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FRIDAY, AUGUST 26, 1977

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1934

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	HEW/ADAMHA			HEW/ADAMHA
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	HEW/PHS			HEW/PHS

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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reminders

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

Rules Going Into Effect Today

Commerce/NOAA—Coastal zone management research and technical assistance; funding and operation of training programs 38739; 7–29–77

FCC—Signal strength contours for purposes of cable television system regulation; modifying or eliminating use. 36831; 7–18–77

Rules Going Into Effect August 27, 1977

Interior/FWS—Hatchie National Wildlife Refuge, Tenn.; open to squirrel hunting. 38910; 8–1–77

Lake Isom National Wildlife Refuge, Tenn.; open to hunting. 38910; 8–1–77

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HEW/FDA—Diagnostic substances for laboratory tests; additional standards. 27585; 5–31–77

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.

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 the Treasury

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment changes the title of Secretary to the Special Assistant to the Secretary (Public Affairs) to Secretary to the Assistant Secretary (Public Affairs) because that title reflects the current title of the superior. Also, the positions of External Affairs Officer (Public Affairs) and Special Assistant to the Special Assistant to the Secretary (Public Affairs) have been revoked under the automatic revocation system.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3305 (a) (25), (a) (34), and (a) (69) are amended as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(25) One Secretary to the Assistant Secretary (Public Affairs).

* * * * *

(34) [Revoked].

* * * * *

(69) [Revoked].

* * * * *

(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.77-24566 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Army

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: One position of Public Affairs Officer to the Chief of Public Affairs, one position of Staff Assistant to the Under Secretary of the Army, and one position of Special Assistant to the Deputy Under Secretary of the Army.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3307 (a) (6), (b) (3) and (4) are added as set out below:

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(6) One position of Public Affairs Officer to the Chief of Public Affairs.

(b) *Office of the Under Secretary.* * * *

(3) One Staff Assistant to the Under Secretary.

(4) One Special Assistant to the Deputy Under Secretary.

* * * * *

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

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

[FR Doc.77-24567 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: One position of Confidential Assistant to the Assistant Secretary for Domestic and International Business; and one position of Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy and Research.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3314(m) (1) is amended and (22) is added as set out below:

§ 213.3314 Department of Commerce

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* (1) One Private Secretary and two Confidential Assistants to the Assistant Secretary.

* * * * *

(22) One Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy and Research.

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

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

[FR Doc.77-24568 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Veterans Administration

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment transfers one Confidential Assistant from the Office of the Special Assistant to the Administrator, one Confidential Assistant from the Office of the Executive Assistant to the Administrator, and two Confidential Assistants from the Office of the Assistant Deputy Administrator to the Office of the General Counsel.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3327 (a) (1), (a) (7), and (a) (8) are amended and (a) (11) is added as set out below:

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* (1) Four Confidential Assistants to the Special Assistant to the Administrator.

* * * * *

(7) Two Confidential Assistants to the Executive Assistant to the Administrator.

(8) Three Confidential Assistants to the Assistant Deputy Administrator.

* * * * *

(11) Four Confidential Assistants to the General Counsel.

(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.77-24569 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Assistant Secretary for

Administration is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(a) (66) is amended as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(a) *Office of the Secretary.* * * *

(66) Two Special Assistants and one Secretary to the Assistant Secretary for Administration.

* * * * *

(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.77-24570 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment reflects the following: The exception under Schedule C of one position of Special Assistant to the Assistant Secretary for Housing/Federal Housing Commissioner because it is confidential in nature; the revocation under the automatic revocation system of one Private Secretary, five Special Assistants, and three Staff Assistants to the Assistant Secretary—Commissioner; the transfer of one position of Special Assistant to the Assistant Secretary—Commissioner—from the Office of the Assistant Secretary for Housing Management to the Office of the Assistant Secretary for Housing/Federal Housing Commissioner due to a reorganization which resulted in the abolition of the former office.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(b) is amended and (c) is revoked as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing/Federal Housing Commissioner.* * * *

(6) [Revoked]

* * * * * *

(12) [Revoked]

* * * * *

(20) Three Special Assistants to the Assistant Secretary—Commissioner.

* * * * *

(c) [Revoked]

(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.77-24571 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President: Office of Management and Budget

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Executive Associate (Assistant) Director for Budget is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3303(a) (19) is added as set out below:

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

(19) One Special Assistant to the Executive Associate (Assistant) Director for Budget.

* * * * *

(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.77-24836 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Private Secretary to the Director of the Department of Defense Strategic Arms Limitation Talks Task Force is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(a) (92) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(92) One Private Secretary to the Director, Department of Defense Strategic Arms Limitation Talks Task Force.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assis'ant to the Commissioners.

[FR Doc.77-24833 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Staff Assistant to the Commissioner, Bureau of Reclamation is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3312(n) (2) is added as set out below:

§ 213.3312 Department of the Interior.

* * * * *

(n) *Bureau of Reclamation.* * * *

(2) One Staff Assistant to the Commissioner.

(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.77-24835 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of the position of Director of Agricultural Economics to Director of Economics, Policy Analysis and Budget.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

John W. McKee, Civil Service Commission, 202–632–4625.

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Sylvester B. Pranger, Director of Personnel, Department of Agriculture, 202–447–3585.

Accordingly, the headnote of 5 CFR 213.3313(n) is amended as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(n) *Economics, Policy Anaylsis and Budget.* * * *

(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.77-24832 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Maritime Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Secretary to the Chairman is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3367(e) is added as set out below:

§ 213.3367 Federal Maritime Commission.

* * * * *

(e) One Secretary to the Chairman.

(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.77-24834 Filed 8-25-77;8:45 am]

PART 213—EXCEPTED SERVICE

Community Services Administration

NOTE.—The document orginally appeared at page 42679 in the FEDERAL REGISTER for August 24, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Staff Assistant, Office of Policy, Planning, and Evaluation, is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3373(j)(2) is added as set out below:

§ 213.3373 Community Services Administration.

* * * * *

(j) *Office of Policy, Planning, and Evaluation.* * * *

(2) One Staff Assistant.

(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.77-24604 Filed 8-23-77;8:45 am]

Title 7—Agriculture

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

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of $44,415 and establishes a rate of assessment of twenty-six hundredths ($0.0026) cent per hundredweight of potatoes for the functioning of the Idaho-Eastern Oregon Potato Committee. The regulation enables the committee to collect assessments from first handlers on all assessable potatoes handled and to use the resulting funds for its expenses.

EFFECTIVE DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: 202–447–3545.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 98 and Order No. 945, both as amended, regulate the handling of Irish potatoes grown in designated counties in Idaho and in Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

Notice was published in the August 4 FEDERAL REGISTER (42 FR 39395) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than August 19, 1977. None was filed.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation is as follows:

§ 945.230 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1978, by the Idaho-Eastern Oregon Potato Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to $44,415.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0026 per hundredweight, or equivalent quantity, of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 945.44(b).

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

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

Dated: August 23, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-24793 Filed 8-25-77;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Docket No. BRIA–1]

PART 1260—BEEF RESEARCH AND INFORMATION

Subpart—Beef Research and Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum Results; Termination of Proceeding.

SUMMARY: This document announces that the requisite number of cattle producers voting in a referendum failed to approve the issuance of an order to establish a beef research and information program under the Beef Research and Information Act. Therefore, the order published in the FEDERAL REGISTER on April 15, 1977, adding Subpart—Beef Research and Information Order to 7 CFR Part 1260 will not become effective and this proceeding is terminated.

DATE: Effective, August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph L. Tapp, (202) 447-3815.

SUPPLEMENTARY INFORMATION: On April 15, 1977, a decision and order implementing the Beef Research and Information Act (7 U.S.C. 2901 et seq.) were published in the FEDERAL REGISTER (42 FR 19865). As provided in Section 9 of the Act (U.S.C. 2908), the order could become effective only if approved by cattle producers voting in a referendum. Under Procedure for the Conduct of Referendums published in the FEDERAL REGISTER May 17, 1977 (42 FR 25315), producers registered to vote during the period June 6–17, 1977, and voted during the period July 5–15, 1977, to determine whether they approved issuance of the order. Results of the referendum showed that less than the required two-thirds majority of the cattle producers voting favored issuance of the order. Therefore, the order published on April 15 adding 7 CFR Part 1260 shall not become effective and this proceeding is terminated.

Signed at Washington, D.C., on August 22, 1977.

WILLIAM T. MANLEY,
Deputy Administrator
Program Operations.

[FR Doc.77-24852 Filed 8-25-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Computation of Landed Costs: Transportation

AGENCY: Federal Energy Administration (FEA)

ACTION: Final rule.

SUMMARY: These amendments refine FEA's interim regulations concerning marine transportation of crude oil. FEA is making these amendments as a result of additional comments and experience with the interim regulations. Problems arising under the regulations during the last seven months are discussed, and FEA's treatment thereof is clarified. The new regulation makes minor changes in the deadfreight calculation, requires notification to FEA by new entrants, clarifies issues relating to subchartering, allows smaller firms to recover costs of land based personnel, and makes several other changes in the interim regulations.

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Sandra Sherman, Office of General Counsel, (202) 566-9380.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND.

On December 20, 1976, FEA issued interim regulations amending Part 212 of Chapter II of Title 10 of the Code of Federal Regulations, which established standard measures of the cost of marine transportation of crude oil as a component of the landed cost of that crude oil (41 FR 55851, December 23, 1976). Although the revisions to the proposed regulations fell within the scope of the proposal, certain changes were significant, and consequently further public comment was sought before final regulations were promulgated. FEA has now evaluated these comments, which it has supplemented with its experience in administering the regulations, and hereby makes certain revisions in and clarifications to the interim regulations as explained below.

II. EFFECT ON COMPARATIVE DATA SHOWINGS AUTHORIZED UNDER INTERIM REGULATIONS

Companies which utilized the standards in the interim regulations for compiling eighteen-month comparative data justifying their customary accounting procedures, will not be required to adjust such data to reflect the amendments issued today. However, any company denied authority to use its customary procedures, may seek reconsideration of such denial by demonstrating that these final regulations could affect the disposition of its request.

III. REVISIONS AND CLARIFICATIONS

A. GENERAL

1. *Dollar-for-Dollar Passthrough of Costs.*—One comment suggested that to the extent that the proposed regulations provided a notional basis for computing costs, they would deny the dollar-for-dollar passthrough of increased product costs required by the Emergency Petroleum Allocation Act, as amended. The legal basis for the accounting procedures established by FEA was extensively discussed in the preamble to the interim regulations, and FEA believes that they are fully authorized by applicable law.

2. *Customary Accounting Practices in Lieu of Prescribed AFRA or Net Cost Methods.*—In accordance with § 212.85 (b)(2), FEA received a number of requests to use customary accounting practices in lieu of the AFRA or net cost methods prescribed by FEA. In the preamble to the interim regulations, FEA set out the standards which it would apply in considering such requests:

> • • • FEA has strengthened the standards for authorizing firms to retain their customary accounting procedures, so that now a firm may do so only where those procedures result in transportation costs less than or not materially different from costs determined by application of FEA's procedures. To assist in this determination, firms seeking to retain their customary accounting procedures are asked to submit comparative data for an 18-month test period. FEA has included the "materially different" standard to allow for cases in which during the test period costs may exceed the FEA standard but would not be expected to exceed the standard in the future.

Thus, under the 'materially different' standard, customary accounting practices can be allowed, even where costs were unusually excessive during the test period, provided that a demonstrated anomaly unrelated to the operation of those accounting practices (e.g. port diversions due to sudden strikes) was the basis for such cost increase. Moreover, in evaluating whether a firm's historical accounting practices "result in transportation costs less than or not materially different from costs determined by application of FEA's procedures," FEA considered the discretionary features of the firm's practices. If implementation of those practices permitted a significant amount of discretion in calculating transportation costs, FEA's approval to utilize such practices was not granted.

3. *Deadfreight.*—FEA received several comments in this area, including recommendations that the deadfreight limitation be eliminated. For the reasons stated in the preamble to the regulation, FEA believes that a limitation is appropriate. However, in its administration of the deadfreight calculation, FEA has recognized that alternative approaches to the deadfreight issue may be appropriate and is considering issuance of a further proposed amendment to § 212.85(d).

In response to other comments, FEA is revising the manner in which deadfreight is calculated under § 212.85(d)(1)(ii) so that the limitation will apply on a tonnage rather than barrel basis, consistent with the calculation of voyage freight on a cost per long ton basis under § 212.85(d)(1)(i). The deadfreight calculation has been amended to specify the factors in the cost per long ton computation. In order that the cost per long ton of cargo loaded shall not exceed the cost per long ton for the applicable vessel class, the limitation now provides that the cost per long ton is to be derived from the sum of deadfreight and voyage freight divided by long tons for the voyage on which deadfreight is claimed.

FEA considered amending § 212.85(d)(1)(ii) to make explicit the allocation of allowable deadfreight where the crude oil shipped on one vessel in a single voyage is owned by more than one firm. However, the amendment was deemed unnecessary since the allocation of deadfreight cost is required by both § 212.85 (c)(1) and (d)(1), which direct that a firm shall establish "its" cost for the shipment of crude oil. That portion of the deadfreight allowable with respect to one party's use of the vessel cannot be a cost of the other party's transportation.

4. *Change from Customary Accounting Practices to AFRA Method.*—One comment suggested that § 212.85(b)(1), which permits firms to change from the Net-Cost Method specified in § 212.85(c) to the AFRA Method in § 212.85(d), be amended so that firms authorized to use customary accounting practices in lieu of the specified Net-Cost Method may also make such change. FEA believes that the purpose of § 212.85(b)(1), to recognize the effect on cost accounting of changes in applicable distribution patterns, would be served by this amendment and has therefore adopted it.

5. *Recomputation of Transportation Element of Landed Cost of May, 1973.*— One comment stated that since it is the purpose of the price rules to measure changes in cost between May, 1973 and the month of measurement, the transportation component of a firm's landed costs must be recalculated in accordance with the accounting procedures required to be adopted under § 212.85. This issue was extensively discussed in the preamble to the interim regulations, and for the reasons given at that time FEA believes that such recomputation is not required.

6. *Active Use.* Section 212.85(e) provides that "In no case shall any transportation cost be allowed for a period when a vessel is not in active use." One comment pointed out that the term 'active use' is unclear, since, for example, lightering vessels legitimately engaged in crude oil transportation may nonetheless spend significant periods awaiting arrival of VLCC's. In response to this comment, FEA wishes to point out that § 212.85(e) is not intended to limit recognition of costs to periods when a ship is actually carrying oil (thereby precluding costs associated with ordinary waiting periods or routine maintenance) but to insure that firms do not abuse § 212.85 by recognizing the full costs of vessels only marginally engaged in crude oil transportation for the firm. The FEA audit staff will, however, carefully scrutinize costs attributable to periods exceeding routine idling or demurrage.

7. *Parity Calculation.* One comment objected to specification in § 212.84(e)(6)(i) of the LR–1 class of vessels for the purpose of calculating the transportation adjustment in connection with FEA's determination of maximum and representative prices for crude oil from a country where there is no reference crude. This issue was discussed in the preamble to the interim regulations, and for the reasons stated therein FEA believes that specification of the LR–1 class of vessel is appropriate.

8. *New Entrants.* Section 212.85(b)(1) as proposed or in its interim form, made no provision for firms first undertaking marine transportation of crude oil after the deadline established by FEA for selection of the AFRA or Net Cost methods. Accordingly, § 212.85(b)(1) has been amended to provide that where a firm first engages in marine transportation of crude oil more than thirty days after the effective date of § 212.85 (i.e. February 1, 1977 or later), it shall notify FEA within thirty days of the first loading as to which method it has selected. Since such new entrants will not have utilized customary accounting procedures for this purpose, they will be ineligible to continue their use in accordance with § 212.85(b)(2).

9. *Phantom Exchanges.*—In the course of administering the interim regulations, FEA has noted a need for clarification with respect to the treatment of transportation costs in the context of "phantom exchanges". (The term is popularly used to designate reciprocal transfers which facilitate the importation of foreign crude oil into the United States. Typically, it involves: (1) A small, inland refiner, the holder of a fee-exempt license, transfers (by passing title, but not physically moving) domestic crude oil to a major firm in return for an equivalent value of that firm's foreign crude oil located outside U.S. customs territory; (2) the foreign crude oil is transported by the major firm to United States customs territory but is imported under the small firm's fee-exempt license; and (3) the domestic and foreign crudes are exchanged back, so that the small firm again has title to its domestic crude, and the major firm again owns its foreign crude.)

Generally, at the conclusion of the phantom exchange, each firm must reflect a cost for the crude oil that it has, which is equivalent to the cost of the crude oil originally transferred (and certain adjustments). Accordingly, the major firm, which began and ended the transaction with foreign oil, should account for the "landed cost" of the foreign oil. These costs include the expense of transporting the crude oil from its country of origin to the United States, established pursuant to § 212.85. Similarly, the small firm, which ultimately receives the domestic crude oil with which it entered the transaction, must account for the cost of its domestic crude in accordance with §§ 212.82 and 212.83. Since the small firm does not determine its costs pursuant to § 212.85, FEA has determined that firms taking the part of the small firm in phantom exchanges should not be subject to that section. In this regard, FEA has amended § 212.85(a) to exempt from § 212.85 transactions in which a person acts as the nominal importer of record, but at no time physically acquires the crude oil so imported.

10. *Subcharters.* — In administering § 212.85, FEA has recognized certain problems associated with subchartering. Primarily, where a firm has chartered vessels which cannot be used economically to transport the firm's crude oil, it may attempt to subcharter such vessels for some or all of the remaining term, increasing the total transportation costs passed through to the consumer by any losses occasioned by the subcharter. While § 212.85 generally permits subchartering costs to be passed through as an element of the landed cost, it is not the purpose of the regulation to permit firms to recognize costs which are incurred primarily in connection with transportation of another firm's crude oil. Accordingly, where a firm recognizes costs associated with the use of vessels by unaffiliated entities, FEA intends to review such costs carefully, and may disallow any costs not incurred principally in connection with transporting the firm's own crude oil.

FEA has also recognized other problems relating to the calculation and allocation of subchartering costs, and intends to issue proposed regulations in this regard in the near future.

11. *Backhauls.*—In the preamble to its interim regulations, FEA stated that it had issued orders to several companies seeking information concerning the amount of backhauling done in connection with crude oil importation, in order to determine whether backhauling was sufficiently important to require that profits therefrom be credited against costs. After analyzing the data submitted, FEA has confirmed its initial judgment that the revenues received from backhauling are insignificant, and therefore no credit will be required.

12. *C.I.F. Purchases.*—FEA has received several requests to exempt from § 212.85 purchases made on a C.I.F. basis. In the near future, FEA intends to propose regulations addressing these requests.

B. AFRA METHOD

1. *Demurrage.* Several comments suggested that the credit against cost for unused laytime in § 212.85(d)(1)(iii) was inconsistent with industry practice, since unused laytime accrues to the vessel owner rather than its charterer. FEA agrees that in light of this practice, the credit would be inappropriate for voyage charter vessels. Although the credit could, theoretically, be applied with respect to equity status vessels, and long-term charters, the "savings" is not actually reflected in accounts. Accordingly, § 212.85(d)(1)(iii) has been amended by deleting the credit for unused laytime for both charter and equity status vessels.

In addition, § 212.85(d)(1)(iii) has been amended to clarify the means of calculating demurrage costs. Since the provision omitted reference to the schedule of demurrage charges contained in Worldscale, but referred only to "the product of the applicable AFRA and Worldscale rates," language was added to make clear that Worldscale demurrage schedule rates should be utilized when performing the calculation.

Finally, § 212.85(d)(1)(iii) was amended to recognize the fact that the charterer is not always the one who incurs demurrage charges. For example, if the ship's pumping system falls below the rate specified in the charter agreement then the charterer is relieved of such charges. Accordingly, § 212.85(d)(1)(iii) now provides for recognition of demurrage costs above allowed laytime, "provided that the charterer is determined to be responsible."

2. *Cargo Loaded.* One comment suggested that § 212.85(d)(1)(i) and (ii) be clarified in order that "gross long tons of cargo loaded" be determined in accordance with the bills of lading furnished the shipper. FEA recognizes that since the regulation requires that calculations be made on a "loaded" basis, the shipper must rely on the bill of lading rather than on subsequent measurements. Accordingly, FEA has adopted this recommendation.

3. *Costs Not Included in Worldscale.* A number of firms suggested that the list in § 212.85(d)(1)(v) of allowed costs other than those in Worldscale, should be enlarged to include certain other costs. FEA recognizes that unusual costs may, from time to time, be incurred.

Typically, these will not be on a regular basis. However, the list in § 212.85(d)(1)(v) was very carefully considered in order that it be as inclusive as possible consistent with practicable audit procedures. Therefore, FEA has determined that it should not be further extended. Firms which incur unusual costs may, on hardship grounds, seek an Exception to § 212.85(d)(1)(v) in accordance with Part 205.

4. *Applicable AFRA Rate.* The term "AFRA rate applicable to the month in which readiness to load is tendered," in § 212.85(d)(1)(i)(A), is being amended to read "AFRA rate applicable to the month of first loading of the vessel on each voyage of crude oil imported into the United States." In the course of administering the interim regulations, FEA has encountered problems which have led it to discard, in the final regulations, the concept of readiness to load and to substitute therefor the concept of loading. This is because even though some companies may keep their records on a readiness basis, all companies must keep records of loadings in order to furnish information to FEA on such forms as the F-701-M-0. Accordingly, FEA believes this change will facilitate ease of verification, and eliminate the need for any additional records. In addition, FEA recognizes that some ambiguity remains with respect to multiport loadings. FEA considered amending the regulations to provide specific procedures, but determined that this was unnecessary since Worldscale contains multiport rates.

C. NET COST METHOD

1. *Recovery of Capital Costs.* Some firms objected to the exclusion in the amortization method applicable to equity status vessels under § 212.85(c)(2)(ii)(B), of any provision for recovering the cost of capital. This issue was discussed in the preamble to the interim regulation, and for the reasons stated therein FEA declines to adopt any provision for capital cost recovery.

2. *Land Based Personnel.* Some comments pointed out that small firms do not have employees "solely engaged in marine transportation," and would therefore be unable to consider their salaries as elements of cost. FEA appreciates this concern, and has therefore amended § 212.85(c)(1) to provide that firms with crude oil transportation subsidiaries or departments (or crude oil divisions of general transportation departments) may recognize the salaries of the employees of such subsidiaries, departments, or divisions, while firms without such organizational units may recognize that portion of a person's salary attributable to time spent on crude oil transportation: *Provided,* That such person spends at least one quarter of his time in such activity. Thus, in the case of large firms, which generally have transportation departments, the salaries of those persons who principally facilitate crude oil movements will be recognizable, although the salaries of persons who occasionally consider such issues will not be able to be prorated. In the case of small firms, which generally lack such departments, the salaries of persons who are not solely engaged in crude oil transportation, but who make a significant contribution to such activity, will be able to be recognized to the extent of the contribution. FEA believes that this is an equitable solution, in light of the difficulties of auditing any proration of costs.

One firm also commented that overhead costs in addition to land-based personnel should be recognized. This issue was discussed in the preamble of the interim regulations, and FEA believes that in light of the significant auditing problems that would result from any such allowance, this recommendation cannot be adopted.

3. *Ships' Personnel.* Section 212.85(c)(2)(ii)(B) provides that with respect to the amortization method, allowed transportation costs relating to an equity status vessel shall include, inter alia, "all payments made by the firm to unaffiliated entities incurred in connection with the use and operation of the vessel." One firm pointed out that owners of equity status vessels may also operate their vessels, and that, therefore, the use of the term "unaffiliated" was inappropriate. This term is intended to preclude recognition of costs where one entity merely pays another entity of the same firm. However, FEA agrees that where payment is made not to a shipping subsidiary, but directly to employees, that payment should be recognized. Moreover, with respect to charter status vessels treated under § 212.85(c)(iii)(A) a bareboat charterer may hire employees to operate the vessel, rather than pay another company to supply a crew. Accordingly, FEA has amended paragraphs (c)(2)(ii)(B) and (c)(2)(iii)(A) to provide that the salaries of ships' personnel engaged in crude oil transportation may be recognized to the extent that they participate in the use and operation of a vessel.

(Federal Energy Administration Act of 1974, as amended, Pub. L. 93-275, as amended, Pub. L. 94-385; 39 FR 23185; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-335; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 212 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective September 1, 1977.

Issued in Washington, D.C., August 18, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.85 is amended in paragraph (a) by inserting the subparagraph designation (1) after the designation of paragraph (a) and by adding a new subparagraph (2), in subparagraph (1) of paragraph (b), in subpargraphs (1), (2)(ii)(B) and (2)(iii)(A) of paragraph (c), and in subparagraphs (d)(1)(i) through (iii) to read as follows:

§ 212.85 Transportation.

(a)(1) * * *

(2) This section shall not be applicable to transactions in which a person acts as nominal importer of record, but at no time physically acquires the crude oil so imported.

(b)(1) *Selection of Method.* For the purpose of this section, a firm shall utilize either the Net-Cost Method specified in paragraph (c) of this section, or the AFRA Method specified in paragraph (d) of this section, depending on that firm's historical accounting procedures, for the determination of its crude oil transportation costs. A firm shall utilize the Net-Cost Method if those procedures have been based predominantly on actual costs; it shall utilize the AFRA Method if they have been based predominantly on a nominal-cost approach such as AFRA-Worldscale. Each reporting firm shall notify FEA within 30 days of the effective date of this regulation as to which method it is required to utilize, and where applicable shall specify which of the two methods permitted to be utilized under paragraph (c)(2)(ii) it has adopted. Where a firm first engages in marine transportation of crude oil after this period, it shall make such notification within 30 days of the first loading of the vessel, but shall not be eligible to use customary accounting procedures in accordance with subparagraph (2). A firm using the Net-Cost Method, or customary accounting procedures in lieu of the Net-Cost Method in accordance with subparagraph (2), may at any time request permission to make a one-time-only change to the AFRA Method. FEA will allow that change where a firm demonstrates that due to changes in its distribution patterns use of the Net-Cost Method or its customary accounting procedures is no longer practicable. Any change permitted under this section may be conditioned on a recalculation of transportation costs for earlier months pursuant to the new method adopted.

* * * * *

(c)(1) *The Net-Cost Method.* A firm using the Net Cost Method for determination of its transportation costs shall establish its net transportation cost by (i) determining its allowed transportation costs, as specified in paragraph (c)(2) of this section, and (ii) subtracting therefrom the sum of: (A) Any income received by the firm from unaffiliated entities for the use of vessels (other than "equity" status vessels where transportation costs are calculated in accordance with paragraph (c)(2)(ii)(A)) whose costs are included in the total allowed transportation costs, plus (B) the product of that firm's cost per ton mile for the fiscal year, determined according to subparagraph (3) of this paragraph, times the total ton-miles of shipping during the fiscal year which does not produce income from unaffiliated companies, does not involve crude oil imported into the United States, and uses vessels (other than "equity" status vessels where transportation costs are cal-

culated in accordance with paragraph (c)(ii)(A)) whose cost are included in its allowed transportation costs. Transportation costs not otherwise allocated to particular shipments shall be allocated according to subparagraph (3) of this paragraph. The cost of general overhead may not be included. However, where a firm has a subsidiary or department whose purpose is directly and solely to facilitate marine transportation of crude oil from foreign ports to the United States (or such a division of a general transportation department) the salaries of the land-based personnel in such subsidiary, department, or division may be included; where a firm has no such subsidiary or department, it may include that portion of a person's salary directly attributable to the facilitation of marine transportation of crude oil from foreign ports to the United States, provided that such person spends at least twenty-five percent (25%) of his time in such activity.

(2) * * *

(ii) * * *

(B) The sum of (*1*) all payments made by the firm to unaffiliated entities incurred in connection with the use and operation of the vessel, and that portion of the salaries of ships' personnel employed by the firm who are directly engaged in marine transportation of crude oil from foreign ports to the United States, which is attributable to their activity in this regard, (2) the cost of bunker fuel which is supplied by the firm to the vessel for the purpose of transporting crude oil to the United States, priced at the current market price at the location where supplied, and (3) annual depreciation as determined in accordance with the customary accounting procedures generally accepted and consistently and historically applied by the firm in financial reports to stockholders.

(iii)(A) Allowed transportation costs for a charter status vessel shall be the sum of all payments made by the firm to unaffiliated entities incurred in connection with the use and operation of the vessel, plus that portion of the salaries of ships' personnel employed by the firm who are directly engaged in marine transportation of crude oil from foreign ports to the United States, which is attributable to their activity in this regard, plus the cost of any bunker fuel which is supplied by the firm to the vessel for the purpose of transporting crude oil to the United States, priced at the current market price at the location where supplied.

* * * * *

(d)(1) * * *

(i) Voyage freight, determined by multiplying the AFRA rate applicable (A) to the month of first loading of the vessel on each voyage of crude oil imported into the United States and (B) to the class of vessel, by the World-scale rate for the voyage and by the gross long tons of cargo loaded as specified in the bill of lading;

(ii) Deadfreight, determined by multiplying the product of the AFRA rate and the Worldscale rate determined as in (i) by the difference between the deadweight available to cargo and the gross long tons of cargo loaded as specified in the bill of lading, provided that the cost per long ton, calculated by dividing the sum of the voyage freight and deadfreight by the long tons of crude oil actually loaded, does not exceed the cost per long ton for the vessel class of the largest fully loaded vessel which can make the voyage between the ports of loading and unloading under normal operating conditions;

(iii) Demurrage costs above the laytime allowed in the Worldscale rate: *Provided*, That the charterer is determined to be responsible, calculated as the product of the applicable AFRA and Worldscale demurrage schedule rates;

* * * * *

[FR Doc.77-24840 Filed 8-24-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0094 and FC-0102]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs and revoking an official staff interpretation as indicated below.

EFFECTIVE DATE: August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Attorney, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2412.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

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

(3) 15 U.S.C. 1640(f).

(4) Due to a clerical error, an official staff interpretation has been published twice under two different numbers. Since official staff interpretation FC-0085 was published previously as official staff interpretation FC-0085, official staff interpretation FC-0094 is hereby revoked. Official staff interpretation FC-0085 remains in effect.

The official staff interpretations will not be renumbered. Rather, there will not be an official staff interpretation FC-0094.

§ 226.8(b). In connection with guaranteed student loan program, lender must provide disclosures for both interim and repayment period at time interim loan is made.

§ 226.8(d). In connection with guaranteed student loan program, lender must provide disclosures for both interim and repayment period at time interim loan is made.

§ 226.8(b). Use of term "Pro Rata" complies with requirement that creditor identify method of computing unearned portion of finance charge.

Section 226.8(b)(6) applies only to obligations which do not include precomputed finance charges.

Where disclosures fully state method and circumstances under which unearned finance charges will be rebated, circumstances under which there will be no rebate need not be separately disclosed.

AUGUST 3, 1977

This is in response to your letter of * * *, and * * *, raising three questions in regard to the application of Regulation Z to a guaranteed student loan program. By an official staff interpretation of Regulation Z, FC-0010, staff answered a fourth question regarding the loan program but, due to clerical error, inadvertently failed to resolve the three issues discussed below.

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

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

You first ask whether a participating bank is required, at the time the original note is executed, to make Truth in Lending disclosures with regard to the anticipated renewal note. You state that participating banks are currently giving disclosures for both the interim period covered by the original note and the repayment period covered by the renewal note at the time the original note is executed. This approach has been adopted in light of our Public Information Letter 117 stating that a student participating in a guaranteed loan program should be given "a complete disclosure of his annual percentage [rate] for both the inschool and repayment periods."

Public Information Letter 117 relates to Truth in Lending disclosure forms prepared

by [a federal agency], with staff's advice, for use in connection with a federally insured student loan program. One of those forms, given to the student at the time an interim loan is made, provides the requisite disclosures for both the interim and repayment periods. Staff believes that the position taken in Letter 117 is correct and that, in connection with guaranteed student loan programs such as the one which you discuss, the lender must provide disclosures for both the interim and repayment periods prior to consummation of the interim loan. The disclosures required are those prescribed by §§ 226.8 (b) and (d). However, pursuant to footnotes 10 and 11 to Regulation Z, the lender need not disclose the schedule and total of payments or the total amount of the finance charge on the disclosures given at the time of the interim loan. Further, it is staff's opinion that the repayment period disclosures given in connection with a particular interim loan need not reflect any other prior or anticipated interim loans which may eventually be consolidated for repayment purposes.

Your remaining two questions are concerned with the proper method of disclosing the rebate provisions of the loan program. You state that, upon prepayment in full of the loan, rebate of the unearned portion of the interim and/or renewal loan guarantee premiums and interest component of the finance charge will be made as follows:

(a) If the student prepays the loan in full within sixty days of executing the original note, he receives a rebate of the entire interim and renewal premiums.

(b) If the student prepays the loan in full prior to two years before the maturity date, he receives a rebate of the entire renewal premium and a pro rata rebate of the interim premium.

(c) If the student prepays the loan in full within the last two years preceding the maturity date, he receives a rebate of only the renewal premium.

(d) If the student prepays the renewal note within the first three years of the repayment period, he receives a rebate of the unearned portion of the renewal premium calculated in accordance with the Rule of 78's.

(e) In addition, a rebate of the unearned interest component of the finance charge will be made in accordance with the Rule of 78's if the student prepays in full at any time during the repayment period.

You further indicate that the pro rata rebate of the interim premium if the student prepays an interim loan more than two years prior to the maturity date (paragraph (b) above) is calculated by multiplying the premium by a fraction, the numerator of which is the number of months remaining from the date of prepayment to the maturity date, and the denominator of which is the number of months from the date of the original note to the maturity date. You ask whether the participating banks satisfy the disclosure requirements of § 226.8(b)(7) by disclosing that, in the event of such prepayment, the student will receive a rebate of the unearned portion of the interim premium "calculated in accordance with the Pro Rata method." In Public Information Letter 271, staff indicated that use of the term "Pro Rata" would be sufficient to comply with the requirement of § 226.8(b)(7) that the creditor identify "the method of computing any unearned portion of the finance charge in the event of prepayment in full of an obligation which includes precomputed finance charges." Staff's opinion in this regard remains unchanged, and staff continues to believe that use of this term in disclosing the rebate method is sufficient under § 226.8(b)(7). This opinion is further buttressed by reference to Board Interpretation § 226.818.

Finally, you ask whether, under § 226.8(b)(6) or § 226.8(b)(7), participating banks which fully disclose the above described system of rebating the unearned portion of interim and renewal loan guarantee premiums upon prepayment must further specifically enumerate the circumstances when no such rebate will be made (e.g., if the student prepays the original note in full within the last two years preceding the maturity date, there will be a full rebate of the renewal premium but no rebate of the interim premium).

In answer to your question it should first be noted that § 226.8(b)(6), which requires disclosure of any penalty charge that will be imposed for prepayment of an obligation, applies only to obligations which do not involve precomputed finance charges. Therefore, that section is inapplicable to the guaranteed student loan program which is the subject of your inquiry, in which all finance charges are precomputed. Further, with respect to the situation you present, staff is of the opinion that, if the disclosure statement fully informs the customer as to the method (or methods) to be used in rebating unearned finance charges and states the circumstances in which any such method will be used, there is no need under § 226.8(b)(7) to state, conversely, when some portion of the premiums will not be rebated.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts and issues discussed herein. I trust that this interpretation is responsive to your inquiry.

Sincerely,

JANET HART,
Director.

Board of Governors of the Federal Reserve System, August 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24806 Filed 8-25-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 27—BRICK AND STRUCTURAL CLAY TILE AND ALLIED PRODUCTS INDUSTRY

Rescission of Obsolete Parts

Corrections

In FR Doc. 23521 appearing at page 41270 in the issue for Tuesday August 16, 1977, the following corrections should be made.

1. In paragraph 2, the ninth line of the middle column on page 41271 should be deleted.

2. In the third column, the final line of the authority citation now reading, "45,6,57a); CFR 1.5, 1.6, 17.1.)", should read, "45,6,57a); 16 CFR 1.5, 1.6, 17.1)".

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5856, 34-13872, 35-20142, IC-9900]

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

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosure of Management Remuneration

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: The Commission today emphasized its view that existing disclosure provisions of the securities acts require registrants to disclose in registration statements, reports and proxy and information statements all forms of remuneration received by officers and directors. Salaries, fees, bonuses and certain other forms of remuneration must be included within the aggregate remuneration reported. In addition, personal benefits received by management from the corporation, including certain benefits sometimes referred to as "perquisites," may be forms of remuneration which should be included within the remuneration reported. This action is taken because the staff of the Commission has received inquiries relating to whether personal benefits are forms of remuneration and because recent cases brought by the Commission have revealed that some registrants have not disclosed personal benefits as remuneration.

DATE: Effective August 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Linda L. Griggs, Division of Corporation Finance, 202-755-1750, or Glen Payne, 202-755-0230, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: During the last few months, the staff of the Commission has received many inquiries relating to whether or not various personal benefits received by management from corporations should be included within the remuneration disclosure which is required in registration statements, reports and proxy and information statements filed by corpora-

tions under the securities laws. Some of these questions were prompted by the publicity given to recent cases brought by the Commission which revealed the failure of such registrants to include within the reported remuneration the value of various personal benefits received by members of management.[1]

It is the view of the Commission that the existing reporting provisions[2] under the securities act require registrants to include within the remuneration reported all forms of remuneration which are received by management from the corporation, including personal benefits sometimes referred to as "perquisites." This does not mean, however, that all benefits received by management are personal benefits which must be reported. Certain incidental benefits which are ordinary and necessary to the conduct of company business, such as ordinary business lunches, and incidental payments made by the company for items which are directly related to the performance of management's functions at the company plant or offices, such as parking places, may not be reportable forms of remuneration. All payments made by the company for personal benefits received by management which are not directly related to job performance, however, are forms of remuneration which should be included within the reported remuneration.

The Commission believes that this release will provide some guidance to registrants in this area. Some questions may remain unanswered, however; registrants unable to determine how to handle a particular benefit are reminded that the staff is available to assist with questions relating to all areas of disclosure, including the disclosure of remuneration information. In addition, the Commission will continue to review its interpretation in light of any specific problems or comments brought to the attention of the staff by registrants and interested persons.

[1] See, e.g., *SEC* v. *Potter Instrument Corp.*, Civil No. 77-0394 (D.D.C., filed March 9, 1977), Litigation Release No. 7816 (March 9, 1977); *SEC* v. *Kneapler, et al.*, Civil No. 77-969 (D.C. Fla., filed March 25, 1977), Litigation Release No. 7854 (April 4, 1977); *SEC* v. *Ormand Industries, Inc.*, Civil No. 7910 (May 10, 1977), Litigation Release No. 7910 (May 10, 1977)3. Earlier cases involving undisclosed corporate benefits or perquisites include: *SEC* v. *Emersons, Ltd. et al.*, Civil No. 76-0808 (D.D.C., filed May 11, 1976, Litigation Release No. 7392 (May 11 1976); *SEC* v. *Medic-Home Enterprises, Inc. et al.*, Civil No. 75-6627 (S.D.N.Y., filed Dec. 11, 1975), Litigation Release No. 7207 (Dec. 12, 1975). In general, the cases instituted by the Commission have suggested misappropriation of the company's assets in addition to noncompliance with the disclosure provisions.

[2] See discussion at text accompanying footnotes 3–14.

Background

The Securities Act of 1933[3] ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), the Securities Exchange Act of 1934[4] ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 ("Investment Act") (15 U.S.C. 80a-1 et seq.)[5] provide that the Commission may require disclosure in registration statements filed pursuant to their provisions of the remuneration received by directors and officers. The Exchange Act and the Investment Act further provide that the Commission may prescribe the type of information to be included in annual reports and proxy and information statements filed by companies subject to their provisions.[6]

The Commission has exercised its legislatively granted rulemaking authority under these acts to require registrants to report in various registration statements,[7] annual reports[8] and proxy and information statements[9] the amount of remuneration paid or to be paid by the registrant and its subsidiaries[10] to each of the registrant's directors, each of its three highest paid officers and other persons specified in the provisions[11] whose aggregate direct remuneration exceeded a certain amount[12] and to all officers and directors (and to certain specified persons in filings made by investment companies) as a group.[13]

In general the disclosure items of the Securities Act, the Exchange Act and the Investment Act require separate disclosure of three forms of remuneration: (1) Direct remuneration; (2) annuity, pension and retirement benefits; and (3) direct and indirect remuneration payments proposed to be made in the future which have not already been reported.[14]

Discussion

The remuneration disclosure provisions require registrants to disclose the

[3] Schedule A to the Securities Act (15 U.S.C. 77aa) lists the type of information which should be included in registration statements unless the Commission shall otherwise provide. Item 14 thereto calls for disclosure of the "remuneration, paid or estimated to be paid, by the issuer or its predecessor, directly or indirectly, during the past year and ensuing year, to (a) the directors or persons performing similar functions, and (b) its officers and other persons, naming them whenever such remuneration exceeded $25,000 during such year." Sections 7 and 19 of this Act (15 U.S.C. 77g, 77q) authorize the Commission to require by rules or regulations disclosure of information in addition to that specified in Schedule A.

[4] Subparagraphs (h)(1)(D) and (g)(1) of Section 12(b) of the Exchange Act (15 U.S.C. 78*l*(h)(1)(D), (g)(1)) state that a security may be registered under the Exchange Act by filing with the Commission a registration statement with respect to the security containing such information as the Commission may specify relating to remuneration of directors, officers, underwriters, and security holders holding more than 10 percent of any class of issuer's equity securities. Section 23 of the Exchange Act authorizes the Commission to "make such rules and regulations as may be necessary or appropriate to implement the provisions of this title * * *" (15 U.S.C. 78w).

[5] Investment Act § 8(b), 15 U.S.C. § 80a-8(b).

[6] Exchange Act §§ 13(b), 14(a), 14(c), 15 U.S.C. 78 1(b), m(a), m(c); Investment Act Sections 20(a), 30(a), 15 U.S.C. 80a-20(a), 80a-29(a) (the Investment Act provisions are applicable to proxy and not information statements).

[7] Disclosure is required in registration statements by the following items of certain forms: Item 17 of the Form S-1 (17 CFR 239.11); Item 5 of the Form S-4 (17 CFR 239.14); Item 1 of the Form S-5 (17 CFR 239.15); Instruction 1 of the Form S-6 (17 CFR 239.16); Item 20 of the Form S-11 (17 CFR 239.18); Item 7 of the Form 10 (17 CFR 249.210); Item 12 of the Form 20 (17 CFR 249.220); Items 18 and 25 of Form N-8B-1 (17 CFR 274.11); Items 10 and 18 of Form N-5 (17 CFR 274.5); Items 36, 37 and 38 of the Form N-8B-4 (17 CFR 274.14); Items 31, 32, 33 and 34 of the Form N-8B-2 (17 CFR 274.12); and Items 29, 30, 31, and 32 of the Form N-8B-3 (17 CFR 274.13).

[8] Disclosure is required in annual reports by the following items of certain forms: Item 16 of the Form 10-K (17 CFR 240.310); Item 10 of the Form 20-K (17 CFR 240.320); Items 1.12 and 1.13 of the Form N-1R (17 CFR 274.101) and Items 1.12 and 1.13 to the EDP attachement of this form (17 CFR 274.101a-1, a-2); Items 10 and 18 of the Form N-5R (17 CFR 274.105); Items 22, 23, 24 and 25 of the Form N-30A-2 (17 CFR 274.102); and Items 20, 21, 22 and 23 of the Form N-30A-3 (17 CFR 274.103).

[9] Disclosure is required in proxy and information statements by Item 7 of Schedule 14A (17 CFR 240.14a-101). (Rule 20a-1 under the Investment Act (17 CFR 270.20a-1) provides that proxy statements of registered investment companies should include the information required in proxy statements filed under the Exchange Act.)

[10] In Securities Act Release No. 5758 (Nov. 2, 1976) (41 FR 49495 (Nov 9, 1976)), the Commission published for comment proposed amendments which would require disclosure of the remuneration paid by the registrant and its affiliates to these persons. Final action on the amendments proposed therein is expected in the near future.

[11] The forms promulgated under the Investment Act require disclosure of the remuneration paid to advisory board members and/or certain other affiliated persons, as that term is defined in the Investment Act.

[12] See the items of the forms listed in footnotes 7, 8 and 9 above for the stated amounts.

[13] Disclosure of remuneration paid to all officers and directors as a group is all that is required in registration statements on Form 20 and annual reports on Form 20-K.

[14] The appropriate disclosure relating to options granted to certain officers or directors and to benefits received by officers, directors and various other persons as a result of certain transactions to which the registrant is a party is prescribed by separate provisions, e.g., subparagraphs (d) and (f) of Item 7 of Schedule 14A.

total amount of remuneration paid or to be paid by the company and its subsidiaries to officers, directors and other persons specified in the disclosure requirements (hereinafter "management personnel") for their services,[15] whether such remuneration be in the form of cash, property or personal benefits. Full disclosure of remuneration is necessary to informed voting and investment decisions regardless of whether the company's board of directors or its security holders have approved the remuneration package received by management [16] because of the substantial influence of management in determining its remuneration. In addition, a determination of the value of any new securities being offered [17] and of any securities already owned,[18] an analysis of the use of corporate funds and assets and an assessment of the value of management to a corporation [19] necessitate the presentation of complete remuneration information.

Therefore, the aggregate remuneration paid to management should include the amount of salaries, fees, bonuses, and other payments made to them and the value of certain personal benefits received by management from the registrant and its subsidiaries.[20] Among the benefits received by management which the Commission believes should be reported as remuneration are payments made by registrants for the following purposes: (1) Home repairs and improvements; (2) housing and other living expenses (including domestic service) provided at principal and/or vacation residences of management personnel; (3) the personal use of company property such as automobiles, planes, yachts, apartments, hunting lodges or company vacation houses; (4) personal travel expenses; (5) personal entertainment and related expenses; and (6) legal, accounting and other professional fees for matters unrelated to the business of the registrant. Other personal benefits which may be forms of remuneration are the following: the ability of management to obtain benefits from third parties, such as favorable bank loans and benefits from suppliers, because the corporation compensates, directly or indirectly, the bank or supplier for providing the loan or services to management; [21] and the use of the corporate staff for personal purposes.

Certain incidental personal benefits which are directly related to job performance may be omitted from aggregate reported remuneration provided they are authorized and properly accounted for by the company. Parking places, meals at company facilities and office space and furnishings at company-maintained offices are a few examples of personal benefits directly related to job performance.

In addition, certain incidental benefits received by management which are ordinary and necessary to the conduct of company business may not be forms of remuneration. These job-related benefits are benefits which are available to management employees generally, which do not relieve the individual of expenditures normally considered to be of a personal nature and which are extended to management solely for the purposes of attracting and maintaining qualified personnel, facilitating their conduct of company business or improving their efficiency in job performance. While itemized expense accounts may be considered job-related benefits whose value would be excluded from the aggregate remuneration reported, some may be forms of remuneration if they are excessive in amount or conferred too frequently. In any case, management is usually in the best position to determine whether a certain benefit should be viewed as a form of remuneration based on the facts and circumstances involved in each situation.

The value [22] of all forms of remuneration should be included within the ap-

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[15] This position is consistent with the existing case law relating to the appropriate disclosure of remuneration. See, e.g., *SEC* v. *Kalvex, Inc.*, 425 F. Supp. 310 (S.D.N.Y. 1977); *Lewis* v. *Dansker*, 357 F. Supp. 636 (S.D.N.Y. 1973). In *Kalvex*, the Court held, inter alia, that personal expenses for which Robert Ingis, a director and executive officer of the corporation, was reimbursed should have been disclosed in accordance with Item 7 of Schedule 14A. In Lewis, the Court said that "Items 7(a) through 7(e) of Schedule 14A, title 'Remuneration and Other Transactions with Management and Others,' all require disclosure of remuneration or something of value affirmatively passing from the corporation to the officers or directors." *Lewis* v. *Dansker* at 642. Cf. *U.S.* v. *Dixon*, 536 F. 2d 1388, at 1395 (2d Cir. 1976). In *Dixon*, the Court stated that "the failure to include a statement of Dixon's indebtedness in the proxy statement and a Schedule II of the 10–K report were clear violations [of the first clause of Section 32(a) of the Securities Exchange Act of 1934]." Finding the requisite willful intent, the Court affirmed Dixon's conviction for which he was sentenced to one year's imprisonment and fines of $10,000 each on three counts. Further, the Commission has focused previously on disclosure in registration statements and proxy and information statements of benefits to management. See, e.g., "Atlantic Research Corporation," 41 SEC Decisions and Reports 732, 757 (Dec. 6, 1963) (stop order by the Commission suspending the effectiveness of a registration statement because of, inter alia, the nondisclosure as loans of payments made by the registrant for construction costs relating to improvements on the estate of one of its cofounders, principal officers and stockholders).

[16] *Tannenbaum* v. *Zeller*, 552 F. 2d 402, 433 (2nd Cir. 1977) (holding that the proxy statement of a mutual fund should have disclosed the decision reached by its board of directors to forego recapture of brokerage commissions in favor of using those commissions to reward broker-dealers who furnished sales and research services to the fund "in order for the shareholders to make an informed decision on whether or not to approve the new management contracts or whether or not to continue or renegotiate the current ones"). Cf. *U.S.* v. *Dixon* concurring opinion.

[17] See, e.g., Securities Act Preamble, sections 7, 10, 15 U.S.C. 77a, 77g, 77j. President F. D. Roosevelt said in an address to Congress, "There is, however, an obligation upon us to insist that every issue of securities to be sold in interstate commerce shall be accompanied by full publicity and information, and that no essentially important element attending the issue shall be concealed from the buying public." President Roosevelt's March 29, 1933 message to Congress, H.R. Rep. No. 85, 73rd Cong., 1st Sess. 1, 2 (1933).

[18] Exchange Act section 13(a)(1), 15 U.S.C. 781(a)(1) states that the "Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, (1) such information and documents as the Commission shall require to keep reasonably current the information and documents required to be included in or filed with an application or registration statement * * *" See also Investment Act section 30(b)(1), 15 U.S.C. 80a–29(b)(1).

The Majority Report of the Commission on Interstate and Foreign Commerce written to accompany H.R. 9323 (the bill proposing the Securities Exchange Act of 1934) emphasized the importance of disclosure to prevent unfair practices on the exchanges. The Committee stated:

> "As a complex society so diffuses and differentiates the financial interests of the ordinary citizen that he has to trust others and cannot personally watch the managers of all his interests as one horse trader watches another, it becomes a condition of the very stability of that society that its rules of law and of business practice recognize and protect that ordinary citizen's dependent position." H.R. Rep. No. 1383, 73d Cong., 2d Sess 5 (1934).

The report states further: "No investor, no speculator, can safely buy and sell securities upon the exchange without having an intelligent basis for forming his judgment as to the value of the securities he buys or sells." Id. at 11.

[19] Some security holders have instigated lawsuits alleging excessive compensation has been paid to management. See, e.g., "Wietschner v. Rapid-American Corporation," Civil No. 4603 (Ch. Del., filed Sept. 30, 1974). Cf. "Levin v. Atkin," Civil No. 75–0095–L(B) (W.D. Ky., filed April 4, 1975) (relating to improper diversion of assets of Ashland Oil, Inc. by certain directors).

[20] Registrants should be aware that the determination of reportable forms of remuneration is not necessarily based upon what has been included by an officer or director in gross income computed for tax purposes

[21] See, e.g., "SEC. v. Sunshine Mining Company," Civil No. 74–4492 (S.D.N.Y., filed Oct. 11, 1974), Litigation Release No. 6544 (October 11, 1974) (consent judgment entered after charge by Commission that compensating loan balances maintained by Sunshine Mining should have been reported in the company's proxy statement because they constituted direct or indirect benefits to the officers and directors who thereby were able to obtain personal bank loans).

[22] A separate description including the valuation of each form of remuneration is not required by the present disclosure provisions. But see Securities Act Release No. 5758 (Nov. 2, 1976) in which the Commission requested comments on whether additional disclosure should be required as to the remuneration of corporate officers and directors and specifically whether "disclosure should be required of the numerous emerging forms of indirect compensation or 'perquisites' now given to management personnel." In response to this particular re-

propriate item(s)[23] of disclosure. Nonmonetary forms of remuneration must be valued as accurately as possible. The appropriate valuation may be based upon appraisals, the value of the benefit to the recipient, the valuation assigned for tax purposes,[24] or some other appropriate standard.[25]

The Commission expects that this release will help registrants assure that the aggregate remuneration reported in registration statements, reports, and proxy and information statements contains all forms of remuneration, including salary, fees, bonuses and other personal benefits received by management. The Commission notes with approval that, as a step toward improving the data upon which such disclosures are based, some corporations have established procedures by which independent auditors review management remuneration and report to the audit committee of the board of directors; in other corporations, the board of directors may even be responsible for approving or disapproving the aggregate remuneration of all or certain members of management. In view of the all-inclusive nature of the required disclosure, the Commission urges all registrants to analyze thoroughly the internal controls and procedures by which management remuneration is identified and disclosed in order to assure that all required disclosures are made.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 18, 1977.

[FR Doc.77-24805 Filed 8-25-77;8:45 am]

quest, a number of commentators argued that valuation and identification of these indirect forms of compensation are difficult or impossible tasks. See also Securities Exchange Act Release No. 13482 (April 28, 1977) (42 FR 23901) in which the Commission announced a broad re-examination of the proxy rules and requested comments on various matters including whether the proxy rules should provide for "more detailed or comprehensive disclosure of management remuneration."

[23] In some cases, the reporting provisions may require registrants to report the same compensation more than once. For example, a loan extended to an officer at a favorable interest rate may be deemed to be a form of direct remuneration paid him and would also have to be reported on the appropriate schedule and described because it was a loan made to such officer. Disclosure would be required, therefore, in a proxy or an information statement by subparagraphs (a) and (e) of Item 7 of Schedule 14A. Item 7(e) would require a description of the loan, including the amount outstanding and the interest charged; Item 7(a) would require the inclusion within aggregate remuneration reported of the benefit received by the officer or director as a result of the favorable interest rate. Generally, however, no objection would be raised if the value of certain benefits is omitted from the reported aggregate remuneration paid or to be paid provided the omission is clearly noted by cross reference or otherwise.

[24] The valuation of nonmonetary forms of remuneration which must be reported for tax purposes is not clearly defined. The discussion draft of the proposed regulations on the taxation of employee fringe benefits was withdrawn by the Department of the Treasury on December 17, 1976. The release which announced this action quoted Secretary of the Department of the Treasury William Simon as saying: "The comments [received on the draft] demonstrated the problems associated with establishing rules of general applicability with respect to fringe benefits. The myriad forms in which fringe benefits are provided and the difficulty of valuing those benefits, together with the undesirability of mandating the keeping of additional detailed records by employers and employees in certain cases, with the attendant costs and complexities involved, have caused me to conclude that the discussion draft should be withdrawn." Nevertheless, Secretary Simon stated that the "question of whether fringe benefits result in taxable compensation to employees should continue to depend, as it presently does, on the facts and circumstances that exist in individual situations." Department of the Treasury, News Release (December 17, 1976).

[25] If, in the opinion of management, a benefit is impossible to value, the Commission generally would accept a description of the benefit in a note to the remuneration table so long as it is stated clearly that the value of the benefit was not included in the reported aggregate remuneration.

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 77C-0153]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Chromium Oxide Greens and Chromium Hydroxide Green

Correction

In FR Doc. 77-20197 appearing at page 36451 in the issue for Friday, July 15, 1977, make the following corrections:

(1) The Docket Number should have read as set forth in the heading above.

(2) The effective date given throughout the document as "August 15, 1977" should have read "August 16, 1977".

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0028]

PART 310—NEW DRUGS

Requirements for Inhalation Anesthetic Drug Products; Studies for Carcinogenic and Teratogenic Potential

Correction

In FR Doc. 77-20781, appearing at page 37538 in the issue of Friday, July 22, 1977, make the following changes:

1. On page 37538, second column, the date in the next to the last line of the last paragraph should read, "February 17".

2. On page 37542, first column, the date in the next to the last line of the second full paragraph should read, "February 17".

3. On page 37543, first column, the date in the line immediately preceding the first full paragraph should read "February 17".

[Docket No. 77N-0246]

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

Toxicity Tests and Release of Batches

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule provides that, for an interim period, and subject to specific conditions, certain tests for toxicity (LD_{50} test) normally conducted by the Food and Drug Administration (FDA) to substantiate manufacturers' tests need not be considered as a definitive criterion for the release of batches of the antitumor antibiotics dactinomycin, mithramycin, and doxorubincin hydrochloride. This rule is required in order to continue the supply of these life-sustaining products.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Frederic J. Geissel, Bureau of Drugs (HFD-332), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4340.

SUPPLEMENTARY INFORMATION: Agency regulations in Part 450 (21 CFR Part 450) specify standards of identity, strength, quality, and purity required for certification of batches of antitumor antibiotic drugs. The standards for doxorubicin hydrochloride, dactinomycin, and mithramycin require that manufacturers conduct an "LD_{∞}" test and that the results of this test be submitted to FDA as a part of the request for batch certification of these drugs. It is part of FDA certification procedure that the agency substantiate, through its own testing, manufacturers' LD_{∞} test results.

The "LD_{∞}" test is a measure of drug toxicity. The term "LD_{∞}" refers to the dosage of the drug that should be expected to kill 50 percent of the test animals (in this case a specified strain of mice) that receive the drug. LD_{∞} values are established by regulations, and the antibiotic drugs subject to the tests must meet the established limitations to be eligible for certification under section 507(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357(a)). The three antitumor antibiotic drugs subject to this notice are, because of their inherent toxicity, the only antibiotic drugs presently required to undergo an LD_{∞} determination.

Doxorubicin hydrochloride. Since the approval of the antibiotic application (Form 5) for doxorubicin hydrochloride in 1974, FDA has used an LD_{∞} testing procedure that was subsequently codified in a final regulation in the FEDERAL REGISTER of April 2, 1976 (41 FR 14182), to substantiate the LD_{∞} test results of the single manufacturer producing the drug.

The test animals used by FDA for the LD_{50} determination are a specific strain of mice, known as the Flanders Research Farms ICR/FRF–2. The strain of mice is incorrectly identified in § 450.24(b)(4)(ii) (21 CFR 450.24(b)(4)(ii)) as Charles River FRF–2 strain; however, the values stated in the regulations are those for the Flanders strain. Because not all strains of mice are readily available in all parts of the world, the applicant, a foreign drug manufacturer, has used a different strain and different LD_{50} testing procedures and limits from those specified by the regulation. These differences from the method specified in the regulation are approved as part of the manufacturer's approved antibiotic application (Form 5). Early testing by FDA during the antibiotic application approval process established a satisfactory relationship between the two LD_{50} testing methods. Moreover, the Commissioner advises that the use of alternative testing is common and that § 436.2 (21 CFR 436.2) provides for such use when results obtained are of equivalent accuracy to those obtained from the method specified in the regulations.

Until recently, the manufacturer's results of LD_{50} testing of batches of doxorubicin hydrochloride and FDA substantiation of those results have been comparable. During the fall of 1976 a downward trend in the FDA LD_{50} test results began to be observed and in February 1977 the National Center for Antibiotic Analysis, FDA's own testing laboratory for antibiotic drugs, began to find that a number of batches of doxorubicin hydrochloride from the one manufacturer of the product failed the LD_{50} test established by § 450.24(a)(1)(iv) (21 CFR 450.24(a)(1)(iv)). Data from the antibiotic drug manufacturer, however, showed these same batches to meet the LD_{50} limits set for this antibiotic drug as part of the approved antibiotic application (Form 5).

At this point, the Commissioner is not certain of the reason for the disparity in test results.

Dactinomycin. As regards dactinomycin, the agency's LD_{50} tests on one batch of the drug have not been within specified limits in two repeated tests. The test results were slightly below the minimum LD_{50} limit set in the regulations, §§ 450.20a and 450.220 (21 CFR 450.20a and 450.220), although the manufacturer obtained LD_{50} values slightly above the minimum LD_{50} established for this batch. These findings prompted an FDA review of previous LD_{50} test results for this drug. This review shows a gradual decline (but still within the limits specified in the regulations) of the LD_{50} values for both manufacturer and FDA. Here, FDA and the manufacturer use test animals of the same strain and essentially the same testing procedures for LD_{50} determinations.

As with doxorubicin hydrochloride, the cause and significance of the demonstrated test disparity are not yet known, and the Commissioner advises that the agency is working to discover the cause of both the lack of agreement between the manufacturer's and FDA's LD_{50} test results and the gradual decline of the LD_{50} values for dactinomycin.

Mithramycin. During the last 9 months only one batch of mithramycin has been submitted for certification, and that batch has been certified. Although no inconsistent results between FDA's and the manufacturer's LD_{50} test for this one batch were noted, the Commissioner finds that the same factors that may have caused inconsistent results for LD_{50} tests in dactinomycin and doxorubicin hydrochloride could possibly influence LD_{50} testing of any antitumor antibiotic. Therefore, the Commissioner concludes that it is appropriate to consider under this regulation all antitumor antibiotic drugs for which LD_{50} determination is required.

Because of the mode of action of these three drugs, the potency, as determined by microbiological assay described under "Tests and method of assay" in each applicable monograph in Part 450 for these drugs, is directly related to the toxicity as determined by the LD_{50} test. The conduct of these two tests contributes to assuring consistency in the action of these drugs, with each test (LD_{50} and microbiological assay) serving to corroborate the other. In this context it should be noted that microbiological potency assays of the batches that failed the LD_{50} tests, while having slightly greater values than those values obtained in earlier tests, have still been consistently within the specified individual monograph limits, except that one batch of dactinomycin had a microbiological potency above the upper limit.

