TEN SLEEP, TOWN OF (WASHAKIE CO.)	DECEMBER 13, 1974
560024	TODER, TOWN OF (GOSHEN CO.)	DECEMBER 06, 1974

TOTAL IN THE STATE 19

NATIONAL TOTAL 3,116

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804 November 28, 1968); as amended. 42 U.S.C. 4001–4128; and Secretary's delegation of Authority to Federal Insurance Administrator, 34 FR 2680, February 28, 1969, as amended 39 FR 2787, January 24, 1974)

Issued: January 11, 1977.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.77-1395 Filed 1-17-77; 8:45 am]

5-year Compilation of
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