These three antitumor antibiotic drug products are used in the treatment and management of extremely serious, life-threatening disease conditions and, to be of any therapeutic benefit, must be available to chronically ill patients without interruption. Each of these antitumor antibiotics is available only from one manufacturer so there is no alternative source of supply. It is clear that to refuse release of these products during the time needed to resolve the problems being experienced with the LD_{50} test would seriously disrupt the very limited supply of these drug products to patients. The Commissioner has, accordingly, determined that, pending resolution of these testing problems, it is necessary to the public health to release, under section 507(a) of the act, batches of doxorubicin hydrochloride, dactinomycin, and mithramycin, notwithstanding the results of FDA substantiation tests for LD_{50}.

The Commissioner has not yet determined the reasons for the discrepancies in the LD_{50} tests. Those problems may lie with the test and testing procedure, or may accurately reflect a trend toward increasing toxicity of the drug. Nonetheless, the Commissioner believes it consistent with the best interests of the public health to continue to release batches of these drugs pending resolution of the LD_{50} test discrepancies. During the interim period the Commissioner is imposing, by this notice, certain conditions for release. Primarily, all released batches must still meet all the applicable monogaph requirements, as tested by the manufacturer, including the LD_{50} test and, except for the latter, must also be submitted to and pass appropriate substantiation testing by FDA. The agency will, during this temporary period, continue to conduct LD_{50} tests, but will not necessarily view the results of its own LD_{50} tests as dispositive. Moreover, this notice authorizes the Commissioner to require, as conditions of release, that manufacturers (1) ensure that batches of antitumor antibiotics that are released be readily identifiable once in the channels of commerce, and (2) notify physicians, pharmacists, and other health professionals, as directed by the Commissioner, that the toxicity of the drugs has not been substantiated by the FDA LD_{50} tests, and they may accordingly exhibit higher potency than previously certified batches, and therefore may have a higher than usual possibility of producing toxic reactions.

The Commissioner advises that he has, prior to publication of this notice, released certain batches of doxorubicin hydrochloride and dactinomycin in order to avoid interruption of supplies to patients while this document was in preparation. That release was conditional upon the manufacturer's notification to physicians, in the form of a "Dear Doctor" letter of "Important Drug Information" regarding results of LD_{50} testing. (Copies are on file and are available for public review in the office of the Hearing Clerk, Food and Drug Administration, address given below.)

The Commissioner recognizes a number of factors that may affect the reliability and reproducibility of the testing procedures used in LD_{50} determination. Such factors include the genetic reliability of the strain of test animals, conditioning of the test animal population, environmental and nutritional needs, and purity of feed and water supplies. Some of these factors are not within direct control of laboratories being supplied with specific strains of test animals. Other factors, such as conditioning of the test animal population, vary with each laboratory. Since the LD_{50} limits have been established on the basis of testing relatively few batches of the drugs during the development of the particular drug at the time the drug is initially submitted for certification, and as a result of a request received from the manufacturer of doxorubicin hydrochloride that the LD_{50} limits in the regulation be changed from 8 to 20 milligrams per kilogram of body weight (mg/kg) to 6 to 15 mg/kg, FDA is reviewing data and information to determine whether the LD_{50} limits in the regulations are appropriate. A copy of the request has been placed on file in the office of the Hearing Clerk, Food and Drug Administration.

During this interim period of release, FDA will continue to conduct LD_{50} tests on batches of these drugs submitted for

release. Both FDA and the manufacturer will conduct the research necessary to determine, as expeditiously as possible, the reasons for disparity between LD_{50} test results.

Documents regarding the LD_{50} test results and other information used as a basis for the Commissioner's determination that the supply of these drugs would be interrupted unless batches were released under the conditions of this notice have been placed on file, for public review, in the office of the Hearing Clerk, Food and Drug Administration, address given below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 450 is amended as follows:

1. By adding new § 450.1, to read as follows:

§ 450.1 Interim requirements for LD_{50} testing.

(a) The Commissioner of Food and Drugs has determined that it is necessary for reasons of the public health to temporarily alter certain prerequisites for certification of certain antitumor antibiotic drugs. These drugs, dactinomycin, mithramycin, and doxorubicin hydrochloride, are considered to be essential for treatment and management of extremely serious, life-threatening disease conditions and must be available to chronically ill patients without interruption.

(b) Results of recent Food and Drug Administration tests to determine the LD_{50}[1] values for doxorubicin hydrochloride and dactinomycin have not been consistent with the comparable tests performed by the manufacturers. At present, the reason for the disparity is unknown. The problem may lie with the test animals and testing procedure, or may accurately reflect a trend toward increasing toxicity of the drugs. Although no inconsistent results for LD_{50} testing have occurred with mithramycin, the same factors that may have caused inconsistent results for LD_{50} tests in doxorubicin hydrochloride and dactinomycin could influence LD_{50} testing for any antitumor antibiotic. Therefore, mithramycin is included in this regulation.

(c) Because of the need to maintain an adequate supply of these drugs, the Commissioner has determined that he cannot withhold supplies from chronically ill patients pending resolution of the test disparity. He has concluded that supplies of these life-sustaining drugs must continue to be made available subject to conditions that will assure, to the extent humanly possible, that the drugs are both safe and effective, notwithstanding that substantiation by the Food and Drug Administration of certain tests performed by the manufacturer may not be applied as a prerequisite for release.

(d) Accordingly, for a temporary period the Food and Drug Administration will not require, as a prerequisite for release, that there be the Food and Drug Administration substantiation of manufacturers' results of LD_{50} tests conducted in accordance with § 450.20a(a)(1)(iv) for sterile dactinomycin, § 450.220(a)(1) for dactinomycin for injection, § 450.240(a)(1) for mithramycin for injection, and § 450.24(a)(1)(iv) for doxorubicin hydrochloride, and will release such batches pursuant to section 507(a) of the act, provided that the drug otherwise complies with applicable monograph requirements, including substantiation testing by the Food and Drug Administration, and each of the following conditions is met:

(1) The manufacturer has submitted data for certification purposes that demonstrate that, as tested by the manufacturer, the drug meets the requirements for LD_{50} as provided in § 450.20a for sterile dactinomycin, § 450.220 for dactinomycin for injection, § 450.240 for mithramycin for injection, and § 450.24 or an approved antibiotic application (Form 5) for doxorubicin hydrochloride, as appropriate;

(2) The manufacturer complies with such conditions that the Commissioner may impose to ensure that batches of antitumor antibiotics subject to the provisions of this section are readily identifiable once released into the channels of commerce; and

(3) The manufacturer notifies physicians, pharmacists, and other health professionals in a manner prescribed by the Commissioner that these drugs have not passed the Food and Drug Administration LD_{50} batch substantiation tests and may accordingly exhibit higher potency than previously certified batches and therefore may have a higher than usual possibility of producing toxic reactions.

(e) The Food and Drug Administration shall endeavor as quickly as possible to resolve the basis for the current discrepancies between present manufacturer and agency LD_{50} testing and thereby remove the interim requirements imposed by this section.

2. Section 450.24 is amended by revising the first sentence of paragraph (b)(4)(ii) to read as follows:

§ 450.24 Doxorubicin hydrochloride.

* * * * *

(b) * * *

(4) * * *

(ii) *Procedure.* Select 50 male mice, weighing between 18 and 22 grams, of the Flanders Research Farms ICR/FRF-2 strain. * * *

* * * * *

Because of the need to continue to supply these life-sustaining products to chronically ill patients, the Commissioner finds, for good cause, pursuant to § 10.40 (c)(4) and (e) (21 CFR 10.40 (c)(4) and (e)), that prior notice and public procedure are contrary to the public interest and that the amendment may become effective upon the day of publication. Interested persons may, on or before September 26, 1977, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments, in four copies. Comments received may be seen in the office of the Hearing Clerk, between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date: This amendment becomes effective August 26, 1977.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357))

Dated: August 19, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-24798 Filed 8-25-77;8:45 am]

[1] The term "LD_{50}" refers to the dosage of the drug that should be expected to kill 50 percent of the animals that receive the drug.

SUBCHAPTER F—BIOLOGICS

[Docket No. 76N-0129]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Cryoprecipitated Antihemophilic Factor (Human)

Correction

In FR Doc. 77-20802, appearing at page 37545 in the issue of Friday, July 22, 1977, make the following changes:

1. On page 37546, the fourth and fifth lines of the first column, now reading, "the reference room § 640.60 (f) and (g) to §§ 640.71 and 640.72," should read, "respectively (see the FEDERAL REGISTER of March 12, 1976 (41 FR 10762.".

2. On page 37546, first column, the first word in § 640.53(c), now reading "Manufactures", should read "Manufacturers".

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Canton Islands and White Collar Workers; Extension

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: These amendments to the Service Contract Act regulations are made to conform the regulations to recent amendments to that Act. One amendment added coverage of service contracts performed on Canton Island. The other extended coverage to white collar workers, but continued to exclude executive, administrative, and professional employees.

DATES: These amendments are effective on August 26, 1977, as they merely reflect changes made by amendments to the Service Contract Act.

FOR FURTHER INFORMATION CONTACT:

Alvin Bramow, Deputy Associate Solicitor, General Legal Services, Office of the Solicitor, Room N-2464, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone 202-523-8293.

SUPPLEMENTARY INFORMATION: Current Service Contract Act regulations issued as Part 4 of Title 29 do not contain changes made in the Service Contract Act by two recent amendments to the Act.

By Pub. L. 93-57, 87 Stat. 140, effective July 6, 1973, the Service Contract Act coverage was extended to Canton Island.

By Pub. L. 94-489, 90 Stat. 2358, approved October 13, 1976, coverage under the Service Contract Act was extended to white collar workers. Accordingly, the minimum wage protection of the Service Contract Act now extends to all workers (both blue collar and white collar) other than persons employed in a bona fide executive, administrative, or professional capacity as these terms are used in the Fair Labor Standards Act and in Part 541 of Title 29. The extension of coverage to white collar workers was accomplished by amending the Act by adding to Section 2(a)(5) thereof a reference to 5 U.S.C. 5332 and by redefining service employee in Section 8(b) of the Act.

The changes in Part 4 of Title 29 made in this document conform Part 4 to the above described changes in the law.

This document was prepared under the direction and control of Warren D. Landis, Deputy Administrator, Wage and Hour Division, Room S-3502, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone 202-523-8305.

Accordingly Part 4 of Title 29 is revised as follows:

1. New paragraphs (b) and (c) are added to § 4.1a, and the present paragraph (b), as amended, is designated paragraph (d), as follows:

§ 4.1a The Act as amended.

* * * * *

(b) The provisions of the Act were amended by Pub. L. 93-57, 87 Stat. 140, effective July 6, 1973, to extend the Act's coverage to Canton Island.

(c) The provisions of the Act were amended by Pub. L. 94-489, 90 Stat. 2358, approved October 13, 1976, to extend the Act's coverage to white collar workers. Accordingly, the minimum wage protection of the Act now extends to all workers, both blue collar and white collar, other than persons employed in a bona fide executive, administrative, or professional capacity as those terms are used in the Fair Labor Standards Act and in Part 541 of Title 29. Pub. L. 94-489 accomplished this change by adding to Section 2(a)(5) of the Act a reference to 5 U.S.C. 5332, which deals with white collar workers, and by amending the definition of service contract employee in Section 8(b) of the Act.

(d) Included in this Subpart A and in Part 6 of this subtitle are provisions to give effect to the amendments mentioned in this section. Until editorial revisions of other provisions of this part can be made to conform to the Act as amended, such provisions should be read in conjunction with the statutory amendments referred to in this section.

2. Section 4.1b is amended to read as follows:

§ 4.16 Definitions and use of terms.

(a) * * *

* * * * *

(7) "Act," "Service Contract Act," or "Service Contract Act of 1965" shall mean the Service Contract Act of 1965 as amended by Pub. L. 92-473, 86 Stat. 789, effective October 9, 1972, Pub. L. 93-57, 87 Stat. 140, effective July 6, 1973, and Pub. L. 94-489, 90 Stat. 2358, effective October 13, 1976.

* * * * *

3. Section 4.3(b) is amended to read as follows:

§ 4.3 Register of wage determinations.

* * * * *

(b) Such wage determinations will set forth for the various classes of service employees to be employed in furnishing services under such contracts in the several localities, minimum monetary wage rates to be paid and minimum fringe benefits to be furnished them during the periods when they are engaged in the performance of such contracts, including, where appropriate under the Act, provisions for adjustments in such minimum rates and benefits to be placed in effect under such contracts at specified future times. The wage rates and fringe benefits set forth in such wage determinations shall be determined in accordance with the provisions of sections 2(a) (1), (2), and (5), 4(c) and 4(d) of the Act from those prevailing in the locality for such employees and from pertinent collective bargaining agreements, with due consideration of the rates that would be paid for direct Federal employment of any classes of such employees whose wages, if federally employed, would be determined as provided in 5 U.S.C. 5341 or 5 U.S.C. 5332. Unless otherwise specified in the wage determination, the wage rates and fringe benefits so determined for any class of service employees to be engaged in furnishing covered contract services in a locality shall be made applicable by contract to all service employees of such class employed to perform such services in the locality under any contract subject to section 2(a) of the Act which is entered into thereafter and before such determination has been rendered obsolete by a withdrawal, modification, or supersedure.

* * * * *

4. Section 4.4(b)(2) is amended to read as follows:

§ 4.4 Notice of intention to make a service contract.

* * * * *

(b) * * *

* * * * *

(2) A listing of those classes of service employees expected to be employed under the contract which, if employed by the agency, would be subject to the wage provisions of 5 U.S.C. 5341 or 5 U.S.C. 5332, together with a specification of the rates of wages and fringe benefits that would be paid by the Government to employees of each such class if such statute were applicable to them. (Under section 2(a)(5) of the Act and § 4.6 the inclusion of such a statement in the service contract is also required.)

* * * * *

5. Section 4.6 is amended to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

The clauses set forth in the following paragraphs shall be included in every contract (and any bid specification therefor) entered into by the United States or the District of Columbia, in excess of $2,500, the principal purpose of which is to furnish services through the use of service employees:

(a) Service Contract Act of 1965: This contract, to the extent that it is of the character to which the Service Contract Act of 1965, as amended 41 U.S.C. 351), applies, is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor thereunder (this Part 4).

* * * * *

(j)(1) As used in these clauses relating to the Service Contract Act of 1965, as amended, the term "service employee" means any person engaged in the performance of a contract entered into by the United States and not exempted under Section 7, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States (other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in Part 541 of Title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations); and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(2) The following classes of service employees expected to be employed under the contract with the Government would be subject, if employed by the contracting agency, to the provisions of 5 U.S.C. 5341 or 5 U.S.C. 5332 and would, if so employed, be paid not less than the following rates of wages and fringe benefits:

Employee class	*Monetary wage-fringe benefits*

* * * * *

(m) These clauses relating to the Service Contract Act of 1965 shall not apply to the following:

* * * * *

(8) Any services to be furnished outside the United States. For geographic purposes, the "United States" is defined in section 8(d) of the Service Contract Act to include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island and Canton Island. It does not include any other territory under the jurisdiction of the United States or any U.S. base or possession within a foreign country.

* * * * *

6. Section 4.102 is amended to read as follows:

§ 4.102 The Act.

The McNamara-O'Hara Service Contract Act of 1965 (Pub. L. 89-286, 79 Stat. 1034, 41 U.S.C. 351 et seq.), hereinafter referred to as the Act, was approved by the President on October 22, 1965 (1 Weekly Compilation of Presidential Documents 428). It establishes standards for minimum compensation and safety and health protection of employees performing work for contractors and subcontractors on service contracts entered into with the Federal Government and the District of Columbia. It applies to contracts entered into pursuant to negotiations concluded or invitations for bids issued on or after January 20, 1966. It has been amended by Pub. L. 92-473, 86 Stat. 789; by Pub. L. 93-57, 87 Stat. 140; and by Pub. L. 94-489, 90 Stat. 2358.

7. Section 4.112 is amended to read as follows:

§ 4.112 Contracts to furnish services "in the United States."

(a) The Act covers contract services furnished "in the United States." The geographical area included in the "United States" is defined in section 8(d) as "any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Act, American Samoa, Guam, Wake Islands, Eniwetok Atoll, Kwajalein Atoll, Johnston Island and Canton Island." The definition expressly excludes any other territory under the jurisdiction of the United States (e.g. the Canal Zone) and any United States base or possession within a foreign country. Services to be performed exclusively on a vessel operating in international waters outside the geographic areas named in section 8(d) would not be services furnished "in the United States" within the meaning of the Act.

* * * * *

8. Section 4.113 is amended to read as follows:

§ 4.113 Contracts to furnish services "through the use of service employees".

(a) *Use of "service employees" in contract performance.* (1) As indicated in § 4.110, the Act covers service contracts in which "service employees" will be used in performing the services which it is the purpose of the contract to procure. A service contract otherwise subject to the Act ordinarily will meet this condition if any of the services which it is the principal purpose of the contract to obtain will be furnished through the use of any service employee or employees. Even where it is contemplated that the services (of the kind performed by service employees) will be performed individually by the contractor himself, the contract cannot be considered outside the reach of the Act unless it is known in advance that the contractor will in no event use any service employee during the term of the contract in furnishing the services called for. If the contracting officer knows when advertising for bids or concluding negotiations that no such employee will be used by the contractor in any event in providing the contract services, the Act will not be deemed applicable to the contract and the contract clauses required by § 4.6 or § 4.7 may be omitted. However, in all other cases such clauses must be included in the contract documents, for application in the event service employees are used in furnishing the services. The fact that the required services will be performed by municipal employees or employees of a State would not remove the contract from the purview of the Act, as this Act does not contain any exemption for contracts performed by such employees. Also, where the services the Government wants under the contract are principally of a type that will require the use of service employees as defined in section 8(b) of the Act, the contract is not taken out of the purview of the Act by the fact that the manner in which the services of such employees are performed will be subject to the continuing overall supervision of professional personnel to whose services the Act would not be considered to apply.

* * * * *

(b) *"Service employees" defined.* In determining whether or not any of the contract services will be performed by service employees, the definition of "service employee" in section 8(b) of the Act is controlling. It provides:

"The term 'service employee' means any person engaged in the performance of a contract entered into by the United States and not exempted under section 7, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States (other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations); and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.".

It will be noted that the definition expressly excludes those employees who are employed in a bona fide executive, administrative, or professional capacity as defined in Part 541 of this title and as discussed further in § 4.156. Some of the specific types of service employees who may be employed on service contracts are noted in subsequent sections which discuss the application of the Act to employees.

9. Section 4.156 is revised to read as follows:

§ 4.156 Employees in bona fide executive, administrative, or professional capacity.

The term "service employee" as defined in Section 8(b) of the Act does not include persons employed in a bona fide executive, administrative, or professional capacity as those terms are defined in 29 CFR Part 541. Employees within the definition of service employee who are employed in an executive, administrative, or professional capacity are not excluded from coverage, however, even though they are highly paid, if they fail to meet the tests set forth in 29 CFR Part 541. Thus, such employees as laboratory technicians, draftsmen, and air ambulance pilots, though they require a high level of skill to perform their duties and may meet the salary requirements of the regulations in Part 541 of this title, are ordinarily covered by the Act's provisions because they do not typically meet the other requirements of those regulations.

Signed at Washington, D.C., on this 19th day of August, 1977.

XAVIER M. VELA,
Administrator.

[FR Doc.77-24854 Filed 8-25-77;8:45 am]

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

State and Local Government Information Report, Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1977 State and Local Government Information (EEO-4) report required by 29 CFR 1602.32 is extended from September 30, 1977 to November 30, 1977. The payroll period for the EEO-4 report remains unchanged.

Signed at Washington, D.C., this 22nd day of August 1977.

ELEANOR HOLMES NORTON,
Chairperson, Equal Employment Opportunity Commission.

[FR Doc.77-24761 Filed 8-25-77;8:45 am]

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2614—RESPONSIBILITY AND ETHICAL CONDUCT OF EMPLOYEES

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes standards of conduct applicable to all employees of the Pension Benefit Guaranty Corporation ("PBGC"). It also requires employees occupying certain positions within the PBGC to submit Statements of Employment and Financial Interests and to update such statements annually by the submission of supplemental statements. The PBGC is required to issue this rule by the Civil Service Commission's regulation on Employee Responsibilities and Conduct and by Executive Order 11222. The effect of this rule is to specify standards governing the conduct of PBGC employees while performing official duties and while involved in nonofficial activities which could reflect adversely upon the PBGC as their employer.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen Schreiber, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-3010.

SUPPLEMENTARY INFORMATION: This rule relates solely to PBGC personnel practices. Accordingly, opportunity for public participation in the rule making process and delay in effective date are not required. In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended by adding a new Part 2614 to read as follows:

GENERAL

Sec.
2614.1 Purpose and scope.
2614.2 Definitions.
2614.3 Counseling service.
2614.4 General provisions.
2614.5 Criminal sanctions.

STANDARDS OF CONDUCT

2614.6 Proscribed actions.
2614.7 Gifts, entertainment, reimbursement and favors.
2614.8 Outside employment and other activity.
2614.9 Financial interests.
2614.10 Negotiation for private employment.
2614.11 Use of Government property.
2614.12 Use of information.
2614.13 Indebtedness.
2614.14 Gambling, betting and lotteries.
2614.15 General conduct prejudicial to the Government.
2614.16 Political activity.
2614.17 Strikes.
2614.18 Nondiscrimination.
2614.19 Special Government employees.

STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

2614.20 Regular Government employees.
2614.21 Listing of positions.
2614.22 Time and place for submission of statements.
2614.23 Supplementary statements.
2614.24 Special Government employees.
2614.25 Interests of employee's relatives.
2614.26 Information not known by an employee.
2614.27 Information not required.
2614.28 Forms.
2614.29 Review procedures.
2614.30 Confidentiality.
2614.31 Review of files.
2614.32 Effect of employee's statement on other requirements.

Appendix A.—Identification of Positions the Incumbents of which must file Financial Statements.

AUTHORITY: Section 4002(b)(3), Pub. L. 93-406, 88 Stat. 1004 (29 U.S.C. § 1302(b)(3)(Supp. V, 1975)); EO 11222, 30 FR 6469, 3 CFR 1964-65, Comp., p. 306; 5 CFR 735.104.

GENERAL

§ 2614.1 Purpose and scope.

(a) *Purpose.* The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees and special Government employees is essential to assure the proper performance of the PBGC's business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the PBGC's regulation prescribing standards of conduct and responsibilities and governing statements of employment and financial interests for employees and special Government employees. It implements the Civil Service Commission regulation (5 CFR Part 735) issued October 1, 1965 in accordance with Executive Order 11222, of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees."

(b) *Scope.* This part is applicable to all employees of the PBGC.

§ 2614.2 Definitions.

For purposes of this part:

"Employee" means both a regular Government employee and a special Government employee.

"Employing Office" means the office of the PBGC in which an employee is employed.

"Executive Director" means the Executive Director of the PBGC.

"PBGC" or the "Corporation" means the Pension Benefit Guaranty Corporation.

"Regular Government employee" means an officer or employee of the PBGC other than a special Government employee.

"Special Government Employee" means an officer or employee of the PBGC who is retained, designated, appointed or employed by the PBGC or by the President of the United States to perform with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties for the PBGC either on a full-time or intermittent basis.

§ 2614.3 Counseling service.

(a) The General Counsel of the PBGC is designated as Ethics Counselor to the Corporation in matters within the scope of this part.

(b) The General Counsel shall designate Deputy Counselors who will be available to counsel employees on questions relating to ethics, standards of conduct and conflicts of interest.

(c) The Branch of Personnel Management, Office of Management Services, PBGC, shall be responsible for:

(1) Advising employees of the times and places where counseling services are available and the names of Deputy Counselors;

(2) Causing employees to be furnished with copies of this part not later than 90 days after it is published in the FEDERAL REGISTER;

(3) Causing each new employee to be furnished with a copy of this part when such employee enters duty;

(4) Annually, and at such other times as circumstances warrant, alerting employees as to the provisions of this part.

§ 2614.4 General provisions.

(a) All employees shall acquaint themselves with the regulations in this part, and the laws and regulations on which these regulations are based, including:

(1) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of title 18, United States Code, relating to bribery, graft and conflicts of interest.

(3) The prohibitions against participating in strikes against the Government (5 U.S.C. 7311, 18 U.S.C. 1918).

(4) The prohibitions against the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and the disclosure of confidential information (18 U.S.C. 1905).

(5) The provision relating to the excessive and habitual use of intoxicants (5 U.S.C. 7352).

(6) The prohibition against the use of a Government vehicle for non-official purpose (31 U.S.C. 638a(c)).

(7) The prohibition against the use of the franking privilege for private purposes (18 U.S.C. 1719).

(8) The prohibition against interference with the Civil Service Examination and Placement process (18 U.S.C. 1917).

(9) The prohibition against knowingly and willfully making false or fraudulent statements in any matter within the jurisdiction of any department or agency of the United States (18 U.S.C. 1001).

(10) The prohibiton against counterfeiting and forging transportation requests on a form provided for the use of the Government (18 U.S.C. 508).

(11) The prohibition against concealing, removing, obliterating, mutilating or otherwise destroying public records (18 U.S.C. 2071).

(12) The prohibitions against embezzlement of Government money or property (18 U.S.C. 641), failing to account for public money (18 U.S.C. 643) and embezzlement by a Government employee of the money or property of another person in the possession of such employee by reason of his employment (18 U.S.C. 654).

(13) The prohibition against unauthorized taking or use of documents relating to claims from or by the Government (18 U.S.C. 285).

(14) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 606, 607 and 608.

(15) The prohibition against a Government employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(16) The prohibition against the receipt of excessive honorariums (2 U.S.C. 441(i)).

(b) An employee who fails to comply with any of the provisions of this part shall be subject both to any penalty prescribed by law and also such other disciplinary or remedial action effected in accordance with applicable laws, Executive orders and regulations as may be appropriate to the particular case, including but not limited to:

(1) Disqualification for a particular assignment;

(2) Changes in assigned duties;

(3) Disciplinary action.

§ 2614.5 Criminal sanctions.

Sections 201 through 209 of title 18, United States Code, prohibit, subject to criminal penalties, certain acts by Government employees involving conflict-of-interest situations. These provisions, which contain limited exceptions for special Government employees, include the following prohibitions:

(a) Section 203, in general, prohibits a Government employee from soliciting, receiving or agreeing to receive compensation for services rendered on behalf of another before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205, in general, prohibits a Government employee from acting as agent or attorney for prosecuting any claim against the United States or acting as agent or attorney for anyone before any Federal courts or agencies in connection with any particular matter in which the United States is a party or has a direct and substantial interest. It also prohibits a Government employee from receiving any gratuity, or any share of or interest in any claim against the United States, in consideration of assistance in the prosecution of such claim.

(c) Section 208, in general, prohibits a Government employee, while acting in his official capacity, from participating personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice or otherwise in any particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplements to salary as compensation for their Government service from any source other than the United States.

The statutory provisions described in this section are intended to direct attention to potential problem areas and are not intended as a comprehensive description or interpretation of those provisions. Employees needing guidance concerning the scope and application of these provisions should consult a Deputy Counselor.

Standards of Conduct

§ 2614.6 Proscribed actions.

An employee shall take reasonable steps to avoid any action which might result in, or create the appearance of:

(a) Using public office for private gain for himself or another person;

(b) Giving unwarranted preferential treatment to any person or organization;

(c) Impeding Government efficiency or economy;

(d) Losing independence or impartiality;

(e) Making a Government decision outside official channels;

(f) Affecting adversely the confidence of the public in the integrity of the Government or the PBGC.

§ 2614.7 Gifts, entertainment, reimbursement and favors.

(a) *General.* An employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, from a person who:

(1) Has or is seeking to obtain contractual or other business or financial relations with the PBGC;

(2) Conducts a business enterprise that is subject to the statutory authority of the PBGC;

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's PBGC duties.

(b) *Special rules.* Regular Government employees also shall be subject to the following:

(1) *Contributions and gifts to superiors.* A regular Government employee shall not solicit a contribution from another employee for a gift to an employee who is an official superior, make a donation for a gift to an employee who is an official superior or accept a gift from an employee receiving less pay than himself.

(2) *Payments from non-Government sources.* A regular Government employee shall not receive any salary or supplement to his salary from a non-Government source as compensation for services to the Government.

(c) *Exceptions.* The prohibitions in this section do not apply to the:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for a meritorious public contribution given by a charitable, religious, professional, social, fraternal, non-profit educational, recreational, public service or civic organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(4) Acceptance of voluntary gifts of nominal value or donations in a nominal amount made on special occasions such as marriage, illness or termination of employment.

(5) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities;

(6) Acceptance of scholarships, fellowships and similar forms of assistance which are incident to education or training pursued by an employee on his own time and on his own initiative;

(7) Acceptance of food, entertainment, refreshments and gifts of nominal value on infrequent occasions in the ordinary course of a meeting, conference or training situation in which the employee properly is in attendance.

(8) Acceptance, when not otherwise proscribed by law, of bona fide reimbursement (including payments made on behalf of an employee) for those reasonable and necessary travel and accommodation expenses for which no Government payment or reimbursement is made.

(d) *Limitation.* An employee is obligated to avoid any activity which creates the appearance of impropriety. Accordingly, an employee may not accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value otherwise permitted by this section if such acceptance would conflict or appear to conflict with the provisions of this part, other applicable laws, Executive orders or regulations.

§ 2614.8 Outside employment and other activity.

(a) A regular Government employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his PBGC employment. Such incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expenses or any other thing of monetary value in circumstances in which acceptance may result in or create the appearance of a conflict-of-interest.

(2) Outside employment which tends to impair his capacity to perform his PBGC duties and responsibilities in an acceptable manner.

(b) The PBGC encourages employees to engage in outside activities such as teaching, lecturing and writing since such activities serve to inform the public concerning the PBGC's activities and programs and to enhance an employee's value to the Government. However, an employee shall not engage in any such activities using information obtained as a result of his PBGC employment unless such information is available to the general public.

(c) This section does not preclude a regular Government employee from:

(1) Participation in the activities of national, state or local political parties when not proscribed by law.

(2) Participation in the affairs of a charitable, religious, professional, social, fraternal, non-profit educational, recreational, public service or civic organization.

(d) An employee who is engaged in or is planning to engage in outside employment, business, professional or other such activities for pay shall obtain clearance:

(1) When such activities raise a question of conflict with this part or any applicable laws, orders, regulations or standards, or

(2) When applicable laws, orders or regulations require clearance of such activities.

(e) A request for clearance shall be in writing and shall include a statement of the nature of and the amount of time to be devoted to the activity. The heads of offices shall receive and review requests for clearance submitted by members of their staff. The Executive Director or his designee shall receive and review requests for clearance submitted by the heads of offices and special Government employees. The employee reviewing the request for clearance may require the employee making the request to furnish such other information as may be appropriate in considering the request and shall consult with the Corporation's Ethics Counselor where appropriate. The request may be granted only if such activity would be consistent with applicable laws, orders and regulations. If the request for clearance is not granted, the employee making the request shall not commence or continue in the activity unless the Executive Director or his designee, upon written request of the employee, determines that such activity would be consistent with applicable laws, orders and regulations.

§ 2614.9 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially or appears to conflict substantially with his PBGC duties and responsibilities;

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through the performance of his PBGC duties; or

(3) Engage in, directly or indirectly, a financial transaction which is prohibited by law, regulation or Executive order.

(b) An employee shall not use or appear to use his position within the Corporation to coerce any person, enterprise, company, association, partnership, society, organization or instrumentality to provide a financial benefit to himself or another person.

(c) An employee who is assigned to a matter relating to a business enterprise in which he, his spouse or a minor child has a financial interest or a personal interest as a result of any current, prior or prospective employment, business or professional association, or which was at the time of his association with a firm, a client of such firm, shall submit immediately a written report detailing the nature of such interest to the head of his employing office. Office heads and special Government employees shall report such interests of their own to the Executive Director or his designee. The employee receiving the report shall determine whether, in view of the provisions of this part and the desirability of avoiding situations that create the appearance of a conflict-of-interest, the reporting employee can continue in that assignment and shall note such determination on the report.

§ 2614.10 Negotiation for private employment.

Except as provided in § 2614.9(c) and subject to the provisions of 18 U.S.C. 208, an employee shall not undertake or continue in an assignment if he knows such assignment may affect, directly or indirectly, any person or business enterprise with whom such employee is discussing, negotiating or entertaining a proposal for future employment.

§ 2614.11 Use of Government property.

(a) An employee shall protect and conserve Government property, including equipment, supplies and other property entrusted to him.

(b) An employee shall not directly or indirectly use, or allow the use of Government property of any kind, including property leased to the Government, for other than officially approved activities.

§ 2614.12 Use of information.

An employee shall not use, or allow the use of, official information obtained through the performance of his PBGC duties to further a private interest if such information is not available to the general public.

§ 2614.13 Indebtedness.

(a) An employee shall pay each just financial obligation in a proper and timely manner.

(b) For purposes of this section:

(1) A "just financial obligation" means one imposed by law such as Federal, State or local taxes, or one acknowledged by the employee or reduced to judgment by a court.

(2) "In a proper and timely manner" means in a manner which, under the circumstances, does not reflect adversely on the Corporation as his employer.

§ 2614.14 Gambling, betting, and lotteries.

An employee shall not participate in the operation of a gambling device, in conducting a lottery or pool, in a game for money or property or in selling or purchasing a numbers slip or ticket while on Government-owned or leased property or while on duty for the Government unless such activities are in connection with activities described in section 3 of Executive Order 10927 (dealing with fund raising by employee organizations for limited purposes).

§ 2614.15 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral or notoriously disgraceful conduct.

§ 2614.16 Political activity.

(a) *Permitted activities.* Regular Government employees have the right to vote as they choose and to express their opinions on all political subjects and candidates, to engage in those political activities relating to local elections and referenda on questions not specifically identified with a national or state political party as are permitted pursuant to 5 U.S.C. 7324, 7326 and 7327 and 5 CFR Part 733, and to make financial contributions to a political party or organization to the extent permitted by 18 U.S.C. 608.

(b) *Prohibited activities.* Regular Government employees are generally prohibited from taking an active part in political management or campaigns (5 U.S.C. 7324) and from soliciting, receiving, requiring or being concerned with political assessments, subscriptions or contributions for any political purpose whatever from other employees (18 U.S.C. 602, 606 and 607).

§ 2614.17 Strikes.

Federal law prohibits an employee from striking against the Government (5 U.S.C. 7311).

§ 2614.18 Nondiscrimination.

An employee shall not discriminate against any other employee or applicant for employment because of race, color, religion, national origin, sex or age.

§ 2614.19 Special Government employees.

Unless otherwise specifically provided, special Government employees shall be subject to the provisions of this part.

STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 2614.20 Regular Government employees.

(a) *General.* Statements of employment and financial interests shall be filed by the following regular Government employees:

(1) Those paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) Those classified at GS–13 or above under 5 U.S.C. 5332 who are in positions:

(i) The incumbents of which are responsible for making a PBGC decision or taking a PBGC action in regard to contracting or procurement, administering or monitoring the payment of benefits, regulating or auditing private or other non-Federal enterprises, or other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise; or

(ii) Which the Executive Director has determined have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflict-of-interest situation and to carry out the purpose of law, Executive order, 5 CFR Part 735 and this part.

(3) Those classified below GS–13 under 5 U.S.C. 5332 who are in positions which otherwise meet the criteria in paragraph (a)(2) of this section, but only when the inclusion of those positions in Appendix A to this part has been specifically justified by the Executive Director in writing to the Civil Service Commission as an exception that is essential to protect the integrity of the PBGC and to avoid employee involvements in possible conflict-of-interest situations.

(b) *Exceptions.* Employees in positions that meet the criteria in paragraph (a) of this section shall not be required to file a statement of employment and financial interest if:

(1) The Executive Director determines that the duties of the position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote, or the duties of a position are at such a level of responsibility that the submission of such a statement is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the PBGC, or

(2) The employee is required to report such information to the Chairman of the Civil Service Commission pursuant to Section 401 of Executive Order 11222.

§ 2614.21 Listing of positions.

(a) *General.* Appendix A to this part contains a list of positions the incumbents of which must file statements of employment and financial interests.

(b) *Amendments.* Appendix A may be amended at any time pursuant to the criteria in § 2614.20. Such amendments shall be effective upon the approval of the Executive Director and actual notification to the affected employee.

(c) *Application for review.* An employee who believes that his position has been included in Appendix A improperly may apply to the Executive Director or his designee to have that inclusion reviewed.

(d) *Publication.* Amendments to Appendix A shall be submitted annually for publication in the FEDERAL REGISTER.

§ 2614.22 Time and place for submission of statements.

An employee required to submit a statement of employment and financial interests pursuant to § 2614.20 shall submit that statement to the employee designated in § 2614.29(a) to review such statements on or before the later of:

(a) November 25, 1977.

(b) Thirty days after the reporting employee's entrance on duty; or

(c) Thirty days after the effective date of an amendment which includes an employee's position in Appendix A to this part.

§ 2614.23 Supplementary statements.

(a) An employee required to submit a statement of employment and financial interests pursuant to § 2614.20 also shall submit on or before Sepetmber 30th of each year a supplementary statement showing either changes in or additions to the information contained in the statement of employment and financial interests or that no changes or additions occurred.

(b) The statement required by this section shall be submitted to the employee designated in § 2614.29(a) to review such statements.

§ 2614.24 Special Government employees.

(a) *General.* Each special Government employee shall submit a statement of:

(1) All other employment, and

(2) All financial interests (including the nature of such interests) deemed relevant by the Executive Director in light of the duties such employees is to perform.

(b) *Exception.* The Executive Director may waive the requirement in paragraph (a) of this section if:

(1) The special Government employee is not a consultant or an expert, as defined in chapter 304 of the Federal Personnel Manual, and the Executive Director determines that the duties of the position are of such a nature and at such a level of responsibility that the submission of the statement by the employee is not necessary to protect the integrity of the Corporation.

(2) The special Government employee is required to report such information to the Chairman of the Civil Service Commission pursuant to Section 401 of Executive Order 11222.

(c) *Submission.* Each special Government employee shall submit to the Executive Director the statement required by this section on or before the later of his entrance on duty, or November 25, 1977, and shall keep that statement current throughout his employment with the Corporation by the submission of supplementary statements.

§ 2614.25 Interests of employee's relatives.

(a) For purposes of completing the statements required by §§ 2614.20, 2614.23 and 2614.24 the interest of a spouse, minor child or other member of the employee's immediate household who is related to such employee by blood or marriage shall be considered an interest of the employee.

(b) For purposes of this section, "members of an employee's immediate household" means those blood or marital relations who reside with the employee.

§ 2614.26 Information not known by an employee.

If any information required to be included on a statement required by §§ 2614.20, 2614.23 or 2614.24, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit such information in his behalf.

§ 2614.27 Information not required.

(a) An employee required to file a statement pursuant to §§ 2614.20, 2614.23 or 2614.24 shall not be required to include on such statement any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic or political organization which is not conducted as a business enterprise.

(b) For purposes of this section, the term "business enterprise" shall include educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government.

§ 2614.28 Forms.

(a) The statement of employment and financial interests required by §§ 2614.20 and 2614.24 for use by regular and special Government employees shall be in the form prescribed for such employees by the Civil Service Commission in the Federal Personnel Manual.

(b) The forms prescribed by this section shall be provided to the incumbents of the positions listed in Appendix A to this part by the employee designated in § 2614.29(a) to review such statements or his designee.

§ 2614.29 Review procedures.

(a) The General Counsel, or his designee, shall review the statements of regular Government employees filed pursuant to §§ 2614.20 and 2614.23. The Executive Director, or his designee, shall review the statements of special Government employees filed pursuant to § 2614.24

(b) If it appears that a statement filed pursuant to §§ 2614.20, 2614.23 or 2614.24 discloses a possible or apparent conflict with the provisions of this part, the employee submitting such statement may submit additional evidence in explanation of the possible or apparent conflict.

(c) An employee whose statement is subject to review pursuant to the provisions of this section shall furnish such

additional information as may be appropriate in light of the circumstances of the particular case.

(d) If, in light of information known from other sources, the review of a statement filed pursuant to §§ 2614.20, 2614.23 or § 2614.24 discloses a possible or apparent conflict with the provisions of this part, other applicable laws, Executive orders or regulations, the employee who filed the statement shall be so notified. In an appropriate case, or at the request of such employee, the employee's statement and other pertinent information shall be forwarded to the General Counsel for review. If, after a review of all available evidence, the General Counsel finds that a possible or apparent conflict with the provisions of this part, other applicable laws, Executive orders or regulations may exist, he shall forward all available evidence to the Executive Director. If, after reviewing such evidence, the Executive Director finds that such a conflict exists, he or the head of the employing office shall initiate appropriate remedial action pursuant to § 2614.4(b), other applicable law, Executive orders or regulations.

(e) Pending any final determination with regard to a statement filed pursuant to §§ 2614.20, 2614.23 and 2614.24, the head of the employing office or the Executive Director may relieve the reporting employee of any duties which appear to create a conflict with the provisions of this part, other applicable laws, Executive orders and regulations and assign such employee to other duties.

§ 2614.30 Confidentiality.

(a) The Corporation shall hold statements submitted pursuant to §§ 2614.20, 2614.23 or 2614.24 in confidence. Such statements shall be kept in special files maintained by the employees responsible for review of such statements. Such employees shall be responsible for maintaining the statements in confidence and, except as necessary to carry out the purposes of this part or as provided in paragraph (b) of this section, shall not allow examination of any statement or copy thereof.

(b) Information from a statement shall not be made available to the public except as the Executive Director or the Civil Service Commission may determine for good cause shown.

(c) A statement submitted pursuant to §§ 2614.20, 2614.23 or 2614.24 or a copy thereof shall not be included in an employee's personnel file.

§ 2614.31 Review of files.

The General Counsel or his designee may examine any file containing statements submitted pursuant to §§ 2614.20, 2614.23 and 2614.24. He shall report any possible or apparent conflicts with the provisions of this part, other applicable law, Executive order or regulation discovered thereby to the head of the employing office or the Executive Director, as appropriate.

§ 2614.32 Effect of employees' statements on other requirements.

The statements submitted pursuant to §§ 2614.20, 2614.23 and 2614.24 shall be in addition to, and not in substitution for or in derogation of, any similar requirement imposed by law, Executive order or regulation. The submission of such statements shall not permit an employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by this part, other applicable law, Executive order or regulation.

APPENDIX A—IDENTIFICATION OF POSITIONS THE INCUMBENTS OF WHICH FILE FINANCIAL STATEMENTS

SPECIFIC POSITIONS

Office of the Executive Director

Deputy Executive Director
Assistants to the Executive Director
Director of Internal Audit
Other Employees GS–13 and above.

Office of the General Counsel

General Counsel
Deputy General Counsel
Assistant General Counsels
Deputy Assistant General Counsels
Executive Assistant to the General Counsel
Special Counsel
Supervisory Attorneys

Office of Program Development

Director
Deputy Director
Chief, Division of Actuarial Services
Chief, Division of Research and Evaluation
Chief, Division of Technical Services
Chief, Division of Program Development
Other Employees GS–13 and above.

Office of Communications

Director
Deputy Director
Chief, Division of Inquiries
Chief, Division of Pension Group Relations

Office of Finance

Director
Deputy Director
Chief, Division of Assets Management
Chief, Division of Accounting
Financial Analysts (Investment Advisor)
Financial analysts (Cash Management)
Other Employees GS–13 and above.

Office of Program Operations

Director
Deputy Director
Chief, Division of Plan Termination
Chief, Division of Plan Review
Chief, Division of Coverage
Chief, Division of Compliance
Chief, Division of Benefits Administration
Supervisory Case Officers
Other Employees GS–13 and above.

Office of Management Services

Director
Deputy Director
Chief, Division of Budget and Management Analysis
Chief, Division of Procurement
Chief, Division of Office Services
Chief, Division of Personnel Management
Contract Specialists, Division of Procurement
Other Employees GS–13 and above.

Office of Information Management

Director
Deputy Director
Chief, Division of Applications Development
Chief, Division of Systems Analysis
Chief, Division of Document Processing
Computer Programmers, Division of Applications Development
Computer System Analysts, Division of Systems Analysis
Other Employees GS–13 and above.

These regulations have been approved by the Civil Service Commission.

Issued in Washington, D.C. this 15th day of August, 1977.

MATTHEW M. LIND,
Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc.77-24796 Filed 8-25-77;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 721—STANDARDS OF CONDUCT

Revision

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: These regulations are being revised to implement and conform with the revised policies of the Secretary of Defense on standards of conduct as promulgated in Department of Defense Directive 5500.7, Standards of Conduct, dated January 15, 1977. These revised regulations prescribe and describe the standards of conduct required of military and civilian naval personnel.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Robert E. Coyle, Head, Finance Branch (Code 134), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370. Telephone 202–694–5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred under 5 U.S.C. 301, 10 U.S.C. 133 and 5031, the Secretary of the Navy revises 32 CFR Part 721. This revision reflects the changes made to the underlying Secretary of the Navy instruction, SECNAV INST 5370.2 (series), which delineates the Navy's Standards of Conduct. These Standards of Conduct were reorganized and expanded to increase their value as a normative guide for personnel and to ensure their validity as a legal basis for disciplinary action in appropriate cases. The responsibilities of individuals for observing the Standards of Conduct, and the responsibilities of commands for enforcing the standards, are further delineated. Also, provisions concerning the filing, review, and disposition of confidential statements of affiliations and financial interests (DD Form 1555) are

expanded; the Under Secretary of the Navy is now required to file an annual report with DOD regarding the Navy's compliance with the filing requirements; and special filing requirements are included for certain potential flag-officer nominees. Further, accession training in the Standards of Conduct is required for all naval personnel regardless of position or duties; the prohibition on commercial solicitations has been expanded to include certain civilian personnel; and the customary exchange of gifts between naval personnel and family members and friends is now authorized under certain circumstances. Finally, the requirement that retired Regular officers provide information on their post-retirement employment by filing a DD Form 1357 has been modified.

This revision, which was adopted on August 4, 1977, reflects changes to the Department of the Navy's Standards of Conduct issued in implementation of the Department of Defense standards codified at 32 CFR Part 40. To the limited extent that this revision could be deemed to originate any requirements within the Department of the Navy, it has been determined that such requirements relate entirely to internal naval management and personnel practices that can be administered more effectively without public participation in the rule-making process. It has therefore been determined that invitation of public comment on this revision would be impracticable and unnecessary and is therefore not required under the provisions of Parts 296 and 701 of 32 CFR.

Accordingly, 32 CFR Part 721 is revised to provide as follows:

Sec.

721.1 Purpose.
721.2 [Reserved]
721.3 Scope and effect.
721.4 Definitions.
721.5 General policies governing the conduct of naval personnel.
721.6 Regulations governing the conduct of naval personnel.
721.7 Related statutes and directives.
721.8 Responsibilities for action.
721.9 Statements of affiliations and financial interests (DD Form 1555).
721.10 Information to personnel.
721.11 Privacy Act consideration.
721.12 Reporting of post-retirement employment.
721.13 Availability of forms.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 133 and 5031; E.O. No. 11222, May 8, 1965; 5 CFR Part 735; 32 CFR Part 40.

§ 721.1 Purpose.

Part 721 implements and supplements Part 40 of this title in prescribing required standards of ethical conduct governing all personnel of the Department of the Navy; related requirements applicable to all personnel of certain categories in the Department of the Navy; amplifying policies for the guidance of personnel in interpreting and executing the standards of conduct and related requirements; and responsibilities and procedures for monitoring and enforcing compliance with the standards of conduct and related requirements within the Department of the Navy.

§ 721.2 [Reserved]

§ 721.3 Scope and effect.

(a) *Applicability.* The provisions of this part apply to all naval personnel as defined in § 721.4(a). The provisions of § 721.6(1)(2) apply to all retired naval personnel and members of Reserve components. The provisions of § 721.12 also apply to all retired Regular officers.

(b) *Violations.* The regulations prescribed in § 721.6 are a general order upon which disciplinary or punitive proceedings may be based in appropriate cases. Noncompliance with other provisions of this part are expected to be corrected by timely and appropriate administrative measures.

§ 721.4 Definitions.

(a) *Naval personnel.* All civilian officers and employees and all active-duty military personnel of the Department of the Navy, including special Government employees and personnel of nonappropriated fund instrumentalities.

(b) *Department of Defense (DOD) components.* The Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies, including nonappropriated fund instrumentalities.

(c) *Special government employee.* A person who is retained, designated, appointed, or employed to perform, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, temporary duties, on either a full-time or intermittent basis. The term also includes a Reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(d) *Gratuity.* Any gift, favor, entertainment, hospitality, transportation, loan, any other tangible item, and any intangible benefit—for example, discounts, passes, and promotional vendor training—given or extended to, or on behalf of, naval personnel or their spouses, minor children, or households, for which fair market value is not paid by the recipient or the U.S. Government.

(e) *Appropriate supervisor.* That superior within the chain of authority who is acquainted with the duties of the naval personnel concerned and can best determine the existence and effect of any conflict of interests of such personnel. Ordinarily, this will be the immediate superior of the person concerned. Each commanding officer or activity head should ensure that all personnel are aware of the identity of their appropriate supervisor.

§ 721.5 General policies governing the conduct of naval personnel.

(a) *Proper conduct of official activities.*

(1) Naval personnel shall become familiar with the scope of authority for, and the limitations concerning, the activities for which they have responsibilities.

(2) The attention of naval personnel is directed to the appropriate statutory prohibitions which apply to the conduct of naval personnel.

(3) Naval personnel shall not make or recommend any expenditure of funds or take or recommend any action known or believed to be in violation of U.S. laws, Executive Orders, or applicable directives, instructions, or regulations.

(4) In cases of doubt of the propriety of a proposed action or decision in terms of regulation or law, naval personnel shall consult legal counsel or, if appropriate, a Standards of Conduct Counsellor or Deputy Counsellor to ensure the proper and lawful conduct of naval programs and activities.

(b) *Conduct prejudicial to the Government.* Naval personnel shall avoid any action, whether or not specifically prohibited by this part, which might result in or reasonably be expected to create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person or entity;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Adversely affecting the confidence of the public in the integrity of the Government.

(c) *Standards of personal judgment.* All naval personnel will adhere strictly to the standards of conduct and related requirements prescribed in this part. In some instances, standards are imposed which require the exercise of personal judgment. Naval personnel must consider each such instance carefully and be prepared to account for the manner in which the judgment is exercised. This is particularly true in situations which involve acceptance of hospitality or favors from persons or entities who do, or seek to do, business with the Department of Defense.

(d) *Dealings with business and industry representatives.* Persons who represent the Government in business dealings with representatives of industry have positions of trust and grave responsibility which require them to observe the highest ethical standards. Practices which may be accepted in the private business world are not necessarily acceptable for naval personnel. No person will allow himself to be placed in a position in which a conflict of interests might arise or might justifiably be suspected. Such a conflict of interests may arise or

appear to arise by reason of the acceptance of gratuities, or by any other action which could influence or reasonably be interpreted as influencing the strict impartiality that must prevail in all business relationships involving the Government. Strict impartiality is often particularly difficult to maintain when business relationships are allowed to become overly personal. Naval personnel should at all times ensure that persons doing business or attempting to do business with the Department of Defense, or representing such entities, are not permitted to ingratiate themselves to the extent that naval personnel hesitate to deny requests for special treatment made by such persons or otherwise to follow the rule of strict impartiality when dealing with such persons in their official capacities. Acceptance of gratuities (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of the Navy may be a source of embarrassment to the department and to the naval personnel involved, may affect the objective judgment of the recipient, and may impair public confidence in the integrity of business relations between the department and industry. It is emphasized that prohibited conflicts and apparent conflicts of interests can sometimes arise even from relationships and transactions which the personnel concerned perceive as inconsequential. Where there is doubt as to the propriety of accepting gratuities, attending functions, or accepting other invitations of a hospitable nature, naval personnel will refrain therefrom.

(e) *Preferential treatment.* Special treatment must not be accorded to particular individuals or firms unless equivalent treatment is also accorded to other individuals or firms justifiably entitled thereto.

(f) *Acquiring conflicting financial interests.* Notwithstanding the fact that they may have filed confidential statements of affiliations and financial interests (DD Form 1555), naval personnel must at all times avoid acquiring or retaining financial interests which would disqualify them from performing their assigned duties or responsibilities. Some of the more likely situations in which conflicts of interests might arise are where naval personnel have Government duties or responsibilities related to business entities—

(1) With which they, or their spouses, minor children, or household members are associated as employees, officers, owners, directors, members, trustees, partners, advisers, or consultants;

(2) With which they, or their spouses, minor children, or household members are negotiating or have arrangements for prospective employment; or

(3) In which they, or their spouses, minor children, or household members have interests through ownership of stock options, bonds, securities or other financial arrangements, such as trusts, or through participation in pension or retirement plans.

(g) *Membership in associations.* Naval personnel who are members or officers of non-Governmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions. Secretary of the Navy Instruction (SECNAVINST) 5760.4 (series) sets forth the Department of the Navy policy regarding participation by naval activities and naval personnel in the activities of private associations.

(h) *Equal opportunity.* Naval personnel shall scrupulously adhere to the DoD program of equal opportunity regardless of race, color, religion, sex, age, or national origin, in accordance with equal opportunity directives. See, for example, SECNAVINST 5350.6 (series) and SECNAVINST 5350.10 (series).

(i) *Reporting suspected violations.* Naval personnel who have information which causes them to believe that other DoD personnel have violated a statute or standard of conduct imposed by this part should bring the matter to the attention of the appropriate command authority. The matter thereafter should be brought to the attention of the person concerned, for possible resolution without further command action, unless the command determines that such communication is not likely to remedy the problem or will adversely affect a proper investigation of the matter.

(j) *Resolving violations.* The resolution of standards of conduct violations shall be accomplished promptly by one or more measures, such as divestiture of conflicting interests, disqualification for particular assignments, changes in assigned duties, termination, or other appropriate action, as provided by statute or administrative procedures. Disciplinary actions shall be in accordance with established personnel procedures. See § 721.6(a).

§ 721.6 Regulations governing the conduct of naval personnel.

(a) *Affiliations and financial interests.* Naval personnel shall not engage in any personal, business, or professional activity, or receive or retain any direct or indirect financial interest, which places them in a position of conflict between their private interests and the public interests of the United States related to the duties or responsibilities of their official positions. For the purpose of this prohibition, the private interests of a spouse, minor child, and any household member are treated as private interests of the naval personnel.

(1) Unless otherwise expressly authorized by action taken under 18 U.S.C. 208(b), all naval personnel who have or acquire an affiliation or a financial interest which creates a conflict or appearance of a conflict with their official duties shall report the possibly disqualifying interest to the appropriate supervisor, who shall resolve the matter in accordance with this part. If it is determined that the individual should be disqualified from participation in any official activities that are related to the conflicting interest, a formal disqualification notice must be sent to the concerned individual's appropriate supervisor and immediate subordinates. If the individual cannot adequately perform his official duties after such disqualification, he must divest himself of such involvement or be removed from that position.

(2) Naval personnel need not disqualify themselves under this section, however, for holding shares of a widely held, diversified mutual fund or regulated investment company. Such holdings are exempted as being too remote or inconsequential to affect the integrity of the services of Government personnel.

(b) *Using inside information.* Naval personnel shall not use, directly or indirectly, inside information to further a private gain for themselves or others if that information is not generally available to the public and was obtained by reason of their DoD positions.

(c) *Using naval position.* Naval personnel are prohibited from using their official positions to induce, coerce, or in any manner unlawfully influence any person, including subordinates, to provide any benefit, financial or otherwise, to themselves or others.

(d) *Dealing with present and former military and civilian personnel.* Naval personnel shall not knowingly deal on behalf of the Government with present or former Government personnel, military or civilian, whose participation in the transaction would be in violation of a statute, regulation, or policy set forth in this part. While all applicable prohibitions are within the prohibition established by this paragraph, attention is directed to the prohibition on retired Regular officers selling to the Government through the department in which they hold a retired status, 18 U.S.C. 281; the prohibition on former personnel acting as an agent or attorney for anyone other than the United States in connection with "claims" against the Government, 18 U.S.C. 207; and the prohibition on paying appropriated funds to retired Regular officers who are "selling" to certain Government agencies, 37 U.S.C. 801(c).

(e) *Commercial soliciting by naval personnel.* To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, full-time naval personnel, except special Government employees and Reserve enlisted personnel on active duty for training, are prohibited from making personal commercial solicitations or sales to DoD personnel who are junior in rank or grade, at any time, on or off duty.

(1) This limitation includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services.

(2) This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned dwelling, or to the off-duty employment of naval personnel as employees in retail stores or other situations not including solicited sales.

(3) With regard to solicitation by and of civilian personnel, the limitation applies only to solicitation of personnel under the supervision, at any level, of the solicitor.

(f) *Assignment of Reserve personnel for training.* Naval personnel who are responsible for assigning Reserves for training shall not assign them to duties in which they will obtain information that could be used by them or their private sector employers to gain unfair advantage over civilian competitors.

(g) *Gratuities.* (1) Except as provided in paragraph (g)(2) of this section, naval personnel and their spouses, minor children, and members of their households shall not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or on behalf of, a defense contractor. A defense contractor is a person or other entity which:

(i) Is engaged in or seeks business or financial relations of any sort with any DoD component;

(ii) Conducts operations or activities that are either regulated by a DoD component or significantly affected by DoD decisions; or

(iii) Has interests that may be substantially affected by the performance or nonperformance of the official duties of DoD personnel.

(2) This general prohibition does not apply to the following:

(i) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate Standards of Conduct Counsellor;

(ii) The acceptance of unsolicited advertising or promotional items that are less than $5 in retail value;

(iii) Trophies, entertainment, prizes, or awards for public service or achievement or given in games or contests which are clearly open to the public or which are officially approved for naval personnel participation;

(iv) Things available to the public (such as university scholarships covered by DoD Directive 1322.6 and free exhibitions by Defense contractors at public trade fairs);

(v) Discounts or concessions extended Navy- and Marine Corps-wide and realistically available to all naval personnel;

(vi) Participation by naval personnel in civic and community activities when the involvement of Defense contractors is remote from the business purposes of any contractor who is sponsoring, supporting, or participating in the activity (for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by a Defense contractor);

(vii) Social activities engaged in by officers in command and other naval officials, or their representatives, with local civic leaders as part of community relations programs of the Department of the Navy in accordance with SECNAVINST 5720.44 (series) (Part 705 of this chapter);

(viii) The participation of naval personnel in widely attended gatherings of mutual interest to Government and industry, sponsored or hosted by industrial, technical, and professional associations (not by individual contractors): *Provided*, That they have been approved in accordance with DoD Instruction 5410.20;

(ix) Situations in which participation by naval personnel at public ceremonial activities of mutual interest to industry or local communities and the Department of the Navy serves the interests of the Government and acceptance of the invitation is approved by the commanding officer or other head of the activity to which the invitee is attached;

(x) Contractor-provided transportation, meals, or overnight accommodations in connection with official business when arrangements for Government or commercial transportation, meals, or accommodations are clearly impracticable and the individual reports the circumstances in writing to his appropriate supervisor as soon as possible;

(xi) Attendance at promotional vendor training sessions when the vendor's products or systems are provided under contract to DoD and the training is to facilitate the utilization of those products or systems by naval personnel;

(xii) Attendance or participation of naval personnel in gatherings, including social events such as receptions, which are hosted by foreign governments or international organizations: *Provided*, That the acceptance of the invitation is approved by the commanding officer or other head of the activity to which the invitee is attached or, when there is doubt as to the propriety of acceptance, by higher authority (see SECNAVINST 1650.1 (series) for further information pertaining to gifts from foreign governments);

(xiii) Customary exchanges of gratuities between naval personnel and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gratuity and where it is clear that the gratuity is not paid for by any entity described in paragraph (g)(1) of this section; and

(xiv) Situations in which, in the sound judgment of the individual concerned or his superior, the Government's interest will be served by naval personnel participating in activities otherwise prohibited. In any such case, a written report of the circumstances shall be made by the individual or his appropriate superior in advance of acceptance, or, when an advance report is not possible within 48 hours after acceptance, to the appropriate supervisor, if he is not otherwise aware of the acceptance, and to the appropriate Standards of Conduct Counsellor or Deputy Counsellor.

(3) Naval personnel who receive gratuities, or have gratuities received for them, in circumstances not in conformance with the standards of this section, shall promptly report the circumstances to the appropriate supervisor for a determination as to the proper disposition. The appropriate supervisor shall consult with the Standards of Conduct Counsellor or Deputy Counsellor.

(4) Procedures with respect to ROTC staff members are set forth in DoD Directive 1215.8.

(h) *Receipts in connection with official travel.* (1) The acceptance of accommodations, subsistence, or services, furnished in kind, in connection with official travel from sources other than those indicated in paragraph (g)(1) of this section, is authorized only when the individual is to be a speaker, panelist, project officer, or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as being in the overall Government interest.

(2) Except as indicated in paragraph (h)(1) of this section, naval personnel may not accept personal reimbursement from any source for expenses incident to official travel, unless authorized by their commanding officer or the head of their activity, consistent with guidance provided by the appropriate Standards of Conduct Counsellor (pursuant to 5 U.S.C. 4111 or other authority). Rather, reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement.

(3) In no case shall naval personnel accept reimbursement, either in kind or in cash, which is extravagant or excessive in nature.

(4) When accommodations, subsistence, or services in kind are furnished to naval personnel by non-Government sources, consistent with this paragraph, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable.

(i) *Speaking, lecturing, writing, and appearance as expert witness.* (1) Except as provided in paragraph (h) of this section (and further qualified in paragraph (m) of this section), naval personnel are prohibited from accepting fees, reimbursements, or honoraria for speaking, lecturing, or writing, or for appearing as expert witnesses before State agencies, except in instances where all the following conditions exist:

(i) Acceptance of the payment from the person or entity tendering or funding it would not be prohibited under paragraph (g) of this section;

(ii) The individual presents himself as a private citizen and not in an official capacity;

(iii) Such private activities do not interfere with the individual's official duties; and

(iv) The individual's appearance or writing is not part of his official duties, does not involve materials which his official duties require him to prepare or provide, and does not depend on information obtained as a result of Government employment, except when that information has been published or is generally available to the public upon request, or it will be made generally available to the public and the official authorized to release such information to the public gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(2) Unless there is a definite Executive Branch, Department of Defense, or De-

partment of the Navy position on a matter addressed in the appearance or writing and the individual has been authorized by appropriate superior authorities to present that position officially, he shall expressly present his views on that matter as his own and not as those of the Department of the Navy or Department of Defense.

(j) *Prohibition of contributions or presents to superiors.* Naval personnel shall not solicit a contribution from other DoD personnel for a gift to an official superior, make a donation or a gift to an official superior, or accept a gift from other DoD personnel subordinate to themselves. This section, however, does not prohibit voluntary gifts or contributions of nominal value on special occasions such as marriage, illness, transfer, or retirement, provided any gifts acquired with such contributions shall not exceed a reasonable value.

(k) *Use of Government facilities, property, and manpower.* Naval personnel shall not directly or indirectly use, take, dispose, or allow the use, taking, or disposing of, Government property or facilities of any kind, including property leased to the Government, for other than officially approved purposes. Government facilities, property, and manpower (such as stationery, stenographic and typing assistance, mimeograph and chauffeur services) shall be used only for official Government business. Naval personnel have a positive duty to protect and conserve Government property. These provisions do not preclude the use of Government facilities for approved activities in furtherance of naval community relations, provided they do not interfere with military missions or Government business. See SECNAVINST 5720.44 (series) (Part 705 of this chapter) for community relations guidance.

(l) *Use of civilian and military titles or positions in connection with commercial enterprises.* (1) All naval personnel, except special Government employees, are prohibited from using their grade, rank, title, or position in connection with any commercial enterprise or in endorsing any commercial product. This does not preclude author identification for materials published in accordance with DoD procedures. A commercial enterprise is any entity which engages in activities which produce income as defined in Internal Revenue Code of 1954, section 61, and which has not been exempted from paying income taxes pursuant to Internal Revenue Code of 1954, 501(a).

(2) All retired military personnel and all members of Reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises, provided that they indicate their inactive Reserve or retired status. If, however, such use of military titles in any way casts discredit on the Department of the Navy or the Department of Defense or gives the appearance of sponsorship, sanction, endorsement, or approval by the Department of the Navy or the Department of Defense, it is prohibited. In addition, commanders of overseas installations may further restrict the use of titles including use by retired military personnel and members of Reserve components, not on active duty, in overseas areas.

(m) *Outside employment of DoD personnel.* (1) Naval personnel shall not engage in outside employment or other outside activity, with or without compensation, that:

(i) Interferes with, or is not compatible with, the performance of their Government duties;

(ii) May reasonably be expected to bring discredit on the Government or the Department of the Navy; or

(iii) Is otherwise inconsistent with the requirements of this instruction, including the requirements to avoid actions and situations which reasonably can be expected to create the appearance of conflicts of interests.

(2) Enlisted naval personnel on active duty may not be ordered or authorized to leave their post to engage in a civilian pursuit, business, or professional activity if it interferes with the customary or regular employment of local civilians in their art, trade, or profession.

(3) Active duty Regular officers of the Navy or Marine Corps may not be employed by any person furnishing naval supplies or war materials to the United States. If such an officer is so employed, his entitlement to pay ceases for so long as he is so employed.

(4) Off-duty employment of military personnel by an entity involved in a strike is permissible if the person was on the payroll of the entity prior to the commencement of the strike and if the employment is otherwise in conformance with the provisions of this part. After a strike begins and while it continues, no military personnel may accept employment by that involved entity at the strike location.

(5) Naval personnel are encouraged to engage in teaching, lecturing and writing. Naval personnel, however, shall not, either for or without compensation, engage in activities that are dependent on information obtained as a result of their Government employment, except when the information has been published or is generally available to the public, or it will be made generaly available to the public and the official authorized to release such information to the public gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(6) Civilian Presidential appointees in the Department of the Navy shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to naval responsibilities, programs, or operations or which draws substantially from official material which has not become part of the body of public information.

(n) *Gambling, betting, and lotteries.* While on Government owned, leased, or controlled property, or otherwise while on duty for the Government, naval personnel shall not participate in any gambling activity, including a lottery or pool, a game for money or property, or the sale or purchase of a number slip or ticket. The only exceptions are for activities which have been specifically approved by the Secretary of the Navy.

(o) *Indebtedness.* Naval personnel shall pay their just financial obligations in a timely manner, particularly those imposed by law (such as federal, State, and local taxes), so that their indebtedness does not adversely affect the Government as their employer. The Department of the Navy is not required to determine the validity or amount of disputed debts.

§ 721.7 Related statutes and directives.

Attention is directed to the following related matters governed by other directives:

(a) *Reports of defense related employment.* Certain categories of present naval personnel formerly employed by defense contractors, and of former or retired naval personnel presently employed by defense contractors, are required by statute to report their employment—governmental or private. SECNAVINST 5314.5 (series) (Part 722 of this chapter) implements the statutory requirements, provides a form for making the required report (DD Form 1787), and assigns responsibility for ensuring compliance with the filing requirement with commanding officers and other heads of activities. The reports prescribed in SECNAVINST 5314.5 (series) (Part 722 of this chapter) are distinct from the reports or statements prescribed in this part, and failure to file them when required may subject individuals to criminal penalties.

(b) *Political activities.* Chapter 733 of the Federal Personnel Manual, article 6210240 of the Bureau of Naval Personnel Manual, and paragraph 1742.3 of the Marine Corps Manual discuss restrictions on political activities of naval personnel.

(c) *General responsibilities of naval personnel.* Chapter 11 of Navy Regulations, 1973, (Subpart J of Part 700 of this Chapter), prescribes general regulations governing the rights and responsibilities of naval personnel. If any provisions of this part is found to conflict with a provision of Navy Regulations, the latter shall be controlling.

§ 721.8 Responsibilities for action.

(a) *Under Secretary of the Navy.* The Under Secretary of the Navy is assigned overall responsibility for action relating to standards of conduct of naval personnel. Unless a function is specifically reserved herein to the Secretary, the Under Secretary shall act as the designee of the Secretary, with power to redelegate. Specific matters for action by the Under Secretary or his delegee include: (1) Resolution of conflicts or apparent conflicts found in statements of employment and financial affiliations not resolved at lower echelons; (2) extensions of time in excess of 30 days for the submission of such statements; (3) exclusion of positions from the requirement to file DD Forms 1555, except as delegated to commanding officers and other activity heads in § 721.9(k); and (4) the

notification to the Department of Defense required by § 721.9(b)(2).

(b) *Navy Department officials.* The Chief of Naval Operations, the Commandant of the Marine Corps, and the heads of Navy Department offices not under the control of Chief of Naval Operations or Commandant of the Marine Corps shall provide the Under Secretary of the Navy by December 15 of each year with the information regarding naval personnel within their chain of command required to be included in the report by the Under Secretary pursuant to § 721.9(b)(2).

(c) *Commanding officers and heads of activities.* The basic responsibility for complying with the requirements of this part rests with the individual personnel concerned, but the primary responsibility for ensuring such compliance must rest with officers exercising command or similiar authority over personnel. Each commanding officer or head of a command, bureau, office, or activity is specifically responsible for the following:

(1) The continuing dissemination of the applicable information in this part to all naval personnel within his organization at least semiannually, in a manner which will ensure familiarity and compliance with the pertinent provisions of this part by all personnel (this is a continuing requirement and is in addition to the initial briefing required by § 721.-10);

(2) The establishment and continuing execution of the procedures and controls prescribed in § 721.9, to ensure that each position is reviewed as required by § 721.9(j), that all naval personnel within his organization who are required to file confidential statements of affiliations and financial interests (DD Form 1555) do file them in a timely manner, and that such statements are promptly and carefully reviewed;

(3) Making determinations pursuant to this part and 18 U.S.C. 208(b) with respect to disqualification of personnel within his organization from performing duties in which they have conflicts or apparent conflicts of interests;

(4) Ensuring that Reservists detailed to perform active duty for training at his organization are assigned duties which will minimize the possibility that they may obtain information that could be used by them or their employers to gain an unfair advantage over civilian competitors; and

(5) Receiving and taking prompt and appropriate action on reports concerning acceptance of gratuities or other violations of this part, including appropriate statutes, by personnel within his organization.

(d) *Inspectors General.* The Naval Inspector General and the Inspector General of the Marine Corps shall ensure that periodic administrative inspections of organizations under their cognizance routinely include inquiry into the effectiveness of the organization's compliance with the provisions of this part.

(e) *Auditor General.* The Auditor General of the Navy shall ensure that the Naval Audit Service audit program routinely includes inquiry into the effectiveness of the organization's compliance with the provisions of this part.

(f) *Judge Advocate General and General Counsel.* The Judge Advocate General and the General Counsel of the Navy are designated as the Standards of Conduct Counsellors for the Department of the Navy. They shall be responsible for advice and proper review of all standards of conduct problems within their respective areas of jurisdiction. The General Counsel shall be consulted concerning problems pertaining to:

(1) Contracting, procurement, or auditing;

(2) Acquisition, management, or disposition of real or personal property;

(3) Procurement matters in the field of patents, inventions, trademarks, or copyrights;

(4) Military Sealift Command matters; or

(5) Office of the Comptroller of the Navy matters.

In addition, the General Counsel shall perform all standards of conduct functions pertaining to the Secretary of the Navy, his Civilian Executive Assistants, and members of their respective staffs. The Judge Advocate General shall be consulted with regard to all other problems.

(g) *Deputy Standards of Conduct Counsellors.* The following are designated as Deputy Standards of Conduct Counsellors and shall be responsible for providing advice and assistance on matters relating to conduct and conflicts of interests, and for providing legal review of statements of affiliations and financial interests which are referred to them:

(1) Within the cognizance of the General Counsel, and in their respective commands or organizations:

Deputy General Counsels;
Assistant to the General Counsel (Litigation);
Counsel for the Commandant of the Marine Corps;
Counsel for the Systems and Facilities Engineering Commands;
Counsel for the Comptroller of the Navy;
Counsel for the Military Sealift Command;
Counsel for the Office of Naval Research; and
Counsel in charge of OGC field and branch offices; and

(2) Within the cognizance of the Judge Advocate General, and in their respective commands or organizations:

Deputy and Assistant Judge Advocates General;
Director, Judge Advocate Division, Headquarters, U.S. Marine Corps;
Officer and civilian attorneys under the supervision of the Judge Advocate General, and assigned to the commands, bureaus, and offices of the Navy Department, as defined in article 0104.3, U.S. Navy Regulations, 1973, (§ 700.104(c) of this title) other than the Office of the Judge Advocate General;
District judge advocates;
Staff or force judge advocates on the staffs of all other commands having general court-martial convening authority; and
Officers in charge of Naval Legal Service Offices.

Other Deputy Standards of Conduct Counsellors may be designated by the General Counsel or by the Judge Advocate General, as required. Where strict adherence to the division of areas of responsibility under § 721.8(f) is impracticable due to such factors as inaccessibility or uncertainty as to jurisdiction, any Deputy Standards of Conduct Counsellor may be consulted. In such a case, the Deputy Standards of Conduct Counsellor will render all possible assistance and then, if appropriate, direct the inquiry into the proper area of responsibility.

(h) *Director of Civilian Personnel.* The Director of Civilian Personnel shall incorporate the provisions of this part concerning civilian employees in appropriate Civilian Personnel Instructions.

(i) *Additional duties of senior officials.* The Commandant of the Marine Corps and the Chief of Naval Material, as appropriate, are responsible for bringing the contents of this part to the attention of the principal officer of each contractor doing significant business with the Department of the Navy. Chiefs and heads of commands, bureaus, and offices, commanding officers, and other senior officials shall periodically utilize the opportunity afforded by conferences with representatives of industry to direct attention to the regulations and policies set forth in this part.

§ 721.9 Statements of affiliations and financial interests (DD Form 1555).

(a) *Personnel required to file.* The following naval personnel are required to submit initial and annual statements of affiliations and financial interests, DD Form 1555 in accordance with this part unless they are expressly exempted.

(1) All civilian naval personnel paid at a rate equal to or in excess of the minimum rate prescribed for employees holding the grade GS–16, including the Executive Schedule.

(2) Officers of flag or general grade.

(3) Commanding officers or heads, and executive officers or deputy heads, of:

(i) Navy shore installations with 500 or more military and civilian personnel (including foreign national and indirect-hire personnel) regularly attached but excluding personnel attached for duty under instruction; and

(ii) all Marine Corps bases and air stations.

(4) Naval personnel classified at GS–13 or above, or at a comparable pay rate under other authority, and members of the military in the grade of lieutenant colonel, commander, or above, when the responsibilities of such personnel require the exercise of judgment in making a Government decision or in taking Government action in regard to activities in which the final decision or action may have a significant economic impact on the interests of any non-federal entity. Included herein, among others, are persons who, as part of their basic duties, sign, negotiate, recommend, or approve contracts or other procurement actions and those who, as part of their basic duties, are engaged in auditing activities,

including supervising others who are engaged in auditing activities or participating in the development of policies and procedures for performing audits.

(5) Special Government employees other than those in the following categories (who may, in any case, be required to file when specifically requested to do so by their appropriate supervisor):

(i) a special Government employee who is not a "consultant" or "expert" as those terms are defined in Chapter 304 of the Federal Personnel Manual.

(ii) Physicians, dentists, and allied medical specialists engaged only in providing service to patients.

(iii) Veterinarians providing only veterinary services.

(iv) Lecturers participating only in educational activities.

(v) Chaplains performing only religious services.

(vi) Individuals in the motion picture and television fields who are utilized only as narrators or actors in DoD productions.

(vii) Members of selection panels for NROTC candidates.

(6) Other naval personnel who are required, with Civil Service Commission approval, to file such statements.

(b) *Time of filing.*—(1) *Initial filing.* The initial filing must be made sufficiently in advance of appointment (in the case of special Government employees), nomination (in the case of designees to positions requiring the approval of the Secretary of the Navy), or the commencement of service or the assumption of duties (in all other cases), so that review and approval of the filing may be completed in advance of appointment, nomination, or commencement of service or assumption of duties. Each officer or employee required to file a statement shall submit it in the prescribed form directly to his appropriate supervisor. In the case that the appropriate supervisor is not the commanding officer or the head of the activity concerned, the appropriate supervisor will ensure that the commanding officer or other head is made aware of any conflict of interest or other matter of which he must be aware to fulfill his responsibilities under § 721.8 (c). Upon transfer or reassignment from one billet or position to another for which the filing of a statement is required, an officer or employee shall file a current statement promptly with the appropriate supervisor of his new billet or position.

(2) *Annual statements.* DD Form 1555 statements shall be filed by October 31 of each year, with information current as of September 30 of that year. Even though no changes have occurred since the last filing, a complete statement is required. The Under Secretary of the Navy shall notify the Office of the Secretary of Defense Standards of Conduct Counsellor no later than December 31 of each year that all required statements have been filed and reviewed, with all problems appropriately resolved, or he shall explain the details of the outstanding cases. (RCS DD-SECNAV 5370-1.)

(3) *Extension of filing deadline.* When required by reason of duty assignment, infirmity, or other good cause, a superior, with the concurrence of the Standards of Conduct Counsellor or Deputy Counsellor, may grant an extension of the filing deadline, not to exceed 30 days. A superior, with the concurrence of the Standards of Conduct Counsellor or Deputy Counsellor and the Under Secretary of the Navy, may grant an extension of the filing deadline in excess of 30 days. Any annual statement filed after October 31 shall include an appropriate notation as to whether any extension of the filing deadline has been granted hereunder.

(4) Omission by a commanding officer or head of an activity to furnish a written reminder, as prescribed in § 721.9(j), shall not relieve an officer or employee from an applicable filing requirement.

(c) *Place of Submission.* (1) All Department of the Navy civilian Presidential appointees shall submit their statements to the DoD General Counsel.

(2) Commanders of unified commands shall submit their statements directly to the OSD Standards of Conduct Counsellor. Other personnel of the unified commands shall submit their statements through their appropriate supervisor to the Deputy Standards of Conduct Counsellor of the unified command.

(3) Commanders who have a dual responsibility as commanders of both joint and naval commands shall submit their statements through naval channels.

(4) Personnel not serving in a DoD component shall submit their statements to the Under Secretary of the Navy.

(5) Other naval personnel shall submit their statements to their appropriate supervisor for review and forwarding in accordance with § 721.9(f).

(6) Naval personnel who report to more than one reporting senior shall meet the filing requirements of each position independent of the other.

(d) *Content.* (1) All information reported shall be current as of September 30 of the filing year.

(2) Interests of others. The interest of a spouse, minor child, or any member of one's household is to be reported in the same manner as the interest of the individual.

(3) Information not known by naval personnel. Naval personnel shall request submission on their behalf of required information known only to other persons. A request that the information submitted be kept confidential will be honored even if it includes not disclosing the information to the person who requests the submission.

(4) Information not required to be submitted. Naval personnel are not required to submit any information relating to their connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business for profit. For the purpose of this part, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are to be included in a person's statement. Additionally, naval personnel are not required to report ownership of personal savings or checking accounts in financial institutions, or life or property insurance policies, even though they provide for dividends or cash value.

(e) *Confidentiality of statements of DoD personnel.* Naval authorities shall hold each statement in confidence. Information from a statement may be disclosed, as a routine use, to federal officials who, as part of their official duties, require access to the information and who are listed in the applicable system of records, notice required under the Privacy Act, 5 U.S.C. 552a (Subparts F and G of Part 701 of this chapter), and to such other persons to whom disclosure is required under the Privacy Act, the Freedom of Information Act, 5 U.S.C. 552 (Subparts A–D of Part 701 of this chapter), or other provision of law. Persons designated to review the statements are responsible for maintaining the statements in confidence.

(f) *Review and disposition*—(1) *Initial filing.* All initial statements shall be reviewed for apparent conflicts of interests by the appropriate Deputy Standards of Conduct Counsellor and the appropriate supervisor prior to appointment (in the case of special Government employees), nomination (in the case of designees to positions requiring the approval of the Secretary of the Navy), or the commencement of service or the assumption of duties (in all other cases).

(2) *Annual filing.* Upon receipt of annual statements, the appropriate supervisor shall evaluate the statement, in accordance with the standards provided in this part, to determine whether a conflict or apparent conflict of interests is disclosed. The appropriate supervisor shall note the results of that evaluation on the statement, and shall forward the statement to the cognizant Deputy Standards of Conduct Counsellor under § 721.8(f) for legal review.

(3) *Disposition.* (i) If the appropriate supervisor and the Deputy Standards of Conduct Counsellor agree that the statement discloses no conflict of interests or apparent conflict of interests, both shall record their determination on the statement, and the statement shall be filed in the office of the appropriate supervisor. In the case of a flag or general officer, however, the appropriate supervisor shall, before filing the statement, forward a copy to the Chief of Naval Personnel (Pers-OF) or the Commandant of the Marine Corps (CS), as appropriate, to be retained for use in connection with a possible nomination for appointment or reassignment to a 3- or 4-star billet.

(ii) When either the appropriate supervisor or the Deputy Standards of Conduct Counsellor believes that a statement discloses a conflict or apparent conflict of interests, the officer or employee concerned shall be afforded an opportunity to terminate the conflict or to explain the conflict or apparent conflict in writing. If, after review of the

written explanation, both the appropriate supervisor and the Deputy Standards of Conduct Counsellor are satisfied that there is no conflict or apparent conflict, they shall record their determination on the statement and explanation, and the record shall be filed as provided above. Otherwise, the appropriate supervisor and Deputy Standards of Conduct Counsellor shall append their views on the record and, retaining a copy in the office of the appropriate supervisor, forward the original record to the commanding officer or head of the activity for resolution. If the commanding officer or activity head is unable to resolve the controversy, he shall append his comments and recommendations to the record and forward it to:

(A) The Chief of Naval Personnel, in the case of a Navy officer;

(B) The Commandant of the Marine Corps, in the case of a Marine Corps officer; or

(C) The Director of Civilian Personnel, in the case of a civilian employee.

The departmental official thus receiving the record shall refer it to a cognizant Deputy Standards of Conduct Counsellor for legal review and advice. Cases which cannot be resolved by the Chief of Naval Personnel, the Commandant of the Marine Corps, or the Director of Civilian Personnel, as appropriate, shall be forwarded to the Under Secretary of the Navy, via the cognizant department Standards of Conduct Counsellor, for final resolution. Cases referred to the Commandant of the Marine Corps, Chief of Naval Personnel, or Director of Civilian Personnel for review shall, when finally resolved, be filed in the Bureau of Naval Personnel, Marine Corps Headquarters, or the Office of Civilian Personnel, as appropriate, with information to the originating activity concerning the ultimate disposition of the case.

(iii) Initial review and local efforts to resolve conflicts or apparent conflicts disclosed in annual statements shall be accomplished by November 30, if possible, and by December 31 in any event unless the Under Secretary of the Navy has granted extension under § 721.9(b)(3). Review and resolution of initial statements submitted prior to appointment or nomination should be accomplished immediately. Initial review and local resolution efforts concerning other initial statements should be accomplished within 30 days after filing.

(g) *Special requirements concerning executive-level and 3- and 4-star flag and general nominees.* (1) As part of the Secretarial approval process for a nominee to any of the positions described in § 721.9(a)(1), above, the documents submitting the nominee for approval must contain the following certification by the selecting official, on Civil Service Commission Form 917, executive selection form, in item 30:

I certify that (nominee's name), whom I am nominating for the executive level position of (title, grade or PL designation, and organizational location of position) has executed a confidential statement of affiliations and financial interests, DD Form 1555, that I have evaluated it and had it reviewed by a Deputy Standards of Conduct Counsellor, and that I have found the requirements of DoD Directive 5500.7 of January 15, 1977 and SECNAV Instruction 5370.2G to be satisfied.

(2) As part of the process for approving nominees for appointment to 3- and 4-star flag or general officer positions, the Secretary of the Navy must ensure that the nominee has a current DD Form 1555 on file and that the form has been reviewed in relation to the position for which he is being considered. Further, the Secretary of the Navy is required to cause a review of all relevant systems of records maintained by the Department of the Navy, including investigative files, to determine if there is any evidence of the nominee having violated the standards of conduct. Each nomination forwarded to the Secretary of Defense must be accompanied by a certification of the Secretary of the Navy that the required review has been conducted and that the review has or has not disclosed a violation of the standards of conduct.

(h) *Personnel detailed to other DoD components and Government agencies.* Agreements with other DoD components and Government agencies involving detailing of naval personnel shall contain a requirement that the other DoD component or Government agency shall, within 60 days of the filing time specified in paragraphs (b)(1), (b)(2), and (b)(3) of § 721.9, forward to the appropriate Navy Standards of Conduct Counsellor a copy of the detailed individual's statement, if required, and notice concerning the disposition of any conflict or apparent conflict of interests indicated.

(i) *Effect of statements on other requirements.* The statements required of naval personnel are in addition to, and not in substitution for, any similar requirement imposed by law, order, or regulations. Submission of statements does not permit naval personnel to participate in matters in which their participation is prohibited by law, order, or regulation.

(j) *Review of positions.* Each commanding officer or other head of an activity shall include in the description of each position indicated in § 721.9 a statement that the incumbent of the position must file a statement of affiliations and financial interests, as required by this part. All positions shall be reviewed at least annually, prior to September 30, to determine those which require statements. Any individual may request a review of the decision requiring him to file a statement through the established complaint procedures of the Department of the Navy. Additionally, each incumbent in such a billet or position shall be reminded in writing, by September 30, of the requirement to file a statement, and shall be furnished a copy of the required form. Check-off lists shall be utilized to ensure that all statements have been returned by October 31, or by later specified dates where extensions of time have been granted.

(k) *Exclusion of positions.* A commanding officer or other head of an activity may determine that the submission of statements is not necessary for certain positions described in § 721.9(a)(4) because of the remoteness of any impairment of the integrity of the Government and the degree of supervision and review of the incumbents' work. The Under Secretary of the Navy shall make this determination as to any personnel described in paragraphs (a)(1), (a)(2), and (a)(3) of § 721.9.

§ 721.10 Information to personnel.

The Chief of Naval Operations and the Commandant of the Marine Corps shall ensure that all military personnel—regardless of the program in which they are participating or their duty status—receive, as part of their initial or accession training or upon the assumption of duties following initial appointment or enlistment, an oral briefing regarding the provisions of this part. The Chief of Naval Operations and the Commandant of the Marine Corps shall also ensure that all military personnel, except enlisted personnel not required to file statements of affiliations and financial interests (DD Form 1555), receive a copy of this part as part of the oral briefing on this part. The Director of Civilian Personnel shall ensure that all civilian personnel receive a copy of and an oral briefing regarding the provisions of this part preceding employment or upon assumption of duties. All personnel shall attest in writing to their attendance at the required briefing, that they have read this part, and that they understand the requirements imposed hereby.

§ 721.11 Privacy Act consideration.

Confidential statements of affiliations and financial interests (DD Form 1555) and statements of employment (DD Form 1357) contain sensitive personal information and care shall be exercised to ensure that they are seen only by personnel on a need-to-know basis in connection with their official duties. In this regard, see § 721.9(e). Adequate safeguards shall be utilized to prevent inadvertent or unauthorized disclosures of the statements during review, transmittal, and storage. In addition, SECNAV INST 5211.5 (series) (Subparts F and G of Part 701 of this chapter) prescribes other general restrictions and requirements applicable to the collection, use, and dissemination of these records, and contains Rules of Conduct Under the Privacy Act which are applicable to all naval personnel.

§ 721.12 Reporting of post-retirement employment.

(a) Each retired Regular officer of the Navy and Marine Corps shall keep the Department of the Navy advised of his post-retirement employment activities. All retired Regular officers whose names have been on the retired list for three years or less shall file a statement of employment (DD Form 1357). All retired Regular officers whose names have been on the retired list for over three years are encouraged to use DD Form 1357 to report their post-retirement employment activities. In any event, officers whose

names have been on the retired list for more than three years shall, at a minimum, keep the Department of the Navy advised as to whether they are employed by any agency, instrumentality, or department of the United States and, if so, the position title and employing agency. In the event that reporting the information required would tend to show that the officer concerned was violating or had violated 18 U.S.C. 281 or any other criminal provision, the filing requirement will be satisfied by a written refusal, signed by the officer concerned, to provide the required information on the basis that the information may tend to incriminate the officer. Each Regular officer retiring hereafter shall file this statement within 30 days after retirement. Whenever the information reported changes, each such officer shall make an appropriate report within 30 days of that change. The Comptroller of the Navy (for Regular Navy officers) and the Commandant of the Marine Corps (for Regular Marine Corps officers) shall advise each officer required to file of the continuing need to report their post-retirement employment activities as set forth above.

(b) Reports of post-retirement employment shall be submitted—

(1) In the case of a retired Regular Navy officer—to the Commanding Officer, Navy Finance Center (Retired Pay Division), Cleveland, OH 44199; or

(2) In the case of a retired Regular Marine Corps officer—to the Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197.

(c) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall provide each Regular officer retiring hereafter, as part of the retirement check-out procedures, with clear instructions concerning the requirement under this part to report post-retirement employment. These instructions should be combined, where applicable, with the instructions prescribed in SECNAVINST 5314.5 (series) (Part 722 of this chapter) concerning the possible additional requirement to file reports of DoD and defense related employment (DD Form 1787).

(d) The Comptroller of the Navy or the Commandant of the Marine Corps, as appropriate, is responsible for the review of all reports of post-retirement employment filed by retired Regular Navy and Marine Corps officers, to ensure compliance with applicable laws and regulations.

(e) If an apparent violation of law or regulation is noted upon review of a report of post-retirement employment, a copy of the report shall be transmitted to the Commander, Navy Accounting and Finance Center, or Commandant of the Marine Corps, as appropriate. If that official determines that a violation may have been committed, a copy of the statement shall be forwarded to the Judge Advocate General (Code 13) for such additional review, inquiry, advice, or further action as may be warranted.

§ 721.13 Availability of forms.

Supplies of DD Form 1555 will be available in the Forms and Publications Segment of the Navy Supply System beginning in September 1977 under stock number 0102-LF-001-5550. Supplies of Civil Service Form 917 are available in the Forms and Publications Segment of the Navy Supply System under stock number 0101-LF-417-0002. Supplies of DD Form 1357 are available from the Commanding Officer, Navy Finance Center, Cleveland, Ohio, and are not stocked in the Navy Supply System.

Dated: August 23, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-24856 Filed 8-25-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 781-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan (SIP). The action approves a "special limitation" granted by the State under the provisions of Part 225.2 of Title 6 of its Official Compilation of Codes, Rules and Regulations (6 NYCRR 225.2). EPA approval has the effect of continuing a relaxation of the sulfur-in-fuel-oil limitation for the Long Island Lighting Co.'s (LILCO's) Northport Generating Facility (Units 1, 2, and 3) and the LILCO Port Jefferson Generating Facility (Units 3 and 4), both located in Suffolk County, N.Y. The "special limitation" for these facilities permits the use, until May 31, 1980, of fuel oil having a maximum sulfur content of 2.8 percent, by weight. Previously, these facilities were limited by State regulation to the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight. Receipt of the revision request from New York State was announced in the FEDERAL REGISTER on April 25, 1977, at 42 FR 21113, where a full description of the proposed revision is contained.

DATE: This action becomes effective August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, N.Y. 10007 (212-264-2517).

SUPPLEMENTARY INFORMATION: In its April 25, 1977, FEDERAL REGISTER notice, EPA established a 30-day period for receipt of comments from the public on whether or not the proposed revision to the New York State SIP described therein should be approved. In response, EPA received comments from the firm of Hunton & Williams representing the Long Island Lighting Co. (LILCO) and from the State of Connecticut Department of Environmental Protection. The comments from Hunton & Williams included a technical report prepared by LILCO entitled, "Impact of the Proposed Suffolk County Special Limitations on Connecticut."

The report indicates that, at times, the impact of the "special limitation" on Connecticut can be significant; however, the impact is relatively minor under those meteorological conditions when ambient concentrations of sulfur dioxide are elevated. The report concludes that the impact of the proposed revision will not cause or exacerbate contraventions of national ambient air quality standards in Connecticut. EPA concurs with this conclusion.

Besides addressing the impact of the proposed revision on air quality in Connecticut, the comments from Hunton & Williams also discuss the effect on applicable sulfur-in-coal requirements if the Federal Energy Administration (FEA) orders the affected units of the Port Jefferson Generating Facility to convert to coal. FEA has sent LILCO a Notice of Intention to issue Prohibition Orders requiring the use of coal at the Port Jefferson Power Generating Facility, Units 3 and 4. If issued, these orders are not expected to take effect until 1982, after the proposed revision has expired. However, if the proposed revision is in effect at the time of coal conversion, Hunton & Williams stated that, under the approved SIP (6 NYCRR 225.1(b)), LILCO will be permitted to burn coal with a sulfur content related to the allowable sulfur-in-fuel-oil limitation of the "special limitation."

If FEA proceeds to issue Prohibition Orders to the Port Jefferson Generating Facility, pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), EPA, pursuant to Section 3 of ESECA, must certify to FEA the earliest date Port Jefferson Units 3 and 4 can burn coal and comply with all applicable air pollution requirements. Due to the revocable nature of the "special limitation," EPA interprets "all applicable air pollution requirements" to include the 1.0 percent sulfur-in-fuel limitation contained in 6 NYCRR 225. Although coal burning may proceed when the 2.8 percent sulfur-in-fuel limitation approved herein can be met, LILCO must take the steps necessary to meet the 1.0 percent limitation and FEA cannot make its Prohibition Order effective any earlier than the date

this more stringent requirement can be met.

In its comments, the State of Connecticut informed EPA that the use by LILCO of high sulfur fuel oil under the "special limitation" currently in effect has not caused any violations of sulfur dioxide ambient air quality standards in Connecticut. Nevertheless, the State of Connecticut opposes the proposed "special limitation" on the belief that approval will make it more difficult to maintain standards and thus jeopardize growth in Connecticut.

EPA believes that the State of Connecticut has voiced a valid concern over the amount of additional sulfur dioxide emissions available for future growth and development if the "special limitation" is continued. However, the available information does not support the finding that this will be of major concern during the three year period of the "special limitation." Consequently, EPA encourages the State of Connecticut to develop additional information indicating whether or not the continued use of higher sulfur fuel oil by LILCO will preclude normal growth and development in Connecticut and thereby limit the State's ability to maintain ambient air quality standards in the future. If such a demonstration shows the inability to maintain standards in Connecticut, EPA will consider revocation of the "special limitation" or restrict its period of applicability.

The State of Connecticut also commented that the increased emissions resulting from the "special limitation" will impact on areas of New York City within the New Jersey-New York-Connecticut Air Quality Control Region (AQCR) which are currently not attaining ambient air quality standards. The approved air quality dispersion model used to project the impact of these two LILCO power plants on the non-attaining monitoring site in New York City showed no contribution assuming all feasible meteorological conditions. Moreover, the State of New York was notified on July 12, 1976 (41 FR 28618) that its SIP is substantially inadequate for the New Jersey-New York-Connecticut AQCR and, because of the revocable nature of the "special limitation," EPA approval does not preclude the use of lower sulfur fuel oil at the LILCO facilities as a possible control measure.

EPA finds that this revision to the New York State Implementation Plan as it relates to the "special limitation" for the LILCO Northport and Port Jefferson Power Generating Facilities is consistent with current EPA policies and goals set forth in the requirements of Section 110(a)(2) (A)-(H) of the Clean Air Act and EPA regulations contained in 40 CFR Part 51 in that it is not expected to result in the contravention of any applicable ambient air quality standard.

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

Dated: August 23, 1977.

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency.

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

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by adding new subparagraph (33) as follows:

§ 52.1670 Identification of plans.

* * * * *

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

* * * * *

(33) Revision submitted on March 17, 1977, by the New York State Department of Environmental Conservation which grants a "special limitation" under Part 225. The "special limitation" relaxes until May 31, 1980, the sulfur-in-fuel-oil limitation to 2.8 percent, by weight, for the Long Island Lighting Co.'s Northport Generating Facility (Units 1, 2, and 3) and Port Jefferson Generating Facility (Units 3 and 4).

[FR Doc.77-24863 Filed 8-25-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 181]

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1-4.11—Procurement and Contracting for Government-Wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

ACQUISITION OF ADP SOFTWARE

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) authorizes agencies to use GSA requirements-type contracts to procure selected commercial software. This action is taken in the interest of efficient operation and utilization of automatic data processing equipment by Federal agencies. The intended effect is to lower costs and to provide convenient ordering procedures for using agencies.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703-557-8947.

1. Section 1-4.1103-2 is revised to read as follows:

§ 1-4.1103-2 Software.

Except for software performance monitoring packages covered by Subpart 101-32.14 of the FPMR and except for software available through the Federal Software Exchange Center (FSEC) covered by Subpart 101-32.16 of the FPMR, agencies may procure software for use with ADPE without prior approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable GSA requirements-type contract; or

(b) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract, provided such action meets the requirements for competition set forth in § 1-4.1107-2; or

(c) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost; or

(d) The software is provided by the original equipment manufacturer and is not separately priced from the ADPE.

2. Section 1-4.1107-7 is revised to read as follows:

§ 1-4.1107-7 Use of requirements contracts.

GSA makes selected ADPE and software available to agencies through requirements-type contracts that provide for substantially lower equipment and software costs. Where ADPE and software which will satisfy the user's requirements are available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source of supply in accordance with the provisions of these contracts. Copies of the contracts (not contractor's price lists) are distributed to recipients of the schedule FSC Group 70, Part I. Additional copies are available from the General Services Administration (8BR), Building 41, Denver Federal Center, Denver, CO 80225. Some of these requirements-type contracts specify that GSA is responsible for the allocation of the ADPE or software. In these cases, authorization shall be obtained from the General Services Administration (CDP), Washington, DC 20405, before placing an order against the requirements-type contract. Prior to acquiring ADPE or software that is functionally similar to the ADPE or software on a requirements-type contract from another source, the agency shall (a) document the procurement case file, indicating why the requirements-type contract could not be used, and (b) obtain a delegation of procurement authority from GSA if the procurement falls outside the scope of §§ 1-4.1103-1 or 1-4.1103-2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE: The General Services Administration 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: August 11, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-24820 Filed 8-25-77;8:45 am]

[FPR Amdt. 182]

PART 1–8—TERMINATION OF CONTRACTS

Interest Rates

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment of the Federal Procurement Regulations (FPR) makes changes in procedures and contract clauses regarding interest paid by contractors under terminated contracts. The changes are necessary because currently all provisions of the FPR pertaining to the rate of interest paid by contractors are not consistent. The intended effect of the action is to provide consistency within the FPR on the subject of interest rates.

EFFECTIVE DATE: September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip G. Read, Director of Federal Procurement Regulations, 703–557–8947.

SUPPLEMENTARY INFORMATION: This amendment of the Federal Procurement Regulations provides uniformity in all provisions regarding interest rates charged contractors on amounts owed the Government. Currently, the interest rate prescribed in certain subparts of the FPR is 6 percent. Other provisions of the FPR require contractors to pay interest at the rate established by the Secretary of the Treasury (currently 7⅞ percent) pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board. The FPR also provides that the rate of interest established pursuant to Pub. L. 92–41 will be paid by the Government when a contractor's claim is decided in his favor under the Disputes clause.

The FPR further provides that interest owed the Government shall be computed from the date an excess payment was received by the contractor to the date of repayment. However, one FPR provision stipulates that interest shall be computed from the date of the excess payment rather than the date the excess payment was received by the contractor.

In the interest of uniformity, the amendment prescribes the use of interest rates established by the Secretary of the Treasury pursuant to Pub. L. 92–41 whenever a contractor is assessed interest on an excess payment. The amendment also includes a changed procedure which provides that the interest assessment period shall begin on the date the excess payment was received by the contractor.

The changes effected by the amendment appear in procedures (§ 1–8.212–1 (f)), contract clauses (§§ 1–8.701, 1–8.702, 1–8.703, 1–8.704–1, and 1–8.706), and formats (§§ 1–8.804–2(b) and 1–8.806–4 (e)) in the FPR.

Subpart 1–8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price and Cost-Reimbursement Type Contracts

Section 1–8.212–1 is amended as follows:

§ 1–8.212–1 Partial payments upon termination.

* * * * *

(f) *Limitation on total amount: effect of overpayment.* The total amount of all partial payments shall not exceed the amount which will, in the opinion of the contracting officer, become due to the contractor by reason of the termination. If the total of partial payments made to the contractor should exceed the amount finally determined to be due the contractor on his termination claim, the overpayment shall be repayable to the Government on demand, together with interest computed at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, from the date such overpayment was received by the contractor to the date of repayment. However, no interest shall be charged for any such overpayment attributable to a reduction in the contract termination inventory until 10 days after the date of such retention or disposition, or such later date as is set by the contracting officer because of the circumstances; and no interest shall be charged for overpayment under cost-reimbursement research and development contracts (without profit or fee to the contractor) if the overpayments are repaid to the Government within 30 days after demand.

* * * * *

Subpart 1–8.7—Clauses

1. Section 1–8.701 is amended to revise paragraph (j) of fthe clause prescribed by the section. As amended, the clause reads as follows:

§ 1–8.701 Termination clause for fixed-price contracts.

* * * * *

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

* * * * *

2. Section 1–8.702 is amended to revise paragraph (j) of the clause prescribed by the section. As amended, the clause reads as follows:

§ 1–8.702 Termination clause for cost-reimbursement type contracts.

* * * * *

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand together with interest computed at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

* * * * *

3. Section 1–8.703 is amended to revise paragraph (j) of the clause prescribed by the section. As amended, the clause reads as follows:

§ 1–8.703 Termination clause for fixed-price construction contracts.

* * * * *

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest, computed at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however,* That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

* * * * *

4. Section 1–8.704–1 is amended to revise paragraph (f) of the clause prescribed by the section. As amended, the clause reads as follows:

§ 1–8.704–1 Termination clause.

* * * * *

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand: *Provided*, That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, beginning 30 days from the date of such demand.

* * * * *

5. Section 1–8.706 is amended to revise paragraph (h) of the clause prescribed by the section. As amended, the clause reads as follows:

§ 1–8.706 Subcontract termination clause.

* * * * *

(h) The buyer may, from time to time, under such terms and conditions as he may prescribe, make partial payments and payments on account against costs incurred by the seller with respect to the terminated portion of the contract whenever in the opinion of the buyer the aggregate of such payments shall be within the amount to which the seller will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed upon or determined to be due under this clause, such excess shall be payable by the seller to the buyer upon demand, together with interest computed at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board, for the period from the date such excess payment is received by the seller to the date on which such excess is repaid: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the seller's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the buyer by reason of the circumstances.

* * * * *

Subpart 1–8.8—Formats of Notices, Forms, Warranties, and Agreements

1. Section 1–8.804–2(b) is revised to illustrate the revised Format 804–2 as follows:

§ 1–8.804–2 Format 804–2, Application for Partial Payment.

* * * * *

(b) Page 2 of Format 804–2

SECTION III.—AGREEMENT OF APPLICANT

IN CONSIDERATION OF ANY PARTIAL PAYMENT WHICH MAY BE MADE, THE APPLICANT AGREES AS FOLLOWS:

(1) REPAYMENT OF EXCESS.—If any partial payment made to the contractor is in excess of the amount finally determined to be due on his termination claim, the excess shall be repaid to the Government upon demand, with interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41 (50 U.S.C. App. 1215(b)(2)) for the Renegotiation Board. Interest shall be computed for the period from the date the excess payment was received by the contractor to the date of repayment, except that (i) no interest shall be charged for any such excess payment attributable to a reduction in the contract termination claim by reason of retention or other disposition of termination inventory, until 10 days after the date of such retention or disposition, or such later date as determined by the contracting officer by reason of the circumstances, and (ii) no interest shall be charged for overpayment under cost-reimbursement type research and development contracts *(without profit or fee to the contractor)* if the overpayments are repaid to the Government within 30 days after demand.

(2) PROMPT SETTLEMENT OF CLAIM.—The applicant will make every reasonable effort to expedite final settlement of the termination claim and the claims of his subcontractors, if any.

(3) DISPOSAL AND RETENTION OF INVENTORY.—Whenever the amount of any proceeds hereafter received by the applicant on the disposal of termination inventory, plus the cost or agreed value, as the case may be, of any termination inventory which the applicant hereafter elects to retain, exceeds the amount stated by the applicant in this application as the amount of his charges *(Section II, Line 9)* and the amount of such credits has not been included on Section II, Line b *(Disposal and Other Credits)*, the applicant within 10 days will notify the contracting agency of the amount of credits on account of such inventory disposal or retention.

SPECIMEN

SECTION IV.—CERTIFICATE OF APPLICANT

The undersigned certifies that the amount of his own charges *(exclusive of subcontractors' charges)* due as of the date of this application and allocable to the terminated portion of its contract Number _____, dated _____, with _____, is not less than $_____; *(From Sec. II, Line 9)*

that, to the best of applicant's knowledge, the amounts received are as set forth above; and that the applicant has not assigned any moneys payable under this contract, except as set forth above.

NAME OF APPLICANT	BY *(Signature of authorized official)*	
	TITLE	DATE

WHERE THE SPACE PROVIDED FOR ANY INFORMATION IS INSUFFICIENT, ATTACH SEPARATE SUPPORTING SCHEDULES

2

* * * * *

2. Section 1–8.806–4 is amended to revise paragraph (e) of Article 6 as follows:

§ 1–8.806–4 Settlement agreement for use in settling cost-reimbursement type prime contracts after complete termination where settlement includes costs.

* * * * *

Article 6. * * *

(e) Claims by the Government against the Contractor which are based upon refunds, rebates, credits, or other accounts not now known to the Government, together with interest thereon, now due or which may become due the Contractor from third parties to the extent that such amounts arise out of transactions for which reimbursement has been made to the Contractor under the contract. Any such amounts which may hereafter become due to the Contractor from any third party or other source shall be paid to the Government within 30 days after receipt by the Contractor. Interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41 (50 U.S.C. App. 1215(b)(2)) for the Re-

negotiation Board, shall accrue and shall be paid to the Government on any such accounts as remain unpaid after the 30-day period.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration 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: August 11, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-24821 Filed 8-25-77;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. B-36]

PART 101-11—RECORDS MANAGEMENT

Subpart 101-11.9—Word Processing

WORD PROCESSING PROGRAM—CLARIFICATIONS AND ADDITIONS

AGENCY: General Services Administration, National Archives and Records Service (NARS).

ACTION: Final rule.

SUMMARY: The increasing use of word processing equipment in the Federal Government has made apparent the need for better management control in acquiring and using this equipment. This revised rule clarifies Federal agencies' program responsibilities and is intended to assist the agencies in improving services and achieving cost savings in managing their internal word processing programs.

EFFECTIVE DATE: August 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale Stouder, Deputy Assistant Archivist for Records Management, Office of Records Management, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-376-8851.

SUPPLEMENTARY INFORMATION: On March 31, 1977, NARS published a proposed rule (42 FR 17147) to clarify its requirements for managing word processing in the Federal agencies. The primary purpose of the change was to put word processing in the proper perspective of a technology to be considered when seeking improvements in any of the records management program elements.

Most of the 10 comments received in response to the proposed change were favorable. Several respondents, while agreeing in principle, made constructive suggestions for changes which have been adopted in this regulation.

DISCUSSION OF MAJOR COMMENT

DEFINITION OF WORD PROCESSING

Several respondents wished to retain the word processing definition that was in the FPMR being amended. NARS feels that the original definition and those offered are too broad and they include organizational and personnel considerations not inherently part of word processing. The primary purpose of the proposed change was to put word processing in the proper perspective of a technology to be considered when seeking improvements in correspondence management, directives management, or any other records management program element.

Accordingly, 41 CFR Part 101-11 is amended as follows:

1. By revising §§ 101-11.900, 101-11.901, and 101-11.902 as follows:

§ 101-11.900 Scope.

This subpart sets forth the policies and procedures for managing word processing in the Federal Government.

§ 101-11.901 Word processing.

As used in this subpart, "word processing" is the manipulation of textual material through the use of a keyboarding device capable of controlled storage, retrieval, and automated typing.

§ 101-11.902 Equipment.

Equipment used in word processing applications may include but is not limited to the following:

(a) Dictation recording and transcription equipment;

(b) Automatic repetitive typewriters;

(c) Stand-alone text-editing typewriters;

(d) Stand-alone video-display text-editing typewriters;

(e) Shared-logic systems comprised of keyboard terminals, video-display units, minicomputers, and associated printing devices used primarily for word processing; and

(f) Keyboard terminals and associated printing devices (dedicated primarily to word processing) used to access Government or commercial computer services. Word processing proposals involving remote terminal operations or data systems applications must also comply with Subparts 101-32 and 101-35.

2. By amending §§ 101-11.903 and 101-11.904 as follows:

§ 101-11.903 Federal agency program responsibilities.

Each agency shall:

(a) Assign responsibility for the review and approval of all word processing applications to a specific official or office that will:

(1) Establish and issue procedures for submitting, reviewing, and approving or disapproving all proposals for the installation of word processing systems and equipment; those approval procedures should be reviewed periodically to keep abreast of current technology and records management practices;

(2) Review each proposed installation to:

(i) Ensure that an objective need for increased efficiency and effectiveness has been established and that all reasonable alternatives to the use of word processing equipment have been considered, including such measures as training to improve typing skills, improving correspondence

management practices, work simplification, functional specialization, and using or improving the use of dictation equipment;

(ii) Determine the feasibility of reassigning underutilized word processing equipment within the organization or agency;

(iii) Ensure that a comparative cost analysis of the existing and proposed systems has been made;

(iv) Assess the potential for future expansion within the agency;

(v) Ascertain the feasibility of standardizing equipment in applications involving shared workload; and

(vi) Ensure selection of the appropriate category of equipment for the specific application;

(3) Establish and issue procedures for evaluating the productivity of word processing applications;

(4) Periodically audit word processing installations for conformance with established policies and procedures; and

(5) Develop and maintain a complete inventory of the owned, rented, and leased equipment dedicated to or used primarily for word processing applications within the agency (Agency inventories should be maintained at an organizational level sufficient to ensure optimum use of the equipment. The inventory should include such items as name of manufacturer; model number or designation; location; purchase, rental, or lease cost; date of acquisition; and category as defined in § 101–11.902.);

* * * * *

§ 101–11.904 NARS responsibilities.

* * * * *

(a) * * *

(2) Methods and procedures for conducting word processing feasibility studies;

(3) Cost estimating criteria and guidelines for comparing existing and proposed applications with alternative approaches;

(4) Standards and guidelines necessary to evaluate the productivity of word processing installations; and

(5) Guidelines for selecting appropriate categories of equipment for specific applications;

* * * * *

(c) Conduct periodic reviews of agencies' word processing programs as part of the NARS evaluations prescribed in § 101–11.103, Agency program evaluation; and

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c))

NOTE.—The General Services Administration 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: August 17, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77–24822 Filed 8–25–77;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Professional Standards Review Areas

NOTE.—This document originally appeared at page 42857 in the FEDERAL REGISTER for August 25, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final Regulation.

SUMMARY: This regulation redesignates Professional Standards Review Areas in Ohio. Area VI is redesignated to include only the counties of Summit and Portage, and a new Area XIII is established to include the counties of Stark, Trumbull, Mahoning, and Columbiana. As a result of the redesignation, Area VI will be congruent with Health Service Area VIII and both Areas VI and XIII will better coincide with the local medical service areas in northeastern Ohio.

EFFECTIVE DATE: These regulations are effective August 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Al Salazar, Room 13A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, (301) 443–6477.

SUPPLEMENTARY INFORMATION: On March 30, 1977, the Department published a Notice of Proposed Rulemaking in the FEDERAL REGISTER (42 FR 16839) to redesignate PSRO Area VI in Ohio to include only the counties of Summit and Portage and to establish a new PSRO Area XIII composed of Stark, Trumbull, Mahoning, and Columbiana Counties. Interested persons were invited to submit written comments, suggestions, or objections on or before May 15, 1977.

One comment was received. It suggested that Ashtabula County be added and Stark County deleted from the proposed new Area XIII. The inclusion of Ashtabula in Area XIII would not, in our view, result in a PSRO Area which better coincides with the local medical service areas. Neither the Ohio State Medical Association medical service areas, nor the Standard Metropolitan Statistical areas for northeastern Ohio combine Ashtabula County with the counties of Trumbull, Mahoning, and Columbiana. Furthermore, residents of the counties of Trumbull, Mahoning, and Columbiana generally seek their secondary medical care in Youngstown located in Mahoning County. Finally, although the suggested change would make the new Area XIII congruent with the Ohio Health Service Area X, established under the National Health Planning and Resources Development Act of 1974 (Pub. L. 93–641), it would also, by adding Stark County to Area VI, make the proposed Area VI less congruent with Health Service Area VIII.

For these reasons, the suggestion was rejected, and the proposed redesignation is adopted.

Accordingly, 42 CFR 101.39 is amended to read as follows:

§ 101.39 Ohio.

Thirteen Professional Standards Review Organization Areas are designated in Ohio composed of the following counties:

Area I	
Butler	Clermont
Warren	Brown
Clinton	Highland
Hamilton	Adams
Area II	
Darke	Clark
Shelby	Preble
Champaign	Montgomery
Miami	Green
Area III	
Van Wert	Hardin
Allen	Logan
Hancock	Wyandot
Seneca	Crawford
Mercer	Marion
Auglaize	
Area IV	
Williams	Henry
Fulton	Wood
Lucas	Sandusky
Ottawa	Paulding
Defiance	Putnam
Area V	
Lake	Ashtabula
Geauga	
Area VI	
Summit	Portage
Area VII	
Coshocton	Harrison
Tuscarawas	Belmont
Carroll	Monroe
Jefferson	
Area VIII	
Licking	Morgan
Muskingum	Noble
Guernsey	Athens
Fairfield	Washington
Perry	
Area IX	
Hocking	Jackson
Vinton	Gallia
Meigs	Scioto
Pike	Lawrence
Area X	
Morrow	Franklin
Knox	Fayette
Union	Pickaway
Delaware	Ross
Madison	
Area XI	
Erie	Richland
Lorain	Ashland
Huron	Wayne
Medina	Holmes
Area XII	
Cuyahoga	
Area XIII	
Stark	Mahoning
Trumbull	Columbiana

(Sec. 1102, Social Security Act, 49 Stat. 647 (42 U.S.C. 1302); sec. 1152, Social Security Act, 86 Stat. 1430 (42 U.S.C. 1320c-1).)

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Dated: July 21, 1977.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: August 19, 1977.

HALE CHAMPION,
Acting Secretary.

[FR Doc.77-24559 Filed 8-24-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Editorial Amendments Concerning Amateur Radio Service Call Signs

AGENCY: Federal Communications Commission.

ACTION: Editorial Order.

SUMMARY: The FCC is amending § 2.302 of its rules, concerning the composition of Amateur Radio Service call signs, to restore a footnote which was inadvertently omitted in a previous Order. The omitted footnote reserves to the Commission the right to require identifying information from Amateur Radio Service operators in addition to their FCC-assigned call signs. We are restoring this footnote because we did not intend to omit it in the previous Order.

EFFECTIVE DATE: September 2, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Erika M. Ziebarth, Personal Radio Division, 202-634-6620.

SUPPLEMENTARY INFORMATION:

Adopted: August 17, 1977.

Released: August 19, 1977.

Order. In the matter of Editorial amendent of § 2.302 of the Commission's rules.

1. On July 13, 1977, the Commission adopted an Order (FCC 77-482, 42 FR 37978) which, among other things, amended § 2.302 of the FCC's rules to permit the letter "X" to appear as the first letter in the suffix of some Amateur Radio Service call signs.

2. In that Order, the footnote to each Amateur Radio Service call sign entry in § 2.302 was inadvertently omitted. The footnote reserved to the Commission the right to require additional identifying data to accompany the transmission of an Amateur call sign. The Commission has relied on the authority contained in the omitted footnote to require additional identifying

data from some Amateur Radio Service licensees, such as those operating with interim Amateur permits. The omission of the footnote was unintentional. This Order is issued to correct this error and to amend § 2.302 of the FCC's rules.

3. This amendment is an editorial revision to correct a previous error; therefore, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary. Authority for this amendment is contained in sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

4. *Accordingly, we order*, That § 2.302 of the FCC's Rules is amended as set forth below, effective September 2, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHWARDT,
Executive Director.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 2.302, the table re Amateur Radio Service call signs is amended to read as follows:

§ 2.302 Call signs.

* * * * *

Class of station	Composition of call sign	Call sign blocks
* * * * * * *		
Experimental (letter "X" follows the digit).	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ. WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit).	1 letter, 1 digit, 1 letter [1]	K1A through K0Z. N1A through N0Z. W1A through W0Z.
Amateur	1 letter, 1 digit, 2 letters [1]	K1AA through K0ZZ. N1AA through N0ZZ. W1AA through W0ZZ.
Do	1 letter, 1 digit, 3 letters [1]	K1AAA through K0ZZZ. N1AAA through N0ZZZ. W1AAA through W0ZZZ.
Do	2 letters, 1 digit, 1 letter [1]	AA1A through AL0Z. KA1A through KZ0Z. NA1A through NZ0Z. WA1A through WZ0Z.
Do	2 letters, 1 digit, 2 letters [1]	AA1AA through AL0ZZ. KA1AA through KZ0ZZ. NA1AA through NZ0ZZ. WA1AA through WZ0ZZ.
Amateur (letter "X" may not follow digit).	2 letters, 1 digit, 3 letters [1]	AA1AAA through AL0ZZZ. KA1AAA through KZ0ZZZ. NA1AAA through NZ0ZZZ. WA1AAA through WZ0ZZZ.
Standard frequency		WWV, WWVB through WWVI, WWVL, WWVS.
* * * * * * *		

[1] Plus other identifying data as may be specified.

NOTE: * * *

[FR Doc.77-24810 Filed 8-25-77;8:45 am]

[Docket No. 21238; RM-2632]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in McRae, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: This action assigns Channel 237A as a first FM assignment to McRae, Ga., after Notice and request by John Davidson. The assignment was based on showings of need and first service at McRae and the petitioner's intention to construct an FM station on the channel.

EFFECTIVE DATE: September 30, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (McRae, Ga.); Docket No. 21238, RM-2632.

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: August 16, 1977; released: August 22, 1977.

1. The Commission herein considers the Notice of Proposed Rule Making, adopted May 10, 1977, 42 FR 26665, in the above-captioned proceeding, which proposed Channel 237A as a first FM assignment to McRae, Georgia. The proposal originated in a petition by John W. Davidson, licensee of daytime-only AM Station WDAX at McRae.

2. McRae (1970 pop. 3,061), seat of Telfair County (1970 pop. 11,381), is located in south central Georgia some 113 kilometers (70 miles) southeast of Macon and 145 kilometers (90 miles) east of Savannah.

3. In support of his proposal, Davidson submitted comments with respect to McRae and its need for a first FM channel assignment, and reaffirmed his intent to file an application and to promptly construct a station if authorized.

4. Based on the need shown for a first local FM service and first local nighttime service at McRae and Telfair County, and the absence of opposition, we find that the public interest would be served by such an assignment. The Commission's FM assignment policies place high priority on first FM assignments to small, rural communities like McRae.

5. Authority for the adoption of the amendment contained herein appears in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations.

§ 73.202 [Amended]

6. In view of the foregoing, it is ordered, that effective September 30, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, as regards McRae, Ga., is amended, to read as follows:

City:	*Channel No.*
McRae, Ga	237A

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

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-24797 Filed 8-25-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Hillside National Wildlife Refuge, Miss., to the Hunting of Migratory Game Birds and Big Game

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Hillside National Wildlife Refuge to the lists of refuge areas open for the hunting of migratory game birds and big game. The Director has determined that this action is compatible with the major purposes for which this refuge was established and is in the public interest. Hunting will provide for additional public recreational opportunity subject to annual special regulations.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20250, telephone 202-343-4305.

SUPPLEMENTARY INFORMATION: Ralph H. Town is the principal author of this final rule. On July 15, 1977, there was published (42 FR 36495) a notice of proposed rulemaking adding Hillside National Wildlife Refuge, Miss., to the list of refuge areas which are open for the hunting of migratory game birds and big game. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

The public was provided a 30-day comment period and was advised that an environmental assessment has been prepared on the proposal and was available for public inspection. One favorable comment was received on the proposed rulemaking.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Accordingly, 50 CFR Part 32 is amended by the addition of Hillside National Wildlife Refuge as follows:

§ 32.11 List of open areas; migratory game birds.

MISSISSIPPI

Hillside National Wildlife Refuge

§ 32.31 List of open areas; big game.

MISSISSIPPI

Hillside National Wildlife Refuge

Dated: August 23, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-24807 Filed 8-25-77;8:45 am]

PART 32—HUNTING

Opening of Benton Lake National Wildlife Refuge, Mont., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of Benton Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1977 through November 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Pearson, P.O. Box 450, Black Eagle, Mont. 59414, 406-716-5266.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of geese, ducks, coots, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. These areas comprising 2,570 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver, Colo. 80225.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

1. The refuge will be open to hunting from one-half hour before sunrise to 12:00 Noon on October 1 and 2, 1977, only. On October 3 and thereafter hunting hours will be from one-half hour before sunrise to sunset each day.

2. Refuge roads and dikes are closed to hunting.

3. Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

4. Hunters are prohibited from constructing blinds on the refuge. Hunting blinds are provided by the refuge. Daily occupancy of blinds will be on a first come-first served basis.

5. Boats without motors may be used in conjunction with waterfowl hunting activities.

6. Hunters are granted access to the area opened to hunting on and after September 15, 1977, for purposes of selecting hunting sites and training retrievers. Boats without motors may be used.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

ELIZABETH A. BENWAY,
Acting Refuge Manager.

AUGUST 17, 1977.

[FR Doc.77-24795 Filed 8-25-77;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 107]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 28-September 3, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: August 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement 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 amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is good on size 140's and smaller, but poorer on larger sizes. Average f.o.b. price was $6.65 per carton the week ended August 20, 1977, compared to $6.63 per carton the previous week. Track and rolling supplies at 150 cars were down 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. In-

terested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on August 23, 1977.

§ 910.407 Lemon Regulation 107.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 28, 1977, through September 3, 1977, is established at 230,000 cartons.

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

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

Dated: August 24, 1977.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-25085 Filed 8-25-77;11:29 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

Agricultural Marketing Service

[7 CFR Part 27]

COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes the removal of Augusta, Georgia from the list of bona fide spot cotton markets in § 27.93 of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27). Cotton is no longer traded in such volume and under such conditions in Augusta to qualify this market as a bona fide spot market under the criteria contained in the U.S. Cotton Futures Act (90 Stat. 1841–46; 7 U.S.C. 15b).

DATE: Comments must be received on or before September 26, 1977.

ADDRESS: Comments should be filed in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Alvin Deck, Marketing Programs Branch, Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202–447–2072).

SUPPLEMENTARY INFORMATION: Spot cotton market prices are used by the New York Cotton Exchange to establish settlement differences (premiums and discounts) for cotton delivered on futures contracts whenever the quality delivered deviates from the base quality. The U.S. Cotton Futures Act requires the Secretary of Agriculture to designate cotton markets which may be used to establish such settlement differences. The Act directs the Secretary to designate only those markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of Middling cotton and the differences between the prices or values of Middling cotton and of other grades for which standards have been established.

There are 10 markets so designated by the Secretary at the present time. Prices from only eight of these markets are used for New York Cotton Exchange Futures settlement purposes. The other two, Augusta, Georgia and Fresno, California, are carried as extra or reserve markets.

Factors supporting the proposal that Augusta be removed from the list of bona fide spot markets are as follows:

1. Although Augusta was one of the original bona fide markets designated on August 10, 1915, its importance as a cotton market has declined in recent years. There are only four active marketing firms in Augusta and representatives from only two of these actively participate in price quotations work in the market. Spot purchases reported by the Augusta Cotton Exchange accounted for less than one percent of total purchases during the past five years in all bona fide spot markets.

2. The removal of Augusta as a bona fide spot market was one of the recommendations made by the National Cotton Marketing Study Committee in August 1975. This committee was appointed from industry and government by the Secretary of Agriculture to study and appraise the U.S. cotton marketing system and related foreign trade problems.

3. August has not been used as a settlement market for cotton futures purposes since 1968. There is no legal requirement that reserve markets, such as Augusta and Fresno, be carried as designated bona fide markets for use should the occasion arise. In any event, one reserve market is considered ample and Fresno is a much larger market than Augusta.

§ 27.93 [Amended]

Accordingly, it is proposed that § 27.93 of the regulations (7 CFR 27.93) governing cotton classification under cotton futures legislation be amended by deleting Augusta, Georgia from the list of bona fide spot cotton markets.

Dated: August 23, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.77-24794 Filed 8-25-77;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 77]

CATTLE

Tuberculosis Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise regulations which apply to tuberculosis in cattle to bring these regulations into conformity with the current guidelines of Uniform Methods and Rules—Bovine Tuberculosis Eradication, and to include changes made necessary by the issuance of revised regulations under which indemnity may be paid for cattle destroyed because of tuberculosis. This action is required to expedite the eradication of bovine tuberculosis from the United States. The intended effect of this action is to eliminate the last foci of infection from the country at the earliest possible time and to prevent spread of the disease until it can be eradicated.

DATE: Comments on or before October 7, 1977.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 824, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. Ralph W. Bennett, Chief Staff Veterinarian, Tuberculosis Eradication, Cattle Diseases Staff, Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture, Room 802, Federal Building, Hyattsville, Md. 20782, Area code 301–436–8715.

SUPPLEMENTARY INFORMATION: As the goal of complete eradication of tuberculosis in cattle is approached, it is essential that the last foci of infection be eliminated and that all possible means of preventing the spread of the disease be employed.

The proposed revision of Part 77 would adopt recommendations made by the Tuberculosis Committee of the United States Animal Health Association (USAHA) and would: Prohibit the interstate movement of cattle other than in compliance with proposed restrictions; incorporate the Uniform Methods and Rules—Bovine Tuberculosis Eradication for the establishment and maintenance of tuberculosis-free accredited herds of cattle, modified accredited areas, and areas accredited free of bovine tuberculosis in the domestic bovine, as adopted by the USAHA on October 17, 1974, and approved by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, on January 6, 1975; provide definitions pertinent to this Part; make provision for designating and removing the designations of Accredited-Free States, Modified Accredited Areas and Non-Modified Accredited Areas, respectively, based on determinations by the Deputy Administrator as to compliance with applicable provisions of the current Uniform Methods and Rules—Bovine Tuberculosis Eradication; designate specific

areas as Accredited-Free States, Modified Accredited Areas, and Non-Modified Accredited Areas; provide for the movement of cattle from Accredited-Free States, Modified Accredited Areas, and Non-Modified Accredited Areas; require three negative tuberculin tests of cattle in affected herds before such herds may be released from quarantine; provide for the identification and interstate movement of tuberculosis exposed and tuberculosis reactor cattle; require that suspect cattle be moved under those conditions applicable to cattle exposed to tuberculosis; and provide for movements of cattle not specifically provided for in this Part under specific conditions prescribed by the Deputy Administrator, Veterinary Services.

The principal changes being made by this proposal from the present requirements are as follows: (1) Current regulations provide for the designation of Modified Accredited Areas and Non-Modified Accredited Areas only. The addition of an Accredited-Free State status which may be achieved by States qualifying under the provisions of Part XI of the Uniform Methods and Rules—Bovine Tuberculosis Eradication is deemed necessary to recognize a State that has achieved a degree of eradication of tuberculosis higher than that shown by the category of Modified Accredited Area status. (2) The present requirement for designation as a Modified Accredited Area status, that the Deputy Administrator determine that less than one-half of one percent of the cattle in the area is affected with tuberculosis, would be changed to a requirement that he determine that the area is in compliance with all of the requirements of Part X of the Uniform Methods and Rules—Bovine Tuberculosis Eradication. This change is deemed necessary since the requirements as set forth in Part X of the Uniform Methods and Rules—Bovine Tuberculosis Eradication would provide a better indication of the exact tuberculosis status of the cattle in the Modified Accredited Area. (3) Present regulations permit the interstate movement of cattle from herds under State quarantine or from previously infected herds following two negative tuberculin tests conducted at 60 day intervals, whereas the proposed regulations would require a third negative test to be conducted six months following the second negative test as a condition for movement. Experience indicates that two negative tests at 60 day intervals are inadequate to prevent the interstate spread of tuberculosis and it appears that the additional negative test should be required to provide greater assurance that the affected herd will not serve as a reservoir of infection and spread the disease through such movements. (4) Current regulations do not require that tuberculosis exposed cattle from Modified Accredited Areas be identified to qualify for movement interstate, while tuberculosis exposed cattle from Non-Modified Accredited Areas only have to be identified by registration name and number or metal eartag. Further, only exposed cattle moving interstate from Non-Modified Accredited Areas must be moved to slaughter. As a requirement for all interstate movements of tuberculosis exposed cattle, the proposed regulations would mandate that such cattle be moved only to slaughter and be identified by branding with the letter "E" on the left jaw and the tagging of such cattle with a metal eartag in either ear, or in lieu of branding and tagging, that the shipment be accompanied by a Veterinary Services or State representative or moved in vehicles closed with official seals. The identification of tuberculosis exposed cattle, or their escort by a Veterinary Services or State representative, or their movement in sealed vehicles would be required to insure that such animals are moved for slaughter only and to minimize the possibility of their getting into channels of trade and spreading disease. (5) No provisions are made in the current regulations for the interstate movement of cattle which are classified as "suspect" on an official tuberculin test or for the interstate movement of other cattle which have been in contact with "suspect" cattle. The proposed regulations would provide that cattle classified as "suspect" and other cattle in contact with "suspect" cattle shall only be moved interstate directly for immediate slaughter because it is believed that such cattle present a risk of disseminating tuberculosis. In order to minimize the possibility that such disease might be spread, the movement of such cattle should be strictly regulated.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of May 31, 1920, and the Act of July 2, 1962 (21 U.S.C. 111–114, 114a, 115–117, 120, 121, 134b, 134f), the Animal and Plant Health Inspection Service is considering revising Part 77, Title 9, Code of Federal Regulations, for the above stated purpose.

Accordingly, Part 77, Title 9, Code of Federal Regulations, would be revised as follows:

PART 77—TUBERCULOSIS IN CATTLE

Subpart A—General Provisions

Sec.

77.1 Definitions.
77.2 General restrictions.
77.3 Designation of States or areas.
77.4 Accredited-free States.
77.5 Modified accredited areas.
77.6 Non-modified accredited areas.

Subpart B—Interstate Movement of Cattle Not Known To Be Affected With or Exposed to Tuberculosis

77.7 Movement from accredited-free States and modified accredited areas.
77.8 Movement from non-modified accredited areas.

Subpart C—Interstate Movement of Cattle Affected With or Exposed to Tuberculosis

77.9 Movement from accredited-free States, modified accredited areas, and non-modified accredited areas.
77.10 Other movements.

AUTHORITY: Secs. 3-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; 41 Stat. 699, sec. 1, 65 Stat. 693, as amended; secs. 3 and 7, 76 Stat. 130, 132 (21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141).

Subpart A—General Provisions

§ 77.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

(a) *Animal.* All species of animals except man, birds, or reptiles.

(b) *Cattle.* Domestic bovine animals of all ages.

(c) *Tuberculosis.* The contagious, infectious, and communicable disease of cattle caused by *Mycobacterium bovis.*

(d) *Uniform methods and rules—Bovine tuberculosis eradication.* Uniform methods and Rules for the Establishment and Maintenance of Tuberculosis-Free Accredited Herds of Cattle, Modified Accredited Areas, and Areas Accredited-Free of Bovine Tuberculosis in the Domestic Bovine, as adopted by the United States Animal Health Association on October 17, 1974, and approved by Veterinary Services in its publication of January 6, 1975. The provisions of the Uniform Methods and Rules—Bovine Tuberculosis Eradication are hereby incorporated by reference[1][2] and are the minimum standards for achieving and maintaining herd and area status.

(e) *Official tuberculin test.* Any intradermal test for tuberculosis conducted in accordance with the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(f) *Negative cattle.* Cattle classified negative to an official tuberculin test in accordance with the guidelines established in Part II, F., 3., b., of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(g) *Suspect cattle.* Cattle responding to an official tuberculin test and classified suspect in accordance with the guidelines established in Part II, F., 2., of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(h) *Reactor cattle.* Cattle responding to an official tuberculin test and classified reactor in accordance with the guidelines established in Part II, F., 1., of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(i) *Herd.* Any group of cattle maintained on common ground for any purpose, or two or more groups of cattle under common ownership or supervision, which are geographically separated, but among which there is an interchange or

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[1] Copies of the Uniform Methods and Rules—Bovine Tuberculosis Eradication are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Md. 20782, and were filed as part of this original document.

[2] NOTE—Incorporation by reference provisions approved by the Director, Office of the Federal Register on August 19, 1977.

movement of cattle without regard to health status.

(j) *Affected herd.* A herd of cattle in which tuberculosis has been disclosed in any such cattle by an official tuberculin test or by postmortem examination.

(k) *Cattle not known to be affected.* All cattle except those originating from tuberculosis affected herds or from herds containing tuberculosis suspect cattle.

(l) *Exposed cattle.* Cattle, except reactor cattle, which are part of a known affected herd.

(m) *Department.* The United States Department of Agriculture (USDA).

(n) *Veterinary Services.* The Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(o) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(p) *State.* Any State, Territory, the District of Columbia, or Puerto Rico.

(q) *Interstate.* From one State into or through any other State.

(r) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement.

(s) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other legal entity.

(t) *Veterinary Services representative.* A veterinarian or other person employed by Veterinary Services who is authorized to perform the function involved.

(u) *State representative.* A veterinarian or other person employed in livestock sanitary work of a State or political subdivision thereof and who is authorized by such State or political subdivision thereof to perform the function involved under a Memorandum of Understanding with the Department.

(v) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(w) *Modified accredited area.* A State or portion thereof which complies with all of the procedures in Part X of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(x) *Non-modified accredited area.* A State or any portion thereof which has not received Accredited-Free State or Modified Accredited Area status.

(y) *Accredited-free State.* A State which complies with all of the procedures of Part XI of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(z) *Accredited herd.* A cattle herd which meets the requirements of Part IX of the Uniform Methods and Rules—Bovine Tuberculosis Eradication.

(aa) *Certificate.* An official document issued by a Veterinary Services representative, a State representative, or an accredited veterinarian at the point of origin of a shipment of cattle to be moved under this Part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number, breed, sex, and approximate age of the animals covered by the document, the purpose for which the animals are to be moved, the date and place of issuance, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the requirements of this part.

(bb) *Permit.* An official document issued for movement of animals under this Part by a Veterinary Services representative, State representative, or an accredited veterinarian at the point of origin of a shipment of cattle to be moved directly to slaughter, which shows the tuberculosis status of each animal (reactor, suspect, or exposed), the ear tag number of each animal and the name of the owner of such animal, the establishment to which the animals are to be moved, the purpose for which the animals are to be moved, and that they are eligible for such movement under the applicable provisions of §§ 77.9 and 77.10.

(cc) *Transportation document.* Any document accompanying the interstate movement, such as an owner's statement, manifest, switch order, or vehicle record, on which is stated: (1) The point from which the animals are moved interstate; (2) the destination of the animals; (3) the number of animals covered by the document; and (4) the name and address of the owner or shipper.

(dd) *Official seal.* A seal issued by a State or Veterinary Services representative.

§ 77.2 General restrictions.

Cattle may not be moved interstate except in compliance with the regulations in this Part.

§ 77.3 Designation of States or areas.

The Deputy Administrator is authorized to designate States or portions thereof as Modified Accredited Areas, Accredited-Free States, or Non-Modified Accredited Areas, respectively, when he determines that these States or portions thereof come within the appropriate definitions in §§ 77.1 (w), (x), or (y) and to delete any State or portion thereof from any such list at any time when he determines that they no longer come within the appropriate definition.

§ 77.4 Accredited-free States.

(a) Accredited-Free State status shall have a duration of one year. In order to qualify for reaccreditation, such States shall annually, between September 1 and October 30, submit a report to Veterinary Services certifying that the State is in compliance with all the requirements of Part XI of the Uniform Methods and Rules—Bovine Tuberculosis Eradication regarding Accredited-Free States.

(b) The following States are hereby designated Accredited-Free States: North Dakota, Minnesota, Connecticut, Maine, Rhode Island, New Hampshire, New Mexico, Colorado, Utah, and Wyoming.

§ 77.5 Modified accredited areas.

(a) Modified Accredited Area status shall have a duration of one year. In order to qualify for reaccreditation, such States shall annually, between September 1 and October 30, submit a report to Veterinary Services certifying that the State is in compliance with all the requirements of Part X of the Uniform Methods and Rules—Bovine Tuberculosis Eradication regarding Modified Accredited Areas.

(b) The following States or portions thereof are hereby designated as Modified Accredited Areas: All States or portions thereof except those otherwise designated in § 77.4 or § 77.6.

§ 77.6 Non-modified accredited areas.

The following States or portions thereof are hereby designated as Non-Modified Accredited Areas:

Subpart B—Interstate Movement of Cattle Not Known to be Affected With or Exposed to Tuberculosis

§ 77.7 Movement from Accredited-Free States and Modified Accredited Areas.[2]

Cattle not known to be affected with or exposed to tuberculosis, originating in an Accredited-Free State or a Modified Accredited Area, may be moved interstate without restriction.

§ 77.8 Movement from Non-modified Accredited Areas.

Cattle not known to be affected with or exposed to tuberculosis, originating in a Non-modified Accredited Area, shall only be moved interstate if:

(a) Such cattle are accompanied by a certificate stating that such cattle have been classified negative to an official tuberculin test, which was conducted within 30 days prior to the date of movement, however, if such cattle are part of a herd in which any animal has been classified as a reactor animal, such cattle shall be moved interstate only in accordance with § 77.9 or § 77.10. All cattle not individually identified by a registration name and number shall be individually identified by a Veterinary Services approved metal eartag or tattoo; or

(b) Such cattle are from an accredited herd and they are accompanied by a certificate showing the cattle to be from such a herd; or

(c) Such cattle are moved interstate directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

Subpart C—Interstate Movement of Cattle Affected With or Exposed to Tuberculosis

§ 77.9 Movement from Accredited-Free States, Modified Accredited Areas, and Non-modified Accredited Areas.

(a) *Reactor cattle.* Cattle which have been classified as reactor cattle may be moved interstate only if they are moved directly to slaughter at an establishment

[2] The regulations of the State of destination should be consulted before shipments are made from Accredited-Free States and Modified Accredited Areas.

operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter, and only upon compliance with the following conditions:

(1) The reactor cattle shall be individually identified by branding the letter "T" not less than 2 nor more than 3 inches high on the left jaw and by a Veterinary Services approved metal eartag bearing a serial number and the inscription "U.S. Reactor" or a similar State reactor tag bearing such number and similar description attached to the left ear of each animal; and

(2) The reactor cattle shall be accompanied by a permit; and

(3) The reactor cattle shall not be moved interstate in a means of conveyance containing any animals susceptible to tuberculosis unless all of the animals are being moved directly to slaughter; and

(4) Any person who moves reactor cattle interstate shall plainly write or stamp upon the face of the transportation document the words "Tuberculin Reactor" and the following statement: "This conveyance shall be cleaned and disinfected in accordance with § 77.9(a)(5) of the regulations." and

(5) Each means of conveyance in which reactor cattle have been transported interstate shall be cleaned and disinfected by the carrier, in accordance with the applicable provisions of Part 71 of this subchapter, under the supervision of a Veterinary Services representative or State representative or an accredited veterinarian or other person designated by the Deputy Administrator. If, at the point where the cattle are unloaded, such supervision or proper cleaning and disinfecting facilities are not available, and permission is obtained from a Veterinary Services representative or State representative, the empty means of conveyance may be moved to a location where such supervision and facilities are available for cleaning and disinfecting. Permission shall be granted if such movement does not present a risk of the dissemination of tuberculosis.

(b) *Exposed cattle.* Cattle which have been classified as exposed cattle shall be moved interstate only if they are moved directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter and only in compliance with the following conditions:

(1) Such exposed cattle must be individually identified by branding the letter "E" not less than 2 nor more than 3 inches high on the left jaw and by tagging with a Veterinary Services approved metal eartag bearing a serial number attached to either ear of each animal, except that in lieu of branding, the cattle may be accompanied to slaughter by a Veterinary Services representative or State representative, or may be moved in vehicles closed with official seals. When such cattle are moved in vehicles closed with official seals, said seals shall only be removed by a State or Federal employee specifically designated by the Deputy Administrator; and

(2) Such exposed cattle shall be moved in accordance with the requirements pertaining to reactor cattle contained in paragraphs (a)(2), (a)(3), and (a)(5) of this section.

(c) *Suspect cattle.* Suspect cattle which have not been retested and found negative from herds in which no reactor cattle have been disclosed on an official tuberculin test, and negative cattle from such herds, shall only be moved interstate if they are moved directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et. seq) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

§ 77.10 Other movements.

The Deputy Administrator may, with the concurrence of the livestock sanitary officials of the State of destination, upon request in specific cases, permit the movement of cattle not otherwise provided for in this Part which have not been classified as reactor cattle and are not otherwise known to be affected with tuberculosis, under such conditions as he may prescribe in each specific case to prevent the spread of tuberculosis. The Deputy Administrator shall promptly notify the appropriate livestock sanitary officials of the State of destination of any such action.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 804, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of August 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.

NORVAN L. MEYER,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-24403 Filed 8-25-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 771 0025]

PUBLIC RELATIONS SOCIETY OF AMERICA, INC.

Consent Agreement With Analysis To Aid Public Comment

In FR Doc. 24042 appearing at page 41874 in the issue for Friday, August 19, 1977, the following correction should be made.

In the first full paragraph of the third column on page 41875, in the seventh and eighth lines, the word "completion", should read, "competition".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 105]

[Docket No. 75N-0318]

SPECIAL DIETARY FOODS LABEL STATEMENTS

Proposed Statement of Reasons, Proposed Findings of Fact, Proposed Conclusions, and Tentative Order

Correction

In FR Doc. 77-20307 appearing at page 37166 in the issue for Tuesday, July 19, 1977, in the penultimate line of the paragraph numbered 54, middle column, page 37174, "WD-GRoss" should read "WD-G-Ross".

[21 CFR Part 131]

[Docket No. 77N-0118]

EVAPORATED MILK, SWEETENED CONDENSED MILK, EVAPORATED SKIMMED MILK AND SWEETENED CONDENSED SKIMMED MILK

Proposed Rulemaking Based on Recommended International Standards

Correction

In FR Doc.77-20578 appearing at page 37013 in the issue for Tuesday, July 19, 1977, make the following changes:

1. In the fourteenth line of the first paragraph, column 3, page 37013, "Part 191" should read "Part 101".

2. In section 5.1 under "5. Methods of Sampling and Analysis", page 37014, "FAC/WHO" should read "FAO/WHO".

3. The percentage in section 2.2, ninth line from the bottom, page 37014, now reading "24.0 pct. m/.", should read "24.0 pct. m/m.".

[21 CFR Part 131]

[Docket No. 77N-0119]

NONFAT DRY MILK, LOWFAT DRY MILK, DRY WHOLE MILK, AND DRY CREAM

Proposal Based on Recommended International Standards

Correction

In FR Doc. 77-20463 appearing at page 37006 in the issue for Tuesday, July 19, 1977, make the following changes:

1. In the third line of the "Summary" paragraph, middle column, page 37006, "lowfat milk" should read "lowfat dry milk".

2. In the sixth line from the end of the paragraph labeled "Supplementary Information", middle column, page 37006, "(21 CFR 131." should read "(21 CFR 131.125)".

3. In the second line under "5. Labeling" at the top of page 37008, "(Reg. No.

CAC/RS 1-1969)" should read "(Ref. No. CAC/RS 1-1969)".

4. In the first line of section 5.1.1 at the top of page 37008, "(a) whole milk powder" should read "(a) Whole Milk powder".

[21 CFR Parts 172, 182, 184]

[Docket No. 77N-0033]

BROWN AND YELLOW MUSTARD AND THEIR DERIVATIVES

Proposed Affirmation of Gras Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This is a proposal to affirm as generally recognized as safe (GRAS) brown and yellow mustard and their derivatives as direct human food ingredients. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency. This proposal would list the ingredients as direct food substances affirmed as GRAS. In addition this proposal would affirm the GRAS status of allyl isothiocyanate which would be deleted from the list of synthetic substances.

DATES: Comments by October 25, 1977.

ADDRESSES: Written comments to the hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by the Food and Drug Administration. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of allyl isothiocyanate, p-hydroxybenzyl isothiocyanate, and brown and yellow mustard has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of these ingredients.

There are various species of mustard seed. The principal sources of black, brown or oriental mustard seed are the species *Brassica nigra* (L.) Koch, *Brassica juncea* (L.) Czerniaew and *Brassica juncea* Cosson. The seeds of *B. nigra* are produced chiefly in Italy and Holland, whereas the *B. juncea* seeds are produced mainly in northern India and southern Russia. The principal sources of white or yellow mustard seed are the species *Brassica alba* (L.) Boiss, *Brassica hirta* Moench, and *Sinapis alba* (L.). White mustard is a native annual of southern Europe but is now grown in many temperate countries, chiefly in Canada.

Mustard seed is used by the food industry in different forms: Whole seed; ground seed meal; mustard cake which is ground seed from which a part of the fixed oil has been expressed; mustard flour which is the cake with the hulls removed; and prepared mustard. Mustard flour and prepared mustard appear to be the forms most commonly used. Both may contain mustard from more than one source.

The volatile or essential oil of brown (black) mustard constitutes between 0.5 to more than 1.0 percent of the seed, and it contains the glucoside sinigrin. Allyl isothiocyanate is the major derivative of sinigrin and is the major flavoring agent of black (brown) mustard. To extract allyl isothiocyanate it is necessary to remove the fixed oil from the seed by expression, allow the resulting seed cake and endogenous enzyme (myrosinase) to ferment, and distill with steam. As prepared, the distillate consists of more than 90 percent allyl isothiocyanate; the remainder is chiefly allyl cyanide and carbon disulfide. However, most of the allyl isothiocyanate used in food is prepared synthetically. It can be prepared by the reaction of allyl iodide with potassium thiocyanate.

The corresponding major flavoring constituent of yellow (white) or benzyl mustard oil is p-hydrovybenzyl isothiocyanate, and it exists in the seed as part of the glucoside sinalbin. It is prepared in a manner analogous to that for allyl isothiocyanate, except for steam distillation. Because p-hydroxybenzyl isothiocyante is only sparingly volatile with steam, it is separated by solvent extraction. However, unlike allyl isothiocyanate, there is no evidence which indicates that p-hydroxybenzyl isothiocyanate is used in food. Consequently, its importance in this review is based on the fact that it is a chief constituent of yellow (white) mustard.

Black or brown mustard (*B. nigra*), brown or oriental mustard (*B. juncea*), white or yellow mustard (*B. hirta*) are listed in § 182.10 (formerly § 121.101(e)(1), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) as GRAS for use in food as spices and other natural seasonings and flavorings, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404) and subsequently recodified. Mustard is also listed in § 182.20 (formerly § 121.101(e)(2), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) as GRAS for use in food as an essential oil, oleoresion or natural extractive, pursuant to a regulation published in the same FEDERAL REGISTER and subsequently recodified. Allyl isothiocyanate is listed in § 172.515(b) (formerly § 121.1164(b) prior to recodification) for use in food as a synthetic flavoring substance, pursuant to a regulation published in the FEDERAL REGISTER of October 27, 1964 (29 FR 14625) and subsequently recodified.

A representative cross-section of food manufacturers was surveyed to determine the specific food in which brown and yellow mustard, and allyl isothiocyanate were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to brown and yellow mustard, and allyl isothiocyanate. The total amount of these substances used in food in 1970 was reported to be about: yellow mustard, 48 million pounds; brown mustard, 3 million pounds; and allyl isothiocyanate, 33 thousand pounds.

Mustard and its derivatives have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutogenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 639 abstracts on mustard (brown and yellow), allyl isothiocyanate, and p-hydroxybenzyl isothiocyanate was reviewed and 48 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

The oral LD_{50} of allyl isothiocyanate from brown mustard seed for the rat is reported to be 339 mg per kg; the subcutaneous LD_{50} for mice, 80 mg per kg. For rats, the oral LD_{50} of allyl cyanide, reported to be a constituent of the essential oil of brown mustard, is 115 mg per kg; for rabbits an oral lethal dose of carbon disulfide, also reported to be a constituent of the essential oil of brown mustard, appears to be between 0.47 and 3.5 g (about 0.23 to 1.75 g per kg).

Rats fed a diet containing allyl isothiocyanate (0.02 mg per kg body weight) for 70 days showed an increased level of fatty acid esters and cholesterol in the blood serum. Histologically, some fatty degeneration of the liver was noted but this was most marked when the allyl isothiocyanate was fed in combination with ethyl alcohol (15 ml of a 20 percent ethanol solution per kg animal weight). Allyl isothiocyanate is reported to depress rate of growth slightly when fed to young rats at a level of 0.1 percent in the diet (estimated dose level, about 400 mg per kg) for 5 weeks; a more pronounced decrease in the growth rate occurred when the same amount of allyl isothiocyanate was administered by gavage rather than fed for an additional four weeks. In adult rats fed 2 mg of allyl isothiocyanate per kg body weight it

was observed that blood clotting time was reduced, liver succinic dehydrogenase activity was increased, and the activity of both xanthine oxidase and kidney D-amino acid oxidase was decreased significantly when measured 4 hours after feeding.

Two groups of weanling Osborne-Mendel rats (5 males and 5 females in each group) received a daily dose (by stomach tube) of 20 mg per kg and 50 mg per kg body weight of allyl isothiocyanate respecitvely, for 20 days. Organ and tissue examination showed the following histopathology: Slight to moderate epithelial hyperplasia of the nonglandular part of the stomach with acute to subacute ulcers from 2 to 6.5 mm across in all animals at the higher dose and in half of the animals at the lower dose; and minor inflammatory foci in the liver at the higher dose level. However, the same authors reported that no effects were noted after feeding weanling rats for 26 weeks on a diet containing up to 10,000 ppm (about 500 mg per kg per day) of allyl isothiocyanate. The diet was prepared daily owing to the volatility of the cmopound. It is noted that this dosage is significantly higher than the LD_{50} reported from the same laboratory; reasons for the variation are not clear.

The Select Committee was unable to find reports of long term animal studies on brown mustard or its constituents, or of studies on the absorption or excretion of these substances.

Teratologic evaluation was made of a sample of allyl oil of mustard supplied by FDA and known to have been prepared from black mustard seeds (*B. nigra* L.). The oral administration of up to 18.5 mg per kg body weight daily to pregnant rats (6th through 15th days of gestation), up to 23.8 mg per kg to pregnant hamsters (6th through 10th days of gestation), and up to 12.3 mg per kg to pregnant rabbits (6th through 18th days of gestation), and up to 12.3 mg per effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft or skeletal tissues of the test groups did not differ from the number occurring spontaneously in the sham-treated controls. The same result was obtained with pregnant mice at dosage levels up to 6.0 mg per kg (administered on the 6th through 15th days of gestation) but at a level of 28.0 mg per kg there were indications (not statistically significant) of increased fetal deaths and resceptions. These investigations concluded that oil of mustard, at this high level may be fetotoxic in the pregnant mouse without being teratogenic.

Studies of the toxicity and teratogenicity of mustard oil (allyl isothiocyanate) in avian embryos revealed that it was not teratogenic under the conditions employed. Doses up to 16 mg per kg were injected into the air cell or the yolk of fertile eggs before incubation or after 96 hours of incubation. The occurrence of abnormal embryos and those showing head, skeletal, visceral and limb abnormalities was not increased with the administration of mustard oil under any of these conditions. In the same series of experiments, mustard oil was found to be toxic to avian embryos when injected into the air cell of unincubated fertile eggs or after 96 hours of incubation, at a level of 0.6 mg per kg, and embryo mortality was increased with doses as low as 0.04 mg per kg when injected into the yolk.

Mutagenicity studies of mustard oil (allyl isothiocyanate) in which several assay procedures were employed, were uniformly negative. The assay procedures and the doses used were as follows: Host-mediated assay using two strains of *Saccharomyces cerevisiae* at oral doses up to 130 mg of mustard oil per kg in mice; cytogenetic assay, *in vivo*, involving observation of aberrations in bone marrow metaphase chromosomes of rats administered up to 100 mg of mustard oil per kg orally; cytogenetic assay, *in vitro*, involving observation of aberrations in anaphase chromosomes of human embryonic lung cells in tissue culture exposed to levels up to 10 µg of mustard oil per ml; dominant lethal assay in rats using dosages of mustard oil up to 100 mg per kg.

No reports have been found on the testing of allyl cyanide or carbon disulfide for teratogenicity.

Allyl isothiocyanate, applied to the skin of female Sutter albino mice as a 50 percent solution in acetone with 2 percent corn oil twice weekly for 24 weeks, produced papillomas in 10 percent of the animals and carcinomas in 1 animal. A 0.003 normal solution of allyl isothiocyanate in acetone painted on the skin of mice twice weekly for 5 months produced no tumors. No skin tumors were found after 11 months in mice painted three times weekly with allyl isothiocyanate. No reports have been found concerning the potential carcinogenicity of orally administered allyl isothiocyanate.

Carbon disulfide in aqueous solution (concentration not reported) administered orally to dogs and rabbits, produced no tumors in three months. No reports have been found in which the carcinogenic potential of allyl cyanide has been studied by any route.

Based on the eating habits of a number of his patients who had experienced coronary attacks, Blair in 1965 expressed the opinion that allyl isothiocyanate is the underlying cause of atheromatous sclerosis in a majority of cases. He has suggested that restriction of the "hot" condiments, e.g., mustard, pepper, and ginger—offers a means for prevention of essential hypertension and coronary disease. The editor of the Ohio State Medical Journal in which this article appeared, noted that the author's conclusions, while not substantiated, "represents a different viewpoint which may, or may not, be borne out in the experience of others."

The subcutaneous LD_{50} of benzyl mustard oil (presumed to consist principally of *p*-hydroxybenzyl isothiocyanate from yellow mustard seed) for mice is stated to be 150 mg per kg. No data have been found on acute studies of orally administered benzyl mustard oil or its isothiocyanate. Acute toxicity studies, by any route of administration, of sinapine, *p*-hydroxybenzyl alcohol, di-(*p*-hydroxybenzyl) disulfide, *p*-hydroxybenzyl cyanide, or *p*-hydroxybenzyl amine, which are reported to occur in yellow mustard or to be present as decomposition productions of *p*-hydroxybenzyl isothiocyanate have not been found in the literature.

The Select Committee was unable to find reports of short or long term studies on yellow mustard or its constituents, or studies on the absorption or excretion of these substances.

Only one experiment has been found that concerns the metabloic fate of mustard. In man, Perry et al. fed 100 g of mustard to a male adult over a 1.5 hours and collected urine 24 hours after the start of consumption. Chromatographic analysis of the urine revealed the presence of *p*-hydroxybenzyl amine and an unidentified amine, metabolites that were not detectable in the urine when mustard was excluded from the diet. The mustard used was "prepared mustard, made from mustard seed, turmeric and other species," but the source of the seed was not indicated. Since the allyl isothiocyanate of brown mustard could not conceivably give rise to a *p*-hydroxybenzyl metabolite, it can be reasoned that the mustard fed in this experiment was probably of the yellow variety and that the source of the *p*-hydroxybenzyl amine excreted could either be a separate constituent of white mustard seed as reported by Larsen, or could arise as a metabolite of *p*-hydroxybenzyl isothiocyanate; *p*-hydroxybenzyl amine has also been found in barley seeds.

No reports have been found on the carcinogenicity, teratogenicity, or mutagenicity of white mustard seed, or of its reported constituents, or of the degredation products of its constituents.

The oral LD_{50} of the volatile oil of mustard (source not indicated) for the rat was reported to be 148 mg per kg; 50 mg per kg per day was tolerated by rats for eight weeks without noticeable injury.

For 30 days rats were fed a basal diet containing 10 percent mustard cake (source not indicated) supplemented with 20 percent of one of a number of vegetable oils including mustard oil (source not indicated). It is evident that the mustard cake used in the basal diet was mustard seed from which the fatty acid glycerides had been expressed, leaving some or all of the essential oil; and that the mustard oil used was the fatty acid glycerides of mustard seed containing some or all of the essential oil. Serum lipid levels decreased in animals receiving the mustard oil during the early part of the feeding, but subsequently the level showed a steady upward trend. Mustard oil also produced consistent and progressive increases in the liver lipid level. Similar effects were noted with some of the other vegetable oils tested, making it appear that the effects noted with mustard oil were not due to its essential oil constituents. No evidence of toxicity to the animals subjected to this regime was reported by the investigators.

In one study, the nutritive contribution of mustard oil (expressed) appeared to be limited to its fat content. The source of the mustard oil was not indicated. Feeding tests with rats showed that this mustard oil (assumed to be the expressed fatty acid glycerides of mustard seed, containing some or all of the essential oil) was entirely devoid of vitamin A activity, and tended to inactivate vitamin A when mixed with other foods. The tests also showed that, as a fat, mustard oil was as nutritious as other fats, provided adequate vitamin A intake was assured from other sources.

The possibility of synergism between mustard oil (source not indicated, but presumed from the context of the report, to be expressed mustard oil containing the fatty acid gylcerides as well as the essential oil) and cholesterol was studied by including 10 percent of mustard oil in the feed of growing chicks, with or without one percent cholesterol for eight weeks. Chicks on the diet containing mustard oil showed an increase in the level of nonesterified fatty acids in the blood plasma but no change in other plasma lipids. Chicks on diets containing both cholesterol and mustard oil showed an increase in total plasma cholesterol, β-lipoprotein cholesterol, triglycerides, and nonesterified fatty acids. The extent of hypercholesterolemia did not seem dependent on the degree of saturation of the mustard oil. A subsequent report from the laboratory of one of these investigators extended these observations to effects on proportions of the aorta by feeding diets containing 10 percent mustard oil or other oils, with or without one percent cholesterol, to growing chicks for eight weeks. When such oils were fed without cholesterol, there was an increase in phospholipids in the aorta but no change in cholesterol; whereas cholesterol, with or without the oils, increased both cholesterol and phospholipids in the aorta. Further, the hexosamine content of the aorta decreased regardless of whether cholesterol was fed, implying a con-

comitant decrease in acid mucopolysaccharides. The hydroxyproline content of the aorta increased when both oils and cholesterol were fed, indicating that arterial collagen had increased. The latter effect seemed to be proportional to the degree of hypercholesterolemia. Severity of changes were found to be unrelated to either the cholesterol level in the plasma or to the degree of unsaturation of the oils fed. In all respects, mustard oil behaved no differently than coconut, sesame, and hydrogenated peanut oils.

Observations were made of the short term physiological effects due to mustard (source not indicated), lemon, curry, paprika, and sugar fed as condiments in test diets of healthy young men. It was noted that increased in salivary flow was of about the same magnitude for all of these substances, while mustard and paprika were least effective in increasing salivary amylase activity.

Bandyopadhyay and Banerjee fed up to 20 percent of various vegetable oils, including what is presumed to be expressed oil of mustard of unspecified source, with and without cholesterol, in the diet of rhesus monkeys for nine months. In the animals fed diets containing the mustard oil, diminished amounts of cholesterol deposits were found at autopsy in the thoracic and abdominal aortas, the brain, and the skin, while increased amounts of cholesterol were found in the liver. In a similar study, also with rhesus monkeys, Banerjee et al. fed cholesterol and various vegetable oils (up to 20 percent of the diet) for six months. Periodic observations showed that the level of plasma cholesterol was raised and fecal cholesterol was reduced to the same degree, indicating that the vegetable oils probably facilitated intestinal absorption of cholesterol.

Twenty human adult volunteers were fed a breakfast containing 17 percent by weight (about one g per kg) of one of six different vegetable or animal fats, including mustard oil (source not identified but evidently the expressed oil containing the fatty acid glycerides as well as some or all of the essential oil). A blood sample, taken four hours after breakfast, was analyzed. The experiments were repeated on each of five successive days. Feeding mustard oil was found to have no effect on platelet content, serum cholesterol, Stypvan[1] time, or the fibrinolysing property of the blood; whole blood clotting time was reduced as it was after feeding any of the fats, and fibrinogen content decreased, as it also did after feeding sesame oil; platelet adhesiveness increased as it also did after feeding groundnut, sesame or coconut oils.

Two mustard oils were tested for carcinogenic activity in XVII x C57 (black) hybrid mice by oral, cutaneous, subcutaneous, and intraperitoneal routes. There was no evidence of malignancy due to either oil at the site of treatment or in the remote organs even though the animals were observed for their complete life span of over two years. One of the oils was obtained from the Indian Agricultural Research Institute; New Delhi, and the other from the Rah Oil Mills, Bombay. Direct inquiry by the Select Committee of the authors and the Indian Agricultural Research Institute provided little additional information concerning the identity of these oils; the IARI sample was of unknown origin and the Raj sample was a market sample and believed to be a mixture. In more recent work the same investigators found no evidence of carcinogenicity in mice administered laboratory expressed refined mustard oil (see source not indicated) by stomach tube five days each week for their life span. Under the same conditions, one of 27 mice fed a market sample of mustard oil (seed source not indicated) developed transplantable gastric carcinoma in 13 months.

All of the available safety information on brown and yellow mustard and their derivatives has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

The two mustards (brown and yellow) commonly used in the United States are derived from two *Brassica* species that differ with respect to the major chemical constituents of their essential oils. The available information shows that the characteristic isothiocyanates, other known constituents, and decomposition products of the essential oils of both mustards, have low orders of oral toxicity in experimental animals. Further, there is no reported evidence that orally administered doses of these constituents are carcinogenic, teratogenic, or mutagenic. However, interpretation of the available information suffers from a general lack of specificity on the part of investigators concerning the identity of the particular mustard used in their experiments, and from the fact that the major constituents of the essential oils are either very volatile or unstable, making it speculative how much of each of these substances was actually present in the preparation tested. The industrial practice of using mixtures of mustards to impart desired flavors compounds the problem of relating the results of toxicological studies to conditions that may exist in foods. For the same reasons, the amounts of the essential mustard oil constituents actually present in foods at the time of consumption are unpredictably variable, but must be less than the amounts calculated from the reported daily human intake levels of mustard.

The Select Committee has made an exhaustive search for information relevant to the health aspects of mustard and mustard oils as food ingredients and is confident that the literature evaluated in this report is representative and significant as a basis for judgment. However, because of the long history of use of the mustards in or on foods without apparent adverse effects on man, and because, as a consequence, they have been generally recognized as safe, there have been few well-defined toxicological studies. The Select Committee is of the opinion that the mustards are examples of substances where more definitive toxicological studies on representative samples of the products actually used by food industry would be useful in confirming the apparent absence of adverse health effects when they are used in or on foods. Moreover, in products like the mustards, which consist of variable mixtures of mustard seeds containing several chemical entities, the toxicological study of the products are actually used, at levels that approximate or exceed those now in current use, would be of greater significance and usefulness than the separate study of constituents known or assumed to be present.

It is the conclusion of the Select Committee that there is no evidence in the available information on allyl isothiocyanate, *p*-hydroxybenzyl isothiocyanate, and brown and yellow mustard that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on brown and yellow mustard, and their derivatives (including reports of teratogenic tests on treated and untreated mustard flour and mutagenic tests on yellow mustard which were not available when the Select Committee formed its conclusion), the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of brown and yellow mustard and their derivatives is justified. The Commissioner further concludes that the information developed for this safety review forms a sound scientific basis for specifically affirming the GRAS status of allyl isothiocyanate, and he therefore proposes that its use, as described in § 172.515(b), be affirmed as GRAS in Part 184 and deleted from the list of synthetic substances in § 172.515(b).

Copies of the scientific literature review on oil of mustard, and *p*-hydroxybenzyl isothiocyanate, reports of mutagenic tests for yellow mustard and oil of mustard, reports of teratogenic tests for oil of mustard and mustard flour, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price[1]
Oil of mustard (scientific literature review)	PB-221-215	A04	$4.50
Oil of mustard (teratology tests)	PB-223-812/AS	A04	4.50
Para-hydroxyblenzyl isothiocyanate (scientific literature review).	PB-228-545/AS	A02	3.50
Oil of mustard (mutagenic tests)	PB-245-470/AS	A08	6.75
Mustard, yellow (mutagenic tests)	PB-245-503/AS	A03	4.00
Mustard flour—untreated (teratology tests)	PB-245-523/AS	A03	4.00
Mustard flour—treated (teratology tests)	PB-245-525/AS	A03	4.00
Mustard and oil of mustard (select committee report)	PB-254-528/AS	A03	4.00

[1] Price subject to change.

The proposed action does not affect the present use of brown and yellow mustard and their derivatives for pet food or animal feed.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055; 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 172, 182 and 184 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.515 [Amended]

1. In § 172.515: Synthetic flavoring substances and adjuvants, by deleting

[1] Stypvan: a preparation of Russell's viper venum, used as a thromboplastic agent in the one-stage prothrombin time test.

the entry for "Allyl isothiocyanate; mustard oil" from the list of substances in paragraph (b).

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.10 [Amended]

2a. In § 182.10: Spices and other natural seasonings and flavorings, by deleting the entries for "Mustard, black or brown", "Mustard, brown", and "Mustard, white or yellow".

§ 182.20 [Amended]

b. In § 182.20: Essential oils, oleoresins (solvent-free), and natural extractives (including distillates), by deleting the entry for "Mustard".

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 184.1527 to read as follows:

§ 184.1527 Mustard and its derivatives.

(a) Mustard is derived from the seed of certain plants of the family Cruciferae. Some of the principal botanical species from which white or yellow (CAS Reg. No. 000057-06-7) mustard is derived are *Brassica hirta* (L.) Moench, *Brassica alba* (L.) *Boiss*, and *Sinapis alba* (L.). Brown (black) or oriental mustard (CAS Reg. No. 977051-38-9 or 977002-01-9) is derived principally from the seeds of *Brassica juncea* (L.) Czerniaew or Cosson, and *Brassica nigra* (L.) Koch. Mustard is used as the whole seed, ground meal or flour with some fixed oil or hulls removed, and as the essential oil which is more than 90 percent allyl isothiocyanate for brown mustard. The essential oil of brown mustard is separated from the macerated seeds by steam distillation after most of the fixed oil has been expressed from the seeds and after the macerated product has undergone endogenous enzymatic activity. Allyl isothiocyanate can be synthesized by reacting allyl iodide with potassium thiocyanate.

(b) Allyl isothiocyanate (C_4H_5NS, CAS Reg. No. 57-06-7) meets the specifications of the Food Chemicals Codex (FCC), 2d Ed. (1972).[2] Brown (black) or oriental, and white or yellow mustard seeds meet the following specifications:

(1) Moisture, not more than 10 percent of total sample weight when determined by drying at 105° C. for 5 hours, and in accordance with the FCC test (p. 931).

(2) Total ash, not more than 5.5 percent on dry weight basis when determined by FCC test (p. 868).

(3) Total heavy metals, not more than 10 ppm on dry weight basis when determined by FCC test (p. 920) as modified by the first supplement to FCC (1974).

(4) Arsenic, not more than 2 ppm on dry weight basis when determined by FCC test (p. 865) as modified by the second supplement to FCC (1975).

(5) Lead, not more than 5 ppm on dry weight basis when determined by FCC test (p. 929).

(6) The allyl isothiocyanate content in *B. nigra* and *B. juncea* should conform to the representation of the vendor when determined by the procedure in the 12th edition of the Official Methods of the Association of Official Analytical Chemists, sections 30.026 and 30.027.[3]

(7) The *p*-hydroxybenzyl isothiocyanate content in *B. alba* should conform to the representation of the vendor when determined by the procedure of Raghavan *et al.*, "Journal of the Science of Food and Agriculture" 22:523-525, 1971.[4]

(c) Mustard and its derivatives are used as flavoring agents and adjuvants as defined in § 170.3(o)(12) of this chapter.

(d) The ingredients are used in foods at levels not to exceed good manufacturing practices. Current good manufacturing practice results in the following maximum levels, as served:

(1) Brown (black) or oriental mustard: 0.3 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 19 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 2 pecent for fats and oils as defined in § 170.3(n)(12) of this chapter, 0.5 percent for gravies and sauces as defined in § 170.3(n)(24) of this chapter, 1.0 percent for nuts and nut products as defined in § 170.3(n)(32) of this chapter, and 1 percent or less for all other food categories;

(2) Yellow (white) mustard: 20 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 1.9 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, 0.2 percent for meat products as defined in § 170.3(n)(29) of this chapter, 1.9 percent for snack foods as defined in § 170.3(n)(37) of this chapter, and 1.7 percent or less for all other food categories; and

(3) Allyl isothiocyanate: 0.05 percent for gravies and sauces as defined in § 170.3(n)(24) of this chapter, and 0.02 percent or less for all other food categories.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 25, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 12, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-24517 Filed 8-25-77;8:45 am]

[2] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

[3] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

[4] Copies may be obtained from: GRAS Review Branch (HFF-335), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204.

[21 CFR Part 101]

[Docket Nos. 77P-0016 and 77P-0017]

FOOD LABELING

Ingredient Labeling Exemptions

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal would permit all ingredients that act as leavening agents, as yeast nutrients, or as dough conditioners in a food to be listed together in the ingredient statement by their specific common or usual names in parentheses following the appropriate collective names "leavening", "yeast nutrients", or "dough conditioners". The proposed amendment would also permit individual ingredients that act as dough conditioners, yeast nutrients, or leavening agents to be listed in parentheses in other than descending order of predominance; and it would provide for the label declaration of those ingredients used intermittently in the manufacture of a food as dough conditioners, yeast nutrients, or leavening agents even though they may not always be present in the food bearing such labeling.

This proposal is based on petitions submitted to the Food and Drug Administration (FDA) by the American Bakers

Association and is intended to provide a more flexible ingredient labeling format while retaining complete ingredient disclosure to consumers.

DATE: Written comments by October 25, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin,
Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-245-3092).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1976 (41 FR 1156), FDA promulgated regulations amending § 101.4 (21 CFR 101.4, formerly 21 CFR 1.10 prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), concerning the manner in which ingredients are to be declared on the labels of finished foods. One of the results of the promulgation of these regulations is that Trade Correspondence Number 94 (TC-94) was revoked in its entirety. TC-94 had provided that manufacturers of bakery products using ingredients acting as leavening, yeast nutrients, and dough conditioners could declare these ingredients as such on labels of bakery products in place of the specific common or usual names of these ingredients.

In a final role published in the FEDERAL REGISTER of February 12, 1976 (41 FR 6242), FDA issued amendments to the definitions and standards of identity for bakery products and required label declaration of all optional ingredients. The effective date for the ingredient labeling portions of both the January and February 1976 regulations is January 1, 1978.

As a result of these actions, leavening agents, yeast nutrients, and dough conditioners added to bakery products as of January 1, 1978 would be required to be declared by their specific common or usual names in their descending order of predominance in the finished food, whether or not such food conforms to a definition and standard of identity for bakery products.

The American Bakers Association (ABA), 2020 K St. NW., Washington, DC 20006, has submitted two petitions requesting relief from the requirement that leavening agents, yeast nutrients, and dough conditioners added to bakery products be declared by their common or usual name in their descending order of predominance.

One petition (Docket No. 77P-0017) proposes that the Commissioner of Food and Drugs amend § 101.4 to permit all ingredients that act as leavening agents, yeast nutrients, or dough conditioners in bakery products to be listed together in order of predominance in parentheses following the appropriate collective term that describes the ingredients' function.

The second petition (Docket No. 77P-0016) requests that the Commissioner amend the definition and standard of identity for bread in § 136.110 (21 CFR 136.110) to permit the declaration of dough conditioners (other than potassium iodate or calcium iodate) that may be added to bakery products so that the label declaration would be the same whether or not specific dough conditioners were present in the finished food, provided that such declarations are followed by the statement "used as needed."

In support of the proposals, the petitioner submits that, for many years, FDA has permitted leavening agents, yeast nutrients, and dough conditioners to be declared by these collective names, under TV-94 issued in 1940. The petitioner states that on January 1, 1978, when the requirements of § 101.4 become effective, consumers will see on the labels of bakery foods, for the first time, the precise chemical names for leavening agents, yeast nutrients, and dough conditioners. The petitioner contends that, unless additional descriptive language indicating the function of the particular ingredient is placed in the ingredient declaration, the result will be a label less informative to the consumer than the current one. The petitioner argues that consumers are familiar with the collective terms for these ingredients through decades of experience with such names, but are not likely to know that ammonium phosphate, for example, is a yeast nutrient or that monocalcium phosphate is a leavening agent. Labeling that merely states that ammonium phosphate is present in baked goods does not inform consumers of the purpose for such ingredients.

In its petition to amend the standard of identity for bread, ABA states that bakers have found it necessary to add certain safe and suitable ingredients from time to time, depending on raw material variations. For example, if a wheat crop is "weak," it may be necessary to add additional dough strengtheners to obtain a uniformly high quality product. Although bakers know that these ingredients may be needed to produce an acceptable food, they find it impossible to predict in advance what ingredients will be needed at any particular time. The petitioner contends that no legitimate interest would be harmed by granting bakers the right to disclose such ingredients on an "as needed" basis in the ingredient declaration because each of the ingredients involved has already been determined by FDA to be safe and suitable for its intended purpose and all ingredients present will be disclosed on the label. The petitioner contends that the declaration of dough conditioners on an "as needed" basis will provide necessary flexibility in the labeling of bakery products and avoid higher labeling costs that may result in increased prices to the consuming public.

Accordingly, ABA proposes: (1) That FDA permit leavening agents, yeast nutrients, and dough conditioners to be listed by an appropriate collective name with the specific ingredients used listed in parentheses following the collective name for these ingredients; and (2) that FDA permit certain optional ingredients, permitted in certain standardized bakery products and used intermittently as dough conditioners, to be declared on the label followed by the statement "used as needed". The petitioner concludes that adoption of these proposals would provide more informative labeling by disclosing to consumers the ingredients present and their function, without unduly lengthening the label, and would provide bakers the flexibility needed to produce quality products without the cost of frequent label changes.

The full petitions are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857 and may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In addition to these petitions, the agency has received a request for an advisory opinion (Docket No. 77A-0243) concerning the use of the collective names "dough conditioners", "yeast nutrients", and "leavening", when followed by a parenthetical listing of the specific dough conditioners, yeast nutrients, or leavening agents used. The request for this advisory opinion contained arguments similar to those in the petitions.

The agency has responded to this request by issuing an advisory opinion stating that:

> Since the labeling practices suggested do not result in any less ingredient information being provided to the consumer, the agency is of the opinion that for the purposes of § 101.4(b)(2):
>
> (1) Ingredients that act as leavening agents in a food may be declared in the ingredient statement in the order of predominance appropriate for the total of all leavening agents in the food by stating the specific common or usual name of each individual leavening ingredient in descending order of its predominance in parentheses following the collective name "leavening", e.g., "leavening (baking soda, monocalcium phosphate, and calcium carbonate)".
>
> (2) Ingredients that act as yeast nutrients in a food may be declared in the ingredient statement in the order of predominance appropriate for the total of all yeast nutrients by stating the specific common or usual name of each individual yeast nutrient in descending order of predominance in parentheses following the collective name "yeast nutrients", e.g., "yeast nutrients (calcium sulfate and ammonium phosphate)".
>
> (3) Ingredients that act as dough conditioners in a food may be declared in the ingredient statement in the order of predominance appropriate for the total of all dough conditioners in the food by stating the specific common or usual name of each individual dough conditioner in its descending order of predominance in parentheses following the collective name "dough conditioners", e.g., "dough conditioners (L-cysteine, ammonium sulfate)".

A copy of the request for an advisory opinion and the agency's response are also on file in the office of the Hearing Clerk.

The Commissioner has considered both of the petitions submitted by ABA

and concludes that the petitions contain sufficient grounds to warrant publication of a proposed regulation. The Commissioner is of the opinion, however, that the requested exemption should not be limited to products conforming to a definition and standard of identity for bakery products. Consequently, the Commissioner is proposing an amendment to § 101.4 to provide that ingredients that act as dough conditioners, yeast nutrients, or leavening agents may be listed by their specific common or usual names in the ingredient statement in parentheses following the appropriate collective names "leavening", "yeast nutrients", or "dough conditioners". The exemption stated in this manner will apply to all foods utilizing these functional ingredients.

The Commsisioner recognizes that there has been widespread use of the collective names "dough conditioners", "yeast nutrients", and "leavening" in describing these functional ingredients of bakery proudcts. The Commissioner also agrees that the listing of these ingredients together following the appropriate collective term will give additional information to consumers and still provide complete ingredient disclosure for consumers.

The Commissioner advises that the collective name "leavening" is understood to mean any safe and suitable food ingredient or combination of ingredients incorporated into a dough or batter for the purpose of producing carbon dioxide in baked goods to impart texture. The collective name "yeast nutrients" is understood to mean any safe and suitable food ingredient or combination of ingredients used solely for the purpose of promoting growth and activity in yeast-leavened dough products. The collective name "dough conditioners" is understood to mean any safe and suitable food ingredient, or combination of ingredients, used to modify the rheological characteristics of a dough either by directly or indirectly acting on the gluten or by modifying the water absorption capacity of the dough.

On the assumption that the manufacturers are unable to predict in advance the specific dough conditioners, yeast nutrients, and leavening agents to be used in a particular food and they are unable to maintain a uniform quantity of these ingredients in a formulation because of raw material variation, the Commissioner is proposing that the specific dough conditioners, yeast nutrients, and leavening agents need not be listed in descending order of predominance.

In addition, the Commissioner is proposing that ingredients that act as dough conditioners, yeast nutrients, or leavening agents in foods, but which are used intermittently in foods, may be declared in the ingredient statement even though they may not be present in the finished food, provided the ingredients are identified by words indicating that they may not be present, such as "dough conditioners (ammonium chloride and/or L-cysteine)" or "dough conditioners (one or more of the following: Ammonium chloride, L-cysteine, potassium bromate)".

Any ingredient that may act as a leavening agent, dough conditioner, or yeast nutrient but which is added for other purposes (e.g., as a preservative or an enrichment) must be listed separately in its own order of predominance because it performs a function other than that implied under the collective names "dough conditioners", "yeast nutrients", or "leavening".

The Commissioner is of the opinion that the proposed exemption from ingredient labeling for foods will provide sufficient flexibility for the baking industry while retaining complete ingredient disclosure for consumers. Furthermore, because the proposed exemption is a general labeling provision applicable to both standardized and nonstandardized foods, there is no need to amend individual standards of identity.

Other petitions have been received concerning the declaration of sweeteners and nutrients (vitamins and minerals), requesting that such ingredients be treated in a similar manner to that proposed here for "dough conditioners", "yeast nutrients", and "leavening". The Commissioner notes that the label declaration of sweeteners and nutrients was not affected by revocation of TC-94 and these ingredients are widely used in foods other than bakery products. These petitions are under active review within the agency but are not dealt with in this proposal. Manufacturers, therefore, will be expected to declare these ingredients by their common or usual names in order of predominance in accordance with § 101.4.

Effective Date

The effective date for compliance with the existing ingredient labeling requirements of § 101.4 is January 1, 1978. However, this proposal may have a bearing on how manufacturers are required to list certain ingredients in bakery products. To impose new labeling requirements on manufacturers while at the same time proposing to amend such requirements would be unreasonable and not in the consumers' best interest. Therefore, the Commissioner advises that, pending the issuance of a final regulation ruling on this proposal, FDA will not initiate regulatory action against any food product on the basis of improper ingredient declaration of dough conditioners, yeast nutrients, or leavening agents, provided such ingredient declarations are in accordance with this proposal.

The Commissioner proposes that the effective date of any final regulation ruling on this proposal be the date of publication of such final regulation in the Federal Register unless the final regulation differs from this proposal, in which case a reasonable period will be provided for labeling revisions.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 101 be amended in § 101.4 by adding new paragraphs (b) (16), (17), and (18) to read as follows:

§ 101.4 Food; designation of ingredients.

* * * * *

(b) * * *

(16) Ingredients that act as leavening agents in food may be declared in the ingredient statement by stating the specific common or usual name of each individual leavening agent in parentheses following the collective name "leavening", e.g., "leavening (baking soda, monocalcium phosphate, and calcium carbonate)". The listing of the common or usual name of each individual leavening agent in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of leavening agents in the product, the listing of individual leavening agents need not be in descending order of predominance. Leavening agents not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:".

(17) Ingredients that act as yeast nutrients in foods may be declared in the ingredient statement by stating the specific common or usual name of each individual yeast nutrient in parentheses following the collective name "yeast nutrients", e.g., "yeast nutrients (calcium sulfate and ammonium phosphate)". The listing of the common or usual name of each individual yeast nutrient in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of yeast nutrients in the product, the listing of the common or usual names of indivdual yeast nutrients need be in descending order of predominance. Yeast nutrients not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:".

(18) Ingredients that act as dough conditioners may be declared in the ingredient statement by stating the specific common or usual name of each individual dough conditioner in parentheses following the collective name "dough conditioner," e.g., "dough conditioners (L-cysteine, ammonium sulfate)". The listing of the common or usual name of each

dough conditioner in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of dough conditioners in the product, the listing of the common or usual names of individual dough conditioners need not be in descending order of predominance. Dough conditioners not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:".

* * * * *

Interested persons may, on or before October 25, 1977, submit to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration 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. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: August 22, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77–24792 Filed 8–23–77;12:13 pm]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 5]

LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NON-CONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule.

SUMMARY: The variation of the Contract Work Hours and Safety Standards Act which now permits 8 hours a day and 48 hours a week work by contractors providing nursing homecare of veterans before overtime is due is proposed to be revised to permit 8 hours a day and 80 hours in a 14-day period to be worked before overtime is due. This change is to resolve the present conflict between an authorized variation of the Contract Work Hours and Safety Standards Act and the provisions of the Fair Labor Standards Act, which arose as a result of the 1974 amendments to the Fair Labor Standards Act.

DATES: Comments will be received on or before September 26, 1977.

ADDRESS: Written comments may be submitted to the Administrator, Wage and Hour Division, Room S–3502, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, on or before the above date, following which they will be evaluated and appropriate action taken.

FOR FURTHER INFORMATION CONTACT:

William G. Blackburn, Acting Branch Chief, Division of Government Contracts Regulations, Wage and Hour Division, Employment Standards, Administration, Room S–3518, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202–523–7541.

SUPPLEMENTARY INFORMATION: The Contract Work Hours and Safety Standards Act requires payment of overtime for hours worked in excess of 8 in a day and 40 in a week. Section 105 of that Act authorizes the Secretary to prescribe regulations allowing reasonable variations under certain conditions. Pursuant to that authority, 29 CFR 5.14 (d) (3) was issued which permitted contractors providing nursing home care of veterans to be in compliance with the Contract Work Hours and Safety Standards Act by paying overtime for hours worked in excess of 8 in a day and 48 in a week. The Fair Labor Standards Act permitted such overtime and in the interest of consistency between the two Acts, the variation was issued.

In the 1974 amendments to the Fair Labor Standards Act, the applicable provision was changed to require such employers to pay overtime for hours worked in excess of 8 in a day and 80 in a 14-day period. As contractors must comply with the Fair Labor Standards Act (when it is applicable), the present variance may affirmatively mislead contractors who believe that by compliance with the Contract Work Hours and Safety Standards Act variation, they are complying with the Fair Labor Standards Act also. This proposed amendment will resolve the conflict between the variation and the Fair Labor Standards Act as amended.

This document was prepared under the direction and control of Warren D. Landis, Deputy Administrator, Wage and Hour Division, Room S–3502, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone 202–523–8305.

It is proposed to amend § 5.14(d) (3) of 29 CFR Part 5 as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(d) Variations * * *.

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of Section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days is accepted in lieu of the workweek of 7 consecutive days for the purpose of overtime compensation and if such individual receives compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended.

This variance is found necessary and proper and in the public interest to avoid serious impairment of the conduct of Government business.

Signed at Washington, D.C., on this 19th day of August 1977.

XAVIER M. VELA,
Administrator.

[FR Doc.77–24857 Filed 8–25–77;8:45 am]

[29 CFR Part 97]

MIGRANT AND SEASONAL FARMWORKERS

Closeout of Grants Under Title III–B of Economic Opportunity Act

AGENCY: Department of Labor.

ACTION: Proposed Rule.

SUMMARY: The Department of Labor is proposing to close out, as of December 31, 1977, all grants which it administers which were funded under Title III–B of the Economic Opportunity Act of 1964, as amended (Pub. L. 88–452, 78 Stat. 508, as amended), and were transferred to the Department by the Delegation of Authority approved July 6, 1973. The purpose of this proposed regulation is to provide for the closing out of grants which have continued for an extensive period of time.

DATES: Comments on the proposed rule are due by September 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Paul A. Mayrand, Chief, Division of Farmworkers Programs, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION:

WHERE TO SEND COMMENTS

Comments on the proposed rule should be sent to the Assistant Secretary for Employment and Training, Attn: Pierce A. Quinlan, Administrator, Office of

Comprehensive Employment Development, Room 6000, 601 D Street NW., Washington, D.C. 20213.

BACKGROUND

Title III–B of the Economic Opportunity Act of 1964, as amended, authorized programs for migrants and seasonal farmworkers. From 1964 until July 1973, these grants were administered by the Office of Economic Opportunity.

In a Delegation of Authority, approved by the President on July 6, 1973, the Director of Office of Economic Opportunity delegated to the Secretary of Labor the authority to administer migrant and seasonal farmworker grants under Title III–B of the Economic Opportunity Act.

Since 1973, when Congress enacted the Comprehensive Employment and Training Act, Congress has not appropriated any funds to the Department of Labor for the administration of migrant and seasonal farmworker programs under Title III–B of the Economic Opportunity Act. The Department has continued funding existing programs under Sec. 303 of the Comprehensive Employment and Training Act.

On January 4, 1975, Congress enacted Pub. L. 93–644, the Headstart, Economic Opportunity, and Community Partnership Act of 1974. That Act amended the Economic Opportunity Act in several ways. The Act created a Community Services Administration as the successor to the Office of Economic Opportunity. Section 9 of Pub. L. 93–644 amended Section 601 of the Economic Opportunity Act to give the Director of the Community Services Administration responsibility for administering Title III–B of the Economic Opportunity Act. Subsection (c) of the amended Section 601 prohibited the Director from delegating any of the responsibilities under Title III–B to any person who was not programmatically and administratively responsible to the Director. Subsection (d)(1) of the amended Section 601, however, stated that:

(d)(1) All official actions taken by the Director of the Office of Economic Opportunity, his designee, or any other person under the authority of the Economic Opportunity Act of 1964 which are in force on the date of the enactment of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, and for which there is continuing authority under the provisions of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

The Department of Labor still retains authority to administer certain migrant and seasonal farmworker program grants initially funded under Title III–B of the Economic Opportunity Act.

A number of grants which were funded in past years under Title III–B of the Economic Opportunity Act have still not been closed out. Several of these grants contain no specific closing dates. Instead, they contain provisions which state that the grants will continue to remain open until the Department establishes a closing date by regulation. The purpose of this document, therefore, is to propose a regulation whereby all grants funded and administered by the Department of Labor under Title III–B of the Economic Opportunity Act will be given a closing date of December 31, 1977.

Accordingly, it is proposed to amend 29 CFR Part 97, Subpart C by adding the following new section:

§ 97.293 Closeout of migrant and seasonal farmworker program grants funded under Title III–B of the Economic Opportunity Act of 1964, as amended.

All programs funded under Title III–B of the Economic Opportunity Act, as amended, which were transferred to the Department of Labor by the Delegation of Authority approved by the President on July 6, 1973, shall terminate as of December 31, 1977. No grant funds shall be expended for such programs after December 31, 1977. At that time, all organizations holding funds under such grants shall close out such grants pursuant to the Department's instructions.

(Title III–B of the Economic Opportunity Act of 1964, as amended, Pub. L. 88–452, 78 Stat. 508, as amended; Delegation of Authority, 38 FR, July 19, 1973.)

Signed at Washington, D.C., this 1st day of August 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-24477 Filed 8-25-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed is a Local agency that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency listed to process charges deferred to it by the Commission.

DATES: Comments must be received on or before September 9, 1977.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, State and Local Division, Office of Compliance Programs, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Paul K. Lindsay (202) 634–6040, Desk Officer, Equal Employment Opportunity Commission, Office of Compliance Programs, State and Local Division, 2401 E Street, N.W., Room 4050, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.12(i), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210M, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency", § 1601.12. There are three (3) purposes for such designation: First, that the agency receives charges deferred by the Commission pursuant to Section 706 (c) and (d) of the Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agency pursuant to § 1601.19(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1).

At the expiration of the 15-day period, the Commission may effect designation of the agency by publishing it as an amendment to § 1601.12(m).

The proposed "706 Agency" is as follows:

Sioux Falls (South Dakota) Human Relations Commission.

Written comments pursuant to this notice must be filed with the Commission on or before September 9, 1977.

Signed at Washington, D.C., this 24th day of August 1977.

ELEANOR HOLMES NORTON,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.77-25038 Filed 8-25-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1960]

EVALUATION CRITERIA FOR FEDERAL AGENCY OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

Request for Public Comment

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Cross Reference.

SUMMARY: The purpose of this document is to call attention to a document that is published in the Notices section of this issue and that announces the availability of the Federal Agency Safety Program Evaluation Guide.

That notice also requests comments on the possible need for amending 29 CFR Part 1960 as a result of the issuance of the Guide.

DATES: Comments must be received on or before October 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 2100 M Street NW., Room 156, Washington, D.C. 20210, Telephone: 202-653-5502.

Copies of the Guide also may be obtained from regional offices listed in FR Doc. 77-24406 published in the Notices section of this issue.

SUPPLEMENTARY INFORMATION: For the text of the notice described above see FR Doc. 77-24406 published in the Notices section of this issue.

Signed at Washington, D.C., this 18th day of August, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-24405 Filed 8-25-77;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1601]

AMENDMENT OF CORPORATION'S BY-LAWS

AGENCY: Legal Services Corporation.

ACTION: Proposed Amendments to By-Laws.

SUMMARY: Section 1601.44 of the Corporation's By-Laws, 45 CFR 1601.44, provides that the By-Laws may be amended by a vote of a majority of the Directors in office and requires, when feasible, that the proposed amendment shall have been published in the FEDERAL REGISTER at least thirty days before the meeting. Pursuant to this Section, the Legal Services Corporation hereby publishes notice that its Board of Directors will consider certain proposed amendments at the September 14, 1977, meeting.

DATES: Comments should be received by September 9, 1977.

ADDRESSES: Send comments to: Office of General Counsel, Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Linda Davis, 733 15th Street NW., Suite 700, Washington, D.C. 20005 (202) 376-5113.

SUPPLEMENTARY INFORMATION:

PROPOSED AMENDMENTS

A. The following amendments to the Corporation's By-Laws, Part 1601, will be required if either S. 1303, 95th Cong., 1st Sess. (1976), or H.R. 6666, 95th Cong., 1st Sess. (1976) is enacted. The provisions of Part 1601 dealing with notice of meetings and executive sessions would have to be amended to conform to the requirements of the Government in the Sunshine Act, 5 U.S.C. 552b, which both bills apply to the Corporation. The proposed changes in the By-Laws are contained in the following chart:

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
Subpart D—Meetings of Directors **§ 1601.15 Regular meetings.** (a) Regular meetings of the Board shall be held at least four times a year, on the first Friday of March, June, October, and December, if not a legal holiday or, if a legal holiday, then on the next business day following, at 10 a.m., or at such other date and time as shall be determined by a majority of the members of the Board. Such regular meetings shall be held in the District of Columbia unless a majority of the members of the Board otherwise determine. Notice of the place of a regular meeting shall be mailed to each Director at least ten days before the date of the meeting [or shall be telegraphed or delivered at least five days before such date.]	Delete "five" and add: "seven." Alternative: delete entire phrase enclosed by brackets.	The Sunshine Act requires the Corporation to make "public announcement" at least seven days before the meeting. The change is not required by the Sunshine Act, but it seems reasonable to require that Directors receive notice at approximately the same time as the public announcement.
(b) In the event a majority of the members of the Board agree to postpone a regular meeting, notice of such postponement shall be mailed to each Director at least five days before the scheduled date for such meeting or shall be telegraphed or delivered at least three days before such scheduled date. In the event a majority of the members of the Board agree to reschedule a regular meeting to a date in advance of the scheduled date for such meeting, notice of such rescheduling shall be mailed to each Director [at least twenty-one days before the rescheduled date for such meeting or shall be telegraphed or delivered at least fifteen days before such rescheduled date.] Every such notice shall specify the place, day, and hour of the rescheduled meeting.	Delete matter in brackets and insert in lieu thereof, "at the earliest practical time."	Under the Sunshine Act, the agency may change the time or place of a meeting " only if the agency publicly announces [the] change at the earliest practicable time."
§ 1601.16 Special meetings. Special meetings of the Board may be called by the Chairman of the Board or shall be called upon receipt by him of a written request from five or more members of the Board or from the President of the Corporation and four or more members of the Board. [Notice of any such meeting shall be mailed to each Director at least seven days before the date on which the meeting is to be held or shall be telegraphed or delivered at least three days before such date.] Every such notice shall specify the place, day, and hour of the meeting.	Delete material in brackets. Add: "Unless a majority of the Board determines by a recorded vote that Corporation business requires a meeting to be called at an earlier date, notice of any special meeting shall be mailed to each director at least seven days before the date on which the meeting is to be held."	Under 552b(e)(1), the Corporation would be required to make a public announcement seven days in advance of a special meeting unless a majority of the Board determined by a recorded vote that Corp. business required a meeting to be called at an earlier date.

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
§ 1601.17 Notice and waiver of notice.	No change.	
§ 1601.18 Agenda. For each regular and special meeting, the Chairman of the Board or the President of the Corporation shall cause to be prepared an agenda of matters to be discussed at the meeting and shall make reasonable effort to mail the agenda to all Directors as far in advance of the meeting as practicable. [When feasible, the agenda shall be posted at the offices of the Corporation, in an area to which the public has access, at least three days before the date on which the meeting is to be held. Any matters appearing on the agenda which the Chairman of the Board or the President of the Corporation believes should be discussed in an executive session in accordance with § 1601.22 shall be so noted.] [Matters not appearing on the agenda may also be discussed and acted upon at the meeting,] but the Chairman of the Board or the President of the Corporation shall endeavor to include as many matters on the agenda as can be reasonably anticipated.	Delete matter in first set of brackets and insert in lieu thereof, "Public notice of the agenda shall be given in the manner prescribed by the Corporation Regulation implementing Section 552b of Title 5 United States Code. Delete matter in second set of brackets and insert in lieu thereof, "Matters not appearing on the agenda may also be discussed and acted upon in the manner prescribed by the Corporation Regulation implementing Section 552b of Title 5, United States Code,"	Before new matters can be added to the agenda, the Sunshine Act requires (1) a recorded vote by a majority of the Board that Corporation business so requires and that no earlier announcement of the change was possible, and (2) that the Corporation publicly announce any such change and the vote of each member upon the change at the earliest practicable time. Notice of changes in the agenda must be published in the Federal Register.
§ 1601.19 General notice. [Concurrently with the giving of notice to the Directors of any meeting of the Board or any rescheduling thereof, such notice shall be filed for publication in the FEDERAL REGISTER and posted at the offices of the Corporation in an area to which the public has access.] Reasonable effort shall be made to communicate such notice, at least three days before the meeting, to the chairman of each state advisory council appointed pursuant to section 1004(f) of the Act and to every recipient. Failure to provide general notice in accordance with this Section shall not affect the validity of Board action at such meeting.	Delete matter in brackets and insert in lieu thereof, "Public notice of any meeting of the Board or any rescheduling thereof shall be provided in the manner prescribed by the Corporation Regulation implementing Section 552b of Title 5, United States Code."	Under some circumstances, notice required for directors may not be as great as that required for the public -- some flexibility should be retained here. This makes clear that public notice is governed by the Sunshine Act.
§ 1601.20 Organization of directors meeting.	No change	

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
§ 1601.21 Quorum, manner of acting, and adjournment. (b) A majority of the Directors present at a duly convened meeting, whether or not they shall comprise a quorum, may temporarily adjourn the meeting. [Whenever a meeting is temporarily adjourned to a date not more than five business days following such adjournment, it shall not be necessary to give any notice of the adjourned meeting or of the business to be transacted thereat otherwise than by an announcement at the meeting at which such adjournment is taken.]	Delete matter in brackets. Substitute: "When a meeting is temporarily adjourned to a subsequent date, the Corporation shall publicly announce such change at the earliest practicable time."	

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
1601.22 Public meetings; executive sessions. (a) All meetings of the Board shall be open to the public unless two-thirds of the Directors eligible to vote determine that consideration of specific matter on a specific occasion shall be closed to the public. That part of a meeting closed to the public shall be known as an executive session. Agenda and non-agenda items may be considered in an executive session. An executive session shall consider only matter for which the required determination has been made. The chairman of the meeting shall announce the subject of the executive session prior thereto. (b) In determining whether an executive session is required the Board shall be governed by the principle that the public is entitled to the fullest information regarding the decision-making process of the Corporation consistent with the protection of personal privacy or with compelling interests of the Corporation or the public.	Delete in toto. Change heading to "Open Meetings; Closed Meetings" Substitute: "All meetings of the Board shall be open to the public except when closed in accordance with the Corporation Regulation implementing Section 552b of Title 5 of the United States Code.	The current section is superseded by the Sunshine Act. --the change in heading tracks the terminology of the Sunshine Act --under the Sunshine Act a majority of the Board may close a meeting only under specific exemptions.
§ 1601.23 Public participation.	No change.	

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
1601.24 Minutes. The minutes of each meeting of the Board, [including an executive session,] shall record the names of the Directors present, the actions taken, and the result of each vote. If there is a division on a vote, the minutes shall record the vote of each Director. [Minutes shall reflect discussions held in executive session, including as much information as possible about such discussions without compromising the purpose for which such meeting was closed to the public.] A copy of the minutes of each meeting shall be supplied to each member of the Board in advance of the next meeting and shall be presented for approval by the Board at such meeting. The minutes of each meeting shall be available for inspection by the public in the form supplied to, and in the form approved by, the Directors.	delete delete Add: "Records of all closed meetings shall be kept and made available to the public in accordance with the Corporation Regulation implementing Section 552b of Title 5, United States Code."	Under 552b(f)(1) of the Sunshine Act, the Corporation will be required to maintain a complete transcript or electronic recording for meetings closed under some of the exemptions. Under others (i.e., meetings relating to adjudicatory proceedings or civil actions) minutes may suffice. The Sunshine Act does not require either a transcript, recording, or minutes for an open meeting.
§ 1601.25 Action by directors without a meeting. Any action which may be taken at a meeting of the Board may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the Directors and general notice of the proposed action is published in the manner prescribed by § 1601.19 on or before the date when such consents are first solicited. Any such action so taken shall be included on the agenda of the next meeting of the Board for discussion, ratification, or such other action as may be indicated by the circumstances.	Delete matter enclosed in brackets and insert in lieu thereof, "When practicable, public notice of the proposed action shall be given on or before the date when such consents are first solicited.	Notation procedure is permitted by the Sunshine Act. There is no notice requirement. §1601.19 procedures for notice are substantially altered by the Sunshine Act.

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
Subpart E—Committees **§ 1601.26 Establishment and appointment of committees.**	No change.	
§ 1601.27 Committee procedures. (a) Except as otherwise provided in these By-laws or in the resolution establishing the committee, a majority of the voting members thereof, or one-half of such members if their number is even, shall constitute a quorum: *Provided*, That if the Chairman of the Board is present, he may be counted in lieu of any absent voting member for quorum purposes. The vote of a majority of the voting members present at the time of a vote, if a quorum is present at such time, shall be the act of the committee. Meetings of each committee shall be called by the chairman of the committee or any two members of the committee, with notice thereof provided to each committee member including the Chairman of the Board. [An agenda shall not be required for a committee meeting, but shall be furnished with the notice when feasible.]	The requirements of the Sunshine Act will apply also to "subdivisions" of the Board. If we require posting of agenda as part of "public announcements" for regular Board meetings, it would be consistent to apply the same requirement to committees of the Board, in which event the matter enclosed in brackets should be deleted. An alternative would be to delete matter enclosed in brackets and add as the last paragraph of paragraph (b): "When practicable, the agenda for a committee meeting shall be furnished as part of the public notice."	
(b) Notice of a committee meeting shall be provided to members of the committee in the manner required for notice of special meetings of the Board by §§ 1601.16 and 1601.17(a). Notice may be waived in the manner described in § 1601.17(b). [When feasible, general] notice of a committee meeting shall be given in the manner described in [§ 1601.19] but failure to provide general notice shall not affect the validity of action at such committee meeting.	Delete "When feasible, general" and add in lieu thereof, "Public"; and delete "§1601.19" and add in lieu thereof, "the Corporation Regulation implementing Section 552b of Title 5, United States Code."	
(c) All meetings of a committee shall be open to the public unless a majority of the voting members of the committee, or one-half of such members if their number is even, determine that part or all of the meeting shall be in executive session closed to the public; provided that, in the case of a committee to which has been delegated the power of the Board to act on any matter, an executive session shall not be held with respect to such matter unless two-thirds of the committee members eligible to vote make such determination pursuant to the provisions of § 1601.22.	Delete all of paragraph (c) and insert in lieu thereof: "All meetings of a committee shall be open to the public unless a majority of voting members of the committee, or one-half of such members if their number is even, determines that part or all of the meeting may be closed in accordance with the Corporation Regulation implementing Section 552b of Title 5, United States Code."	

CURRENT PROVISION	PROPOSED CHANGES IN BY-LAWS	EXPLANATION
§ 1601.27 Committee procedures. (d) [Minutes] shall be kept of each committee meeting in the manner described in § 1601.24. The minutes shall be available for inspection by the public. (e) Any Director and the President of the Corporation shall have access to the records of any committee irrespective of whether he is a member of the committee.	Delete "Minutes" and Add "Records".	
§ 1601.34 The secretary. The Secretary shall (a) ensure that all notices are duly given in accordance with the Act and these By-laws; (b) be the custodian of the seal of the Corporation and affix such seal to all documents the execution of which is authorized by the Board or by any officer or employee of the Corporation to whom the power to authorize the affixing of such seal shall have been delegated; (c) keep, or cause to be kept, in books provided for the purpose, minutes of the meetings of the Board and of each committee of the Board;[A](d) ensure that the books, reports, statements, and all other documents and records required by law are properly kept and filed; (e) sign such instruments as require the signature of the Secretary; and (f) in general, perform all the duties incident to the office of the Secretary and such other duties as from time to time may be assigned to him.	Delete ";" at end of paragraph (c) and add: "and all other records of meetings of the Board which may be required by law;".	The Sunshine Act requires transcripts or electronic recordings to be kept of some closed meetings.

B. The following non-substantive, technical amendments to the By-Laws are proposed in order to remove unnecessary, misleading, or ambiguous provisions:

Section 1601.14, regarding compensation of Directors, should be amended to delete references to rates established for consultants to the Federal Government, since such rates are not uniform. The amended provision would read:

§ 1601.14 Compensation.

Directors shall be entitled to receive compensation at appropriate rates prescribed by th Board, not in excess of the per diem equivalent of the rate of level V of the Executive Schedule specified from time to time in section 5316 of title 5, United States Code, for their services as members of the Board or of any committee thereof and reimbursement for travel, subsistance, and other expenses necessarily incurred in connection therewith. * * *

Section 1601.28 should be amended by inserting in the third sentence thereof, between "appointed" and "by", "by the Presidet or".

The amended provision would read:

§ 1601.28 Officers.

The officers of the Corporation shall be a President, a Secretary, a Treasurer, a Comptroller, and such other officers as the Board determines to be necessary. The President of the Corporation shall be appointed by a majority of the Directors in office. Other officers shall be appointed by the President or by the Board after consultation with the President of the Corporation. * * *

Section 1601.29, concerning the election, term of office and qualifications for officers, should be amended to eliminate the requirement that officers be appointed annually.

The amended provision would read:

§ 1601.29 Election, term of office and qualifications.

The officers of the Corporation shall be appointed whenever a vacancy arises. * * *

Section 1601.30 should be amended by inserting, between "removed" and "by", "by the President or". The amended provision would read:

§ 1601.30 Removal.

The President of the Corporation may be removed by a majority of the directors in office, and any other officer may be removed by the President or by the Board pursuant to the quorum and voting provisions of § 1601.21 but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

§ 1601.33 [Amended]

Section 1601.33(c), regarding the authority of the President, should be amended by inserting at the end thereof "The President may delegate whatever duties he deems appropriate for delegation."

1601.35 [Amended]

Section 1601.35, regarding the authority of the Treasurer, should be amended by inserting at the end thereof "The Treasurer may delegate whatever duties he deems appropriate for delegation."

Section 1601.37, dealing wih the compensation of officers, should be amended by deleting fronf the first sentence thereof "or a Vice President", and inserting, after "by a committee", "or by the President".

The amended provision would read:

§ 1601.37 Compensation.

The compensation of the officers shall be fixed from time to time by the Board or in the case of an officer other than the President, by a committee, or by the President or another officer to whom such authority is delegated, at rates not in excess of amounts permitted by law. * * *

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc.77-24418 Filed 8-25-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 21005]

INTERNATIONAL TELEX SERVICE WITH DOMESTIC TELEX AND TWX SERVICES

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: This Order extends, at the request of TRT Telecommunications Corporation and ITT World Communications Inc., the time for filing Replies in Docket No. 21005, the Commission's inquiry into the rate structure for international telex service.

DATE: Reply comments must be received on or before September 12, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John F. Copes, International Programs Staff, Common Carrier Bureau, 202-632-3214.

Adopted: August 19, 1977.

Released: August 23, 1977.

Order. In the matter of Interface of the International Telex Service with the Domestic Telex and TWX Service, Docket No. 21005.

1. By order in this proceeding, released August 3, 1977, we set August 22, 1977 as the date for filing replies in the above referenced proceeding. We have before us for consideration Motions for Extension of Time filed by TRT Telecommunications Corp. on August 9, 1977, and by ITT World Communications Inc. on August 12, 1977, in which the petitioners seek extension until September 12 and September 21, 1977, respectively, of the time to file replies. In support of their motions, the petitioners cite the press of other regulatory matters and the absence of key personnel due to the vacation period. The requests were not opposed.

2. We believe that an extension of three weeks will be reasonable and will not unduly delay the resolution of this proceeding. We note that no party has objected to the grant of an extension and it appears that no one will be prejudiced thereby.

3. *Accordingly, it is ordered*, That the time for filing Reply Comments in this proceeding is extended until September 12, 1977.

4. *It is further ordered*, That, pursuant to § 0.303 of the Commission's rules, the above-referenced Motions of ITT World Communications Inc. and TRT Telecommunications Corp. are granted, to the extent provided for herein, but otherwise are denied.

FEDERAL COMMUNICATIONS COMMISSION,
W. RANDOLPH YOUNG,
Acting Chief,
Common Carrier Bureau.

[FR Doc.77-24811 Filed 8-25-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Oxbow National Wildlife Refuge, Massachusetts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that it is proposed to add Oxbow National Wildlife Refuge, Massachusetts, to the lists of refuge areas open for the hunting of migratory game birds, upland game and big game. The Director has determined that this action is compatable with the major purposes for which this refuge was established and that there is public demand for additional recreational opportunity. Hunting will provide additional public recreational opportunity subject to annual special regulations.

DATES: Comments must be received on or before September 15, 1977.

ADDRESS: Comments may be addressed to the Director (FWS/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Ralph Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202-343-4305.

SUPPLEMENTARY INFORMATION: Ralph H. Town is also the primary author of this proposed rule. Pursuant to the requirements of section 102(2)(C), of the National Environmental Policy Act

of 1969 (42 U.S.C. 4332(2)(C)) an environmental assessment has been prepared on this proposal, which is available for public inspection and copying at Room 2340, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, or by mail, addressing the Director at the address given above. Based on this assessment, the Director has determined that this rulemaking does not constitute a major Federal action significantly affecting the human environment.

Special circumstances are involved in the promulgation of this rulemaking which limit the amount of time which the Service can allow for public comment. Specifically, this is a cooperative program with the State which will manage the hunting. Opening dates for State hunting seasons are rapidly approaching and the public interest would not be served by delaying the opening of the refuge unnecessarily. Nevertheless, it is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions or objections regarding the proposal to the Director by September 15, 1977. All relevant comments received will be considered by the Director prior to the issuance of a final rulemaking.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107. Accordingly, it is proposed to amend 50 CFR 32 by the addiiton of Oxbow National Wildlife Refuge to the following sections;

§ 32.11 List of open areas; migratory game birds.

MASSACHUSETTS

Oxbow National Wildlife Refuge.

§ 32.21 List of open areas; upland game.

MASSACHUSETTS

Oxbow National Wildlife Refuge.

§ 32.31 List of open areas; big game.

MASSACHUSETTS

Oxbow National Wildlife Refuge.

Dated: August 23, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc.77-24865 Filed 8-25-77;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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their porgrams, will meet in Plenary Session on Thursday, September 15, 1977 at 1:45 p.m. and on Friday, September 16, 1977 at 9:45 a.m. in Hearing Room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C.

The Conference will consider the following matters:

1. A proposed recommendation regarding legislative veto of administrative regulations.

2. A proposed recommendation regarding judicial review of actions of the U.S. Customs Service.

3. A proposed recommendation regarding ex parte communications in informal rulemaking proceedings.

Plenary Sessions of the Conference are open to the public. Further information on the meeting, including copies of proposed recommendations and supporting reports, may be obtained from the Office of the Chairman, 2120 L Street NW., Suite 500, Washington, D.C. 20037, telephone 202-254-7020.

Dated: August 22, 1977.

JOSEPH B. SCOTT,
Executive Director.

[FR Doc.77-24812 Filed 8-25-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CASH IN LIEU OF COMMODITIES

Value of Donated Commodities for Fiscal Year 1977

The Department issued a notice (42 FR 14137) on March 15, 1977, to comply with section 6(b) of the National School Lunch Act, as amended (7 U.S.C. 1755 (b)), and the regulations governing Cash In Lieu of Commodities (7 CFR Part 240) which require the Secretary of Agriculture to make an estimate every February 15 of the value of agricultural commodities and other foods that will be delivered during the fiscal year for school food service programs under the provisions of section 6 of the National School Lunch Act, as amended (7 U.S.C. 1755); section 416 of the Agriculture Act of 1949, as amended (7 U.S.C. 1431); and of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c). It was determined at that time that the value of commodities and other foods that were to be delivered to school food service programs during fiscal year 1977 would not be less than 90 per centum of the value of the deliveries initially programmed for this year. Therefore, there was no cash payment under section 6(b) on March 15 for fiscal year 1977.

Section 6(e) of the National School Lunch Act, as amended (7 U.S.C. 1755 (e)), requires a minimum national average value per lunch of donated foods or payment of cash in lieu thereof. For fiscal year 1977, this national average value has been established at 11.75 cents per lunch (41 FR 29893) and, as provided in § 240.3(c) of the regulations, a determination was made as of August 1, 1977, that a cash payment would be necessary to meet this requirement.

The Secretary has determined that a shortfall of $34,848,000 will occur in the value of foods to be delivered during the fiscal year ending September 30, 1977, to States which have been receiving donated commodities for use in schools participating in the National School Lunch Program. Notice is hereby given, therefore, that the Secretary will make cash payments to such States not later than September 1 for the fiscal year ending September 30, 1977, in a total amount of $34,848,000 to compensate for such shortfall. These cash payments will be made upon the terms and conditions contained under the Cash In Lieu of Commodities regulations (7 CFR Part 240). Particular attention is called to the following provisions of the regulations:

(1) The share of the total funds to be paid to any State shall bear the same ratio to the total of such payments to all such States as the total number of lunches reported served meeting the requirements of § 210.10 of the National School Lunch Program regulations (7 CFR Part 210) in participating schools in such State from July 1, 1976 through June 30, 1977, plus the estimated number of lunches to be served the following three months based on the lunches served during July, August, and September 1976, bears to the total of all such lunches served in all such States during that period. *Provided, however,* That in any State in which the Food and Nutrition Service Regional Office, hereinafter referred to as FNSRO, administers school food service programs in the nonprofit private schools, the Secretary shall withhold from the funds so determined an amount that bears the same ratio to the total of such funds as the total number of lunches reported served meeting the requirements of § 210.10 of the National School Lunch Program regulations in participating nonprofit private schools in such State bears to the total of such lunches served in all the schools in such State during that period.

(2) The funds to be made available in accordance with this notice shall be distributed to States by means of a Department of the Treasury check. The total funds to be paid to each State are shown in the table below.

(3) State agencies and FNSROs shall promptly and equitably distribute the funds received under this notice to school food authorities participating in the National School Lunch Program.

(4) On or before disbursing funds to participating schools, State agencies and FNSROs shall notify such schools that such funds shall be expended only for the purchase of agricultural commodities and other foods to be used in their nonprofit school lunch program during the fiscal year in which the funds are made available.

Apportionment of funds for cash payments to State agencies and regional offices in lieu of food commodities programmed for distribution to schools during fiscal year 1977:

State	Total	State agency	Regional office
Alabama	$792,032	$777,983	$14,049
Alaska	32,164	32,164	.....
Arizona	353,704	353,704	.....
Arkansas	456,957	448,863	8,094
California	2,305,142	2,305,142	.....
Colorado	408,845	399,167	9,678
Connecticut	343,660	343,660	.....
Delaware	102,786	102,786	.....
District of Columbia	88,905	88,905	.....
Florida	1,419,661	1,419,661	.....
Georgia	1,267,251	1,266,867	384
Guam	22,280	22,280	.....
Hawaii	212,438	200,110	12,328
Idaho	144,826	144,826	.....
Illinois	1,412,887	1,412,887	.....
Indiana	891,845	891,845	.....
Iowa	635,083	635,083	.....
Kansas	(1)	(1)	(1)
Kentucky	758,498	758,498	.....
Louisiana	1,021,658	1,021,658	.....
Maine	186,230	177,229	9,001
Maryland	532,412	532,412	.....
Massachusetts	974,298	974,298	.....
Michigan	1,064,703	1,064,703	.....
Minnesota	737,945	737,945	.....
Mississippi	624,287	624,287	.....
Missouri	845,545	843,565	1,980
Montana	125,915	121,097	4,818
Nebraska	334,554	312,476	22,078
Nevada	81,423	81,423	.....
New Hampshire	128,020	128,020	.....
New Jersey	881,911	881,911	.....
New Mexico	247,052	247,052	.....
New York	2,143,831	2,143,831	.....
North Carolina	1,297,307	1,297,307	.....
North Dakota	127,495	117,534	9,961
Ohio	1,506,666	1,414,513	92,153
Oklahoma	516,669	516,669	.....
Oregon	333,327	333,327	.....

State	Total	State agency	Regional office
Pennsylvania	1,738,765	1,738,765	.....
Puerto Rico	721,046	721,046	.....
Rhode Island	102,015	102,015	.....
Samoa, American	11,557	11,557	.....
South Carolina	683,695	674,164	9,531
South Dakota	144,437	144,437	.....
Tennessee	834,389	833,339	11,050
Texas	2,303,912	2,256,678	47,234
Trust Territory	26,320	26,320	.....
Utah	297,015	297,015	.....
Vermont	77,284	77,284	.....
Virginia	969,152	956,361	12,791
Virgin Islands	27,596	27,596	.....
Washington	457,732	444,395	13,337
West Virginia	310,102	310,102	.....
Wisconsin	720,099	720,099	.....
Wyoming	62,672	62,672	.....
Total	34,848,000	34,569,533	278,467

[1] Received all cash under sec. 16(a) of the National School Lunch Act.

Effective date: This notice shall become effective August 26, 1977.

Dated: August 23, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-24855 Filed 8-25-77;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC., BENSON, ARIZONA

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 $29,000,000 to Arizona Electric Power Cooperative, Inc., Benson, Arizona. These loan funds will provide AEPCO with the necessary financing required to initially develop the Gamerco Coal Properties located near Gallup, New Mexico. The output of this coal facility will be used as the fuel supply for AEPCO's two new coal-fired generating units, which are presently under construction at the cooperative's existing Apache Station.

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. Jerry Flanders, Assistant Manager, Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

In order to be considered, proposals must be submitted on or before September 26, 1977 to Mr. Flanders. The right is reserved to give such conideration and make such evaluation or other disposition of all proposals received, as AEPCO 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 19th day of August 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-24791 Filed 8-25-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30782]

CALIFORNIA-TORONTO/MONTREAL ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 12, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Board's Order 77-8-95 dated August 19, 1977, the Notice to All Parties issued by the Administrative Law Judge on August 22, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 22, 1977.

WILLIAM A. KANE, JR.,
Administrative Law Judge.

[FR Doc.77-24858 Filed 8-25-77;8:45 am]

[Docket No. 26487]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Change in Date for Oral Argument

Notice is hereby given that the oral argument in this proceeding, heretofore scheduled to be held before the Board on September 14, 1977 (42 FR 41892, August 19, 1977), has been rescheduled to September 28, 1977, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C. August 22, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-24859 Filed 8-25-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Strategic Programs), Assistant Secretary of Defense (Program Analysis and Evaluation), Office of the Secretary of Defense.

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

[FR Doc.77-24781 Filed 8-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Under Secretary, Office of the Under Secretary, Office of the Secretary.

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

[FR Doc. 77-24784 Filed 8-25-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Service Support Division, Office of Assistant Secretary for Public Affairs, Office of the Secretary.

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

[FR Doc.77-24785 Filed 8-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant

to the Secretary, Immediate Office, Office of the Secretary.

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

[FR Doc.77-24782 Filed 8-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Intergovernmental Affairs, Office of the Under Secretary, Office of the Secretary.

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

[FR Doc.77-24783 Filed 8-77;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-571]

STATES STEAMSHIP CO.

Application

Notice is hereby given that States Steamship Company, 320 California Street, San Francisco, California 94104, has applied, by letter dated August 5, 1977, for a one-year operating-differential subsidy agreement (ODSA) pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act) to provide the same service on Trade Route No. 29 (U.S. Pacific/Far East) that States is presently providing. If the application is granted, the short-term contract would begin upon the termination of States' present ODSA, Contract No. FMB-62, presently due to expire on December 31, 1977, and run until the earlier of (1) December 31, 1978, including voyages in progress that date, or (2) completion of the administrative processing of States' application for a twenty-year contract (Docket No. S-447), to replace Contract No. FMB-62. The number of vessels, service description and sailing maxima under the proposed one-year contract will be the same as in States' present contract, No. FMB-62, i.e.,

Vessels:		*Sailing maximum*
5	C4-S-69b breakbulk vessels.	
4	C7-S-95a Ro/Ro vessels, two of which are currently in service and two are expected to enter service, one in August 1977 and the other at a later date.	
Service, (briefly described):		
	Line A, U.S. Pacific Northwest/Far East	16
	Line B, U.S. Pacific/Far East	41
	Line C, California/Far East	38

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on September 12, 1977.

The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate. (Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS)).

Dated: August 23, 1977.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-24790 Filed 8-25-77;8:45 am]

[Docket No. A-118]

DOMESTIC MANUFACTURE OF SLOW SPEED DIESEL ENGINES FOR SHIP PROPULSION

By notice published in the FEDERAL REGISTER of November 9, 1976 (41 FR 49512), the Maritime Administration ("MarAd") announced that it was reconsidering its previously announced policy that for a period of time reasonably required for the development of domestic sources for slow speed marine diesel engines, it would not withhold approval, for purposes of Title V Construction-Differential Subsidy, of vessel designs incorporating slow speed diesels solely on the basis of the presence of foreign components therein. Such policy was announced in the FEDERAL REGISTER on May 7, 1976 (41 FR 18896). The November 9, 1976 publication indicated that comments relevant to reconsideration were invited and that the basis for the Board's final decision on reconsideration would be published in the FEDERAL REGISTER.

On August 9, 1977, the Maritime Subsidy Board rendered its Final Opinion and Order on Reconsideration in this matter, designated Docket No. A-118. The Board made the following findings and conclusions with reference to the Merchant Marine Act, 1936, as amended:

1. The Board has discretionary authority under the "so far as practicable" exception of section 505 of the Act to permit purchase and use of foreign components under the CDS program whenever it finds (a) facts and circumstances which reasonably justify the purchase and use of foreign components, and (b) that such purchase and use would not do violence to the overall intendment of the Act.

2. Facts and circumstances justifying exercise of the "so far as practicable" exception include the lack of an exclusively domestic manufactured slow speed diesel, the difference in design and performance characteristics of the slow speed diesel and other propulsion systems, the advantages of fuel rate consumption and operating costs of the slow speed diesel over other propulsion plants at certain power ranges, and therefore the impracticality of different, less advantageous 100% domestic manufactured power plants in certain power ranges.

3. There is every reasonable expectation that eventually permitting certain limited purchase and use of foreign components in slow speed diesel engines under the CDS program would further and not contravene the purposes, objectives and policy of sections 101, 210, and 505 of the Act.

4. Therefore, the policy contained in the Federal Register Notice of May 7, 1976, entitled Domestic Manufacture of Slow Speed Diesel Engines for Ship Propulsion (41 FR 18896), is reaffirmed, but with two modifications: (i) The words "60 percent" in the third paragraph are modified to read "approximately 60 per cent," but a supplier will be permitted a reasonably higher percentage for initial units if it can be convincingly shown that the higher percentage is essential for its participation and that subsequent units will have a portionately lesser percentage of foreign components. (ii) Any approved manufacturing plan will provide, among other things, that the manufacturer will cooperate in establishing a training course at the federal merchant marine academy for midshipmen and existing sea-going personnel, complete with appropriate training equipment.

Copies of the Board's Final Opinion and Order in Docket No. A-118, served August 12, 1977, may be obtained from the Secretary, Maritime Administration, U.S. Department of Commerce, Room 3099B, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Dated: August 23, 1977.

So ordered by the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.77-24853 Filed 8-25-77;8:45 am]

National Oceanic and Atmospheric Administration

MYSTIC MARINE LIFE AQUARIUM

Issuance of Permit To Take Marine Mammals

On April 26, 1977, notice was published in the FEDERAL REGISTER (42 FR 21306), that an application had been filed with the National Marine Fisheries Service by Mystic Marinelife Aquarium, P.O. Box 190, Mystic, Conn. 06355, for a Permit to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*); and to maintain one (1) beached/stranded harbor porpoise (*Phocoena phocoena*) for the purpose of public display.

The harbor porpoise was taken, under the provisions of the Act, for humane purposes and maintained at the facility until the animal was rehabilitated. The National Marine Fisheries Service has determined that it would be in the best interest and well-being of the harbor propoise to remain in captivity.

Notice is hereby given that on August 15, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for both the above taking and maintaining to Mystic Marinelife Aquarium subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard St., Petersburg, Fla. 33702.

Dated: August 15, 1977.

JOSEPH W. SLAVIN,
Acting Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-24758 Filed 8-25-77;8:45 am]

VIRGINIA INSTITUTE OF MARINE SCIENCE

Issuance of Endangered Species Permits

On May 10, 1977, notice was published in the FEDERAL REGISTER, (42 FR 23775) that applications had been filed with the National Marine Fisheries Service by Virginia Institute of Marine Science (VIMS) Gloucester Point, Va. 23062, and North Carolina Department of Natural and Economic Resources, Division of Marine Fisheries, P.O. Box 769, Morehead City, N.C. 28557, for Scientific Purposes Permits to take and inspecified number of shortnose sturgeon (*Acipenser brevirostrum*), an endangered species of fish.

Notice is hereby given that on August 17, 1977, The National Marine Fisheries Service issued Scientific Purposes Permits, as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); to VIMS and North Carolina Department of Natural and Economic Resources, subject to certain conditions set forth therein.

The Permits authorize the Holder to take shortnose sturgeon (*Acipenser brevirostrum*) by conducting the following activities: (1) Capture, weigh, measure, tag, and release sturgeon incidentally taken by commercial fishery operations in the Albemarle Sound area and the Chesapeake Bay and its tributaries; (2) capture, measure, weigh, tag and release sturgeon in the Atlantic Ocean off North Carolina and Virginia; and (3) retain for scientific purposes, of all captured specimens which inadvertently die.

Issuance of these Permits, as required by the Endangered Species Act of 1973, is based on a finding that such Permits; (1) were applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the Permits; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1972. These Permits were also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The Permits are available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

Dated: August 17, 1977.

JOSEPH W. SLAVIN,
Acting Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-24759 Filed 8-25-77;8:45 am]

GULF WORLD, INC.

Issuance of Permit To Take Marine Mammals

On April 26, 1977, notice was published in the FEDERAL REGISTER (42 FR 21306) that an application had been filed with the National Marine Fisheries Service by Gulf World, Inc., 15412 West Highway 98, Panama City Beach, Fla. 32407, for a permit to take five (5) Atlantic bottlenosed dolphins (*Tursiops truncatus*), five (5) California sea lions (*Zalophus californianus*) and five (5) harbor seals (*Phoca vitulina*).

Notice is hereby given that on August 15, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to Gulf World, Inc., subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930.

Dated: August 15, 1977.

JOSEPH W. SLAVIN,
Acting Deputy Director,
National Marine Fisheries Service.

[FR Doc.77-24760 Filed 8-25-77;8:45 am]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting

Notice is hereby given of a meeting of the North Pacific Fishery Management Council's Scientific and Statistical Committee established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The North Pacific Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the State of Alaska. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meetings will be Thursday and Friday, September 15 and 16, 1977, in the Juneau Hilton Hotel, Juneau, Alaska. The meetings will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meeting may be extended or shortened depending upon progress on the agenda.

PROPOSED AGENDA

SEPTEMBER 15

1. Review of High Seas Salmon F MP/DEIS.

SEPTEMBER 16

1. Review of High Seas Salmon Troll—F MP/DEIS.
2. Other SSC business.

This meeting is open to the public and there will be seating for a limited number of public members available on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about September 5, 197:

Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, telephone 907-274-4563.

At the discretion of the Chairman, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Jim H. Branson at the above address. The public is permitted to file written statements at any time before or after the meeting. However, to receive due consideration and to facilitate inclusion in the record of the meeting, typewritten statements which relate to the agenda items should be re-

ceived no later than 10 days after the close of the meeting.

Dated: August 23, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-24861 Filed 8-25-77;8:45 am]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Western Pacific Fishery Management Council's Scientific and Statistical Committee established in accordance with Section 302(g)(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Western Pacific Fishery Management Council has authority over fisheries within the fishery conservation zone seaward of Hawaii, Guam and American Samoa. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of autohrity, prepare comments on foreign fishing applications, and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting of the Scientific and Statistical Committee will be held on September 14 and 15, 1977, in the conference room of the National Marine Fisheries Service laboratory at 2570 Dole Street, Honolulu, Hawaii, from 9:00 a.m. to 4:30 p.m. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Consideration of the Minutes of the Third Meeting of the SSC Committee.
2. Review of decisions and recommendations of the Sixth Meeting of the Council.
3. Review of progress of the planning teams.
4. Review of recent directives and guidelines on management plan production.
5. Consideration of a draft management plan for the spiny lobster fishery of Hawaii.
6. Test of decision-making methods by application to a draft coral fishery management plan.

This meeting is open to the public, and there will be seating for approximately 15 members of the public on a first-come first-served basis.

Members of the public having an interest in specific items for discussion are advised that changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about September 2, 1977:

Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone: 808-523-1368.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Committee business. Interested members of the public who wish to submit written comments should do so by addressing Mr. Van Campen at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Committee meeting.

Dated: August 23, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-24862 Filed 8-25-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1977 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: August 26, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On March 11, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 13576) of proposed additons to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1977:

CLASS 3990

Pallet, Material Handling (SH), 3990-00-555-0458, (For Sharpe Army Depot, Lathrop, California only).

C. W. FLETCHER,
Executive Director.

[FR Doc.77-24802 Filed 8-25-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-573]

AMATEUR EXAMINATION PROCEDURES

Changes

AUGUST 22, 1977.

The Federal Communications Commission has changed its amateur radio operator examination procedures effective August 18, 1977. Those amateur applicants taking FCC supervised examinations will no longer have to take a separate examination in order to demonstrate their ability to send International Morse Code.

It is a generally accepted fact that persons who communicate by Morse Code build their sending ability at a faster rate than they are able to receive. This is confirmed by the FCC's own experience through the years that virtually everyone who passes the code receiving test is able to pass the sending test. For instance, during May 1977 3,201 applicants passed the FCC receiving test. Only 25 of these (less than one percent) were unable to pass the sending test. Thus, the Commission believes that the applicant who has demonstrated his ability to receive code possesses the ability to send code, and little is gained by requiring a separate sending test.

There has been a five-fold increase in amateur examinations during the past three years and this new examination procedure is intended to help meet these new workload demands on the field examination staff.

No change will occur in the examination procedure for commercial radiotelegraph applicants who are licensed to carry out safety communications related to ships at sea. Additionally, this item does not affect the administration of Morse Code examinations handled by volunteer examiners for Novice licenses.

Action by the Commission August 18, 1977, Commissioners Wiley (Chairman), Fogarty and White acting as a Board.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-24808 Filed 8-25-77;8:45 a.m.]

[Report No. I-381]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

AUGUST 22, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commisson reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules, regulations and its policies. Final action will not be taken on any of these applications earlier than 31

days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

SC 616-DSE-P/L-77 Satellite Systems Corp., Shaw Air Force Base, S.C. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 33°58'51"N., Long. 80°29'18"W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

AL 617-DSE-P/L-77 Satellite Systems Corp., Redstone Arsenal, Ala. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 34°40'43"N., Long. 86°38'23"W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

AR 618-DSE-P/L-77 Satellite Systems Corp., Little Rock Air Force Base, Ark. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 34°54'37"N., Long. 92°09'02"W. Rec. freq: 3700-4200MHz. Emission 36000F9. With a 5 meter antenna.

CT 621-DSE-P/L-77 New World Stratovision, a joint venture, New Milford, Conn. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 41°35'44" N., Long. 73°22'55" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

LA 622-DSE-P/L-77 Ruston Seemore TV, Inc., Ruston, La. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 32°31'13" N., Long. 90°40'00" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

CT 623-DSE-ML-77 Rollins Cablevue, Inc. (WB76), North Branford, Conn. Modification of license to permit the reception of signals from the Home Box Office, Inc. and the Madison Square Garden Events, and to provide a joint use of this facility on a non-profit, cost sharing basis with an unaffiliated cable system.

627-DSE-P/L-77 John Edmund Kiernat, d/b/a Community Cable Company, Ortonville, Minn. For authority to construct, own & operate a domestic communications satellite receive-only earth station at this location. Lat. 45°19'00" N., Long. 96°26'36" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

[FR Doc.77-24757 Filed 8-25-77;8:45 am]

NORTH COAST COMMUNICATIONS, INC. AND HEALDSBURG BROADCASTERS, INC.

Applications for Construction Permit

Adopted: August 17, 1977.

Released: August 23, 1977.

In re applications of North Coast Communications, Inc., Healdsburg, California; Requests: 92.9 MHz, Channel No. 225; 3.6 kW (H & V); 1660 feet (H & V); Docket No. 21232, File No. BPH-9940; Healdsburg Broadcasters, Inc., Healdsburg, Calif.; Requests: 92.9 MHz, Channel No. 225; 3.5 kW (H & V); 1660 feet (H & V); Docket No. 21233, File No. BPH-10,111.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications of North Coast Communications, Inc. (hereinafter "North Coast") and Healdsburg Broadcasters, Inc. (hereinafter "Healdsburg") for a construction permit for a new FM broadcast station at Healdsburg, Calif.

2. As amended on March 11, 1977, North Coast's financial data reveals that $188,125 will be required to construct and operate the proposed station for one year, without reliance on revenues itemized as follows:

Downpayment on equipment	$16,575
First-year payment on equipment, with interest	13,925
Land	5,000
Miscellaneous	45,750
Principal and interest on bank loan	27,875
Working capital (first year)	79,000
Total	188,125

North Coast plans to finance the above costs with the following funds: Cash on hand or in banks, $1,000; a bank loan of $100,000; and, $60,000 from stock subscriptions. Thus, even if all of these funds were available, North Coast's financial proposal would be $27,125 short of the estimated amount necessary for the station's proposed operation. In addition, we must disregard North Coast's reliance upon $60,000 to be obtained from subscribers for its corporate stock. In this regard, a review of the North Coast application reveals that individuals balance sheets were not submitted for each of the stock subscribers as required by Section III, page 3, paragraph 4(b) of the application (FCC Form 301). Without individual balance sheets we are unable to determine whether each subscriber has the financial ability to comply with the terms of his subscription agreement. Therefore, since North Coast has shown only $101,000 to meet a $188,125 requirement, a financial issue will be specified.

3. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

4. *Accordingly, it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to North Coast Communications, Inc.: (a) The source and availability of additional funds over and above the $101,000 indicated; and, (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would, on a comparable basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.984 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-24809 Filed 8-25-77;8:45 am]

[Report No. 1072]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

AUGUST 22, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20496	Part 76	Amendment of pt. 76 of the Commission's rules and regulations to modify or eliminate the use of signal strength contours for purposes of cable television system regulation.	
		Filed by Erwin G. Krasnow and James J. Popham, attorneys for National Association of Broadcasters.	Aug. 17, 1977
		Filed by Michael S. Horne, attorney for Association of Maximum Service Telecasters, Inc.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 d on or before Sept. 12, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary

[FR Doc.77-24756 Filed 8-25-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ADVISORY COMMITTEES

Renewal

This notice is published in accordance with the provisions of section 7 of the Office of Management and Budget Circular No. A-63, as amended. Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act (FACA) and following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties imposed on the Federal Energy Administration by law, to renew the following advisory committees: Coal Industry Advisory Committee; Consumer Affairs/Special Impact Advisory Committee; Electric Utilities Advisory Committee; Environmental Advisory Committee; Food Industry Advisory Committee; Fuel Oil Marketing Advisory Committee; Gasoline Marketing Advisory Committee; LP-Gas Industry Advisory Committee; Natural Gas Advisory Committee; and the State Regulatory Advisory Committee. These renewals are effective on the date the charters are filed in accordance with section 14(b) of the FACA.

A description of the nature and purpose of these committees is contained in their charters which are published below.

Issued in Washington, D.C., on August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Coal Industry Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the matters related to the coal industry and related objectives of FEA is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Coal Industry Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Coal Industry Advisory Committee are to provide the Administrator, FEA, with assistance in encouraging the expansion of a readily-usable energy source—coal—and maintaining fair and reasonable consumer prices for such supplies. The Committee will also advise on technical and economic factors affecting the coal industry.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $24,700 and will involve approximately ½ man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittee(s).*—To facilitate functioning of the Committee, subcommittee(s) may be formed by the Administrator. The objectives of the subcommittee(s) are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittee(s) shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the subcommittee(s) shall be consistent with the provisions of B-1 through B-11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Consumer Affairs/Special Impact Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the impact of FEA policies and programs on consumers and special impact groups is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Consumer Affairs/Special Impact Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Consumer Affairs/Special Impact Advisory Committee are to provide the Administrator, FEA, with the diversified expertise possessed by a wide range of highly qualified individuals who have been extensively involved in identifying and evaluating the impact of proposed or existing energy policies on the consumer, the poor, the elderly and the handicapped persons in rural and urban America, and planning, developing, and implementing policies and programs to remedy these problems.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $77,000 and will involve approximately 2 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 6 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittee(s).*—To facilitate functioning of the Committee, subcommittee(s) may be formed by the Administrator. The objectives of the subcommittee(s) are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittee(s) shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee. All actions of the subcommittee(s) shall be consistent with the provisions of B-1 through B-11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Electric Utilities Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning electric utility interests is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Electric Utilities Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Electric Utilities Advisory Committee are to provide the Administrator, FEA, with advice with respect to the general electric utilities' aspects of interests and problems related to the policy and implementation of programs to meet the continuing national energy problem.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $27,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The Electric Utilities Advisory Committee shall have two subcommittees as follows: a. Executive Subcommittee; b. Solar Electric Generation Subcommittee. The objectives of these subcommittees are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the Electric Utilities Advisory Committee. The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the chairman of the parent Committee. All actions of the Subcommittees shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or the Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Environmenal Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the environmental aspects of FEA policies and programs is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Environmental Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Environmental Advisory Committee are to provide the Administrator, FEA, with advice and information concerning environmental aspects of FEA policies and programs.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $50,000 and will involve approximately ½ man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 6 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The Environmental Advisory Committee shall have subcommittees as follows:

a. Coal Policy Subcommittee
b. Energy Conservation Subcommittee
c. OCS/Energy Facility Siting Subcommittee
d. Nuclear Policy Subcommittee
e. Subcommittee on Regulations for Regions in Violation of Air Quality Standards

The objectives of these subcommittees are to make recommendations to the parent Committee concerning environmental aspects of FEA policies and programs.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Food Industry Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning how the Government can promote increased energy efficiency within each sector of the food system and how proposed energy policies and ongoing programs impact on the food system is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Food Industry Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Food Industry Advisory Committee are to provide the Administrator, FEA, with information and advice concerning food industry interests and problems as these relate to national energy policy and conservation programs.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $36,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the Charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The Food Industry Advisory Committee shall have subcommittees as follows:

a. Distribution and Transportation Subcommittee.
b. Equipment Efficiency Subcommittee.
c. Retail Stores Subcommittee.
d. Food Service Operations Subcommittee.
e. Industrial Education Subcommittee.
f. Government Regulations Subcommittee.
g. Future Planning Subcommittee.
h. Access to Sources of Energy Subcommittee.
i. Energy Use Data Subcommittee.
j. Energy Audit Programs Subcommittee.
k. Federal Reporting Program (EPCA) Subcommittee.
l. State Programs/Contingency Plans Subcommittee.
m. Agriculture Subcommittee.
n. Financial Incentives Subcommittee.

The objective of these subcommittees is to make recommendations to the parent committee with respect to matters concerning food industry aspects of FEA policies and programs.

The subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the subcommittees shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Fuel Oil Marketing Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the trade of selling fuel oil is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Fuel Oil Marketing Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Fuel Oil Marketing Advisory Commit-

tee are to provide the Administrator, FEA, with expert and technical advice concerning the trade of selling fuel oil.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $36,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 6 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittee(s).*—To facilitate functioning of the Committee, subcommittee(s) may be formed by the Administrator. The objectives of the subcommittee(s) are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittee(s) shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee. All actions of the subcommittee(s) shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Gasoline Marketing Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning the wholesale and retail selling of gasoline is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Gasoline Marketing Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Gasoline Marketing Advisory Committee are to provide the Administrator, FEA, with expert and technical advice concerning the wholesale and retail selling of gasoline.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $60,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 6 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittee(s).*—To facilitate functioning of the Committee, subcommittee(s) may be formed by the Administrator. The objectives of the subcommittee(s) are to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittee(s) shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the subcommittee(s) shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrators request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

LP-Gas Industry Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning independent review on matters related to the policy and implementation of programs that affect the LP-Gas industry is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the LP-Gas Industry Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the LP-Gas Industry Advisory Committee are to provide the Administrator, FEA, with advice with respect to the implementation of programs that affect the LP-Gas industry.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $38,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The LP-Gas Industry Advisory Committee shall have subcommittees as follows:

a. LP-Gas Supply and Demand Subcommittee.

b. Government Policies and Regulations Subcommittee.

c. LP-Gas Transportation and Storage Subcommittee.

The objective of these Subcommittees is to make recommendations to the parent Committee with respect to policy and implementation of programs that affect the LP-Gas industry.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B–1 through B–11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

Natural Gas Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA wih advice concerning natural gas transmission & distribution matters is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the Natural Gas Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92–463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the Natural Gas Advisory Committee are to provide the Administrator, FEA, with advice with respect to the implementation of programs that affect gas transmission and distribution activities.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $33,000 and will involve approximately 1/4 man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The Natural Gas Advisory Committee shall have five subcommittees as follows:

a. Supplemental Gas Supply Including Alaskan Gas Subcommittee.

b. Gas Utilization Subcommittee.

c. Natural Gas Reserves Subcommittee.

d. Legislation and Regulation Subcommittee.

e. National Energy Outlook Subcommittee.

The objective of these subcommittees is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of the parent Committee. The subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the subcommittees shall be consistent with the provisions of B-1 through B-11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

FEDERAL ENERGY ADMINISTRATION

CHARTER

State Regulatory Advisory Committee

A. *Establishment*

The Administrator, Federal Energy Administration (FEA), having determined, after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to provide FEA with advice concerning State related matters is in the public interest in connection with duties imposed on the FEA by law, hereby establishes the State Regulatory Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, Functions, and Administrative Provisions*

1. *Objectives and Scope.*—The objectives of the State Regulatory Advisory Committee are to provide the Administrator, FEA, with advice and information concerning its plans and programs which are related to the responsibilities of State regulatory commissions.

2. *Committee Tenure.*—In view of the goals and purposes of the Committee, it will be expected to continue for the duration of FEA.

3. *Official to Whom Committee Reports.*—The Committee will report to the Administrator, FEA.

4. *Committee Duties.*—The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

5. *Support Activities.*—Necessary support shall be furnished by the Federal Energy Administration.

6. *Estimated Annual Operating Costs.*—The estimated annual operating costs for the Committee are $28,000 and will involve approximately ¼ man-years of staff support.

7. *Meetings.*—The Committee will meet approximately 4 times a year.

8. *Effective Date and Duration.*—The renewal of this Advisory Committee is effective upon filing the charter with the standing committees of Congress having jurisdiction of the FEA. The Committee will terminate December 31, 1977.

9. *Subcommittees.*—The State Regulatory Advisory Committee shall have subcommittees as follows:

a. Executive Subcommittee.

b. Subcommittee on Legislation.

c. Subcommittee on FEA State Energy Grants.

d. Rate Design Initiatives Subcommittee.

The objectives of these Subcommittees are to make recommendations to the parent Committee with respect to policy and implementation of programs related to the responsibilities of the State regulatory commissions.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-11.

10. *Members.*—Committee members shall be appointed by the Administrator of the Agency.

11. *Election of Chairman and/or Vice Chairman.*—The Chairman and/or Vice Chairman shall be appointed by the Administrator or, upon the Administrator's request to the Committee, elected by the Committee members, subject to the approval of the Administrator.

Dated: August 23, 1977.

JOHN F. O'LEARY,
Administrator.

[FR Doc.77-24800 Filed 8-25-77;8:45 am]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-136) notice is hereby provided of a meeting of the Group of Reporting Companies to the International Energy Agency (IEA) to be held on September 8, 1977, at the offices of the IEA, 2 Rule Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The agenda is as follows:

1. Opening comments.
2. Results of June/July 1976 Emergency Data Systems Test.
3. Review of revised Questionnaires A and B reporting instructions.
4. A. Synchronization of cut-off dates.
B. Transshipment.
C. No present destination oil.
D. Other changes.
5. Japanese reporting instructions.
6. Review of telex transmission instructions and schedule.
7. Comments on proposed 1978 allocation systems test.
8. Closing remarks.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., August 23, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-24851 Filed 8-25-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-96, etc.]

EL PASO ALASKA CO.

Availability of the Environmental Assessment of Taylor Highway-Klondike Highway Realignment

AUGUST 26, 1977.

Notice is hereby given in the above docket that on August 26, 1977, as required by § 2.82(b) of the Commission's General Policy and Interpretations (18 CFR 2.82(b)), copies of the Environmental Assessment of the Taylor Highway-Klondike Highway Realignment (Assessment) are being transmitted pursuant to the requirements of the National Environmental Policy Act of 1969 and § 2.82(b) of the Commission's General Policy and Interpretations.

The Assessment has been prepared by the staff of the Federal Power Commission pursuant to a directive by the Council on Environmental Quality and the White House Alaska Task Force. The directive results from the recent announcement of the National Energy Board of Canada that transport of Alaskan natural gas through Canada to the lower 48 states should be along the route proposed by the Alcan Pipeline Company (Alcan) with a Taylor Highway-Klondike Highway realignment. This realignment would diverge from the proposed Alcan route at Tetlin Junction, Alaska, and then follow the Taylor Highway to the Alaska-Yukon border. From the border, the realignment would proceed to Dawson, Yukon, and then along the Klondike Highway to Whitehorse, Yukon, where it would coincide with the prime route. Such a route would facilitate the future connection of Mackenzie Delta gas to the proposed Alcan project via a pipeline along the Dempster Highway from the Delta to Dawson.

Based on the Assessment, CEQ has informed the FPC staff that it is their conclusion that no final supplement is required prior to the President's decision on the basic system and technology.

This Assessment has been sent to all persons and governmental agencies who received the Supplemental FEIS for the Alcan Pipeline Project. The Assessment is on file with the Commission and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. Copies of the Assessment are available in limited quantities from the Federal Power Commission's Office

of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-24875 Filed 8-24-77;10:11 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CLOSED COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act. (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, September 15, 1977, and Thursday, September 22, 1977.

The meetings will convene at 10 a.m.; and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in Section 5347 of the Prevailing Rate Act of 1972 (Pub. L. 92-392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92-392), which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-management Committee with the opportunity to advance proposals and counterproposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Adivsory Committee.

AUGUST 22, 1977.

[FR Doc.77-24786 Filed 8-25-77;8:45 am]

FEDERAL RESERVE SYSTEM

JANESVILLE HOLDING CO.

Formation of Bank Holding Company

Janesville Holding Company, Janesville, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Janesville State Bank, Janesville, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 16, 1977.

Board of Governors of the Federal Reserve System, August 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24787 Filed 8-25-77;8:45 am]

UNITED BANK CORPORATION OF NEW YORK

Order Approving Acquisition of Bank

AUGUST 22, 1977.

United Bank Corporation of New York, Albany, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Hempstead Bank, Hempstead, New York ("Bank").[1] The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments has expired, and none has been timely received. The application has been considered in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventeenth[2] largest banking organization in New York State, controls three banks with aggregate deposits of $1.29 billion, representing 1.2 percent of total commercial bank deposits in the State. Acquisition of Bank, deposits of $185 million, will increase Applicant's share of State deposits to 1.3 percent, and will increase Applicant's ranking among New York banking organizations to thirteenth. Accordingly, acquisition of Bank would not result in a significant increase in the concentration of banking resources in New York State.

Bank is located in the Metropolitan New York Market[3] where it has 27 branches and 47 automated, point-of-sale terminals. It is the 34th largest of 120 banking organizations in the Metropolitan New York Market, controlling .2 percent of the market's deposits.

Approval of the proposal would not eliminate a significant amount of existing competition inasmuch as Applicant is not presently represented in the Metropolitan New York Market and its nearest subsidiary, the Vails Gate office of Highland National Bank of Newburgh, Newburgh, New York, is located approximately 80 road miles from Bank. In addition, Applicant's subsidiaries derive only a negligible amount of business from Bank's service area, while Bank derives virtually no business from the service areas of Applicant's subsidiaries. De novo entry by Applicant subsidiaries. De novo entry by Applicant is considered unlikely because of the relatively high density of banking organizations in the relevant market and the trend toward slower population growth in that portion of the market served by Bank. The proposed acquisition would not foreclose a significant amount of potential competition between Applicant and Bank in view of Applicant's unfamiliarity with the Metropolitan New York Market and the lack of concentration in that market. Moreover, numerous small and medium sized banks would continue to be available for acquisition by the few remaining organizations that may be likely entrants. Accordingly, it is concluded that consummation of the proposed acquisition would not have any significant adverse effects on existing or

[1] By order of August 18, 1977, the Federal Reserve Bank of New York has approved the related application by 40 Main Street Bank, Hempstead, New York for approval to merge with Bank.

[2] Deposit data are as of December 31, 1976 except for data concerning the Metropolitan New York Market which are as of June 30, 1976. Data regarding banking offices are as of June 30, 1977.

[3] The Metropolitan New York Market, defined geographically, consists of the five boroughs of New York City plus Nassau, Westchester, Putnam and Rockland Counties and western Suffolk County in New York State, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

potential competition in any relevant area. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory. Although there is no evidence in the record that the needs of the community to be served are not being adequately met, affiliation with Applicant will permit Bank to offer expanded or improved services in the trust, lease financing and commercial lending areas. Considerations relating to the convenience and needs of the area to be served lend sufficient weight to warrant approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting for the Board of Governors pursuant to delegated authority, effective August 18, 1977.

A. MARSHALL PUCKETT,
Vice President,
Federal Reserve Bank of New York.

AUGUST 18, 1977.

[FR Doc.77-24788 Filed 8-25-77; 8:45 am]

FEDERAL RESERVE BANK OF NEW YORK, 40 MAIN STREET BANK

Order Approving Application for Merger of Banks

The 40 Main Street Bank, Hempstead, N.Y. ("MSB"), a proposed State member bank of the Federal Reserve System, has applied for approval of the Board of Governors of the Federal Reserve System, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the merger of that bank with Hempstead Bank, Hempstead, N.Y. ("Hempstead"), under the charter of MSB and the name of Hempstead, as a means to facilitate the acquisition of the voting shares of Hempstead by United Bank Corporation of New York, Albany, N.Y., a bank holding company.[1]

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. This Reserve Bank has considered this application and all comments and views in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in this Reserve Bank's Order of this date relating to the application of United Bank Corporation of New York to acquire the successor by merger to Hempstead. This transaction shall not be consummated (a) before the thirtieth calendar day following the date of this order, or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 18, 1977.

A. MARSHALL PUCKETT,
Vice President, Federal Reserve Bank of New York.

AUGUST 18, 1977.

[FR Doc.77-24789 Filed 8-25-77, 8:45 am]

[1] By order of August 18, 1977, the Federal Reserve Bank of New York has approved the related application by United Bank Corporation of New York for approval to acquire 100 percent of the shares of the successor by merger to Hempstead, and has also approved, by letter, an application by MSB for membership in the Federal Reserve System.

FIRST BANK SYSTEM, INC.

Acquisition of Bank

First Bank System, Inc., Minneapolis, Minn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Granite City National Bank of St. Cloud, St. Cloud, Minn., a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1977.

Board of Governors of the Federal Reserve System, August 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24825 Filed 8-25-77; 8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, 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 First City Bancorporation of Texas, Inc., Houston, Tex. ("First City"), for a determination that with respect to the sale by First City of its stock interest in First Bank and Trust of Richardson, Richardson, Tex. ("Bank"), to Mr. Kenneth L. Terry, as trustee for himself and six other individuals, First City is not nor will be capable of controlling Bank through Kenneth L. Terry or any of the other purchasers, notwithstanding the fact that certain of the purchasers are otherwise indebted to another subsidiary of First City.

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 September 19, 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 subsequently will 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, August 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24826 Filed 8-25-77; 8:45 am]

FIRST OF GRANDFIELD CORP.

Order Approving Formation of Bank Holding Company

First of Grandfield Corporation, Grandfield, Okla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First State Bank, Grandfield, Okla. ("Bank").

Notice of the application, affording opportunity for interested persons to sub-

mit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a corporation recently formed for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank (deposits of $4.2 million), Applicant would control the 397th largest of 474 banks in Oklahoma, holding 0.04 percent of total deposits in commercial banks in the State.[1] Bank ranks eleventh among the twelve banking organizations operating in the relevant market,[2] controlling 0.7 percent of the deposits therein.

Three of Applicant's principal shareholders are shareholders in another one-bank holding company located in Tillman County 30 miles from Bank. Inasmuch as this proposal represents the restructuring of the existing ownership of Bank, and since the other bank in which Applicant's principals are involved is not located in the same market as Bank, it appears that consummation of the proposal would not have an adverse effect on existing or potential competition. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are largely dependent upon those of Bank, are considered generally satisfactory and consistent with approval. Debt of $600,000 will be incurred by Applicant; however, acquisition of Bank will have no adverse effect on the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are regarded as being consistent with approval.

Consummation of the transaction would effect no changes in the banking services offered by Bank, and considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that consummation of the transaction would be consistent with the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[1] All banking data are as of December 31, 1976.

[2] The market is approximated by the Wichita Falls SMSA (Wichita and Clay Counties in Texas), the southwest corner of Cotton County, Okla., and the southeast corner of Tillman County, which includes Grandfield.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective August 19, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-24827 Filed 8-25-77;8:45 am]

HARRISON BANCORPORATION

Formation of Bank Holding Company

Harrison Bancorporation, Cynthiana, Ky., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Harrison Deposit Bank and Trust Company, Cynthiana, Ky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 20, 1977.

Board of Governors of the Federal Reserve System, August 23, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24828 Filed 8-25-77;8:45 am]

KANOPOLIS BANKSHARES, INC.

Formation of Bank Holding Company

Kanopolis Bankshares, Inc., Kanopolis, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Kanopolis State Bank, Kanopolis, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1977.

Board of Governors of the Federal Reserve System, August 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24829 Filed 8-25-77;8:45 am]

NL INDUSTRIES, INC.

Order Granting Determination Under Bank Holding Company Act

NL Industries, Inc., New York, N.Y. ("NL"), a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841(a)) ("Act"), by virtue of its ownership on January 15, 1969, of over 99 per cent of the issued and outstanding voting shares of Lake View Trust and Savings Bank, Chicago, Ill. ("Bank"), seeks to terminate said status and has requested a Board determination, pursuant to section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), that NL is not in fact capable of controlling Mr. Lane or Bank, notwithstanding the indebtedness incurred by Mr. Lane to NL in connection with his purchase of all of NL's shares of Bank.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a 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, are 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 of an opportunity for hearing with respect to NL's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3357), and the time provided for requesting a hearing has expired. No such request has been received by the Board, nor has any evidence been received to show that NL is in fact capable of controlling or exerting a controlling influence, directly or indirectly, over Mr. Lane or over Bank.

It is hereby determined that NL is not in fact capable of controlling Mr. Lane or Bank. This determination is based upon the evidence of record in this matter, including the following facts. NL is a publicly-owned corporation of substantial size and is not affiliated with Mr. Lane or any business activity in which Mr. Lane has an interest. By letter dated May 1, 1972, NL filed an irrevocable declaration, pursuant to section 4(c)(12) of the Act and § 225.4(d) of Regulation Y (12 CFR 225.4(d)), that it would divest Bank and thus cease to be a bank holding company by 1981. In compliance therewith, NL sold Bank to Mr. Lane on March 25, 1976, in a transaction that appears to have been the result of arms-length negotiations. There are no interlocking director, officer or employee relationships between NL or its direct or indirect subsidiaries and Mr. Lane or the companies with which he has an ownership or management interest. Mr. Lane's personal financial resources are substantial and would appear to support further the conclusion that NL is not in fact capable of controlling him or Bank. The board of directors of NL has submitted a resolution disclaiming its capability of control over Mr. Lane and Bank, and an affidavit was submitted by Mr. Lane stating that NL is not in fact capable of controlling him or Bank.

It is noted that the agreement between NL and Mr. Lane pursuant to which NL sold its shares of Bank affords Mr. Lane the option of converting his debt to NL into nonvoting, cumulative dividend pre-

ferred shares of a proposed new bank holding company that would acquire Mr. Lane's shares of Bank. Notwithstanding the nonvoting character of such preferred shares,[1] the conversion of NL's debt into a significant percentage of the equity of a bank holding company could lead the Board to conclude that NL was engaged through Bank in the business of banking and therefore had again become a bank holding company. NL has indicated its willingness, in the event such conversion occurs, to place such shares in an irrevocable trust under an agreement with the Board. The determination herein that NL is not in fact capable of controlling Mr. Lane or Bank is subject to the condition that in the event Mr. Lane's debt to NL is converted into preferred shares of a bank holding company the Board may enter such further order in this matter as it deems appropriate to ensure that NL will not thereby resume status as a bank holding company.

Accordingly, it is ordered, That the request of NL for a determination pursuant to section 2(g)(3) be and hereby is granted, subject to the condition stated above. This determination is based upon the representations made to the Board by NL and Mr. Lane. In the event the Board should hereafter determine that facts material to this determination are otherwise than as represented, or that NL or Mr. Lane failed to disclose to the Board other material facts, this determination may be revoked, and any change in the facts or circumstances relied upon by the Board in making this determination could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(1)), effective August 22, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-24831 Filed 8-25-77;8:45 am]

SEDALIA ENTERPRISES, INC.

Order Granting Determination Under the Bank Holding Company Act

Sedalia Enterprises, Inc., Sedalia, Missouri ("Sedalia"), which has transferred all of its shareholdings in Sedalia Bank & Trust Company, Sedalia, Mo. ("Bank"), to Mercantile Bancorporation, Inc., St. Louis, Mo. ("Mercantile"), has requested a determination, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act (12 U.S.C. 1841 (g)(3)) ("the Act"), that Sedalia is not in fact capable of controlling Mercantile, notwithstanding the fact that Mercantile is indebted to Sedalia as a result of its purchase of approximately 82 percent of the voting shares of Bank from Sedalia.

Under the provisions of section 2(g)(3) of the Act, shares transferred after January 1, 1966, by any bank holding company to a 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, are 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 of an opportunity for a hearing with respect to Sedalia's request for a determination has been published in the FEDERAL REGISTER (41 FR 27784 (1976)), and the time provided for requesting a hearing has expired. No such request has been received by the Board, nor has any evidence been received suggesting that Sedalia is in fact capable of controlling Mercantile.

By Order dated October 12, 1973, the Board approved an application by Mercantile, filed pursuant to section 3(a)(3) of the Act, to acquire 90 percent or more of Bank's voting shares. On November 16, 1973, Sedalia exchanged all of its shares of Bank for a series of notes of Mercantile aggregating $2,396,700 at 6.5 per cent interest, maturing annually, the last of which is due November 8, 1994. The notes of Mercantile held by Sedalia do not have any voting rights. Furthermore, default on Mercantile's notes to Sedalia would not necessarily result in the return of shares of Bank to Sedalia because such shares are not pledged as collateral for such notes.

Mercantile, the largest banking organization in Missouri, controls 28 subsidiary banks with aggregate deposits of more than $2.1 billion. Mercantile has total assets in excess of $3.1 billion. In comparison, Sedalia has total assets of approximately $2.7 million, almost all of which are represented by the notes of Mercantile. Currently, Mercantile has total long term debt of approximately $63.5 million, of which slightly more than $2 million is owed to Sedalia. With the exception of the above-described notes of Mercantile, Sedalia does not hold any securities of Mercantile. No officer, director or employee with policy-making functions of Sedalia serves in any such capacity with Mercantile or any of its subsidiaries.

Based upon all of the facts of record, including the disparate sizes of Mercantile and Sedalia, the relatively small debt owing Sedalia in comparison to Mercantile's total long term debt, Sedalia's lack of any voting interest in Mercantile, the absence of a security interest in the shares of Bank transferred to Mercantile and the absence of any director, officer or employee interlocking relationships between the two companies, it is hereby determined that Sedalia is not in fact capable of controlling Mercantile.

Accordingly, it is ordered, That the request of Sedalia for a determination pursuant to section 2(g)(3) be and hereby is granted. This determination is based upon the representations made to the Board by Sedalia and Mercantile. In the event the Board should hereafter determine that facts material to this determination are otherwise than as represented, or that Sedalia or Mercantile has failed to disclose to the Board other material facts, this determination could result in the Board reconsidering the determination made herein.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(1)), effective August 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-24830 Filed 8-25-77;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of July 19, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on July 19, 1977.[1]

The information reviewed at this meeting suggests that real output of goods and services grew in the second quarter at about the rapid rate of the first quarter. In June industrial output continued to expand at a substantial pace. The rise in employment moderated, and the unemployment rate edged up from 6.9 to 7.1 percent. Total retail sales remained at about the level reached in March; for the second quarter as a whole, however, sales were moderately above the first-quarter level. The wholesale price index for all commodities declined in June, owing to sharp decreases among farm products and foods; as in May, average prices of industrial commodities rose appreciably less than in earlier months of 1977. The index of average hourly earnings rose over the first half of the year at about the same pace that it had on the average during 1976.

The average value of the dollar against leading foreign currencies has declined more than 1 percent over the past month; the declines were especially marked against the Japanese, German, and Swiss currencies. In May the U.S. foreign trade deficit diminished somewhat from the high rate in the first 4 months of the year.

M-1, after rising at an exceptionally rapid rate in April, increased little in May and grew at a moderate pace in June. Growth in M-2 and M-3 also was moderate in June. Inflows to banks of the time and savings deposits included in M-2 picked up somewhat, after having slackened for a number of months, and inflows to nonbank thrift institutions remained sizable. Business short-term borrowing expanded sharply in June. Market interest rates in general have changed little in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

Growth in M-1, M-2, and M-3 within ranges of 4 to 6½ percent, 7 to 9½ percent, and

[1] Although such shares may not have voting rights under the articles of incorporation, it appears that applicable state law would permit such shares to vote as a class on certain types of corporate action.

[1] The Record of Policy Actions of the Committee for the meeting of July 19, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

8½ to 11 percent, respectively, from the second quarter of 1977 to the second quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M–1 and M–2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the July–August period to be within the ranges of 3½ to 7½ percent for M–1 and 6½ to 10½ percent for M–2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate of about 5⅝ percent. If, giving approximately equal weight to M–1 and M–2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 5¼ to 5¾ percent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

NOTE.—On August 5, 1977, the Committee modified the intermeeting range for the Federal funds rate specified in the next-to-last paragraph of the domestic policy directive issued on July 19, 1977, by increasing the upper limit from 5¾ to 6 per cent.

By order of the Fedral Open Market Committee, August 19, 1977 .

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-24824 Filed 8-25-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Recepit of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 22, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before September 13, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

FEDERAL ENERGY ADMINISTRATION

The FEA requests clearance of a new Form FEA–P–336–M–0 entitled "Retail Motor Fuels Service Station Survey." The FEA–P336–M–0 is designed to provide the data needed by the FEA to monitor prices, margins and volumes to motor fuels. In addition, the FEA–P336–M–0 has been designed to collect market shares data currently collected on other FEA forms. Those forms will at some point in the future be phased out of the FEA system. FEA estimates potential respondents to the FEA–P336–M–0 number approximately 18,000 service stations, a sample selected from some 240,000 service stations, and that the reporting burden on the FEA–P336–M–0 which will be filed monthly averages 45 minutes per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-24845 Filed 8-25-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 36]

DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION, POTOMAC ELECTRIC POWER CO. FORMAL CASE 685

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the District of Columbia Public Service Commission concerning an application by the Potomac Electric Power Company for an increase in its tariffed rates for intrastate electric service. The GSA represents the interests of the executive agencies of the United States Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, is writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, NW., Washington, DC 20405, telephone 202–566–0726, on or before September 26, 1977, and refer to this notice number .

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)))

Dated: August 11, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-24815 Filed 8-25-77; 8:45 am]

[Federal Property Management Regs.; Temporary Reg. F–439]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a telephone rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission involving the application of the Chesapeake & Potomac Telephone Company of Virginia for changes in business telephone rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: August 12, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-24814 Filed 8-25-77;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F–438]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the Executive Agencies of the Federal Government in an interstate rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Executive Agencies of the Federal Government before the Federal Communications Commission involving the application of the American Telephone and Telegraph Company for increase in its SCAN rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

(b) The Secretary of Defense may redelegate this authority to any officer,

official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services.

AUGUST 12, 1977.

[FR Doc.77-24813 Filed 8-25-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEE

Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following advisory committees:

Drug Abuse Demonstration Review Committee
Drug Abuse Prevention Review Committee
Drug Abuse Training Review Committee

Authority for these committees will expire September 30, 1977, unless the Secretary formerly determines that continuance is in the public interest.

Dated: August 17, 1977.

FRANCIS N. WALDROP,
Deputy Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-24425 Filed 8-25-77;8:45 am]

Food and Drug Administration

[Docket No. 76N-0300; DESI 6002]

CERTAIN ANTI-INFECTIVE DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing the anti-infective drug products described below for the indications for which they continue to be regarded as effective and offers an opportunity for a hearing concerning those indications regarded as lacking substantial evidence of effectiveness.

DATES: Hearing requests due on or before September 26, 1977. Supplements to approved NDA's due on or before October 25, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 6002 directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD-140), Rm. 12B-45, Bureau of Drugs.

Abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for Hearing (identifying with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 6002; Docket No. FDC-D-309 (now Docket No. 76N-0300)) published in the FEDERAL REGISTER of August 7, 1971 (36 FR 14662), the Food and Drug Administration announced its conclusions that certain anti-infective drug products are effective for the treatment of various infections and less than effective (probably effective or possibly effective) for certain other indications. In response to the August 7, 1971 notice, no person submitted data in support of the possibly effective or probably effective indications of the drug products described below. This notice offers an opportunity for hearing concerning those indications, which are now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Other products named in the August 7, 1971 notice are not affected by this notice. Bryrel with Superinone Syrup containing piperazine hexahydrate with tyloxapol, which was included in the August 7, 1971 notice, will be the subject of a future FEDERAL REGISTER notice.

1. NDA 6-441; Camoquin Hydrochloride Tablets containing amodiaquine hydrochloride; Parke, Davis & Co., Joseph Campau at the River, Detroit, MI 48232.

2. NDA 6-459; Hetrazan Tablets and Syrup containing diethylcarbamazine citrate; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965.

3. NDA 6-903; Milibis Tablets containing glycobiarsol; Winthrop Laboratories, 90 Park Ave., New York, NY 10016.

4. NDA 9-166; Sterile Hydroxystilbamidine Isethionate; Merrell-National Laboratories, Division Richardson-Merrell, Inc., 110 E. Amity Rd., Cincinnati, OH 45215.

5. NDA 9-768; Plaquenil Sulfate Tablets containing hydroxychloroquine sulfate; Winthrop Laboratories.

6. NDA-943; Plaquinol Tablets containing hydroxychloroquine sulfate; Winthrop Products, 90 Park Ave., New York, NY 10016.

In a notice published in the FEDERAL REGISTER of February 8, 1972 (37 FR 2852), the approval of NDA 9-943 for Plaquinol Tablets was withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning its less-than-effective (probably effective) indication had been reached. Those conclusions have now been reached and the purpose of including Plaquinol (hydroxychloroquine sulfate) Tablets (NDA 9-943) in this notice is to inform all interested persons of the conclusions and offer them the opportunity to request a hearing concerning all issues relating to its legal status.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, the notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the other indications evaluated as probably or possibly effective in the August 7, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* a. Diethylcarbamazine citrate is in tablet or syrup form.

b. Hydroxystilbamidine isethionate is in sterile powder form suitable, after

reconstitution, for intravenous administration.

c. The remainder of the drugs are in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement,

Caution: Federal law prohibits dispensing without prescription.

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Amodiaquine hydrochloride: For the suppressive treatment and for the treatment of acute attacks of malaria due to *P. vivax*, *P. malariae*, *P. ovale*, and susceptible strains of *P. falciparum*.

Hydroxychloroquine sulfate: For the suppressive treatment and treatment of acute attacks of malaria due to *P. vivax*, *P. malariae*, *P. ovale*, and susceptible strains of *P. falciparum*. It is also indicated for the treatment of discoid and systemic lupus erythematosus, and rheumatoid arthritis.

Glycobiarsol: For the treatment of intestinal amebiasis in adults and children weighing over 80 pounds, but it is not considered to be the drug of choice.

Diethylcarbamazine citrate: For the treatment of Bancroft's filariasis, onchocerciasis, ascariasis, tropical eosinophilia, and loiasis.

Hydroxystilbamidine isethionate: For the treatment of visceral leishmaniasis (kala azar) and American mucocutaneous leishmaniasis. It is also indicated for the treatment of North American blastomycosis, but it is not considered to be the drug of choice.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 25, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1 (c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice, on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 26, 1977, a written notice of appearance and request for hearing, and (2) on or before October 25, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m. Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: August 18, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-24515 Filed 8-25-77;8:45 am]

[Docket No. 77N-0226; DESI 7358]

COMBINATION PRODUCT CONTAINING FURAZOLIDONE WITH KAOLIN AND PECTIN

Withdrawal of Approval of Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of that part of NDA 11-323 pertaining to Furoxone Liquid containing furazolidone with kaolin and pectin. The product has been used as an antibacterial agent.

DATE: Effective September 6, 1977.

ADDRESSES: Requests for opinion of the applicability of this notice to a specific product should be directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing (DESI 7358; Docket No. FDC-D-520 (now Docket No. 77N-0226) published in the FEDERAL REGISTER of March 29, 1973 (38 FR 8186), the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of the new drug application (NDA) for Furoxone Liquid containing furazolidone with kaolin and pectin. The basis of the proposed order was that the drug lacks substantial evidence of effectiveness and is not shown to be safe for use. The holder of the NDA, Norwich Pharmacal Co., filed a request for hearing for the combination product. A notice published in the FEDERAL REGISTER of May 30, 1975 (40 FR 23501) amended March 29, 1973 notice to cite the policy for fixed combination prescription drugs for humans (21 CFR 300.50) because that policy had not been specifically referred to in the March 29, 1973 notice. No data were submitted in response to either notice in support of a hearing for the combination product Furoxone Liquid. By letter of April 28, 1977, Norwich Pharmacal Co. withdrew its hearing request, and approval of the part of the following new drug application pertaining to the product is now being withdrawn:

That part of NDA 11-323 pertaining to Furoxone Liquid containing furazolidone with kaolin and pectin; Norwich Pharmacal Co., division of Morton Norwich, Inc., 17 Eaton Ave., Norwich, NY 13815.

Other products that were included in the March 29, 1973 notice are not affected by this notice, nor is the single-entity Furoxone Liquid containing furazolidone, which was the subject of a FEDERAL REGISTER notice of August 16, 1976 (41 FR 34662).

Any drug product that is identical, related, or similar to the drug product named above, and not the subject of an approved new drug application, is covered by that part of the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (HFD-210), (address given above).

No other person filed a written appearance of election with respect to a combination of furazolidone, kaolin, and pectin, as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82), finds that (1) new information before him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling; and (2) tests by methods not deemed reasonably applicable when the application was approved, evaluated together with the evidence available when the application was approved, reveal that the drug is not shown to be safe for use under the conditions of use on the basis of which the application was approved.

Therefore, pursuant to the foregoing finding, approval of that part of new drug application 11-323 pertaining to the combination product Furoxone Liquid, and all amendments and supplements applying thereto, is withdrawn effective September 6, 1977.

Shipment in interstate comerce of the above product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: August 18, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-24514 Filed 8-25-77;8:45 am]

[Docket No. 77N-0030]

GRAS AND PRIOR-SANCTIONED HUMAN FOOD INGREDIENTS

Availability of Information; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 77-16637, appearing on page 30431 in the FEDERAL REGISTER of Tuesday, June 14, 1977, the following correction is made in the table on page 30432: In the table labeled "Reports of the select committee," the ordering number for the substance "Agar-agar" should read, "PB-265-502/AS."

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

Dated: August 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-24749 Filed 8-25-77;8:45 am]

[Docket No. 77N-0240]

SINGLE-ENTITY CORONARY VASODILATORS

Drugs for Human Use; Drug Efficacy Study Implementation; Permission for Drugs To Remain on the Market; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces (1) the availability of guidelines and methods for evaluating the bioavailability and effectiveness of coronary vasodilators, and (2) the specific conditions under which these products may be marketed while such studies are in progress.

DATES: Notices of intent to conduct bioavailability studies are due on or before September 26, 1977.

Bioavailability studies must be initiated on or before November 25, 1977.

Clinical studies of effectiveness must be completed and submitted by FDA by August 27, 1979.

ADDRESSES: Communications in response to this notice should be identified with the NDA or ANDA number (if any) and the following in a box in the upper portion of the cover letter: "Paragraph XIV Drug—Category I; Coronary Vasodilator" directed to the attention of the office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Abbreviated New Drug Applications: Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for guidelines for bioavailability studies: Division of Biopharmaceutics (HFD-520), Rm. 16-62, Bureau of Drugs.

Requests for guidelines for clinical studies: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

All other submissions required by this notice: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Educa-

tion, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In notices published in the FEDERAL REGISTER on February 17, 1971 (36 FR 3078) (DESI 12836) and February 25, 1972 (37 FR 4001 (DESI 1786), FDA published its conclusions pursuant to evaluation of reports from the National Academy of Sciences-National Research Council (NAS/NRC), Drug Efficacy Study Group concerning conventional and controlled release dosage forms of certain coronary vasodilators, stating that the drugs are possibly and probably effective and lacking substantial evidence of effectiveness for their labeled indications.

A notice was published in the FEDERAL REGISTER of December 14, 1972, informing manufacturers and distributors of prescription drugs for human use of the order entered October 11, 1972, by Judge William B. Bryant of the U.S. District Court for the District of Columbia, directing the future schedule for implementation of the Drug Efficacy Study. Paragraph XIV of the court order provided that a limited number of drugs, for which there is compelling justification of medical need, may remain on the market pending completion of scientific studies to determine their effectiveness, and it provided for future additions to or deletions from that list. These drugs are referred to as "paragraph XIV drugs." The drugs listed in Category I in that notice are conventional dosage forms of certain coronary vasodilators containing a single active drug entity. A notice was published in the FEDERAL REGISTER of July 11, 1973 (38 FR 18477), and corrected on July 25, 1973 (38 FR 19920), adding other such drugs to the list. Pursuant to petitions to permit controlled release forms of the drugs also to remain on the market pending clinical studies to determine effectiveness, the July 11, 1973 notice provided that controlled release forms could remain on the market on a product-by-product basis pending completion of scientific studies showing that the product is released in a defined manner, which would permit qualified products to be added to the list of drugs allowed to remain on the market pending completion of clinical trials to determine effectiveness. The notice required that data from such studies be submitted to the Food and Drug Administration no later than November 1, 1973. For reasons set forth below, this proved impossible. By this notice, the Commissioner is formally adding controlled release dosage forms of certain of these drugs to Category I under paragraph XIV. These are now being included on the same basic justification as the conventional forms, together with several additional factors relevant to their medical need. Given the prophylactic purpose of these drugs in treatment of angina, a prolonged duration of action can provide a significant advantage. While there is an effective drug for prophylaxis of angina that can be taken as little as three times per day (propranolol), some patients cannot tolerate this alternative longer acting drug and must turn to a drug of the organic nitrate class. Although certain conventional release products in this class are labeled for four times daily dosage, it is not at all certain and appears unlikely, that they will prove to have a 6 hour duration of action. It is therefore important to determine whether the controlled release formulations can provide a reasonably prolonged action and it is appropriate for these products to remain available for patients while this is determined. As evidenced by current usage patterns, many angina patients prefer a dosage form that may have a longer effect and thus be taken less frequently than conventional forms. Methods not available when the July 11, 1973 notice was published are now available and are suitable for evaluating controlled release as well as conventional forms. If controlled release forms are ultimately shown to be effective, their prolonged activity would be of significant benefit to angina patients.

Also now being included are certain dosage forms of nitroglycerin and of erythrityl tetranitrate. Although they were not included in the Drug Efficacy Study, they are regarded as related drugs which should be studied for bioavailability and effectiveness.

Therefore, Category I published in the December 14, 1972 notice, as amended by the July 11, 1973 notice, is amended to read as follows:

I. CORONARY VASODILATORS (ANTIANGINAL DRUGS) (SINGLE ACTIVE DRUG ENTITY)

Isosorbide dinitrate (sublingual, chewable, and conventional oral forms and controlled release forms).

Mannitol hexanitrate (conventional oral and controlled release forms).

Trolnitrate phosphate (conventional oral and controlled release forms).

Pentaerythritol tetranitrate (conventional oral and controlled release forms).

Nitroglycerin (topical ointment forms, conventional oral forms, and controlled release forms).

Dipyridamole (conventional oral form).

Erythrityl tetranitrate (sublingual, conventional oral, and chewable forms, and controlled release forms).

It has been difficult to determine the bioavailability and effectiveness of the organic nitrate class of antianginal drugs. Effectiveness has been difficult to measure because of the relative insensitivity and variability of the clinical measures used in the evaluation of these drugs. Bioavailability has also been difficult to determine because these drugs are extensively metabolized and conventional blood or urine assay methods are not applicable. Suitably sensitive chemical assay methods for routine use with this class of drugs do not exist at present. Even if it were possible to meaure these drugs and their metabolites in biological fluids, the clinical and pharmacological significance of the blood level of any given metabolite would still be unclear. Although several sponsors submitted physiologic studies to support bioavailability, only one of these studies was found adequate to even suggest that an orally administered organic nitrate may be sufficiently bioavailable to possibly have some clinical effectiveness. The development of appropriate physiologic methods, however, had not been adequately addressed by investigators. For these reasons the requirements set forth in the December 14, 1972 and July 11, 1973 notices have not been met by manufacturers of coronary vasodilator drug products. The possible medical importance of these drugs, including controlled release dosage forms, remains, however, and FDA has sought to overcome some of the methodological deficiencies impeding evaluation of this drug class.

Under FDA sponsorship, research was conducted in an effort to develop methods for evaluating the bioavailability of the antianginal drug products that do not depend on blood level measurements of nitrates. Guidelines and methods for the evaluation of the physiological effects and comparative bioavailability of organic nitrate antianginal drug products were developed by Victor F. Smolen, Ph. D. and Edward J. Williams, Ph. D., School of Pharmacy and Pharmacal Sciences, Purdue University, West Lafayette, Indiana 47907. (The project was entitled "A Study of Drug Bioavailability as Related to Physiological Respone," Food and Drug Administration Contract No. 223–73–3023). This work clearly indicates that physiologic response monitoring can provide reliable, sensitive, convenient, and meaningful measures of the drugs' bioavailability, although at this time this method cannot be used to assess clinical effectiveness. Demonstration of such effectiveness requires the performance of clinical trials. If physiologic responses can be shown to correlate well with clinical effectiveness, then it may be possible in the future to rely upon physiologic response studies to assess the effectiveness of newly formulated organic nitrate drug products.

The FDA-sponsored studies indicate that response variables derived from digital plethysmography (DPG) and electrocardiographic recordings are useful measures of the bioavailability of organic nitrate drugs, i.e., can demonstrate that sufficient drug has been absorbed to elicit a positive measurable indication of pharmacologic activity. Although many response variables appear to show some association with bioavailability, including: (1) Diastolic amplitude, (2) systolic amplitude, (3) cardiac output computed as the products of systolic pulse pressure and heart rate, (4) heart rate, (5) DPG, (6) apparent left ventricular ejection time, and (7) systolic time interval, heart rate and diastolic amplitude appear to correlate best. While Dr. Smolen, the original investigator, acquired his data in a form which could be and was computerized, all of these measurements, except for cardiac output, can readily be manually obtained directly from DPG strip chart recordings without the need for expensive and sophisticated recording and

computational equipment. Copies of the detailed guidelines and methods developed by Dr. Smolen for the evaluation of the physiologic responses and comparative bioavailability of organic nitrate antianginal drug products are available on request from the Division of Biopharmaceutics.

As a result of the availability of new and adequate methods for determining the bioavailability of not only the conventional and controlled release forms of coronary vasodilators, but of the sublingual, chewable, and topical forms as well, the Commissioner is now able to state definitively the conditions for their marketing. Those conditions are set forth in this notice and include requirements for both bioavailability and clinical testing. The demonstration of bioavailability had not previously been a prerequisite to conducting clinical trials of the conventional dosage forms. The time required to conduct and analyze clinical trials, however, is often great, and there is no valid reason to permit continued marketing of a drug product during this period if there is little likelihood that the drug will prove effective. It is thus appropriate to require demonstration of bioavailability as an indication of the possibility of effectiveness before permitting a drug to be marketed during clinical testing. Bioavailability testing may also aid in choosing proper dosages and dose intervals for the clinical trials.

As stated in the DESI notices cited above, such products are regarded as new drugs (21 U.S.C. 321(p)). Continued marketing, will, therefore, only be permitted for coronary vasodilator products whose sponsors first perform adequate studies that demonstrate the bioavailability of their products, and subsequently conduct well-controlled studies to demonstrate clinical effectiveness; in addition, an abbreviated new drug application (ANDA) will be required for any product now on the market without an approved new drug application. The Food and Drug Administration intends to act at the earliest possible date to remove from the market products not fulfilling the conditions of this notice.

Following is a list of new drug applications providing for single entity coronary vasodilators. Not all of these were specifically reviewed by the NAS/NRC or named in a DESI notice. Those which were reviewed by the Academy and named in DESI notices are identified by DESI numbers.

DESI 1786

a. Metamine Tablets containing trolnitrate phosphate; Pfizer Laboratories, Division Charles Pfizer & Co., Inc., 235 East 42nd St., New York, NY 10017 (NDA 8-294).

b. Metamine Sustained Tablets containing trolnitrate phosphate; Pfizer, Inc. (NDA 10-131).

c. Nitretamine and Nitretamine-10 Tablets containing trolnitrate phosphate; Squibb Pharmaceutical Co., Division of E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540 (NDA 9-196).

d. Penta-Erythritol Tetranitrate Nyscaps containing pentaerythritol tetranitrate; USV Laboratories, Division USV Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707 (NDA 12-317).

e. Peritrate Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Rd., Morris Plains, NJ 07950 (NDA 8-072).

f. Peritrate SA Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories (NDA 11-109).

g. Pencard and Pencard No. 2 Tablets containing pentaerythritol tetranitrate; Cole Pharmacal Co., P.O. Box 14404, St. Louis, MO 63108 (NDA 8-852).

h. Maxitate Tablets containing mannitol hexanitrate; Pennwalt Prescription Products Division, P.O. Box 1766, Rochester, NY 14603 (NDA 1-786).

i. Nitranitol Tablets containing mannitol hexanitrate; Merrell-National Laboratories, Division of Richardson-Merrell, Inc., P.O. Box 15260, Cincinnatti, OH 45215 (NDA 3-193).

j. Mannitol Hexanitrate Tablets; S. F. Durst and Co., Inc., Division of O'Neal, Jones, and Feldman, Inc., 1683 Winchester Rd., Philadelphia, PA 19020 (NDA 4-730).

k. Isordil Tablets containing isosorbide dinitrate; Ives Laboratories, Inc., 685 Third Ave., New York, NY 10017 (NDA 12-093).

l. Isodril Sublingual Tablets containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-940).

m. Timed Pentryate Stronger Capsules containing pentaerythritol tetranitrate; Fellows-Testagar, Subdivision of Chromalloy Pharmaceuticals, Inc., 12741 Capital Ave., Oak Park, MI 48237 (NDA 12-646).

n. Pentestan-80 Stancaps containing pentaerythritol tetranitrate; Standex Laboratories, 585 West Second Ave., Columbus, OH 43215 (NDA 12-488).

o. Pentritol Tempules containing pentaerythritol tetranitrate; Armour Pharmaceutical Co., Greyhound Tower, Phoenix, AZ 85077 (NDA 12-311).

p. Duotrate-45 Plateau Caps containing pentaerythritol tetranitrate; Marion Laboratories, Inc., 10236 Bunker Ridge Rd., Kansas City, MO 64137 (NDA 12-748).

q. Metranil Duracaps containing pentaerythritol tetranitrate; Meyer Laboratories, Inc., 1900 W. Commercial Blvd., Ft. Lauderdale, FL 33309 (NDA 12-529).

r. Tetraaule-80 Timesules containing pentaerythritol tetranitrate; Storck Pharmaceuticals, Inc., Division Arnar-Stone Laboratories, Inc., 601 East Kensington Rd., Mount Prospect, IL 60056 (NDA 12-450).

s. Nitroglyn Sustained Action Tablets containing nitroglycerin; Key Pharmaceuticals, Inc., P.O. Box 3670, Miami, FL 33169 (NDA 9-599).

t. Isordil Tembids containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12-882).

DESI 12836

Persantine Tablets containing dipyridamole; Geigy Pharmaceuticals, Division of Ciba-Geigy Corp., Ardsley, NY 10502 (NDA 12-836).

THE FOLLOWING NDA'S WERE NOT REVIEWED BY THE NAS/NRC

1. Metamine Tablets containing trolnitrate phosphate; Leeming / Paquin, Division Charles Pfizer & Co., Inc., 235 East 42nd St., New York, NY 10017 (NDA 8-798).

2. Sorbitrate (Sublingual and Oral) Tablets containing isosorbide dinitrate; Stuart Pharmaceuticals, Division of I.C.I. United States, Inc., P.O. Box 751, Wilmington, DE 19899 (NDA's 16-191 and 16-192 respectively).

3. Pentaerythritol Tetranitrate Tablets; Philips Roxane Laboratories, Division of Philips Roxane, Inc., P.O. Box 1739, Columbus OH 43216 (NDA 16-425).

4. Vasitol Tablets containing pentaerythritol tetranitrate; Rowell Laboratories, Inc., 210 Main St., West Baudette, MN 56623 (NDA 16-436).

5. Tranite Tablets containing pentaerythritol tetranitrate; Westfield Laboratories, Inc., Division of O'Neal, Jones, & Feldman, Inc., 3941 Brotherton Rd., Cincinnati, OH 45209 (NDA 16-445).

6. Dipentrate Tablets containing pentaerythritol tetranitrate; Invenex Pharmaceuticals, Division of The Mogul Corp., 2303 Schultz Rd., St. Louis, MO 63141 (NDA 16-449).

7. Pentaerythritol Tetranitrate Tablets; Kirkman Laboratories, Inc., P.O. Box 3929, Portland, OR 97208 (NDA 16-459).

8. Nitrin Tablets containing pentaerythritol tetranitrate; The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102 (NDA 16-502).

9. Pentaerythritol Tetranitrate Tablets; Davis-Edwards Pharmacal Corp., Backus Ave., Danbury, CN 06810 (NDA 16-537).

10. Pentaerythritol Tetranitrate Tablets; Lit Drug Co., 2530 Polk St., Union, NJ 07083 (NDA 16-545).

11. Pentran Tablets containing pentaerythritol tetranitrate; Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, NY 11233 (NDA 16-553).

12. Pentaerythritol Tetranitrate Tablets; Zenith Laboratories, Inc., 140 LeGrand Ave., Northvale, NJ 07647 (NDA 16-555).

13. Pentaerythritol Tetranitrate Tablets; West-Ward, Inc., 745 Eagle Ave., Bronx, NY 10456 (NDA 16-558).

14. Pentaerythritol Tetranitrate Tablets; Stanlabs, Inc., Box 3108, Portland, OR 97208 (NDA 16-561).

15. Pentaerythritol Tetranitrate Tablets; Tutag Pharmaceuticals, Inc., 2599 W. Midway Blvd., Broomfield, CO 80020 (NDA 16-567).

16. Pentaerythritol Tetranitrate Tablets; American Pharmaceutical Co., Inc., P.O. Box 448, Passaic, NJ 07055 (NDA 16-593).

17. Pentaerythritol Tetranitrate Tablets; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiague, Long Island, NY 11726 (NDA 16-625).

18. Dilivas Tablets containing pentaerythritol tetranitrate; Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220 (NDA 16-661).

19. Sorbitrate Chewable Tablets containing isosorbide dinitrate; Stuart Pharmaceuticals, Division of I.C.I. United States, Inc. (NDA 16-776).

20. Hydronal Oral Solution containing isosorbide; Stuart Pharmaceuticals, Division of I.C.I. United States, Inc. (NDA 17-063).

21. Corodyl Forte Sustained Release Tablets containing pentaerythritol tetranitrate; Bock Pharmacal Co., 5435 Highland Park Dr., St. Louis, MO 63110 (NDA 12-519).

22. Pent-T-80 Sustained Release Capsules containing pentaerythritol tetranitrate; Merlcon Industries, Inc., 420 S.W. Washington St., Peoria, IL 61602 (NDA 12-613).

23. Tetrate-80 Time Disintegrating Capsules containing pentaerythritol tetranitrate; Pasadena Research Laboratories, Inc., 2107 E. Villa St., Pasadena, CA 91107 (NDA 13-303).

24. Tranite D-Lay Sustained Release Capsules containing pentaerythritol tetranitrate; Westerfield Laboratories, Inc., (NDA 16-499 [1]).

25. Pentitrol Tempules (Sustained Release Capsules) containing pentaerythritol tetra-

[1] Approved post-1962 continent upon future conclusions resulting from the Drug Efficacy Study.

nitrate; Armour Pharmaceutical Co., (NDA 16-457 [1]).

26. Duotrate-30 Plateau Capsules containing pentaerythritol tetranitrate; Marion Laboratories, Inc., (NDA 16-470 [1]).

27. Nitroglyn Sustained Action Tablets; Key Pharmaceuticals, Inc., (NDA 9-599).

28. Nitro-Bid (controlled release) Capsules; Marion Laboratories, Inc., (NDA's 16-518 and 16-975).

29. Nitrong (controlled release) Tablets; Wharton Laboratories, Inc., Division U.S. Ethicals, Inc., 37-02 48th Ave., Long Island City, NY 11101 (NDA 17-384).

30. Nitrospan (controlled release) Capsules; USV Laboratories, Division USV Pharmaceutical Corp., (NDA 16-447).

31. Perispan Timed Disintegration Capsules containing pentaerythritol tetranitrate; USV Laboratories (NDA 12-317).

32. Duotrate-45 Plateau Capsules (sustained release) containing pentaerythritol tetranitrate; Marion Laboratories, Inc. (NDA 12-748).

This notice applies not only to present holders of new drug applications covering the drugs listed but to all persons who manufacture or distribute any drug product that is identical, related, or similar to these, as set forth in 21 CFR 310.6, including erythrityl tetranitrate and nitroglycerin ointment, not the subject of an approved new drug application, except that it does not apply to nitroglycerin in sublingual form. Reference sources such as "American Drug Index" and "Drug Topics Red Book" indicate that numerous firms supply such products. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Division of Drug Labeling Compliance (address given above).

The Commissioner concludes that any such product, whether or not it is now marketed and whether or not it is now the subject of an approved new drug application, may be marketed in order to fulfil the critical medical need for antianginal preparations with more prolonged activity than sublingual nitroglycerin only if it meets the requirements of this notice. The Commissioner emphasizes that FDA will take regulatory action to terminate marketing of any product not in compliance with this notice.

Requirements for Products NOW Subjects of Approved NDA's

Proceedings to withdraw approval of new drug applications which are in approved status on August 26, 1977, will not be taken provided that each of the following conditions is met:

1. On or before September 26, 1977, an applicant who intends to conduct bioavailability studies for one or more dosage forms notifies the Division of Cardio-Renal Drug Products.

Bioavailability studies are begun by November 25, 1977, and the Division of Cardio-Renal Drug Products is notified within 10 days after studies are begun.

3. Bioavailability studies are completed and submitted to the Division of Cardio-Renal Drug Products within 30 days after their completion or 6 months after their initiation, whichever is earlier.

4. Clinical trials are begun not later than 4 months after notification by FDA that the bioavailability data are satisfactory. They may, of course, be begun earlier than this. (If FDA determines that the bioavailability data do not indicate the product is bioavailable, proceedings will be initiated to withdraw approval of the application and future clinical trials would necessitate an IND.)

5. An analyzed progress report of the clinical trials is submitted annually to the Division of Cardio-Renal Drug Products and a brief progress report is submitted at 6-month intervals.

6. Clinical trials are completed and the results submitted to the Division of Cardio-Renal Drug Products by August 27, 1979. If the studies are completed before that time, the results shall be submitted within 30 days after their completion.

Requirements for Products NOT NOW Subjects of Approved NDA's

Regulatory proceedings to remove from the market such products that were marketed commercially on August 26, 1977, will not be taken provided that each of the following conditions is met:

1. On or before September 26, 1977, the sponsor notifies the Division of Cardio-Renal Drug Products of his intent to conduct bioavailability studies for one or more dosage forms.

2. By November 25, 1977, the sponsor submits an abbreviated new drug application (ANDA) (21 CFR 314.1(f)) for the product(s) to the Division of Generic Drug Monograph (HFD-530), Bureau of Drugs. If the information in the ANDA is complete and satisfactory, it will be conditionally approved, pending results of bioavailability and clinical studies. Such conditionally approved products will have the same legal status as products that are subjects of "deemed approved" applications reviewed in the Drug Efficacy Study; that is, as products for which safety is not in question but for which effectiveness has not been proven.

3. Bioavailability studies are begun by November 25, 1977, and the Division of Cardio-Renal Drug Products is notified within 10 days after studies are begun.

4. Bioavailability studies are completed and submitted to the Division of Cardio-Renal Drug Products within 30 days of their completion or 6 months after their initiation whichever is earlier.

5. FDA has not issued a non-approvable letter to the applicant concerning the ANDA.

6. The ANDA is conditionally approved by May 23, 1978.

7. Clinical trials are begun no later than 4 months after notification by the Division of Cardio-Renal Drug Products that the bioavailability data are satisfactory. They may, of course, be begun earlier than this. (If FDA determines that the bioavailability data do not indicate the product is bioavailable, proceedings will be commenced to withdraw or refuse approval of the application and future clinical trials would necessitate an IND).

8. An analyzed progress report of the clinical trials is submitted annually to the Division of Cardio-Renal Drug Products and a brief progress report is submitted at 6-month intervals.

9. Clinical trials are completed and the results submitted to the Division of Cardio-Renal Drug Products by August 27, 1979. If the studies are completed before that time, the results shall be submitted within 30 days after their completion.

Requirements for Products Entering the Market After August 26, 1977

Regulatory action will not be taken against a product that enters the market after August 26, 1977 provided that each of the following conditions is met:

1. Prior to marketing the product, the sponsor submits an ANDA (21 CFR 314.1(f)) and his commitment to conduct bioavailability and clinical studies. If the information in the ANDA is complete and satisfactory, it will be conditionally approved pending results of bioavailability and clinical studies. Such conditionally approved products will have the same legal status as products that are subject of "deemed approved" applications reviewed in the Drug Efficacy Study; that is, as products for which safety is not in question but for which effectiveness has not been proven.

2. The FDA does not issue a non-approvable letter regarding such application.

3. The ANDA is conditionally approved within 180 days after it is submitted.

4. Bioavailability studies are begun within 10 days after submitting the application.

5. Bioavailability studies are completed and submitted to the Division of Cardio-Renal Drug Products within 30 days after their completion or 6 months after their initiation, whichever is earlier.

6. Clinical studies are begun no later than 4 months after notification by the Division of Cardio-Renal Drug Products that bioavailability data are satisfactory. They may, of course, be begun earlier than this. (If FDA determines that the bioavailability data do not indicate the product is bioavailable, proceedings will be initiated to withdraw or refuse approval of the application and future clinical trials would necessitate an IND.)

7. An analyzed progress report of the clinical trials is submitted annually to the Division of Cardio-Renal Drug Products and a brief progress report is submitted at 6-month intervals.

8. Clinical trials are completed and the results submitted to the Division of Cardio-Renal Drug Products by August 27, 1979. If the studies are completed before that time, the results shall be submitted within 30 days after their completion.

The Commissioner points out that the time limit for completion and submission of clinical studies is the same as for

products already on the market on August 26, 1977. To extend the time simply because a product entered the market after that date is regarded as inconsistent with the FDA policy to resolve effectiveness questions on paragraph XIV drugs at the earliest possible time and to require all marketed products to be subject to testing requirements. Thus, persons desiring to market new products in this category significantly late in the timetable set forth in this notice will probably have to join a collaborative study (discussed below) in order to meet this condition.

BIOAVAILABILITY STUDIES

All products in this category must be tested using either the guidelines that were developed under the FDA (Smolen) contract or another well-documented method. Other methods can be used only if the sponsor submits evidence, in advance, that they are equally applicable and maintains compliance with the schedule described below.

Bioavailability studies must be performed for each dosage form marketed (including controlled release products), but not each strength, provided the formulations involve the same inactive ingredients in approximately the same ratios. It will not be necessary to perform clinical trials with each dosage form provided those dosage forms not subjected to clinical trials are similar in their bioavailability characteristics to the drug products which are tested clinically. If a product with a controlled release claim is tested in clinical trials, it must be compared with a conventional dosage form in such a manner to enable FDA to determine that the prolonged effect of the controlled release product is not due merely to its greater drug content (i.e., dose dumping) and that it is comparable in effect to the immediate release product given at appropriate intervals. If any product is administered at levels which exceed the largest dose recommended for that drug by any of its manufacturers in currently approved or permitted labeling, a Notice of Claimed Investigational Exemption for a New Drug (IND) will be needed for the study.

Guidelines for bioavailability studies are available from the Division of Biopharmaceutics. Sponsors who elect to use alternative methods must obtain advance approval from the Division of Biopharmaceutics, but the times for starting and completing such studies will not be extended beyond those stated above. Upon notification that the submitted bioavailability data are satisfactory, the sponsor must then go on to clinical trials for effectiveness as outlined below. If the bioavailability data are not satisfactory, regulatory action will be taken to remove the drug from the market.

Bioavailability data will be considered satisfactory to permit entry into clinical trials only if the dosage for which a pharmacologic effect is demonstrated does not exceed the largest dose recommended for that drug by any of its manufacturers in currently approved or permitted labeling.

If a firm elects to study clinically a dosage higher than in its current labeling, but no higher than in another firm's labeling, it must do a pilot safety study. While larger doses than this may be studied under an IND, failure to demonstrate that the currently recommended dosage is acceptably bioavailable will be considered grounds for revoking its paragraph XIV exemption, and regulatory action will be taken to remove the drug from the market.

To be considered bioavailable, the product must be tested using an approved protocol and shown to be different, according to criteria set forth in FDA's guidelines for bioavailability, from placebo with respect to its effect on the physiologic measurement during an interval appropriate to the recommended dosing intervals.

CLINICAL STUDIES

After bioavailability data are submitted and FDA determines that they are adequate, clinical trials for effectiveness must be conducted for each coronary vasodilator drug product, except that (1) manufacturers of drugs with the same active ingredient and acceptable bioavailability characteristics may elect to conduct collaborative studies, and (2) manufacturers of several dosage forms of the same drug may choose one of those dosage forms for clinical trials provided that those dosage forms not subjected to clinical trials have bioavailability characteristics similar to those of the selected products. The choice of dosage and dosage interval to be studied may be influenced by the results of bioavailability studies; as noted above, however, the dosage used in studies conducted under the provisions of this notice may not exceed the largest dose recommended for that drug by any of its manufacturers in current permitted or approved labeling.

If a firm elects to study clinically a dosage higher than in its current labeling, but no higher than in another firm's labeling, it must do a small pilot safety study.

Guidelines for the clinical study of coronary vasodilators are available on request from the Division of Cardio-Renal Drug Products as follows:

a. *Sublingual Isosorbide Dinitrate, Sublingual Erythrityl Tetranitrate.* Final guidelines have been developed for the study of a drug in acute angina pectoris by the FDA Cardiovascular-Renal Advisory Committee. These guidelines involve treatment of an acute attack only. Because claims are also being made for prophylaxis of an acute attack, sponsors will also need to develop and submit protocols for study of sublingual isosorbide dinitrate or sublingual erythrityl tetranitrate given prior to an exercise tolerance test.

b. *Oral Organic Nitrates, Controlled Release and Topical Nitroglycerin and Conventional Oral Dipyridamole.* Guidelines that have similarly been developed by the FDA Cardiovascular-Renal Advisory Committee for assessment of oral antianginal investigational new drugs may be utilized for the Phase III clinical studies required to demonstrate effectiveness for the oral organic nitrates, controlled release and topical nitroglycerin and dipyridamole. Bioavailability studies should also be conducted in some patients undergoing clinical trials to attempt to show a correlation between physiologic and clinical effects. It is recommended that such physiologic effects be measured once in the placebo baseline period, at the onset of the drug (or placebo) treatment period, and midway through the treatment period.

All submissions (e.g., notice of intent, protocol, progress report, study results) pursuant to this notice shall be identified by including the NDA or ANDA number and the following in a box in the upper portion of the cover letter:

"Paragraph XIV Drug– Category I: Coronary Vasodilator."

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended, 1055–1056, as amended (21 U.S.C. 355, 371)), the Administrative Procedure Act (U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: August 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-24750 Filed 8-25-77;8:45 am]

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting

AGENCY: National Institute of Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the first meeting of the Panel for the Review of Laboratory and Center Operations. It also describes the function of the Panel. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)). This document is intended to notify the general public of its opportunity to attend.

DATES: The Panel will meet Sunday, September 11 from 7 p.m. to 10 p.m. and Monday, September 12 from 9 a.m. to 5 p.m.

ADDRESS: National Institute of Education, Room 823, 1200 19th Street NW., Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT:

Mr. John O'Brien, Laboratory and Center, Task Force, National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

The Panel for the Review of Laboratory and Center Operations was established under the provisions of Section 403 of the Education Amendments of 1976. The Panel is directed to:

(A) Review and prepare recommendations on initial long-range plans of the laboratories and centers.

(B) Review the operations of the laboratories and centers receiving assistance and make recommendations for the

improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

(C) Not later than January 1, 1979 submit a final report to the Director and to the Congress containing such recommendations as the Panel considers appropriate and such interim reports as the Panel considers appropriate.

The proposed agenda for the September 11–12 meeting includes the following:

SEPTEMBER 11

Review of Laboratory and Center Panel Charter.
Charge to the Panel.

SEPTEMBER 12

Historical Review of NIE's Relationship with the Laboratories and Centers.
Discussion of the Panel's Operating Style.
Discussion of Tasks and Workplans.

Records shall be kept of all Panel proceedings and shall be available 14 days after the meeting for public inspection at the National Institute of Education located at 1200 19th Street NW., Washington, D.C. 20208.

Signed at Washington, D.C., on August 24, 1977.

JOHN CHRISTENSEN,
Acting Director.

[FR Doc.77-25044 Filed 8-25-77;10:00 am]

National Institutes of Health

REPORT ON BIOASSAY OF DICHLORVOS FOR POSSIBLE CARCINOGENICITY

Availability

Dichlorvos has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of technical-grade dichlorvos was conducted using Osborne-Mendel rats and B6C3F1 mice. The test material was administered in the diet at two concentrations for 80 weeks to groups of 50 animals of each species and sex. The test animals were held for observation, and surviving rats were killed at 110–111 weeks and surviving mice at 92–94 weeks from initiation of the study. Initial doses in both species were not well tolerated and they were lowered after a few weeks. Time-weighted average doses for both males and females were 150 and 326 ppm for rats and 318 and 635 ppm for mice. The matched controls consisted of 10 rats of each sex and 10 mice of each sex; the pooled controls consisted of 60 rats of each sex, 100 male mice, and 80 female mice. All surviving rats were killed at 106 to 109 weeks; surviving mice, at 92 to 94 weeks.

After the doses were reduced, no toxic signs directly attributable to the compound were observed. However, average weights of high-dose animals were slightly depressed. Survival was not dose-related in either species. Microscopic study of the tissues of treated animals and matched and pooled controls revealed no statistically significant increase in the incidence of tumors attributable to exposure to dichlorvos in either animal species. The significance of the three esophageal tumors in male and female mice and of malignant fibrous histiocytomas in male mice is unclear and there is insufficient evidence to indicate they were associated with dichlorvos treatment. Thus under the conditions of this study, dichlorvos was not demonstrated to be carcinogenic.

Single copies of the 98-page report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: August 5, 1977.

THOMAS E. MALONE,
Acting Director,
National Institutes of Health.

[FR Doc.77-24190 Filed 8-25-77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

NAME: National Professional Standards Review Council.

DATE AND TIME: September 12, 1977 (10:00 a.m. to 5:00 p.m.); September 13, 1977 (9:00 a.m. to 1:00 p.m.).

PLACE: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

PURPOSE OF MEETING: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

Dated: August 16, 1977.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.77-24955 Filed 8-25-77;8:45 am]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HS, Health Services Administration, of the Statement of Organizations, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (41 FR 6788, February 13, 1976) is amended to reflect the establishment in the Indian Health Service (HSN) of the California Program Office (HSNFQ).

"Section HS-B, Organization and Functions," is amended by adding the California Program Office (HSNFQ). No change is made in the current function statement for the Indian Health Service Area and Program Offices.

Dated: August 15, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14459 Filed 8-25-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 21435]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

AUGUST 16, 1977.

The Department of Agriculture filed application, Serial No. M 21435, on May 3, 1972, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

BEERLODGE NATIONAL FOREST

Spire Rock Spike Camp

T. 2 N., R. 5 W.,
Sec. 6, SE¼ of Lot 4, Lot 5.
Total area—53.89 acres.

Rock Creek Spike Camp

T. 6 N., R. 7 W.,
Sec. 20, Lot 4 and NE¼NW¼SE¼.
Total area—47.54 acres.

Douglas Creek Administrative Site

T. 9 N., R. 12 W.,
Sec. 28, N½N½SW¼SW¼ and S½S½NW¼SW¼.
Total area—20 acres.

East Fork of Rock Creek Trail Head Facilities

T. 4 N., R. 14 W.,
Sec. 17, W½SW¼NE¼ and E½SE¼NW¼.
Total area—40 acres.

Carp Lakes Trail Head Facilities

T. 3 N., R. 15 W.,
Sec. 11, N½NW¼NW¼.
Total area—20 acres.

Fuse Lake Recreation Area

T. 6 N., R. 17 W.,
Sec. 27, S½NW¼NW¼ and N½SW¼NW¼; and
Sec. 28, SE¼NE¼NE¼ and NE¼SE¼NE¼
Total area—60 acres.

Rock Creek Trail End Facility

T. 2 S., R. 3 W.,
Sec. 6, SE¼ of Lot 6 and NE¼ of Lot 8.
Total area—15 acres.

The areas described aggregate 256.43 acres in Jefferson, Granite, and Madison Counties, Mont.

The applicant desires that the lands be reserved for administrative sites and recreation areas.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on June 1, 1972, Volume No. 37, Page No. 10964, Doc. No. 72-8263.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Mont. 59107, on or before September 27, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before September 27, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Mont. 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-24753 Filed 8-25-77;8:45 am]

[NM 31410]

NEW MEXICO

Application

AUGUST 18, 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), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 21 E.,
Sec. 1, lot, 2, SW¼NE¼, N½SE¼ and SE¼SE¼.
T. 22 S., R. 22 E.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 7, W½NW¼ and NE¼NW¼.

These pipelines will convey natural gas across 1.791 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-24752 Filed 8-25-77;8:45 am]

[M 37275]

MONTANA

Proposed Withdrawal and Reservations of Lands

AUGUST 16, 1977.

The Bureau of Reclamation, Department of the Interior, on May 19, 1977, filed application, No. M 37275, for the withdrawal of the following described public lands from settlement, sale, location, or entry under all the general land laws, including the mining laws but excluding the mineral leasing laws, subject to valid existing rights:

PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 1 W.,
Sec. 2, Lot 4.
T. 30 N., R. 1 E.,
Sec. 17, SE¼NE¼.
T. 30 N., R. 2 E.,
Sec. 26, NE¼NE¼.
T. 30 N., R. 3 E.,
Sec. 19, Lot 13 and SE¼SW¼; and
Sec. 30, Lot 1.
T. 30 N., R. 4 E.,
Sec. 13, NW¼NE¼; and
Sec. 28, N½NW¼.

The areas described aggregate 338.72 acres in Liberty and Toole Counties.

The applicant desires the lands for multipurpose development in accordance with the Tiber Reservoir Management plans of the Pick-Sloan Missouri Basin Program.

On or before September 27, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below by September 27, 1977. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

For a period of two years from the date of publication of this notice in the FEDERAL REGISTER, the lands will be segregated from entry as specified above unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, the lands will remain segregated for the term of the withdrawal.

All communications in connection with this withdrawal (except public hearing requests) should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Montana State Office, P.O. Box 30157, Billings, Mont. 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-24751 Filed 8-25-77;8:45 am]

[NM 31265, 31270, 31272, 31273]

NEW MEXICO

Applications

AUGUST 18, 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), El Paso Natural Gas Company has applied for one 8⅝-inch, one 4½-inch natural gas pipelines and two underground cable rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 5 W.,
Sec. 21, W½NE¼ and E½NW¼.
T. 29 N., R. 8 W.,
Sec. 1, lots 1, 2 and SW¼NE¼;
Sec. 12, W½W½.
T. 30 N., R. 8 W.,
Sec. 8, S½NE¼ and NE¼SE¼.
T. 31 N., R. 11 W.,
Sec. 2, SW¼SW¼.

The pipelines and cables will be used in connection with natural gas operations and will cross 2.420 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-24754 Filed 8-25-77;8:45 am]

INTERIM MANAGEMENT SUBCOMMITTEE OF CALIFORNIA DESERT CONSERVATION AREA ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Interim Management Subcommittee of the California Desert Conservation Area Advisory Committee (CDCAAC) will meet at 10 a.m. on September 12, 1977. The meeting will be in the Garden Room of the Host of Sacramento Hotel at the Sacramento airport.

The purpose of the meeting is to discuss, review and provide guidance to BLM officials on interim management items and proposals in advance of the CDCAAC meeting scheduled for September 23-24, 1977. The Subcommittee will also address its future role so as to prepare a recommendation to BLM officials and the CDCAAC.

Specific interim management items to be reviewed and assessed for their desert-wide implications or irreversibility will be the Yuha, Red Mountain, and El Paso MFP implementation plans; Cadiz and East Mesa ORV event environmental assessments; and the East Mojave MFP. These same items will be presented indepth to the CDCAAC on September 23-24. Subcommittee review will consist of advising District Managers on approach, presentation, prioritization, and to provide advance briefing so the Subcommittee may present recommendations to the full committee.

Dated: August 18, 1977.

ED HASTEY,
State Director.

[FR Doc.77-24816 Filed 8-25-77;8:45 am]

Bureau of Outdoor Recreation

[INT FES (77-32)]

DESIGNATION OF OREGON TRAIL ROUTE AS ELEMENT OF PROPOSED NATIONAL HISTORIC TRAIL SYSTEM

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposal to designate the route of the Oregon Trail as a National Historic Trail.

Copies are available for inspection at the following locations:

Division of Resource Area Studies Bureau of Outdoor Recreation, Interior South Building, Washington, D.C. 20240, Telephone 202-343-5772.
Office of the Regional Director, Northwest Region, Bureau of Outdoor Recreation, 915 Second Avenue, Room 990, Seattle, Wash. 98174. Telephone 206-442-4706.
Budget Division, Department fo Administration, First Floor—Statehouse, Topeka, Kans. 66612.
State Planning Corrdinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001.
Federal Aid Coordination Section, Intergovernmental Relations Division, 204 Cottage Street SE., Salem, Oreg. 97310.
Office of the Regional Director, Mid-Continent Region, Bureau of Outdoor Recreation, P.O. Box 25387, Bldg. 41, Denver Federal Center, Denver, Colo. 80225, Telephone 303-234-2634.
Office of Administration, Division of State Planning and Analysis, P.O. Box 809, State Capitol, Jefferson City, Mo. 65101.
State Office of Planning and Programming, State Capitol, Box 94601, Lincoln, Neb. 68509.
Division of State Planning, Statehouse, Room 122 Boise, Idaho 83720.
Office of Program Planning and Fiscal Management, 106 House Office Building, Olympia, Wash. 98504.

A limited number of single copies are available and may be obtained by writing to the Regional Director, Northwest Region, Bureau of Outdoor Recreation, 915 Second Avenue, Room 990, Seattle, Wash. 98174.

Dated: August 22, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-24818 Filed 8-25-77;8:45 am]

National Park Service

LAKE MOHAVE RESORT, INC.

Intention To Extend Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before September 26, 1977, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Lake Mohave Resort, Inc., authorizing it to continue to provide concession facilities and services for the public at Lake Mead National Recreation Area for a period of two (2) years from January 1, 1977, through December 31, 1978.

It has been determined that the proposed extension of this contract does not have potential for causing significant environmental impact and therefore preparation of an environmental assessment is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1976, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Lake Mohave Resort, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new contract and a preference in the award of the contract, if the offer of Lake Mohave Resort, Inc., is substantially equal to others received. The Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 26, 1977.

Interested parties should contact the Assistant Director, Special Services, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: August 16, 1977.

DANIEL J. TOBIN, Jr.,
Acting Associate Director, National Park Service.

[FR Doc.77-24804 Filed 8-25-77;8:45 am]

OLYMPIC NATIONAL PARK

Public Workshops

Notice is hereby given that six public workshops will be held regarding backcountry shelter management in Olympic National Park. The purpose of the workshops is to determine the most suitable policy for managing park shelters in the park.

The first two workshops will be in the Huntley Cafeteria at the Aberdeen High School in Aberdeen, Wash., on Tuesday, September 20, 1977. Times for the two workshops are 2:00 p.m. to 5:00 p.m. and 7:00 p.m. to 10:30 p.m. The second two workshops will be held in room 19 at Peninsula College, Port Angeles,

Washington on Wednesday, September 21, 1977. The times for these two workshops are 1:30 p.m. to 5:00 p.m. and 7:00 p.m. to 10:30 p.m.

The third two workshops will be held in The Blakely Room at the Seattle Center in Seattle, Washington on Thursday, September 29, 1977 Times for these two workshops are 1:30 p.m. to 5:00 p.m. and 7:00 p.m. to 10:30 p.m.

Written statements may be submitted to the Superintendent up to 30 days following the final workshop. The address is: Superintendent Olympic National Park, 600 East Park Avenue, Port Angeles, Washington 98362.

EDWARD J. KURTZ,
Acting Regional Director,
Pacific Northwest Region.

[FR Doc.77-24926 Filed 8-25-77;8:45 am]

Office of the Secretary

[Int FES 77-33]

ENVIRONMENTAL IMPACT STATEMENT, EAGLE BUTTE MINE, CAMPBELL COUNTY, WYOMING

Availability of Final Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on the Eagle Butte coal strip mining operation proposed by Amax Coal Company in Campbell County, Wyoming. The final statement assesses the environmental impacts of the lessee's plan for the strip mining of the federally and State owned coal and the concurrent reclamation and revegetation of surface lands. The proposed action is on Federal coal lease W-0313773 and State coal lease O-27078, T. 51 N., R. 72 W., 6th Prin. Mer.

Comments received on the draft environmental statement during the comment period were considered in the preparation of the final environmental statement and are reproduced in its appendix.

The proposed mining and reclamation plan assessed in this statement was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74-55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming," which was filed with the Council on Environmental Quality on October 18, 1974.

The final environmental statement is available for public review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia 22092; the Converse County Library, 300 Walnut Street, Douglas, Wyoming 82633; the George Amos Memorial Library, 412 South Gillette Avenue, Gillette, Wyoming 82716; the Library of Natrona County, 307 East Second, Casper, Wyoming 82601; and the State Library, State of Wyoming, Supreme Court Building, Cheyenne, Wyoming 82002.

A limited number of copies are available from the U.S. Geological Survey, Land Information and Analysis Office, Environmental Impact Analysis Program, Denver Federal Center, Box 25046, Denver, Colorado 80-225; and, over the counter only, from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado.

Dated: August 19, 1977.

JOAN M. DAVENPORT,
Assistant Secretary
of the Interior.

[FR Doc.77-24790 Filed 8-25-77;8:45 am]

[INT FES 77-31]

NORTHWEST ALLOYS MAGNESIUM PLANT, WASHINGTON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared an Environmental Statement on Electrical Service to the Northwest Alloys Magnesium Plant in Addy, Wash. The proposal addressed in this statement involves the provision of full electrical service to the Northwest Alloys plant located in Stevens County, Wash. now scheduled to occur during the fall of 1977.

Copies of the Final Environmental Statement are available for inspection in the library of the headquarters office of Bonneville Power Administration, 1002 Northeast Holladay Street, Portland, Ore. 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and at the BPA's Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Wash. 99201.

Copies are also available at Government Depository Libraries (see attached list below).

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Ore. 97208.

Dated: August 22, 1977.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary
of the Interior.

GOVERNMENT DEPOSITORY LIBRARIES

IDAHO

Boise Public Library, Reference Department, 715 Capitol Blvd., Boise, Idaho 83706.
University of Idaho, Library—U.S. Documents, Moscow, Idaho 83843.
Documents Division, Idaho State University Library, Pocatello, Idaho 83209.
Boise State College Library, Boise, Idaho 83725.
Idaho State Library, 325 West State Street, Boise, Idaho 83702.
Ricks College, David O. McKay Library, Rexburg, Idaho 83440.
Idaho State Law Library, Documents Librarian, Pocatello, Idaho 83201.
College of Idaho, Terteling Library, 2112 Cleveland Blvd., Caldwell, Idaho 83605.
College of Southern Idaho, Documents Library—Box 1238, 315 Falls Ave., Twin Falls, Idaho 83301.

MONTANA

Documents Librarian, Montana State University Library, Bozeman, Mont. 59715.
University of Montana Library, Documents Division, Missoula, Mont. 59801.

OREGON

Southern Oregon State College Library, Documents Section, Ashland, Oreg. 97520.
Documents Division, William Jasper Kerr Library, Oregon State University, Corvallis, Oreg. 97331.
University of Oregon Library, Documents Section, Eugene, Oreg. 97403.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, Oreg. 97116.
Eastern Oregon State College Library, Eighth at K, La Grande, Oreg. 97850.
Northus Library, Linfield College, McMinnville, Oreg. 97128.
Oregon College of Education Library, Monmouth, Oreg. 97361.
Aubrey R. Watzek Library, Lewis and Clark College, Attention: Reference Department, 0615 Southwest Palatine Hill Road, Portland, Oreg. 97219.
Library Association of Portland, 801 Southwest Tenth Avenue, Portland, Oreg. 97205.
Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, Oreg. 97207.
Eric V. Hauser Memorial Library, Reed College, 3203 Southeast Woodstock, Portland, Oreg. 97202.
Oregon State Library, State Library Building, Salem, Oreg. 97301.
Willamette University Library, 900 State Street, Salem, Oreg. 97301.
Oregon Supreme Court Library, 12th and State Streets, Salem, Oreg. 97310.

WASHINGTON

Documents Division, Mabie Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, Wash. 98225.
Documents Department, Victor J. Bouillon Library, Central Washington State College, Ellensburg, Wash. 98926.
Everett Community College Library, 801 Wetmore Avenue, Everett, Wash. 98201.
Documents Center, Washington State Library, Olympia, Wash. 98501.
University of Puget Sound, Everill S. Collins Memorial Library, Tacoma, Wash. 98416.
Eastern Washington State College, John F. Kennedy Memorial Library, Cheney, Wash. 99004.
Evergreen State College, Daniel J. Evans Library, Olympia, Wash. 98505.
Seattle Public Library, 1000 Fourth Avenue, Seattle, Wash. 98104.
University of Washington, School of Law Library, 300 Condon Hall, Seattle, Wash. 98105.
Tacoma Public Library, 1102 Tacoma Avenue South, Tacoma, Wash. 98402.
Everett Public Library, 2702 Hoyt Avenue, Everett, Wash. 98201.
North Olympic Library System, Library Service Center, 2210 South Peabody, Port Angeles, Wash. 98362.
Spokane Public Library, Comstock Bldg., West 906 Main Avenue, Spokane, Wash. 99201.
Port Angeles Public Library, 207 South Lincoln Street, Port Angeles, Wash. 98362.

[FR Doc.77-24817 Filed 8-25-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-7]

WAYNE E. ELLISON, d.b.a. WAYNE'S PHARMACY AND NORTH STRINGTOWN PLAZA, INC., d.b.a. WAYNE'S PHARMACY

Final Order

On February 25, 1976, the Administrator of the Drug Enforcement Administration (DEA) issued to Wayne E. Ellison, doing business as Wayne's Pharmacy, Evansville, Ind., an Order to Show Cause proposing to revoke Respondent Ellison's DEA Certificate of Registration, AE4124284, for reason that on February 6, 1976, in the United States District Court for the Southern District of Indiana, Mr. Ellison was convicted in several counts of distributing, and conspiring to distribute, controlled substances. Simultaneously with service of the Order to Show Cause upon Mr. Ellison, the Administrator suspended the registration of Wayne's Pharmacy and seized all controlled substances acquired under and possessed pursuant to that registration. Subsequently, through counsel, Respondent Ellison requested a hearing on the issues raised by the Order to Show Cause.

As proceedings preliminary to the requested hearing progressed, the Drug Enforcement Administration received an application for registration of a newly formed corporate entity, North Stringtown Plaza, Inc., doing business as Wayne's Pharmacy. On September 24, 1976, the Administrator issued an Order to Show Cause proposing to deny Respondent North Stringtown Plaza's application based upon information that "Wayne E. Ellison remain[ed] associated with and, for all intents and purposes, in control of Wayne's Pharmacy." On October 7, 1976, counsel for North Stringtown Plaza, Inc., requested a hearing on the second Order to Show Cause. Subsequently, on October 22, 1976, the Honorable Francis L. Young, Administrative Law Judge, ordered that the two matters be consolidated under Docket No. 76-7. After further preliminary proceedings, including a prehearing conference held in Washington, D.C., in January, 1977, the consolidated matters were set for hearing to commence on June 14, 1977, in Indianapolis, Ind.

On June 13, 1977, counsel for the Government and the Respondents agreed upon a stipulation of settlement which was intended to dispose of all of the issues in these matters. On June 14, 1977, the stipulation of settlement was presented to the Administrative Law Judge who accepted the agreement and entered judgment by consent. On June 20, 1977, Judge Young certified and transmitted to the Administrator his report of these proceedings, including the Administrative Law Judge exhibits, the docket, the transcript, the Stipulation of Settlement dated June 13, 1977, and the Judgement by Consent dated June 14, 1977.

Judge Young recommended, inter alia, that a final order be issued revoking the registration of Wayne E. Ellison, d.b.a. Wayne's Pharmacy, pursuant to the Order to Show Cause of February 25, 1976.

On August 17, 1977, the Administrative Law Judge transmitted to the Administrator an amendment to the original stipulation of settlement filed in this case, Judge Young noted that the amendment was apparently necessitated by the Respondent's inablity to obtain certain licenses from the State of Indiana. The Administrator hereby accepts and endorses the stipulated settlement of these matters, as amended, and as recommended by the Administrative Law Judge.

Therefore, pursuant to the authority granted to the Attorney General by the Controlled Substances Act, Title 21, United States Code, Section 801, et seq., and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby finds that there is a lawful basis for the revocation of the registration previously issued to Wayne E. Ellison, d.b.a. Wayne's Pharmacy, number AE4124284, based upon Mr. Ellison's having been convicted of felony offenses related to controlled substances.[1] The Administrator hereby orders that the aforementioned registration be, and it hereby is, revoked, effective immediately. The application for registration of North Stringtown Plaza, Inc., d.b.a. Wayne's Pharmacy, executed July 15, 1977, is hereby granted upon conditions as set forth in the stipulation of settlement, as amended, these conditions including, inter alia, the total exclusion of Mr. Ellison from the ownership, management and operation of Wayne's Pharmacy. All prior applications submitted by, or on behalf of, North Stringtown Plaza, Inc., will be considered as withdrawn by the Respondents pursuant to their agreement with the Government. The Administrator further orders that all controlled substances seized from the premises of Wayne's Pharmacy pursuant to Title 21 United States Code, section 824(f) be, and they hereby are, declared forfeit to the United States. Mitigation of forfeiture, in accordance with the terms of the stipulation of settlement will take place as soon as appropriate arrangements are made.

Dated: August 23, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-24860 Filed 8-25-77;8:45 am]

[1] The Administrator takes official notice of the fact that on June 29, 1977, the U.S. Court of Appeals for the Seventh Circuit affirmed Mr. Ellison's convictions.

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

Correction

In FR Doc. 77-23789, appearing at page 42062 in the issue of Friday, August 19, 1977, Modifications page nine, which was mistakenly omitted, should have appeared on page 42069 as follows:

MODIFICATIONS P. 9

DECISION #TN77-1080 - Mod. #1
(42 FR 37764 - July 22, 1977)
Hamilton (Building and Heavy Construction); Bradley, Marion, Meigs, Polk & Rhea (Building Construction Only) Counties, Tennessee

OMIT:

Bradley and Meigs Counties

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely

to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 22d day of August 1977.

ERNEST G. GREEN,
Assistant Secertary for Employment and Training.

Applications received during the week ending Aug. 19, 1977

Name of applicant	Location of enterprise	Principal product or activity
CTC Partnership	Frederick, Md.	Motel, restaurant and truck services and truck service repairs.
The Cresey Co. of Huntington, Inc.	Kenova, W. Va.	General line groceries.
Montgomery Mining Machinery Manufacturing Co.	Abingdon, Va.	Manufacture of heavy machinery and equipment used by the mining industries.
McKinley Walker, Jr.	Mt. Sterling, Ky.	Nursing home.
Day Co. Inc. (tenant of city of Cuthbert).	Cuthbert, Ga.	Manufacture of hardwood and plywood.
Pigeon Valley Rest Home, Inc.	Canton, N.C.	Intermediate care institutional services.
Dareware Corp.	Manteo, N.C.	Retail hardware.
Technic Corp.	Ronda, N.C.	Manufacture of ladies' and girls' underwear.
A&R Stone, Inc.	Columbia, Ky.	Mining of limestone.
Tice Yarns, Inc.	Sugar Valley, Ga.	Manufacture of textile-carpet yarn.
Glen Jones	Cairo, Ill.	Motel, restaurant and truck stop.
Century Development Co.	West City, Ill.	Restaurant.
Centerville Building and Developing Corp.	Centerville, Iowa.	General contractor engaged in construction of sewer, water and utility lines.
Clear Lake Development Corp.	Clear Lake, S.D.	Manufacture of sports clothing.

[FR Doc.77-24844 Filed 8-25-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Illinois

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Illinois, effective on August 27, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Illinois on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Illinois has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on August 6, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Illinois for the week ending August 6, 1977, and that the Federal Supplemental Benefit Period in that State terminates on August 27, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Illinois Department of Labor of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Persons who wish information about their rights to Federal Supplemental Benefits in the State of Illinois should contact the nearest Employment Office of the Illinois Department of Labor in their locality.

Signed at Washington, D.C., on August 23, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-24846 Filed 8-25-77;8:45 am]

MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Submission of Preapplications for Federal Asssitance for Fiscal Year 1978

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Pursuant to 29 CFR 97.211, the Employment and Training Administration announces the list of applicants intending to apply for Fiscal Year 1978 funds for Migrant and Other Seasonally Employed Farmworker Programs authorized by Section 303 of the Comprehensive Employment and Training Act (CETA) of 1973.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul A. Mayrand, Director, Office of Farmworker Programs, Room 7122, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: The list contains the names and addresses of all applicants which have submitted the Preapplication for Federal Assistance Form, Part I, OMB, No. 29–RO218 by August 1, 1977. No funding requests received for those areas to be renewed without competition as listed in the July 8, 1977, FEDERAL REGISTER, Volume 42, Number 131, page 35330 shall be considered for funding.

Organizations listed below may submit funding requests as described in 29 CFR 97.214. However, no determination has been made as to the legal eligibility of applicants listed to receive CETA Section 303 funds. The final determination of eligibility to receive funds will be made during the funding request review (29 CFR 97.215).

Applicants which have submitted a Preapplication for Federal Assistance Form Part I, by August 1, 1977, and are not listed below, should contact the U.S. Department of Labor at the address provided in 29 CFR 97.214(a) immediately. Pursuant to 29 CFR 97.211, applicants wishing to comment on the funding request of other applicants in the same State, must request a copy of the funding request from the applicant concerned. The following is the list of applicants exclusive of the noncompetitive sponsors which have submitted Preapplications for Federal Assistance Forms, Part I, by State for areas open to competition this year:

Preapplicants for CETA Section 303 Funds:

REGION I

CONNECTICUT

New England Farmworkers Council, 3502 Main Street, Springfield, Mass. 01107.

MAINE

Penobscot Consortium, Training and Employment Administration, 166 Union Street, Bangor, Maine 04401.

MASSACHUSETTS

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Mass. 01107.

RHODE ISLAND

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Mass. 01107.

VERMONT

State of Vermont, Comprehensive Employment and Training, 79 River Street, Montpelier, Vt. 05602.

NEW HAMPSHIRE

No applications received.

REGION II

NEW JERSEY

Farmworker's Corporation of New Jersey, 36 West Landis Avenue, Vineland, N.J. 08360.

NEW YORK

Program Funding, Inc., Suite 730, Powers Building, Rochester, N.Y. 14614.
State University of New York, College at Fredonia, Fredonia, N.Y. 14063.
Orange County, 168 Main Street, Goshen, N.Y. 10924.

PUERTO RICO

Center of Development Opportunities of Puerto Rico, Inc., Las Violetas 2007, Apt. 6A, Santurce, Puerto Rico 00915.
Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.

REGION III

DELAWARE

Delmarva Ecumenical Agency, Rural Ministries, Blue Hen Mall, Dover, Del. 19901.
Migrant and Seasonal Farmworkers Association, 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

MARYLAND

Delmarva Ecumenical Agency, Rural Ministries, Blue Hen Mall, Dover, Del. 19901.
Migrant and Seasonal Farmworkers Association, 3929 Western Blvd., POB 33315, Raleigh N.C. 27606.
State of Maryland Department of Human Resources, 1100 North Eutaw Street, Baltimore, Md. 21201.

PENNSYLVANIA

Farm Labor Services Center, Inc., 633 West Girard Avenue, Philadelphia, Pa. 19122.
Farmworkers Corporation of New Jersey, 36 West Landis Avenue, Vineland, N.J. 08360.
Pennsylvania Council of Farmworkers, 1331 Hamilton Street, Allentown, Pa. 18102.
Operational Innovations, Inc., 508 Main Street, Bethlehem, Pa. 18016.
Philadelphia Opportunities Industrialization Center, Inc., 1231 North Broad Street, Fourth Floor, Philadelphia, Pa. 19122.
Susquehanna Human Services, Inc., 42 East Third Street, Bloomsburg, Pa. 17815.
National Council on Agricultural Life and Labor Research Fund, Inc., 155 South Bradford Street, Dover, Del. 19901.
Commonwealth of Pennsylvania, Department of Community Affairs, Bureau of Human Resources, Box 155, Harrisburg, Pa. 17120.

VIRGINIA

Migrant and Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Del. 19901.
Virginia Employment Commission, 703 East Main Street, Richmond, Va. 23211.

WEST VIRGINIA

State of West Virginia, Governor's Manpower Office, 5790A MacCorkle Avenue SE., Charleston, W. Va. 25304.

REGION IV

FLORIDA

Florida Farmworker's Council, 1975 East Sunrise Blvd., Suit 850, Ft. Lauderdale, Fla. 33304.
Florida Department of Education, Vocational Education Division, Capitol Building, Tallahassee, Fl. 32304.
A. Philip Randolph Research Foundation, 135 South Monroe, Suite 100C, Tallahassee, Fla. 32304.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

GEORGIA

Office of the Governor, Georgia Department of Labor, 501 Pulliam Street SW., Atlanta, Ga. 30012.
Migrant and Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, N.C. 27606.
Supplemental Education Services, Inc., POB 793, Butler, Ga. 31006.

KENTUCKY

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tenn. 37211.

MISSISSIPPI

Mississippi Delta Council for Farm Workers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Miss. 38614.

NORTH CAROLINA

Migrant and Seasonal Farmworker Association, Inc., 3929 Western Blvd., POB 33315, N.C. 27606.

SOUTH CAROLINA

Office of the Governor, 1800 St. Julian Place, INA Bldg., Columbia, S.C. 29204.
South Carolina Resources Development Corporation, 3015 South Church Street, Spartanburg, S.C. 29301.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

REGION V

ILLINOIS

Illinois Migrant Council, 202 South State Street, Chicago, Ill. 60604.

INDIANA

Office of Manpower Development, 150 West Market Street, 7th Floor, Indianapolis, Ind. 46204.
AMOS, Inc., 2802 North Delaware, Indianapolis, Ind. 46205.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

OHIO

La Raza Unida de Ohio, 1007 Revere Drive, Bowling Green, Ohio 43402.
State of Ohio BOS, Office of Manpower Development, 30 East Broad Street, 27th Floor, Columbus, Ohio 43215.

REGION VI

ARKANSAS

Arkansas Department of Labor, Capitol Hill Building, Little Rock, Arkansas 72201.
Arkansas Council of Farmworkers, 1200 Westpark Drive, POB 4241—Asher Station, Little Rock, Ark. 72214.

OKLAHOMA

Arkansas Council of Farmworkers, 1200 Westpark Drive, POB 4241—Asher Station, Little Rock, Ark. 72214.
ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Okla. 73106.

TEXAS

Associated City-County Economic Development Corporation, Inc., 1304 South 25th Street, Edinburg, Tex. 78539.
Governor's Office of Migrant Affairs, POB 12428, Capitol Station, Austin, Tex. 77327.

REGION VII

KANSAS

American GI Forum of Kansas, 676 South 9th Street, Salina, Kans. 67401.
ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Okla. 73106.

MISSOURI

Rural Missouri, Inc., 418 Madison Street, POB 204, Jefferson City, Mo. 65101.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.
Office of Manpower Planning, National Migrant and Seasonal Workers, 226 East Dunklin, Jefferson City, Mo. 65101.

NEBRASKA

Migrant Action Program, POB 778, 220 East State Street, Mason City, Iowa 50401.
State of Nebraska, Department of Labor, 124 North 11th Street, Lincoln, Nebr. 68501.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

REGION VIII

COLORADO

Colorado Council on Migrant and Seasonal Agricultural Workers and Families, 665 Grant Street, Denver, Colo. 80203.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.

MONTANA

State of Montana Governor's Office, POB 169 State Capitol Bldg., Helena, Mont. 59601.

NORTH DAKOTA

North Dakota Migrant Council, P.O. Drawer X, Grand Forks, N. Dak. 58201.
Minnesota Migrant Council, POB 1231, St. Cloud, Minn. 56301.

SOUTH DAKOTA

Migrant Action Program, Inc., POB 778, 220 East State Street, Mason City, Iowa 50401.
Minnesota Migrant Council, POB 1231, St. Cloud, Minn. 56301. Northwestern Community Action Programs of Wyoming, Inc., POB 431, Worland, Wyo. 82401.

UTAH

Utah Migrant Council, Inc., 12 East Center Street, Midvale, Utah 84047.

WYOMING

Northwestern Community Action Programs of Wyoming, Inc., POB 431, Worland, Wyo. 82401.

REGION IX

ARIZONA

MOPportunities, Inc., 6611 South Central Avenue, Phoenix, Ariz. 85040.

CALIFORNIA

Center for Employment and Training, Migrnat Division, 1318 North Santa Fe Avenue, Vista, Calif. 92083.
National Farm Workers Service Center, Inc., POB 48, La Paz-Keene, Calif. 93531.
Kern & Ventura Educational Program, 710 Union Avenue, Bakersfield, Calif. 93307.
Proteus Adult Training, Inc., 1640 West Mineral King, POB 727, Visalia, Calif. 93277.
California Human Development Corporation, 2462 Mendocino Avenue, Santa Rose, Calif. 95401.
Greater California Education Project, POB 11367, Fresno, Calif. 93783.
County of Kern, 1415 Truxton Avenue, Bakersfield, Calif. 93301.
Tulare County, Human Services—Employment and Training, 160 West Mineral King No. D, Visalia, Calif. 93277.
County of San Mateo, Manpower Administration, County Government Center, 401 Marshall, Redwood City, Calif. 94063.
Central Coast County Development Corporation, 110 South "A" Street, Madera, Calif. 93673.
Campesinos Unidos, Inc., POB 203, Brawley, Calif. 92227.
Campesinos Progresistas, Inc., 160 North First Street, Dixon, Calif. 95620.
Inland Manpower Association, 336 North La-Cadena Drive, Colton, Calif. 92324.
El Progreso Del Desierto No. 1, Inc., 47-94 Van Buren Avenue, Indio, Calif. 92201.
City of Stockton, Employment and Training Opportunity Department, City Hall, Stockton, Calif. 95202.
Center for Employment and Training, 11131 Clarissa, Garden Grove, Calif.
The Terrena Corporation, 300 South C Street, Oxnard, Calif. 93030.
County of San Luis Obispo, Employment and Training Services, 303 Higuere, San Luis Obispo, Calif. 93401.
County Care and Development Services, 1450 West Venice Blvd., Los Angeles, Calif. 90006.
A. Philip Randolph Institute, 260 Park Avenue South, New York, N.Y. 10010.
Center for Employment Training of the Central Coast Counties, 425 South Market Street, San Jose, Calif. 95113.
Centro De Entrenamiento Para Trabajo De Riverside/San Bernardino Counties, 84-915 Avenue 48, Coachella, Calif. 92236.

HAWAII

State of Hawaii, Department of Labor and Industrial Relations, 825 Mililani Street, Honolulu, Hawaii 96813.

REGION X

IDAHO

Idaho Migrant Council, Inc., 415 South 8th Street, Boise, Idaho 83706.

OREGON

Oregon Rural Opportunities, 5103 Portland Road NE., Salem, Oreg. 97303.
Southern Oregon Liaison, 107 East Main Street, Suite No. 1, Medford, Oreg. 97501.
Chicano Affairs Center, 380 West 13th Avenue, Eugene, Oreg. 97401.

WASHINGTON

Northwest Rural Opportunities, Inc., 305 Euclid, Grandview, Wash. 98930.

Signed in Washington, D.C., this 18th day of August 1977.

LAMOND GODWIN,
Administrator,
Office of National Programs.

[FR Doc.77-24847 Filed 8-25-77;8:45 am]

DISCRETIONARY ECONOMIC STIMULUS PACKAGE ALLOCATIONS UNDER TITLE VI OF COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

Allocations for FY 1977 and 1978

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists the proposed allocation of discretionary funds under Title VI of the Comprehensive Employment and Training Act pursuant to the regulations of 29 CFR 99.2 and 29 CFR 96.2. The purpose of this notice is to afford the public the opportunity to comment on the discretionary portion of that distribution before the discretionary distribution is finalized.

FOR FURTHER INFORMATION CONTACT:

Albert J. Angebranndt, Administrator for Administration and Management, Room 4000, 601 D Street NW., Washington, D.C. 20213, telephone No. 202-376-7563.

DATES: Pursuant to section 14 of Pub. L. 94-444, the proposed distribution which follows is published for the purpose of receiving public comment for 30 days from the date of this publication. You are asked to address your comments in writing to Albert J. Angebranndt, Administrator for Administration and Management, Room 4000, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: This notice has been prepared under the direction and control of Albert J. Angebranndt, Administrator for Administration and Management, Employment and Training Administration. This notice lists proposed allocations for Title VI discretionary funds under the Economic Stimulus Appropriation. Concern has been raised that the method by which the Department distributed the Title VI discretionary allocation under the Economic Stimulus Appropriation did not first provide funds to those prime sponsors who, during the period the continuing resolution was in effect, received insufficient funds to sustain June 30, 1976, enrollment levels through September 1977. As a result, the Department is allocating additional discretionary funds in such a manner that, had the Department first distributed $125 million for sustainment and the remainder ($310M) by the 3-part formula contained in Section 603(a) of CETA, those prime sponsors which would have received more funds by this method will now receive additional resources from the Secretary. The increased funding by this method will be $73 million. The following list contains these allocations:

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
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ECONOMIC STIMULUS PACKAGE
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TITLE VI DISCRETIONARY

BRIDGEPORT CONSORTIUM	432,733
HARTFORD CONSORTIUM	146,443
CONNECTICUT	579,176
CUMBERLAND COUNTY	335,882
MAINE	335,882
REGION I	915,058
ATLANTIC COUNTY	286,871
BURLINGTON COUNTY	175,658
HUDSON CO. CRST	600,062
OCEAN COUNTY	82,529
TRENTON CITY	146,823
NEW JERSEY	1,291,943
BUFFALO CITY	1,190,928
ONEIDA COUNTY	137,306
ORANGE COUNTY	204,219
SARATOGA COUNTY	65,340
STEUBEN COUNTY	9,267
NEW YORK	1,607,060
BAYAMON MUNICIPIO	305,122
CAGUAS MUNICIPIO	132,482
MAYAGUEZ MUNICIPIO	591,242
PONCE MUNICIPIO	333,478
BALANCE OF PUERTO RICO	3,376,176
PUERTO RICO	4,738,500
REGION II	7,637,583
WILMINGTON CITY	230,685
DELAWARE	230,685
DISTRICT OF COLUMBIA	1,595,883

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TITLE VI DISCRETIONARY

DIST OF COLUMBIA	1,595,883
BALANCE OF MARYLAND	112,225
MARYLAND	112,225
LEHIGH VALLEY CONSORTIUM	135,421
PHILADELPHIA CITY/COUNTY	3,961,310
BAL OF LACKAWANNA COUNTY	74,480
SCRANTON CITY	20,136
LIFFRNF COUNTY	242,230
PITTSBURGH CITY	416,984
SOUTHERN ALLEGANY CSRT	97,352
PENNSYLVANIA	4,947,913
WEST VIRGINIA STATEWIDE	4,589,792
WEST VIRGINIA	4,589,792
REGION III	11,476,498
BALANCE OF FLORIDA	13,956
BREVARD COUNTY	551,311
ESCAMBIA COUNTY	8,888
HEARTLAND MANPOWER CSRT	412,041
PALM BEACH COUNTY	213,663
FLORIDA	1,199,859
CSRA CONSORTIUM	142,692
ATLANTA CITY	1,153,203
COLUMBUS AREA CONSORTIUM	100,914
MID GEORGIA CONSORTIUM	33,902
GEORGIA	1,430,711
BALANCE OF KENTUCKY	364,329
KENTUCKY	364,329
CHARLOTTE CITY	113,791

	TITLE VI DISCRETIONARY
DURHAM CONSORTIUM	94,356
RALEIGH CONSORTIUM	48,881
WINSTON-SALEM CONSORTIUM	582,713
DAVIDSON COUNTY	18,216
NORTH CAROLINA	857,957
SOUTH CAROLINA STATEWIDE	4,158,838
SOUTH CAROLINA	4,158,838
CHATTANOOGA CITY	39,135
REM OF HAMILTON COUNTY	68,315
TENNESSEE	107,450
REGION IV	8,119,139
MADISON COUNTY CONSORTIUM	393,942
ST CLAIR CONSORTIUM	50,143
EAST ST LOUIS CITY	877,516
SHAWNEE CONSORTIUM	671,322
ILLINOIS	1,992,923
ELKHART COUNTY	38,856
SOUTHWESTERN CONSORTIUM	411,103
INDIANA	449,959
FLINT/GENESSEE CONSORTIUM	747,070
JACKSON CONSORTIUM	241,074
KENT CONSORTIUM	788,620
DETROIT CITY	230,600
BAY COUNTY	16,600
CALHOUN COUNTY	86,197
REM OF MACOMB COUNTY	39,685
OAKLAND COUNTY	687,181
OTTAWA COUNTY	161,394
SAGINAW COUNTY	239,708
ST. CLAIR COUNTY	1,654,184

	TITLE VI DISCRETIONARY
ANN ARBOR CITY	285,537
MICHIGAN	5,117,250
DAKOTA COUNTY	180,620
ST. PAUL CITY	730,375
QUAD COUNTIES CSRT	274,628
REGION III CONSORTIUM	130,966
BALANCE OF MINNESOTA	898,717
MINNESOTA RURAL CEP	1,184,434
REM OF HENNEPIN COUNTY	583,984
MINNEAPOLIS CITY	50,167
MINNESOTA	3,953,891
LORAIN COUNTY	3,863
LAKE/ASHTABULA CSRT	428,980
PORTAGE COUNTY	98,545
OHIO	530,588
ROCK COUNTY	157,948
MILWAUKEE COUNTY	495,607
MADISON/DANE CONSORTIUM	34,593
BALANCE OF WISCONSIN	713,684
WISCONSIN	1,401,332
REGION V	13,445,943
BAPTIST PARISH	57,364
BATON ROUGE CITY	47,685
CALCASIEU/LAFFE CONSORTIUM	105,640
NEW ORLEANS CITY	2,554,443
JEFFERSON PARISH	326,763
BALANCE OF LOUISIANA	2,830,083
LOUISIANA	5,921,978
ALBUQUERQUE CONSORTIUM	900,020
BALANCE OF NEW MEXICO	732,324

TITLE VI DISCRETIONARY

NEW MEXICO	1,632,344
BAL OF CLEVELAND COUNTY	440,994
OKLAHOMA	440,994
TEX PANHANDLE MANPCSRT	25,000
CAMERON COUNTY	261,457
BAL OF DALLAS COUNTY	165,456
LUBBOCK CITY	129,351
WEST CENTRAL TEXAS CSRT	202,826
BAL OF HARRIS COUNTY	26,370
CEN TEXAS MANPOWER CSRT	12,278
HIDALGO COUNTY CONSORTIUM	343,188
WFRR COUNTY	276,084
TEXAS	1,442,010
REGION VI	9,437,326
BALANCE OF KANSAS	462,110
KANSAS CITY CONSORTIUM	237,839
KANSAS	699,949
BAL OF JACKSON COUNTY	1,259
KANSAS CITY CONSORTIUM	269,151
INDEPENDENCE CITY	100,629
MISSOURI	371,039
LINCOLN CITY	4,224
NEBRASKA	4,224
REGION VII	1,075,212
BALANCE OF MONTANA	1,392,177
MONTANA	1,392,177
N DAKOTA STATEWIDE CSRT	1,432,965

TITLE VI DISCRETIONARY

NORTH DAKOTA	1,432,965
WYOMING STATEWIDE CSRT	235,248
WYOMING	235,248
REGION VIII	3,060,390
PHOENIX CITY	11,486
ARIZONA	11,486
OAKLAND CITY	586,542
SAN FRANCISCO CITY/COUNTY	1,707,398
BAL OF LOS ANGELES CNTY	3,887,446
LOS ANGELES CITY	370,234
BALANCE OF CALIFORNIA	1,500,695
HUMBOLDT COUNTY	99,369
SOLANO COUNTY	17,351
STANISLAUS COUNTY	157,830
FRESNO CITY/COUNTY	784,834
SAN DIEGO RETC	1,608,823
CALIFORNIA	10,679,854
HAWAII BAL OF STATE	352,229
HONOLULU CITY/COUNTY	133,628
HAWAII	485,853
LAS VEGAS CONSORTIUM	165,916
WASHOE COUNTY	352,320
NEVADA	518,236
REGION IX	11,695,429
BALANCE OF ALASKA	406,106
ALASKA	406,106
IDAHO STATEWIDE CSRT	654,237

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PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
AS OF 8/2/77

TITLE VI DISCRETIONARY

IDAHO	655,237
JACKSON COUNTY CONSORTIUM	98,205
BALANCE OF OREGON	128,034
OREGON	226,239
KING/SNOHOMISH CONSORTIUM	1,132,896
KITSAP COUNTY	412,492
YAKIMA COUNTY	475,580
BALANCE OF WASHINGTON	2,559,713
WASHINGTON	4,580,681
REGION X	5,868,163
NATIONAL TOTAL	72,730,661

After preparing the distribution of the $73 million, the Department found that there are 9 prime sponsors which still lack sufficient funds to maintain their sustainment enrollment levels through FY 1978. For these prime sponsors only the Department has allocated additional discretionary funds to make up these shortfalls. The 9 prime sponsors and the dollar distribution of these additional funds is as follows:

Shawnee Consortium, Ill	$62,539
Elkhart County, Ind	407,673
St. Clair County, Mich	1,159,394
Ann Arbor, Mich	84,722
Minnesota rural cep	299,662
Madison/Dane, Wis	179,312
Calcasieu/Jeff, La	279,460
Balance of Cleveland County, Okla	386,790
North Dakota	3,618,558
Total	6,478,110

Signed in Washington, D.C., this 12th day of August 1977.

ALBERT J. ANGEBRANNDT,
Administrator,
Administration and Management.

[FR Doc.77-24848 Filed 8-25-77;8:45 am]

Occupational Safety and Health Administration

EVALUATION CRITERIA FOR FEDERAL AGENCY OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

Request for Public Comment

The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) (OSHA) requires, in part, that the head of each Federal agency establish and maintain an effective and comprehensive occupational safety and health program covering the employment and places of employment of the agency's employees. This obligation, created by section 19 of OSHA (29 U.S.C. 668), is further defined in Executive Order 11807 of September 28, 1974, and in regulatory guidelines promulgated by the Secretary of Labor (the Secretary) at Title 29, Code of Federal Regulations Part 1960. Pursuant to section 19 of OSHA, the Executive Order, and the regulatory guidelines, the Secretary is required to monitor, evaluate, and report upon the progress of the agencies in developing and implementing their safety and health programs; while the agencies are required to cooperate with and to assist the Secretary in the performance of these duties by, for example, submitting reports to the Secretary, making records accessible to the Secretary, and observing the guidelines promulgated by the Secretary. Sections 19 (a) (3), (4), and (5), 19(b) and 19(d) of OSHA; sections 2 (2), (5), (6), and (7) and 3 (1), (5), and (6) of the Executive Order; 29 CFR Part 1960, Subpart B. The key provisions setting forth the duties of the Secretary in this regard are sections 3 (5) and (6) of the Executive Order, which require the Secretary to "[e]valuate the occupational safety and health programs of agencies, and submit to the President reports of such evaluations, together with agency responses thereto" and to "[s]ubmit to the President each year a summary report of the status of the Federal agency occupational safety and health program, as well as analyses of individual agency progress and problems in correcting unsafe and unhealthful working conditions, together with recommendations for improving their performance."

DEVELOPMENT OF THE PROGRAM EVALUATION GUIDE

Primary responsibility for implementation of the Secretary's responsibilities under the Federal agency occupational safety and health program has been delegated to the Department of Labor's Occupational Safety and Health Administration, Office of Federal Agency Safety Programs (OFASP). In order to effectively carry out the Secretary's duties with respect to program evaluation and in response to suggestions of Federal agency representatives, OFASP's Division of Agency Evaluation developed a draft standardized form (program evaluation guide) for use by its personnel in evaluating the occupational safety and health programs of the Federal agencies. This staff document was subsequently reviewed by a subcommittee of of the Federal Advisory Council on Occupational Safety and Health (FACOSH). The subcommittee recommended various changes that were incorporated into the draft of the program evaluation guide. On November 3, 1976, at a previously announced public meeting, the subcommittee reported to FACOSH its recommendation that the program evaluation guile be promulgated as a new subpart to Title 29, Code of Federal Regulations, Part 1960—Safety and Health Provisions for Federal Employees. In response, FACOSH adopted a resolution approving in concept the draft of the proposed new subpart and urging publication of the document in the Federal Register for public comment. In adopting this resolution, FACOSH clearly indicated that it would conduct a subsequent, more detailed review of the contents of the program evaluation guide after public comments were received.

RESPONSE TO FACOSH RECOMMENDATION

After fully considering the FACOSH recommendation, we have concluded that the draft of the program evaluation guide should not be published at this time as a proposed new subpart of 29 CFR Part 1960. The purpose of the program evaluation guide is to standardize the evaluations conducted by the OFASP of the safety and health programs of the various Federal agencies. The guide divides each agency program into ten basic component elements: Employee involvement, executive support and duties, safety and health staff and functions, operating management and supervisory duties, safety and health standards adoption, safety and health training activities, inspection and hazard abatement procedures, recordkeeping and reporting procedures, promotional and inter-agency activities, and intra-agency evaluation procedures. Each element is further subdivided into more detailed categories (referred to as "program element activities") that are listed in conjunction with references to relevant provisions of OSHA, the Executive Order, and 29 CFR Part 1960 defining the agencys' responsibilities with regard to the activity. In some instances, a brief statement is included as to the determination to be made by the evaluator in connection with the listed activity. In other instances, instructions are given to the evaluator to obtain official documentation by the agency of the manner in which it has carried out the listed activity.

It is clear from the foregoing description of the program evaluation guide that the guide is an internal staff working document and not a regulatory guideline. The guide simply reflects existing obligations of the Federal agen-

cies and, thus, it does not alter an agency's duty to comply with section 19 of OSHA; nor does it alter the provision of the Executive Order requiring agency heads to "[o]bserve the guidelines published by the Secretary" at 29 CFR Part 1960. Moreover, the basis of the determination to be made by the OFASP evaluators remains the same, that is, whether and to what extent the agency safety and health program complies with section 19 of OSHA, the Executive Order, and the regulatory guidelines. The program evaluation guide is nothing more than an aid to the evaluator in making this determination.

In particular, it should be noted that the program evaluation guide is not intended as a regulatory guideline defining the manner in which the agencies should implement their responsibilities under 29 CFR 1960.16(b)(4) to establish "plans and procedures for evaluating the agency's occupational safety and health program effectiveness at all operational levels." In view of the variations in the mission, size, and scope of the different Federal agencies and the corresponding flexibility granted to the agencies under the Federal agency occupational safety and health program, a tentative conclusion has been reached that it is impractical to develop a single document that would be applicable to all agencies in performing their internal evaluations. We further note that, while OFASP is primarily concerned with evaluating the overall operation of the Federal agency's occupational safety and health program, the Federal agency itself, in developing its internal evaluation program, should be primarily concerned with the effectiveness of the actions taken by the agency's component offices and administrations and other subdivisions. However, even though the program evaluation guide was not developed for use by the Federal agencies in the internal evaluation of their own safety and health programs, it may be used as a general model by the agencies in developing their own internal evaluation guides; and agencies are encouraged to utilize the document in this manner.

Furthermore, the program evaluation guide does not represent an undertaking by the Secretary of any new obligations toward the Federal agencies. The Secretary's duty to evaluate and report upon each agency's occupational safety and health program is established in section 19 of OSHA and the Executive Order, whereas the provisions (criteria) to be considered by him in making these evaluatinos are contained in the above referenced documents and in the Regulations and Guidelines, 29 CFR Part 1960. In this regard, it should be noted that FACOSH recommended inclusion in the proposed subpart of the following language: "Changes to the Program Evaluation Guide can be made only with the review of FACOSH and approval of the Secretary of Labor." This recommendation has tentatively been rejected. Since the program evaluation guide is merely an internal staff working document, which does not impose any obligations upon the Federal agencies, this proposed limitation upon OFASP's authority to revise the guide is unnecessarily and unduly rigid, particularly in view of the fact that it will be necessary from time to time to revise the guide whenever any amendment is made to 29 CFR Part 1960.

In sum, since the program evaluation guide is not a document in which the Secretary either imposes an obligation upon the Federal agencies or undertakes any new obligation toward the Federal agencies, it is not a regulatory guideline within the meaning of sections 2(7) and 3(1) of the Executive Order and it should therefore not be promulgated as a new subpart to 29 CFR Part 1960.

Public Comment Invited

On the other hand, FACOSH's recommendation that public comment on the draft be invited is meritorious. Accordingly, interested persons are invited to comment on the contents of the program evaluation guide and upon the following questions: (1) Is there a need to amend 29 CFR Part 1960 to reflect OFASP's final adoption of a uniform program evaluation guide; (2) If so, what should be contained within the new regulatory guidelines; and (3) If not, what means should be utilized by the Secretary to disseminate to the Federal agencies and Federal employees the information that a standardized program evaluation guide has been adopted. Interested persons can obtain copies of the draft of the program evaluation guide from Gerard F. Scannell, Director, Office of Federal Agency Safety Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 2100 M Street NW., Room 156, Washington, D.C. 20210. Copies can also be obtained from the following field personnel:

Region I—Boston

CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND AND VERMONT

Edward C. Garvin, Department of Labor, OSHA, JFK Federal Building, Room 1803, Boston, Massachusetts 02203.

Region II—New York

NEW YORK, NEW JERSEY, PUERTO RICO, VIRGIN ISLANDS, AND THE CANAL ZONE

Dennis Gaughan, Department of Labor, OSHA, 1515 Broadway, Room 3445, New York, New York 10036.

Region III—Philadelphia

DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA

Harry Sachkar, Department of Labor, OSHA, William J. Green Federal Building, 600 Arch Street, Room 4227, Philadelphia, Pennsylvania 19106.

Region IV—Atlanta

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, SOUTH CAROLINA, AND TENNESSEE

William O. Masters, Department of Labor, OSHA, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia 30309.

Region V—Chicago

ILLINOIS, INDIANA, MINNESOTA, MICHIGAN, OHIO, AND WISCONSIN

Charles S. Wolff, Department of Labor, OSHA, 230 South Dearborn Street, Room 3259, Chicago, Illinois 60604.

Region VI—Dallas

ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, AND TEXAS

James Valesquez, Department of Labor, OSHA, 555 Griffin Square, Room 602, Dallas, Tex 75202.

Region VII—Kansas City

IOWA, KANSAS, MISSOURI, AND NEBRASKA

James Barnes, Department of Labor, OSHA, 911 Walnut Street, Room 300, Kansas City, Missouri 64106.

Region VIII—Denver

COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, AND WYOMING

Raleigh M. Kay, Department of Labor, OSHA, 8527 W. Colfax Avenue, Lakewood, Colorado 80215.

Region IX—San Francisco

ARIZONA, CALIFORNIA, HAWAII, NEVADA, GUAM, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Lawrence E. Gromachey, Department of Labor, OSHA, 9470 Federal Building, 450 Golden Gate Avenue, P.O. Box 36017, San Francisco, California 94102.

Region X—Seattle

ALASKA, IDAHO, OREGON, AND WASHINGTON

Jack R. Jones, Department of Labor, OSHA, Room 6048, Federal Office Bldg., 909 First Avenue, Seattle, Washington, 98174.

In addition, OFASP has mailed a copy of the draft program evaluation guide to the designated safety and health official of each Federal agency that has over 1,000 employees.

Written data, views, and arguments concerning the program evaluation guide and the issues raised above must be submitted to Gerald F. Scannell, Director, OFASP, at the address given above no later than October 25, 1977. Upon the closing of this comment period, the program evaluation guide will be reviewed again by OFASP and revised, if such revision is deemed necessary and appropriate, in accordance with the comments received. It will then be submitted to FACOSH for further review and approval. If the comments reveal a need for revision of 29 CFR Part 1960 in connection with the adoption of a standardized guide, that revision will be effectuated through further rule-making proceedings.

Signed at Washington, D.C., this 18th day of August 1977.

Eula Bingham,
Assistant Secretary of Labor.

[FR Doc.77-24406 Filed 8-25-77;8:45 am]

Office of the Secretary

[TA-W-1637]

GREAT WESTERN SUGAR CO., JOHNSTOWN MOLASSES FACTORY JOHNSTOWN, COLO.

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-1637: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on January 31, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Johnstown Molasses Factory, Johnstown, Colo., a facility of the Great Western Sugar Company, Denver, Colo.

The notice of investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12496). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Johnstown Molasses Factory declined 6.9 percent in the first quarter of 1977 compared to the same period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at the Johnstown Molasses Factory declined 14.2 percent in the first quarter of 1977 compared to the corresponding quarter of 1976. Production at the Johnstown Molasses Factory permanently ceased during April 1977.

INCREASED IMPORTS

Imports of sugar decreased 2 percent between 1972 and 1973, moving from 5.46 million short tons to 5.33 million short tons. In 1974, sugar imports increased to 5.77 million short tons. Imports in 1975 totalled 3.88 million short tons and imports in 1976 increased 20 percent to 4.66 million short tons; the ratio of imports to domestic production increased from 59 percent in 1975 to 66 percent in 1976.

CONTRIBUTED IMPORTANTLY

Prior to 1975, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

The world sugar supply currently surpasses demand by about 4 million tons annually. Sugar prices have dropped from the sharp increases in 1974 when prices rose to 57.3 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound.

Profitable operation of the domestic sugar beet industry is dependent upon numerous factors, including production costs, yield of the sugar beet harvest, and prices of crops substitutable for sugar beets. However, the single most important determinant of profitable operation is the price of sugar. Depressed sugar prices resulting from increased imports made continued operation of Great Western's Johnstown Molasses Factory economically unfeasible. The company therefore permanently ceased production at that plant in April 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar products produced at the Johnstown Molasses Factory, Johnstown, Colo., a facility of the Great Western Sugar Company, Denver, Colo. contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Johnstown Molasses Factory, Johnstown, Colo., of Great Western Sugar Company, Denver, Colo., who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24484 Filed 8-25-77;8:45 am]

[TA-W-1791]

GREAT WESTERN SUGAR CO., FORT MORGAN, COLO.

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-1791: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Fort Morgan, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with

the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Fort Morgan plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Fort Morgan plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Fort Morgan, Colo. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24485 Filed 8-25-77;8:45 am]

[TA-W-1792]

GREAT WESTERN SUGAR CO. DENVER, COLO.

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-1792: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers at the Denver, Colo. facility of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (1) has not been met.

The Denver facility is the administrative headquarters of the Great Western Sugar Company. No production of sugar occurs at the Denver facility. Production of sugar at all Great Western plants is directed by the Operations Department at the Denver facility. No other departments are engaged in activities directly related to production at Great Western plants.

No involuntary separations occurred in the Operations Department of the Denver facility during the 1976-77 production year, and no involuntary separations have occurred in this department thus far in the 1977-78 production year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employment at the Denver, Colo. facility of the Great Western Sugar Company, Denver, Colo., has not declined as required for certification under Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-24486 Filed 8-25-77;8:45 am]

[TA-W-1793]

GREAT WESTERN SUGAR CO., GREELEY, COLO.

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-1793: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffeurs, warehousemen and Helpers on behalf of workers and former workers producing sugar at the Greeley, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with supar beets. Prior to the 1976 growing season, contract difficulties

arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Greeley plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Greeley plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Greeley, Colo. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C. this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24487 Filed 8-25-77;8:45 am]

[TA-W-1794]

GREAT WESTERN SUGAR CO., LOVELAND, COLO.

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-1794: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Loveland, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Comerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Loveland plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Loveland plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Loveland, Colo. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24488 Filed 8-25-77;8:45 am]

[TA-W-1795]

GREAT WESTERN SUGAR CO., STERLING, COLO.

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-1795: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Sterling, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, 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 b ythe firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Sterling plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Sterling plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Sterling, Colo. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24489 Filed 8-25-77;8:45 am]

[TA-W-1796]

GREAT WESTERN SUGAR CO., OVID, COLO.

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-1796: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Ovid, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or Ferbuary. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Ovid plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Ovid plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Ovid, Colo. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24490 Filed 8-25-77;8:45 am]

[TA-W-1797]

GREAT WESTERN SUGAR CO., GERING, NEBR.

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-1797: investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Gering, Nebr. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Gering plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Gering plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Gering, Nebr. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24491 Filed 8-25-77;8:45 am]

[TA-W-1798]

GREAT WESTERN SUGAR CO., MITCHELL, NEBR.

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-1798: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Mitchell, Nebr. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Mitchell plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Mitchell plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Mitchell, Nebr. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24492 Filed 8-25-77;8:45 am]

[TA-W-1799]

GREAT WESTERN SUGAR CO., SCOTTSBLUFF, NEBR.

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-1799: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Scottsbluff, Nebr. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western acecpted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Scottsbluff plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Scottsbluff plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Scottsbluff, Nebr. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24493 Filed 8-25-77;8:45 am]

[TA-W-1800]

GREAT WESTERN SUGAR CO., BAYARD, NEBR.

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-1800: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers in behalf of workers and former workers producing sugar at the Bayard, Nebr. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, 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 theratened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individuals beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beeets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormaly late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet grow-

ers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Bayard plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Bayard plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Bayard, Nebr. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24494 Filed 8-25-77;8:45 am]

[TA-W-1801]

GREAT WESTERN SUGAR CO., GOODLAND, KANS.

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-1801: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Goodland, Kans. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1975 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Goodland plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Goodland plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Goodland, Kans. plant of the Great Western Sugar Company, Denver, Colo., did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24495 Filed 8-25-77;8:45 am]

[TA-W-1802]

GREAT WESTERN SUGAR CO., LOVELL, WYOMING

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-1802: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 15, 1977 in response to a worker petition received on February 22, 1977 which was filed by the International Brotherhood of Teasmsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Lovell, Wyoming plant of the Great Western Sugar Company, Denver, Colorado.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16199). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. International Trade Commission, the U.S. Department of Agriculture, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, the investigation has revealed that criterion (4) has not been met.

Production of sugar from sugar beets is a seasonal activity, commencing with the sugar beet harvest in late September or early October and continuing until the harvest is processed in January or February. Production is therefore dependent on the yield of the beet harvest.

Great Western contracts with individual beet growers, through various grower associations, to supply its factories with sugar beets. Prior to the 1976 growing season, contract difficulties arose between Great Western and the sugar beet growers. Contract difficulties were related to technical factors concerning extraction of sugar from sugar beets and were totally unrelated to imports of sugar. Contract agreement was reached in the spring of 1976 at the end of the usual planting season. Great Western then contracted with individual growers for sugar beet acreage equal to that contracted in 1975. The 1976 beet harvest was below the 1975 because of normal variations in harvest yield and the abnormally late planting. In the fall of 1976, Great Western accepted all beets contracted in the spring of that year, and processed all beets delivered into sugar.

Similar contract difficulties arose between Great Western and the beet growers in February 1977. Because contracts could not be assured, Great Western temporarily suspended operations at its Lovell plant after the 1976 harvest had been processed.

With the signing of a new contract in March 1977, Great Western reopened the Lovell plant and resumed normal maintenance operations, in anticipation of the 1977 beet harvest.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar produced at the Lovell, Wyoming plant of the Great Western Sugar Company, Denver, Colorado, did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director,
Office of Management,
Administration, and Planning.

[FR Doc 77-24496 Filed 8-25-77;8:45 am]

[TA-W-1513]

CF&I STEEL CORP., SUBSIDIARY OF CRANE CO., PUEBLO, COLORADO

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1531: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 22, 1976 in response to a worker petition received on December 22, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel products at CF&I Steel Corporation, a subsidiary of Crane Co., Pueblo, Colorado.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3370). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of CF&I Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met for workers engaged in employment related to the production of one of the following products: carbon steel rolled products; carbon steel wire products; coke and coke by-product chemicals; and carbon steel pipe.

The investigation has further revealed that for workers engaged in employment related to the production of rails and mining products, without regard to whether any of the other criteria have been met, criterion (3) has not been met; that for workers engaged in employment related to the production of cutting edges, although criteria (1) and (2) have been met, criteria (3) and (4) have not been met; and that for workers engaged in employment related to the production of carbon steel wire rods, without regard to whether any of the other criteria have been met, criterion (2) has not been met.

ROLLED PRODUCTS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The category Rolled Products includes srtuctural shapes, hot rolled carbon steel bars, bar-size light shapes and concrete reinforcing bars. Employees work interchangeably on these products.

Employment related to the production of rolled products declined 42.2 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974, and declined 2.5 percent in 1976 from 1975. Employment declined in the first and fourth quarters of 1976 compared to the like quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of rolled products declined 10.6 percent in the fourth quarter of 1975 and declined 7.1 percent and 38.5 percent in the first and fourth quarters of 1976, respectively, compared to the like quarters of the previous year.

INCREASED IMPORTS

Imports of rolled products declined from 3339.0 thousand short tons in 1972 to 2717.5 thousand short tons in 1973, increased to 2833.0 thousand short tons in 1974, declined to 1537.1 thousand short tons in 1975, then increased to 2092.1 thousand short tons in 1976. The ratio of imports to domestic shipments declined from 20.6 percent in 1972 to 14.2 percent in 1973, increased to 14.8 percent in 1974, decreased to 11.2 percent in 1975, then increased to 15.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they have reduced purchases of rolled products from CF&I Steel and have increased their purchases of imports.

WIRE PRODUCTS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment related to the production of wire products declined 9.1 percent in the fourth quarter of 1975 compared to the fourth quarter of 1974 and declined 2.9 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of wire products decreased 24.4 percent in the fourth quarter of 1975 and declined 25.6 percent in the first quarter of 1976 compared to the like quarter of the previous years. Sales increased 17.4 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel wire products increased from 628.5 thousand tons in 1972 to 894.2 thousand tons in 1973 and to 991.5 thousand tons in 1974. Imports declined to 602.6 thousand tons in 1975, then increased to 695.6 thousand tons in 1976. The ratio of imports to domestic shipments increased from 21.7 percent in 1972 to 28.3 percent in 1973 and to 32.0 percent in 1974. The ratio declined to 28.5 percent in 1975, then increased to 28.9 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they had increased their purchases of imported wire products, either in absolute quantities or relative to purchases from CF&I.

Coke

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment related to the production of coke and coke by-product chemicals declined 6.4 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of coke and chemicals declined 1.3 percent in 1976 from 1975.

CONTRIBUTED IMPORTANTLY

CF&I produces coke and chemicals primarily for internal consumption. The production of coke and chemicals is one of the early stages of production in the fully integrated production processes used in the manufacture of all of CF&I's product lines.

Steel Pipe

SIGNIFICANT TOTAL OR PARTIAL SEPARATION

Employment related to the production of steel pipe decreased 3.6 percent in 1976 from 1975. Employment increased 9.9 percent in the first quarter but decreased in the last three quarters of 1976 compared to the like quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of steel pipe declined 20.0 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of carbon steel pipe and tubing declined from 1768.1 thousand short tons in 1972 to 1574.6 thousand short tons in 1973. Imports increased to 1781.5 thousand short tons in 1974, then in 1975 decreased to 1542.5 thousand short tons. In 1976, imports increased to 1820.7 thousand short tons. The ratio of imports to domestic shipments declined from 28.6 percent in 1972 to 20.3 percent in 1973, then increased to 21.5 percent in 1974, to 22.8 percent in 1975, and to 35.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they reduced purchases of steel pipe from CF&I while increasing purchases of imports.

Rails

INCREASED IMPORTS

Imports of steel rails declined from 42.3 thousand tons in 1972 to 42.1 thousand tons in 1973. Imports increased to 53.1 thousand tons in 1974 and to 96.2 thousand tons in 1975. In 1976, imports declined to 71.8 thousand tons. The ratio of imports to domestic shipments was 4.4 percent in 1972 and 1973, increased to 5.4 percent in 1974 and to 7.7 percent in 1975, then declined to 5.4 percent in 1976.

Mining Products

INCREASED IMPORTS

Grinding media account for 77 percent of production in this product line. Imports of grinding media increased from 12.2 thousand tons in 1972 to 15.6 thousand tons in 1973 and to 20.6 thousand tons in 1974, then declined to 17.7 thousand tons in 1975 and to 13.2 thousand tons in 1976. The ratio of imports to domestic production rose from 3.9 percent in 1972 to 4.8 percent in 1973, remained unchanged at 4.8 percent in 1974, then declined to 4.5 percent in 1975 and to 3.4 percent in 1976.

Wire Rods

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of wire rod increased 50.1 percent in 1976 from 1975.

Production of wire rod increased 53.9 percent in 1976 from 1975.

Cutting Edges

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment related to the production of cutting edges declined 21.4 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of cutting edges declined 25.5 percent in 1976 from 1975.

INCREASED IMPORTS

Imports of cutting edges increased in each year from $511 thousand in 1972 to $2370 thousand in 1975. In 1976, imports declined to $808 thousand. The ratio of imports to domestic production increased in each year from 0.26 percent in 1972 to 0.85 percent in 1975 before declining to 0.34 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they purchased no imported cutting edges.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carbon steel rolled products, carbon steel wire products and carbon steel pipe produced at the Pueblo, Colorado plant of CF&I Steel Corporation, a subsidiary of Crane Co., contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certifications:

All workers engaged in employment related to be production of one of the following products: Carbon steel rolled products; coke and coke by-product chemicals; and all employees engaged in finishing, shipping and warehousing operations at the Pueblo, Colorado plant of CF&I Steel Corporation, a subsidiary of Crane Company, who became totally or partially separated from employment on or after December 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of carbon steel wire products at the Pueblo, Colorado plant of CF&I Steel Corporation, a subsidiary of Crane Company, who became totally or partially separated from employment on or after December 3, 1975 and before March 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of carbon steel pipe at the Pueblo, Colorado plant of CF&I Steel Corporation, a subsidiary of Crane Co., who became totally or partially separated from employment on or after April 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that imports of rails and mining products have not increased as required for certification under Section 222 of the Trade Act of 1974, that neither sales nor production of carbon steel wire rods has decreased as required for certification under Section 222 of the Trade Act of 1974; and that increases of imports of articles like or directly competitive with cutting edges produced at the Pueblo, Colorado plant of CF&I Steel Corporation, a subsidiary of Crane Co., have not contributed importantly to the total or partial separations of workers in those subdivisions at that plant. Therefore workers engaged in employment related to the production of rails, cutting edges, mining products and carbon steel wire rod at the Pueblo, Colorado plant of CF&I Steel Corporation are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 17th day of August 1977.

Harry Grubert,
Director, Office of Foreign Economic Research.

[FR Doc.77-24481 Filed 8-25-77;8:45 am]

[TA-W-1635]

GREAT WESTERN SUGAR CO., BRIGHTON, COLO.

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-1635: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on January 31, 1977 which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers on behalf of workers and former workers producing sugar at the Brighton, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notices of Investigation were published in the Federal Register on March 4, 1977 (42 FR 12496). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. Department of Agriculture, 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 re-

quirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Brighton plant declined 31.4 percent in the first quarter of 1977 compared to the same period in 1976.

Permanent layoffs of nonseasonal workers at the Brighton plant began February 1, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at the Brighton plant declined 18.0 percent from the 1975/76 campaign to the 1976/77 campaign. Production at the Brighton plant permanently ceased during January 1977.

INCREASED IMPORTS

Imports of sugar decreased 2 percent between 1972 and 1973, moving from 5.46 million short tons to 5.33 million short tons. In 1974, sugar imports increased to 5.77 million short tons. Imports in 1975 totalled 3.88 million short tons and imports in 1976 increased 20 percent to 4.66 million short tons; the ratio of imports to domestic production increased from 59 percent in 1975 to 66 percent in 1976.

CONTRIBUTED IMPORTANTLY

Prior to 1975, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

The world sugar supply currently surpasses demand by about 4 million tons annually. Sugar prices have dropped from the sharp increases in 1974 when prices rose to 57.3 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound.

Profitable operation of the domestic sugar beet industry is dependent upon numerous factors, including production costs, yield of the sugar beet harvest, and prices of crop substitutable for sugar beets. However, the single most important determinant of profitable operation is the price of sugar. Depressed sugar prices resulting from increased imports made continued operation of Great Western's Brighton plant economically unfeasible. The company therefore permanently ceased production at the Brighton plant in January 1977, with the end of 1976–77 sugar beet campaign.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar products produced at the Brighton, Colo. plant of the Great Western Sugar Company, Denver, Colo. contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the Brighton, Colo. plant of the Great Western Sugar Company, Denver, Colo., who became totally or partially separated from employment on or after February 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washintgon, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24482 Filed 8-25-77;8:45 am]

[TA-W-1636]

GREAT WESTERN SUGAR CO., LONGMONT, COLO.

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-1636: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on January 31, 1977 which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers on behalf of workers and former workers producing sugar, at the Longmont, Colo. plant of the Great Western Sugar Company, Denver, Colo.

The Notice of Investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12496). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Great Western Sugar Company, the U.S. Department of Commerce, the U.S. Department of Agriculture, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Longmont plant declined 7.9 percent in the first quarter of 1977 compared to the same period in 1976.

Permanent layoffs of nonseasonal workers at the Longmont plant began February 24, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED

Production at the Longmont plant declined 6.4 percent from the 1975–76 campaign to the 1976–77 campaign. Production at the Longmont plant permanently ceased during February 1977.

INCREASED IMPORTS

Imports of sugar decreased 2 percent between 1972 and 1973, moving from 5.46 million short tons to 5.33 million short tons. In 1974, sugar imports increased to 5.77 million short tons. Imports in 1975 totalled 3.88 million short tons and imports in 1976 increased 20 percent to 4.66 million short tons; the ratio of imports to domestic production increased from 59 percent in 1975 to 66 percent in 1976.

CONTRIBUTED IMPORTANTLY

Prior to 1975, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

The world sugar supply currently surpasses demand by about 4 million tons annually. Sugar prices have dropped from the sharp increases in 1974 when prices rose to 57.3 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound.

Profitable operation of the domestic sugar beet industry is denpendent upon

numerous factors, including production costs, yield of the sugar beet harvest, and prices of crops substitutable for sugar beets. However, the single most important determinant of profitable operation is the price of sugar. Depressed sugar prices resulting from increased imports made continued operation of Great Western's Longmont plant economically unfeasible. The company therefore permanently ceased production at the Longmont plant in February 1977, with the end of 1976–77 sugar beet campaign.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sugar products produced at the Longmont, Colo. plant of the Great Western Sugar Company, Denver, Colo. contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Longmont, Colo. plant of the Great Western Sugar Company, Denver, Colo., who became totally or partially separated from employment on or after February 24, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-24483 Filed 8-25-77;8:45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm 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.

Petitioners meeting these eligibility requirements 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. The investigations 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.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations 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 September 6, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 6, 1977.

The petitions filed in this case are 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 17th day of August 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bulova Watch Co., Inc. (Tool & Die-makers Independent Union).	Jackson Height, N.Y.	Aug. 16, 1977	Aug. 11, 1977	TA-W-2,268	Watches.
Do	Woodside, N.Y.	do	do	TA-W-2,269	Watch crystals.
Grieco Bros., Inc. (workers).	Lawrence, Mass	do	Aug. 9, 1977	TA-W-2,270	Men's clothing.
Do	Stoneham, Mass.	do	do	TA-W-2,271	Do.
Kroh, Inc. (United Garment Workers of America).	Ashland, Ohio	Aug. 15, 1977	Aug. 12, 1977	TA-W-2,272	Men's leather coats.
Ohio Ferro Alloys Corp. (United Steelworkers of America).	Powhatan Point Ohio.	Aug. 16, 1977	do	TA-W-2,273	Silicon metal.
Do	Brilliant, Ohio	do	do	TA-W-2,274	Ferrosilicon metal and silicon metal.

[FR Doc.77-24479 Filed 8-25-77;8:45 am]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILTY TO APPLY FOR WORKER ADJUSTMENT ASSSTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm 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.

Petitioners meeting these eligibility requirements 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. The investigations 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.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations 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 September 6, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 6, 1977.

The petitions filed in this case are 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 16th day of August 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Gold-Line Connectors (workers).	New Bedford, Mass.	Aug. 15, 1977	Aug. 10, 1977	TA-W-2,260	Citizen band radio accessories.
Do.	East Norwalk, Conn.	do.	do.	TA-W-2,261	Do.
Reece Corp. (workers).	Waltham, Mass.	do.	Aug. 11, 1977	TA-W-2,262	Industrial sewing equipment.
Salamanca Yarns, Inc. (workers).	Salamanca, N.Y.	Aug. 16, 1977	Aug. 2, 1977	TA-W-2,263	Knitted yarns for clothing.
Texfi Industries, Inc. (workers).	Ontario, Calif.	do.	Aug. 12, 1977	TA-W-2,264	Polyester double knit fabrics.
Trimfoot Co., Inc. (Boot & Shoe Workers Union).	Farmington, Mo.	do.	Aug. 8, 1977	TA-W-2,265	Infants and babies footwear.
Alan Wood Steel Co. (United Steelworkers of America).	Ivy Rock, Pa.	Aug. 15, 1977	July 15, 1977	TA-W-2,266	Hot rolled sheet and strip, plate, cold rolled sheet and strip and related carbon steel products.
Do.	Swedeland, Pa.	do.	do.	TA-W-2,267	Do.

[FR Doc. 77-24480 Filed 8-25-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 19, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Air Force, Individual Ready Reserve Market Study, single-time, 16-21 year old male civilians and their parents, Richard Eisinger, National Security Division, 395-6140.

REVISIONS

VETERANS ADMINISTRATION

Vocational Placement Follow-Up, 10-2895, on occasion, government employment agencies, Caywood, D. P., 395-3443.

U.S. INTERNATIONAL TRADE COMMISSION

Synthetic Organic Chemicals: U.S. Production and Sales, CD-A1, annually, original manufacturers of synthetic organic chemicals, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Survey of Food Wholesalers, single time, business firms, C. Louis Kincannon, 395-3211.

DEPARTMENT OF LABOR

Employment and Training Administration, CETA Forms Preparation Handbook—Titles I, II, III, and VI, MA 2-202,203 219,220, MA-5-134-136, 145, 145A, other (see SF-83), State and local agencies, Caywood, D.P., Budget Review Division, 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Defense Bridges and Critical Highway Facilities Reports, annually, State highway departments, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, Youth Attitude Tracking Study, semiannually, 16-21 year old, male civilians, Richard Eisinger, National Security Division, 395-6140.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-24922 Filed 8-25-77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 22, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

A Survey of Graduates of Two-Year Energy-Related Technology Programs, other (see SF-83), Graduates of two-year energy technology programs, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:

Improvement of consumer complaint-handling, A—State and local government, private voluntary organization questionnaire; B—Business questionnaire; OS-11-77, single time, 526 government voluntary agencies, 300 businesses, human resources division, Raynsford, R., 395-3532.

Office of Education:

Financial status and performance reports for special community, OE-1280, 1 and 2, semiannually, institutions of higher education, budget review division, Lowry, R. L., 395-4775.

Initial Request for Advance Funds, OE-585, annually, State and nonprofit private guarantee agencies, Budget Review Division, 395-4775.

Health Care Financing Administration (Departmental), Impact of Written Criteria on the Concurrent Review Process, HCFA-L14T through 18T, single time, 65 PSRO Directors and 1,900 review coordinators, Richard Eisinger, 395-6140.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, LEAA Standards and Goals National Assessment Report Form, single time, selected LE/CJ agencies throughout the United States, economics and general government division, Raynsford, R., 395-3451.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration:

Quarterly Mine Employment and Coal Production Report, 7000-2, quarterly, all mine operators, Strasser, A., 395-5867.

Mine Accident, Injury, and Illness Report, 7000-1, on occasion, all coal, metal, and nonmetal mine operators, Strasser, A., Ellett, C. A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Pretest of Nationwide Survey of Veterans, single time, male veterans in civilian noninstitutional population, Raynsford, Robert W., 395-3814.

DEPARTMENT OF COMMERCE

Bureau of Census:

(Part of 1980 Decennial Census of Population and Housing), precanvass address register—1977 Census of Oakland, Calif., DH-103, A&B, single time, all households in dress rehearsal areas; Maria Gonzalez, 395-6132.

Industrial Gases, Monthly Report on Production, M28A.2, monthly, manufacturers, C. Louis Kincannon, 395-3211.

Inorganic Fertilizer Chemicals (Production and Stocks), M28B.1, monthly, chemical manufacturers, C. Louis Kincannon, 395-3211.

Major Household Appliances, MA-36F, annually, manufacturing establishments, C. Louis Kincannon, 395-3211.

Cotton and Linters in Public Storage and at Compress (annual), MA-22N, annually, warehouses holding raw cotton and linters, C. Louis Kincannon, 395-3211.

Phosphatic Fertilizer Materials—Monthly Report on Production, Shipments and Stocks, M28B.2, monthly, fertilizer manufacturers, C. Louis Kincannon, 395-3211.

EXTENSIONS

DEPARTMENT OF COMMERCE

Maritime Administration: Supplemental Unitized Cargo Container Report, MA 578A, on occasion, shipping companies, Marsha Traynham, 395-4529.

Bureau of Census: Clay Construction Products—Monthly Report on Production and Shipments, M32D, monthly, manufacturers of clay construction products, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Monthly Report of Excess Income—Section 236, HUD 93104A, monthly, owners of sec. 236 multifamily projects, Housing, Veterans, and Labor Division, 395-3532.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration: Application for permission to Export Controlled Substances, DEA 161, on occasion, drug firms registered to export controlled substances, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-24923 Filed 8-25-77;8:45 am]

POSTAL RATE COMMISSION

PRESENTATION AND VISIT TO POSTAL FACILITY

AUGUST 22, 1977.

Notice is hereby given that on August 15, 1977, Chairman DuPont visited the Dallas, Texas, Post Office for the purpose of acquiring general background knowledge of postal delivery operations.

Notice is also given that on August 16, 1977, Chairman DuPont presented a briefing to the executive council of the Dallas Postal Customer Council regarding the Postal Rate Commission and its functions.

A report of the visit will be on file in the Commission's docket room.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-24819 Filed 8-25-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13876; File No. SR-BSPS-77-4]

BRADFORD SECURITIES PROCESSING SERVICES, INC.

Order Approving Rule Change Providing for Establishment of Additional Branch Facilities

AUGUST 19, 1977.

On June 28, 1977 Bradford Securities Processing Services, Inc. ("BSPS"), 80 Pine Street, New York, New York 10005, filed a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") relating to the establishment of branch facilities in Houston, Texas and Denver, Colorado. As part of its filing, BSPS made representations relating to procedures and safeguards for the handling of securities and funds.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (42 F.R. 36571, July 15, 1977) and the public was invited to submit comments until August 5, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13729, July 8, 1977. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change contained in File No. SR-BSPS-77-4 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24764 Filed 8-25-77;8:45 am]

[Release No. 34-13867; SR-CBOE-77-4]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 17, 1977.

On March 3, 1977, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend CBOE Rule 6.10(a) which would eliminate the requirement that member firms qualified to conduct a nonmember customer business obtain, on an annual basis, renewal of written authorization to maintain a discretionary account.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-13734 (July 15, 1977)) and by publication in the FEDERAL REGISTER (42 FR 36572 (July 15, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24765 Filed 8-25-77;8:45 am]

[Release No. 13869; File No. SR-CBOE-77-6]

CHICAGO BOARD OPTIONS EXCHANGE, INC., BOARD BROKERS ASSOCIATION

Order Denying Stay Approving Rule Change

AUGUST 18, 1977.

On July 11, 1977, the Board Brokers Association (the "Association"), which is composed of board broker members of the Chicago Board Options Exchange, Inc. (the "CBOE"), applied to the Commission for a stay pending judicial review of the Commission's order [1] approving, pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 ("the Act")[2] and Rule 19b-4 thereunder,[3] a rule change filed by the CBOE[4] on March 28, 1977. The rule change, among other things, provides the enabling authority for the award of board broker appointments on the basis of competitive bidding (along with an evaluation of an applicant's qualifications) and for an assessment of exchange fees upon members who utilize board broker services.

Under Section 25(c)(2) of the Act,[5] the Commission may stay an order of rule pending judicial review if it finds that "justice so requires." In view of the arguments presented by the Association for a stay,[6] including its repetition of arguments previously made, the Commission has determined to set forth in detail its reasons for approving the CBOE rule change in the first instance, together with its discussion of the additional arguments presented by the Association in its application for a stay.

In considering whether justice requires a stay of the order approving the CBOE rule change, the Commission notes at the outset that the subject rule change is not self-executing. The rule change approved by the Commission permits the CBOE to plan the further development of its board broker program in an orderly fashion. Before the CBOE may terminate the appointment of any person cur-

[1] Securities Exchange Act Release No. 13673 (June 24, 1977), 42 FR 33826 (July 1, 1977).

[2] 15 U.S.C. 78s(b)(2).

[3] 17 CFR 240.19b-4.

[4] SR-CBOE-77-6 (filed March 28, 1977). Notice of the proposed rule change was provided in Securities Exchange Act Release No. 13434 (April 6, 1977), and the proposal was published in 42 FR 20870 (April 22, 1977).

[5] 15 U.S.C. 78y(c)(2).

[6] Board Brokers Association, Application for Stay of the Commission's Order dated June 24, 1977, Pending Judicial Review (July 8, 1977) (the "Application").

rently serving as a board broker as part of a program to appoint board brokers on the basis of the subject rule change,[7] the CBOE is required to submit additional proposed rule changes to the Commission. Those proposals must detail the bidding procedure for board broker appointments and the level of fees which the CBOE will assess for services provided by board brokers. The Commission finds that justice does not require that a stay be granted in this instance because (i) the CBOE cannot implement its program with respect to board brokers without further Commission action;[8] (ii) as a result, the Association will have a further opportunity to present data, views, and arguments to the Commission before the CBOE can take any final action affecting the interests of Association members;[9] and (iii) the members of the Association do not need a say to protect their interests and the granting of a stay would likely impede the CBOE's further planning efforts.

The Association submits, in support of its Application, that the board brokers were not given an opportunity for a hearing concerning the subject rule change. The Act, however, does not require the Commission to conduct a hearing before it approves the rule change of a self-regulatory organization.[10] Moreover, the Commission concluded that the proposed rule change did not deprive board brokers of any "vested right" since any such "right," if it exists, is acquired under, and remains subject to, the governing rules of that exchange, as they may be amended from time to time, insofar as those rules and amendments thereto are consistent with the Act and the rules and regulations promulgated thereunder.

In addition to the grounds noted above, the Association states in its Application that:

> [T]he system comprehended by the proposed rule changes conflicts in many respects with the requirements of the Act and wholly fails to satisfy any rationally perceived need for change or the achievement of any generally accepted policy objective.[11]

In approving the proposed rule change, however, the Commission reviewed the objections raised by the Association in its initial comments submitted to the Commission on May 13, 1977, and found them unpersuasive. The Commission reiterates here its finding that the challenged CBOE rule changes are consistent with the requirements of the Act and rules and regulations thereunder.

The Association had asserted in its initial comments that the subject rules, since they permit the CBOE to award board broker appointments on the basis of competitive bidding and to assess exchange fees upon those utilizing the services of board brokers, would violate Section 6(e) of the Act by "creat[ing] a simple flow-through of revenues to circumvent the prohibition of fixed member rates."[12]

The CBOE rule change approved by the Commission, however, establishes only a broad framework within which the CBOE may develop a system of fees and board broker compensation. That rule change does not, on its face, establish or require any simple flow-through of revenues at fixed rates. It will instead permit the CBOE to compensate each appointed board broker according to the individual terms of his competitive bid. For that reason, the Commission adheres to its determination that the enabling authority in the CBOE rule change, by itself, is consistent with Section 6(e) and Rule 19b-3. The Commission will review further proposed rule changes filed by the CBOE to determine whether, viewed in conjunction with the rule change approved and the system thereby created, they are consistent with those provisions.

The Association also argued, in its initial submission, that the subject rule change violates Section 6(b)(4) of the Act, which requires that exchange rules "provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities." The Commission remains unpersuaded by this argument because it is also premature. Since the rules in question are enabling in nature and do not prescribe any particular level of fees, or any allocation of fees, determinations of reasonableness and equitable allocation may be made only when further submissions are made by the CBOE pursuant to Section 19(b)(3)(A)(ii) of the Act.[13] The Commission

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[7] Of course, the appointment of a person serving as a board broker, prior to the rule change, was subject to termination for various reasons, such as poor performance. See former CBOE Rule 7.3. This authority of the CBOE to terminate a board broker's appointment continues under CBOE Rule 7.3(b) as amended by the subject rule change.

[8] Bidding procedures to be established by the CBOE cannot become effective unless filed with the Commission for consideration under Section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), and approved by further order of the Commission under that Section. Cf. Letter from George A. Fitzsimmons to James E. Buck, Secretary of the New York Stock Exchange, Inc. [1976-1977 Transfer Binder] Fed. Sec. L. Rep. (CCH) Para. 80,494 (October 20, 1976).

Even if such substantive actions had been taken, it would not follow that a stay of the Commission's original approval order would be an appropriate response. If a self-regulatory organization purports to exercise new authority absent compliance with the rulemaking requirements of Section 19(b) of the Act, the Commission has ample authority to impose disciplinary sanctions and also to obtain injunctive relief. See Sections 19(h) and 21(e) of the Act, 15 U.S.C. 78s(h) and 78u(e).

[9] The Association, in its letter of August 3, 1977, to the Commission, has urged as an additional ground for a stay the proposition that the CBOE would otherwise be subject to "a most painful and disruptive unwinding process" should the Court of Appeals vacate the Commission's order of June 24, 1977. Id. at 2. Since, however, further Commission action is required before the CBOE can take final action to implement its new board broker program, the Commission finds that new ground urged by the Association unpersuasive.

[10] In connection with the initial filing of a proposed rule change under Section 19(b)(1), the Commission is required merely to publish notice and give interested persons an opportunity to submit written data, views, and arguments. Section 19(b)(2) provides that the Commission shall approve a proposed rule change if it makes the findings enumerated in that Section; upon making those findings, the Commission is to grant approval under Section 19(b)(2)(A) without further proceedings. On the other hand, if the Commission does not make such findings, it is required to initiate a proceeding pursuant to Section 19(b)(2)(B) of the Act to determine whether to disapprove a proposed rule change and is required to provide notice of the grounds for disapproval under consideration and opportunity for hearing.

With respect to the CBOE rules challenged by the Association, the Commission was able to make the requisite findings, without initiating such further proceeding, on the basis of the CBOE's filing on Form 19b-4A, 17 CFR 249.19a; the submissions of written data, views, and arguments; and the Commission's own expertise in overseeing the operation of the national securities exchanges.

[11] Application, at 4.

[12] In that connection, the Association refers to an earlier CBOE proposed rule change, under which the CBOE proposed to establish a schedule of fees to be charged by the CBOE to those receiving board broker services. The proposed fees would have corresponded to the fixed commission rate schedule then used by board brokers. Pursuant to Rule 19b-3 under the Act, 17 CFR 240.19b-3, the CBOE was required to eliminate that fixed rate schedule no later than May 1, 1976. Under its earlier proposed rule change, the CBOE proposed to collect brokerage commissions on specific transactions and transmit them to the board broker effecting such transactions, less a charge imposed by the CBOE. In that regard, it appeared to the Commission that the proposed rule change would merely interpose the CBOE as a conduit in the process of collecting and disbursing brokerage commissions fixed at exchange-prescribed rates. The Commission ordered the institution of a proceeding to determine whether to disapprove that proposed rule change based, in part, on the question whether the proposed CBOE rule would violate Section 6(e) of the Act and Rule 19b-3. Securities Exchange Act Release No. 12358 (April 22, 1976), 41 FR 17984 (April 29, 1976). The CBOE withdrew the challenged rule change on May 3, 1976.

[13] We note that such submissions and the additional provisions embodied in rules governing the bidding procedures will have to address, among other things, the contemplated requirement that the compensation to be received by the board brokers will be in lieu of any other revenues or fees to be received by them in return for providing board brokerage services.

may summarily abrogate any such fees, and require further proceedings under Section 19(b) of the Act, if such action appears necessary or appropriate.

In addition, the Association asserted that the CBOE rule changes are inconsistent with Section 6(b)(5) of the Act in that they unfairly discriminate against board brokers by requiring them, alone among all classes of CBOE members, to bid competitively for their appointments. "Unfair discrimination," however, is found where other groups similarly situated are accorded different treatment, without any rational basis.[14] The members of no group other than the board brokers, however, occupy a monopoly position on the CBOE floor.[15] Accordingly, the absence of parallel regulation of other distinct classes of members does not demonstrate any unfair discrimination.

The Association also advanced the argument that the rules in question impose a "burden on competition not necessary or appropriate in furtherance of the purposes of (the Act)," in contravention of Section 6(b)(8). The Commission's rejection of this assertion remains founded on the fact that a board broker's appointment represents, in effect, a monopoly franchise.[16] Consequently, with respect to the 88 classes of options traded solely on the CBOE, out of a total of 101 classes of options traded on that exchange,[17] it would not appear that there are any significant competitive forces at work controlling the amount of brokerage commissions charged by CBOE board brokers. Accordingly, the Commission rejected the Association's assertion that awarding board broker appointments on a basis which takes into account competitive bidding constitutes an unnecessary or in appropriate burden on competition.

Moreover, Section 11A(a)(1)(C)(ii) of the Act[18] calls for fair competition not only among brokers and dealers but also among exchange markets. The Commission believes the subject rule will enable the CBOE to compete more effectively with other exchanges in providing limit order executions of dually traded options. In that connection, other exchanges have had the ability in the past to provide limit order execution in dually traded options at lower prices than those charged on the CBOE.[19] The enabling authority encompassed in the subject rule change provides the CBOE with the flexibility to compete with fees which may be available on the other exchanges for the execution of limit orders and may thus enhance fair competition among securities markets. Primarily for that reason, the Commission also found that the CBOE rule change would tend to further the goal, set forth in Section 6(b)(5) of the Act, of "remov[ing] impediments to and perfect[ing] the mechanism of a free and open market and a national market system."[20]

For the reasons set forth above, upon consideration of the application of the Association, the Commission finds that justice does not require a stay of its approval order pending judicial review.

It is therefore ordered, pursuant to Section 25(c)(2) of the Act, that the application of the Association for stay of the Commission's order approving the rule change of the Chicago Board Options Exchange, Inc., filed with the Commission on March 28, 1977, be, and it hereby is, denied.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24763 Filed 8-25-77;8:45 am]

[14] In that respect, the standards in determining the existence of "unfair discrimination" appear analagous to those applicable to "equal regulation." See Section 3(a)(36) of the Act. As to the latter, "'[E]qual regulation' is not a meaningful guide to regulatory action unless persons similarly situated in terms of the purpose of the regulation are first identified." Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 16 (1975) [emphasis added].

[15] In addition, the services associated with maintenance of a limit order book need not be performed by a member at all. For example, the Pacific Stock Exchange and the Midwest Stock Exchange use salaried employees ("order book officials") rather than members to handle the limit order books.

[16] To further the orderly and efficient execution of public limit orders, it has been the practice of the CBOE to appoint only one board broker to handle the limit order "book" for a particular class of options. In addition, the CBOE accords priority to limit orders on that book over public orders in the crowd and most proprietary orders of members. CBOE Rule 6.45.

[17] Some classes of options are listed only on the CBOE. Others—"dually traded options"—are listed on more than one exchange. In the case of dually traded options, the competition offered by the other exchange currently may serve to control the pricing of board broker services on the CBOE. It does not appear that the rule change approved by the Commission would impose any burden on that competition which would not be necessary or appropriate in furtherance of the purposes of the Act. See Section 6(b)(8) of the Act.

[18] 15 U.S.C. 78k-1(a)(C)(ii).

[19] On the American Stock Exchange, limit order services are provided by specialists who also function as dealers—that is, trade as principals for their own accounts. Accordingly, these specialists have had the ability and the incentive (the desire for an increased order flow for their dealer activity) to lower significantly—or even to eliminate—charges for executing limit orders in dually traded options. On the Pacific and Midwest Stock Exchanges, limit order services are provided by exchange employees; thus those exchanges can directly control the fees charged for such services.

[20] The Association advanced a number of other theories in their initial submission in contending that the Commission should institute proceedings to determine whether to disapprove the subject rule change. The Commission considered all these arguments, and found them not to be properly grounded in the Act.

[Release No. 34-13865; File No. SR-DTC-77-7]

DEPOSITORY 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 August 1, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change permits Participants of The Depository Trust Company (DTC) to accept through DTC certain exchange offers and cash tender offers for securities on deposit with DTC. Under the proposed procedures, Participants will be able to take advantage of exchange offers and cash tender offers without withdrawing from DTC certificates evidencing securities subject to such offers.

The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-77-7.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to permit DTC's Participants to take advantage of certain exchange offers and cash tender offers through DTC. An exchange offer is an offer of securities of one issue in return for securities of another issue voluntarily surrendered. A cash tender offer is an offer of cash in return for securities voluntarily surrendered. The proposed service will enable Participants to accept exchange offers or cash tender offers on certain qualifying securities without withdrawing the subject securities from the DTC system. Under its present procedures, DTC must usually make ineligible for depository services a security issue which has been eligible but has become the subject of an exchange offer or cash tender offer.

The proposed rule change relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by encouraging the immobilization of certificates evidencing securities subject to exchange offers and cash tender offers.

Comments regarding the proposed voluntary offering service were solicited from DTC Participants and Pledgees by articles in numerous DTC Newsletters in 1976 and 1977. Draft procedures for the proposed service, similar to the procedures set forth in Exhibit 2 to DTC's filing, were sent to all Participants and Pledgees in February 1977. Written comments were received from three Participants and are attached as Exhibit 3 to DTC's filing.

DTC believes that no burden will be placed on competition by the proposed rule change.

On or before September 30, 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 be submitted on or before September 16, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 16, 1977.

[FR Doc.77-24778 Filed 8-25-77;8:45 am]

[Release No. 9898; 812-4115]

E. I. DU PONT DE NEMOURS AND CO. AND REMINGTON ARMS COMPANY, INC.

Filing of Application for Order Exempting Proposed Transactions

AUGUST 18, 1977.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont"), 1007 Market Street, Wilmington, Delaware 19898, a Delaware corporation, and Remington Arms Company, Inc. ("Remington"), 939 Barnum Avenue, Bridgeport, Connecticut 06602, herein referred to together with Du Pont as ("Applicants"), a Delaware corporation, have filed an application on April 1, 1977, and an amendment thereto on July 28, 1977, pursuant to Sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of Section 17(a) of the Act proposed modifications of their policies respecting lending money to, and purchasing residential property from, their employees. Du Pont and Remington are described, in the application, as companies presumed to be controlled by Christiana Securities Company ("Christiana"), registered under the Act as a closed-end, non-diversified, management investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

BACKGROUND

The application states that Applicants have each had a policy of assisting their employees in meeting costs incurred when they are transferred to new locations, and that this assistance may take the form of loans, advances, or purchases of residential property.

According to the application, Applicants, in furtherance of those policies, have in the past sought and received certain exemptive orders of the Commission with respect to loans and advances proposed to be made by them to their employees. In particular, pursuant to orders dated June 24, 1953, February 9, 1959, and April 10, 1970,[1] such loans and advances are subject to the following limitations: (1) No loan shall be made to any director or officer of Du Pont or Remington, respectively, or of any affiliated company; (2) the amount on loan or advance to an individual at any time shall not exceed the lesser of $25,000 or three years' gross salary of the borrowing employee; and (3) such loans and advances in the aggregate outstanding at any one time shall not exceed $250,000 (in the case of Remington), or $3,000,000 (in the case of Du Pont).

An order of the Commission dated May 1, 1959,[2] exempts from the provisions of Section 17(a) of the Act occasional purchases of residential property by Du Pont from its transferred employees, such transactions having been proposed to be negotiated on the basis of then current real estate values. Applicants state that in 1974, Du Pont requested and received a "no-action" position from the Commission staff with respect to a proposal by Du Pont to modify, without amendment to the aforementioned 1959 order, its policy with respect to such transactions to the effect that, inter alia, purchases would be made (1) on a basis which might be deemed to be more frequent than "occasional", and (2) subject to the conditions described in the following paragraph.

When an employee's transfer is announced, Du Pont, while encouraging sales on the open market, will obtain two appraisals of the employee's property from professional appraisers and make a standing offer to purchase the property, subject to specified time limits, at the greater of (1) the average of those two appraisals or (2) the invested value, which is generally defined as documented purchase price plus cost of allowable improvements.

If appraised value exceeds invested value the offer is limited to a maximum of four times the employee's gross annual salary; if invested value exceeds appraised value, the offer is limited to the lesser of four times annual salary or $85,000.

Applicants state further that, on the basis of the aforementioned "no-action" position and advice of its counsel, Remington implemented the identical modification to its employee relocation policy. Remington states that it seeks the assurance of the exemptive order requested herein as a basis for proceeding with such purchases in the future, on the same terms and conditions requested by Du Pont.

According to the application, most purchases of residential property by the Applicants are made at appraised value. The application states that the "invested value" provision is included in the policy to minimize the number of cases where an employee transferring at Applicants' request would suffer a loss on his investment, and that the limitations in the policies are intended to place a reasonable ceiling on the Applicants' commitments with respect to properties with high appraised values, and to protect Applicants from commitments to purchase properties with excessive investment values.

APPLICANTS' PROPOSAL

Applicants assert that various dollar limits described above have become unduly restrictive. They state that the existing $25,000-per-employee loan limit was adopted in 1968, whereas, since January, 1968, the Homeowner's Component of the Consumer Price Index, published by the U.S. Bureau of Labor Statistics, has approximately doubled—from 102.2 in January 1968, to 194.8 in November 1976. Applicants therefore propose, in light of this increase, to revise their per-employee loan limit to $40,000, subject to receipt of an appropriate order from the Commission.

Applicants expect that those proposed higher individual limits for loans will affect the appropriateness of the aggregate limits as loans are made in larger amounts. They therefore believe that it would be appropriate to increase their applicable aggregate loan limitations by at least 100 percent. Applicants accordingly propose to increase Remington's aggregate loan limit from $250,000 to $500,000, which they deem to be adequate in light of the relatively few transfers involved. With respect to Du Pont, however, Applicants assert that there are considerably more employee transfers involved, and that more transferees than originally anticipated are closing on their new homes before closing on their old homes, resulting in higher utilization of short-term equity loans. The application submits that for this reason, in addition to inflationary considerations, it would be appropriate to increase DuPont's aggregate limit by a total of 150%, so that the new limit would be $7,500,000.

Finally, Applicants state that the aforementioned $85,000 limit with respect to the purchase of an employee's residential property was set in 1974; since January 1974, the Homeowner's

[1] See Investment Company Act Release Nos. 1880, 2826 and 6029, respectively.

[2] See Investment Company Act Release No. 2873.

Component of the Consumer Price Index has increased by approximately 26%—from 154.8 in January, 1974, to 194.8 in November, 1976. Applicants state that, in light of this increase, they have adopted a $100,000 limit for this purpose, subject to receipt of an appropriate order of the Commission.

STATUTORY STANDARDS

The application states that Christiana owns approximately 27.8% of the outstanding common stock of Du Pont which, in turn, owns approximately 69.5 percent of the outstanding common stock of Remington. Applicants conclude that (1) Applicants are presumed to be controlled by Christiana, and (2) Applicants' employees are affiliated persons of an affiliated person of Christiana, for purposes of the Act.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, (1) knowingly to sell any security or other property to such registered company or to any company controlled by such registered company, or (2) to borrow money or other property from such registered company or from any company controlled by such registered company. Applicants state that the proposed transactions, if made beyond the limits currently permitted, may be prohibited by Section 17(a) of the Act. Applicants therefore request an order, pursuant to Sections 17(b) and 6(c) of the Act, exempting the proposed transactions from the provisions of Sections 17(a).

Section 17(b) of the Act provides that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned. They state that the proposed modification of the current dollar limitations to conform to those described above would have a favorable effect on their relations with employees, and that the modified limitations would operate to ease further the hardship imposed on employees who are required to move at their employer's request.

The application submits that the proposed aggregate limitations on loans and advances are insignificant compared to the size of Applicants' bsuinesses. The application submits that (1) with respect to Du Pont, the proposed limit of $7,500,000 is about 0.6 percent of its consolidated accounts receivable, which were approximately $1,178,800,000 at December 31, 1976, and (2) with respect to Remington, the proposed aggregate limit of $500,000 is approximately 0.7 percent of its average consolidated accounts receivable during 1976 of about $75,000,000. Applicants assert that, for purposes of the foregoing comparison, the use of Remington's average (rather than year-end) consolidated accounts receivable is appropriate, in view of the highly seasonal nature of Remington's business.

Finally, Applicants submit that the proposed transaction is consistent with the policies of Christiana and with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 12, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be quest. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24766 Filed 8-25-77;8:45 am]

[Release No. 9899; 811-2154]

F. G. MUTUAL FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 18, 1977.

Notice is hereby given that F. G. Mutual Fund, Inc. ("Applicant"), 4680 Wilshire Boulevard, Los Angeles, California 90010, a California corporation registered as an open-end, non-diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on July 21, 1977, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that at a special meeting of Applicant's shareholders held on December 30, 1976, the sale of substantially all of Applicant's assets to New World Fund, Inc. ("New World") was authorized by a vote of Applicant's shareholders. New World, an open-end, diversified, management investment company registered under the Act, acquired substantially all of the assets of Applicant on December 31, 1976, in exchange for common stock of New World.

Applicant further represents that the shares of New World received by Applicant in connection with the sale of its assets have been distributed pro rata to Applicant's shareholders, and that consequently, Applicant has no assets or shareholders. Applicant states that on or about June 30, 1977 a Certificate of Dissolution of Applicant was filed with the state of California and that the dissolution of Applicant was effective as of that filing.

Applicant finally states that all liabilities and expenses of Applicant incurred in connection with the sale of its assets and subsequent dissolution have been paid or assumed by Farmers New World Management Company, its former investment adviser, and that Applicant's investment advisory contract with Farmers New World Management Company has been cancelled.

Section 8(f) of the Act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 12, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the

rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24767 Filed 8-25-77;8:45 am]

[Rel. No. 9901 (812-4143)]

INVESTORS SYNDICATE OF AMERICA, INC.

Filing of Application for an Order Approving an Amendment to a Depository Agreement Covering Face-Amount Certificates Issued by Applicant

AUGUST 22, 1977.

Notice is hereby given that Investors Syndicate of America, Inc., IDS Tower, Minneapolis, Minnesota 55402 ("Applicant"), a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application on June 6, 1977, and an amendment thereto on August 11, 1977, pursuant to Section 28(c) of the Act, for an order of the Commission approving an amendment of the general depository agreement (the "Agreement") between Applicant and the Marquette National Bank of Minneapolis (the "Bank") so as to require annual rather than semi-annual certification of the financial statements of Applicant by an independent public accountant. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions, having the qualifications required by Section 26(a)(1) of the Act for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of Section 28(b) of the Act.

On November 16, 1974, the Commission issued an order (Investment Company Act Release No. 18) approving the Agreement requiring Applicant to deposit and maintain, in accordance with the terms and conditions set forth in the Agreement, with the Bank or with some other trustee or trustees having the qualifications required by paragraph 1 of Section 26(c) of the Act, qualified assets at least equal to the certificate reserve requirements of Section 28 of the Act for certain outstanding certificates. The Agreement further provides that the semi-annual and annual statements regarding the aggregate value of Applicant's assets, required to be filed with the Bank in January and July of each year, be audited and certified by independent accountants.

Subsequently, the Commission has issued orders, contained in Investment Company Act Release Nos. 792, 1895, 3105, 3552, 3751, 4390, 6810, 8551, 8821 and 9188, granting applications for amendments to the Agreement to include coverage of new series of securities proposed to be issued by Applicant.

The amendment to the Agreement, for which an order by the Commission is presently requested, seeks to eliminate the requirement that the semi-annual report, filed with the Bank in July of each year, be audited and certified by independent accountants, in favor of verification under oath of such report by a responsible officer of Applicant. Applicant represents that the annual statement required to be filed with the Bank in January of each year will continue to be certified by an independent accountant. Applicant further agrees to continue to file with the Commission on or before the twentieth days of January, April, July and October of each year, a statement showing the aggregate value of Applicant's assets on deposit with the Bank to meet face-amount certificate liability requirements and the amount of such certificate liability requirements. The value and amount are to be determined as of the last day of the preceding month. Market or fair values are to be shown as well as values determined in accordance with the provisions of the Code of the District of Columbia and the rules, regulations and orders prescribed by the Commission.

In support of the application, Applicant asserts that the Act only requires the annual reports to shareholders and annual reports to the Commission to be audited and certified by independent accountants. Applicant further asserts, with the concurrence of the Bank and its independent, certified accountant, that the annual examination of its assets by an independent certified accountant makes semi-annual audited reports unjustified in terms of time and money.

Notice is further given that any interested person may, not later than September 15, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24768 Filed 8-25-77;8:45 am]

[Rel. No. 20145; 70-6041]

JERSEY CENTRAL POWER & LIGHT CO., ET AL.

Proposed Acquisition of Evidences of Indebtedness From Residential Electric Customers Pursuant to a Residential Insulation and Related Improvements Program

AUGUST 22, 1977.

In the matter of Jersey Central Power & Light Company, Madison Avenue at Punchbowl Road, Morristown, New Jersey 07960, Metropolitan Edison Company, 2800 Pottsville Pike, Reading, Pennsylvania 19603, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Metropolitan Edison Company ("Met-Ed"), and Pennsylvania Electric Company ("Penelec"), each an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a)(1) and 10 of the Act and Rule 40 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central, Met-Ed and Penelec request authorization for the acquisition, from time to time, of evidences of indebtedness from their respective residential electric customers arising from such customers' purchases of insulation, attic ventilation fans and automatic night/day thermostats. It is stated that the acquisition of such obligations is de-

signed to facilitate the financing of such energy saving improvements and thereby promote energy conservation.

The program for which authorization is sought is that set out in an order of the Board of Public Utility Commissioners of the State of New Jersey on May 12, 1977, under which order all New Jersey utilities, including Jersey Central, must provide a mechanism for the financing of home insulation and related improvements by their heating customers. Under that program, which covers the financing of insulation, attic ventilation fans and automatic night/day thermostats, a customer would arrange to have the work performed by an eligible contractor, who would be paid by the utility (unless the customer obtained government or private financing). The customer would have 3 years to repay the loan, and interest would be charged at the rate of 1 percent per month on the unpaid balance (unless the customer repaid the loan within 90 days, in which case there would be no interest charge). The financing limit would be $500 for insulation plus the cost of a day/night thermostat and attic fan, if requested. It is contemplated that Met-Ed and Penelec will institute identical programs—a financing limit of $500 for insulation plus the cost of a day/night thermostat and attic fan, if requested, and with interest at the rate of 1 percent per month on the unpaid balance (unless the customer repaid the loan within 90 days)—for their electric heating customers. It is estimated that the programs for each utility will begin in September 1977.

It is stated that these financing programs may be modified, pursuant to utility or regulatory commission initiative, from time to time as experience dictates. No such modification will be implemented prior to the obtaining of Commission approval through a post-effective amendment to this application.

Jersey Central, Met-Ed and Penelec each request authorization to acquire in the aggregate up to $50,000 of their respective customers' obligations and to incur administrative and other related expenses of up to $12,500 respectively, for the one year period commencing on the date this application is granted. Authorization to exceed these limits or to extend the programs beyond the initial one year period will be sought by post-effective amendment. It is stated that the funds required by these programs are expected to arise from normal cash generation and, if necessary, from short-term borrowing.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $39,500 ($2,000 filing fee plus $37,500 of administrative and other related expenses), exclusive of legal fees, which will be supplied by further amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction, except to the extent that any particular program is mandated by order of a state or federal commission.

Notice is further given that any interested person may, not later than September 16, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24765 Filed 8-25-77;8:45 am]

[Release No. 1378; SR-MSE-77-22]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

AUGUST 19, 1977.

On July 11, 1977, the Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts" Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to allow representatives of the MSE Floor Procedure Committee to authorize deviations from MSE option quotation parameters when it would be impossible or impracticable to convene a meeting of the full Floor Procedure Committee. This filing was amended August 15, 1977.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13735, (July 11, 1977)) and by publication in the FEDERAL REGISTER (42 FR 36575 (July 15, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change, as amended, filed with the Commission on July 11, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24770 Filed 8-25-77;8:45 am]

[Release No. 20141; 70-6044]

MISSISSIPPI POWER CO.

Proposed Agreements With County for Construction of Pollution Control Facilities Financed by Sale of Revenue Bonds Secured by Collateral Trust Bonds; Exception From Competitive Bidding

AUGUST 18, 1977.

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, a wholly-owned electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9 and 12(d) of the Act and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi states that in order to comply with prescribed air and water quality standards of the State of Mississippi it will be necessary to construct certain pollution control facilities. The present filing relates to Mississippi's proposed disposition and acquisition of and financing of pollution control facilities for use in connection with its Plant Daniel ("Plant") in Jackson County, Mississippi ("County"). It is proposed that the County will issue its pollution control revenue bonds ("Revenue Bonds") for the purpose of paying the costs of the construction and equipping of the pollution control facilities at the Plant ("Project").

Mississippi proposes to enter into an Installment Sale Agreement ("Agreement") with the County which will provide for the construction and equipping of the Project by the County and for the issuance by the County of Revenue Bonds in an aggregate principal amount presently estimated not to exceed $19,000,000. It is also proposed that the County will issue a separate issue of its revenue bonds ("Small Issue Bonds") in an aggregate principal amount of $1,000,000 for the purpose of paying the costs of the acquisition and construction of certain other pollution control facilities at the Plant (the "Small Issue Project"). It is stated that the tax exempt status of the Small Issue Bonds

is based upon Section 103(b)(6) of the Internal Revenue Code of 1954 as amended. The proceeds derived from the sale of the Revenue Bonds will be deposited by the County with a Trustee under an indenture to be entered into between the County and the Trustee ("Indenture") pursuant to which the Revenue Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project. The Agreement will further provide for the sale of the Project to Mississippi, on a semi-annual installment payment basis over a term of years, and for the assignment to the Trustee of the County's interest in, and of the moneys receivable by the County under, the Agreement. The Agreement will provide that the purchase price of the Project payable by Mississippi will be such amount, including interest thereon, as shall be sufficient (together with other moneys held by the Trustee under the Indenture for that purpose) to pay the principal of, premium, if any, and interest on the Revenue Bonds as the same become due and payable. The Agreement wil also obligate Mississippi to pay the fees and charges of the Trustee. The Indenture will provide that the Revenue Bonds will be redeemable (a) at any time on or after 10 years from the date of issuance, in whole or in part, at the option of Mississippi initially with a premium of 3 percent of the principal amount and declining by ½ of 1 percent thereafter and (b) in whole, without premium, at the option of Mississippi under certain other specified conditions. The Revenue Bonds will mature 30 years from the first day of the month in which such bonds are initially issued and will be entitled to the benefit of mandatory redemption sinking funds calculated to retire not less than 25 percent of the aggregate principal amount of the issue prior to maturity.

Mississippi proposes to enter into a separate installment sale agreement (the "Small Issue Agreement") and indenture (the "Small Issue Indenture") with respect to the Small Issue Bonds which will be substantially similar to the Agreement and the Indenture relating to the Revenue Bonds. It is stated that in connection with the Small Issue Bonds, it may be necessary for Federal tax purposes to grant the County a lien on certain property of Mississippi. Said lien shall be created by a deed of trust and shall be subordinate to the lien of the indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee ("Indenture Trustee"), as supplemented and amended ("Mortgage").

Mississippi states that in order to obtain the benefit of a rating for the Revenue Bonds and the Small Issue Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under its Mortgage which rating Mississippi has been advised may be thus attained, Mississippi proposes to obtain the authentication of two series of first mortgage bonds ("Collateral Bonds") under the Mortgage, as proposed to be supplemented by two further supplemental indentures ("Supplemental Indentures") to be dated as of the first day of the month in which the Collateral Bonds are to be authenticated and delivered. To secure its obligations under the Agreement and the Small Issue Agreement, Mississippi proposes to deliver to the Trustee, to be held as collateral, the Collateral Bonds in principal amount equal to the principal amount of the Revenue Bonds and Small Issue Bonds, respectively. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Revenue Bonds and Small Issue Bonds, will mature on the maturity date of such Bonds, and will be nontransferable by the Trustee. The Supplemental Indentures will provide, however, that the obligation of Mississippi to make payment with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Agreement and the Small Issue Agreement sufficient to meet payments when due in respect of the Revenue Bonds and Small Issue Bonds, respectively. The Supplemental Indentures will provide that, upon acceleration by the Trustee of the principal amount of all outstanding Revenue Bonds or Small Issue Bonds, the Trustee may demand the mandatory redemption of the related Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The Supplemental Indentures will also provide that, upon the optional redemption of the Revenue Bonds or Small Issue Bonds, in whole or in part, at any time after they have been outstanding for 10 years, an equal principal amount of the related Collateral Bonds will be redeemed at an initial premium of 3 percent declining by ½ percent every year. Because interest accrues in respect of both series of the Collateral Bonds until satisfied by payments under the Agreement or Small Issue Agreement, "annual interest charges" in respect of the Collateral Bonds will be included in computing the "interest earnings requirement" restricting the amount of first mortgage bonds which may be issued and sold to the public in relation to Mississippi's net earnings. The Collateral Bonds will be issued on the basis of unfunded net property additions.

The Indenture and the Small Issue Indenture will each provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the Revenue Bonds or Small Issue Bonds, or upon direction to the Trustee by Mississippi to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds or Small Issue Bonds to the Trustee by or for the account of Mississippi, the Trustee will be obligated to deliver to Mississippi or for the account of Mississippi the related Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds or Small Issue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

In order to comply with the appropriate statute of the State of Mississippi, it will be necessary for Mississippi to convey to the County such portions of the Project and Small Issue Project as are now owned by Mississippi ("Existing Facilities") subject to the Mortgage. Under the Agreement and the Small Issue Agreement, Mississippi will receive, out of the proceeds of the Revenue Bonds and Small Issue Bonds, an amount equal to Mississippi's original cost for the Existing Facilities. The Existing Facilities will thereupon become a part of the Project and Small Issue Project which is to be provided by the County and which Mississippi proposes to purchase as provided in the Agreement and Small Issue Agreement.

It is contemplated that the Revenue Bonds and Small Issue Bonds will be sold contemporaneously by the County pursuant to arrangements with one or more underwriters. In accordance with the laws of the State of Mississippi, the interest rate to be borne by the Revenue Bonds and the Small Issue Bonds will be fixed by the County. Mississippi will not be a party to the underwriting arrangements for the Revenue Bonds or the Small Issue Bonds. Bond counsel will issue an opinion that interest on the Revenue Bonds and Small Issue Bonds will be exempt from Federal income taxation. Mississippi has been advised that the annual interest rate on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds and Small Issue Bonds to be 1½ percent to 2½ percent lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to Federal income tax.

The application-declaration states that the fees incident to the proposed disposition of the Existing Facilities, the issuance of the Collateral Bonds and the acquisition of the Project and Small Issue Project (as distinguished from and excluding fees, commissions and expenses incident to the sale of the Revenue Bonds and Small Issue Bonds by the County payable out of the proceeds of such sales and in connection with the determination of the tax status of the Revenue Bonds and Small Issue Bonds) will be filed by amendment. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the issuance of the Collateral Bonds. It is further stated that the execution, delivery and performance by Mississippi of the Agreement and Small Issue Agreement, the disposition of the Existing Facilities and acquisition of the Project and Small Issue Project by Mississippi is subject to the jurisdiction of the Mississippi Public Service Commission and that no other state or federal commission, other than this Commission, has jurisdiction in respect thereof. Mississippi states further that the competitive bidding requirements of Rule

50 in respect of the issuance of the Collateral Bonds are inappropriate under the circumstances described herein, inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Mississippi's obligations to the County and no public offering of the Collateral Bonds is to be made.

Notice is further given that any interested person may, not later than September 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc.77-24771 Filed 8-25-77;8:45 am]

[Release No. 20144; 70-5844]

MONONGAHELA POWER CO., ET AL

Proposed Increase in Amount of Short-Term Notes To Be Issued and Sold to Banks and to Dealers in Commercial Paper: Supplemental Order Authorizing Limited Increase in Sale of Short-Term Notes

AUGUST 19, 1977.

In the matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554, the Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740, West Penn Power Company, 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601.

Notice is hereby given that Monongahela Power Company ("Monongahela"), the Potomac Edison Company and West Penn Power Company, all of which are electric utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed a post-effective amendment to an application previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

On May 4, 1976 a release (HCAR No. 19510) was issued in this matter giving notice that Monongahela proposed to issue and sell through December 31, 1977, short-term notes to banks and to dealers in commercial paper in a maximum aggregate principal amount of $44,000,000 at any one time outstanding. On June 4, 1976 an order (HCAR No. 19557) was issued authorizing Monongahela to issue the proposed short-term notes but limiting the maximum principal amount of such notes at any one time outstanding to $40,000,000, jurisdiction being reserved to grant Monongahela further relief when applied for, in whole or in part. Jurisdiction was also reserved to grant West Penn Power Company further relief when applied for. As of July 31, 1977, Monongahela had no short term debt outstanding, but the Public Service Commission of West Virginia has ordered Monongahela to refund to its customers approximately $53,000,000 plus interest which was collected between June 1975 and April 1977. As a result, Monongahela estimates that it will be required to issue short term debt of approximately $46,000,000.

Therefore, Monongahela proposes to issue and sell through December 31, 1977, short term notes to banks and to dealers in commercial paper in a maximum aggregate principal amount of $46,000,000 at any one time outstanding. The notes and commercial paper will be issued and renewed from time to time as funds may be required prior to December 31, 1977: *Provided*, That no such notes or commercial paper will mature after April 1, 1978.

Seven designated commercial banks have made available to Monongahela varying lines of credit aggregating $125,000,000, provided that borrowings will at no time exceed the total amount authorized by this Commission. It is stated that the unsecured promissory notes, to be issued to the banks as evidence of such borrowings, will mature not more than 270 days after issuance or renewal, will be prepayable at any time without premium or penalty, and will bear interest at a rate not exceeding the prime rate of each lending bank in effect at the date of the borrowing. It is anticipated that the banks will require compensating balances at levels generally approximating 10 percent of the line of credit plus 10 percent of the amount of notes outstanding; thus, if balances were maintained solely to fulfill compensating balance requirements for borrowings, the effective interest cost to each applicant, assuming a prime rate of 7 percent, would be approximately 8.75 percent.

Monongahela proposes to issue and sell commercial paper, in the form of promissory notes in denominations of not less than $50,000, nor more than $5,000,000, to commercial paper dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of like maturity sold to commercial paper dealers. It is stated that the commercial paper notes will be of varying maturities, with no maturity more than 270 days after the date of issue, and that they will not be prepayable. Monongahela further states that it may issue the commercial paper notes if the interest cost thereof is equal to or less than the effective interest cost at which funds could be borrowed from the seven commercial banks with which it has lines of credit or if it cannot at that time borrow the same amount for the same period of time from such banks. It is expected that the commercial paper dealers will reoffer the commercial paper notes to not more than 200 of their customers, identified and designated in a non-public list prepared in advance by the dealers, at a discount rate of ⅛ of 1 percent per annum less than the discount rate to Monongahela. It is expected that the dealers' customers will hold the commercial paper notes to maturity; but, if any such customers wish to resell prior to maturity, their dealers will repurchase the notes pursuant to a verbal repurchase agreement and will reoffer them to other customers on their non-public lists.

Monongahela requests that the proposed issue and sale of commercial paper notes be excepted from the competitive bidding requirements of Rule 50 pursuant to a finding by this Commission under Rule 50(a)(5).

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 12, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

Due notice of the filing of a portion of said amended application has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 19510), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied with respect to that portion of the amended application and that no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted in part:

It is ordered, Pursuant to the applicable provisions of the Act and the rules thereunder, that the jurisdiction reserved in the order of June 4, 1976, with respect to Monongahela be, and it hereby is, released and that Monongahela be, and it hereby is, authorized effective forthwith to issue and sell short term notes to designated banks and commercial paper to commercial paper dealers, through December 31, 1977, in an aggregate principal amount not to exceed $44,000,000 outstanding at any one time, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

It is further ordered, That the jurisdiction reserved in the Order of June 4, 1976 with respect to West Penn Power Company be, and it hereby is, retained.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24772 Filed 8-25-77;8:45 am]

[Release No. 34-13871; File No. SR-MSRB-77-9]

MUNICIPAL SECURITIES RULEMAKING BOARD

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 August 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change (designated proposed rule G-11) filed by the Municipal Securities Rulemaking Board (the "Board") establishes certain terms and conditions for sales of new issue municipal securities during the underwriting period. The text of the proposed rule change appears below.

The principal terms and conditions of proposed rule G-11 are as follows:

1. A municipal securities dealer that submits an order to a syndicate or a member of a syndicate for securities held by the syndicate must disclose at the time of submission of the order if the securities are being purchased for its dealer account, for the account of a municipal securities investment portfolio[1] affiliated with such municipal securities dealer (a "related portfolio"), for a municipal securities investment trust sponsored by such municipal securities dealer (an "affiliated investment trust"), or for an accumulation or similar account established in connection with such a trust (an "accumulation account"). This disclosure is designed to permit the syndicate manager to evaluate on an informed basis for allocation purposes all orders submitted to the syndicate, particularly in terms of the buying interest represented by related portfolios, affiliated investment trusts, and other investors in contrast to buying interest represented by dealer trading accounts.

2. The senior syndicate manager must promptly disclose to other syndicate members, upon request made prior to final settlement of the syndicate account, each order for securities held by the syndicate submitted by, or on behalf of, a related portfolio, an affiliated investment trust, or an accumulation account. The required disclosure must include the identity of the related portfolio, affiliated investment trust or accumulation account, and the maturity dates and aggregate face amount of the securities in each maturity which are the subject of the order. This provision is designed to afford all syndicate members the same information as is available to the syndicate manager concerning orders submitted on behalf of affiliated accounts.

3. Confirmations of sales must be made directly to the related portfolio, affiliated investment trust, or accumulation account acquiring securities held by the syndicate. A conforming amendment will be made in proposed rule G-15 on customer confirmations, if proposed rule G-11 is approved by the Commission. This requirement will enable the syndicate to maintain appropriate records of sales to related portfolios, affiliated investment trusts, and accumulation accounts. It would not preclude the designation of sales credit for such orders.

4. Every syndicate must provide for the priority to be accorded to different types of orders for the purchase of securities from the syndicate and, if such priority may be changed, the procedure for making changes. Under proposed rule G-11, this requirement cannot be satisfied solely by a provision permitting a syndicate manager to determine in its discretion the order of priority. However, a syndicate could include a provision permitting the syndicate manager on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, if the syndicate manager determines in its discretion that it is in the best interests of the syndicate. Provisions regarding the priority of orders and whether the exercise of manager's discretion will be permitted must be determined by the syndicate in accordance with the syndicate's procedures for making such determinations, whether by majority vote or otherwise. These provisions are designed to require the establishment of procedures for the allocation of new issue securities, to be followed by syndicates on a consistent basis.

5. Prior to the first offer of any securities by a syndicate, the senior syndicate manager must communicate to the other members of the syndicate (a) the priority to be accorded to different types of orders, (b) the procedure, if any, by which such priority may be changed, (c) if the senior syndicate manager or managers are to be permitted on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, the fact that they are to be permitted to do so, and (d) if there is to be an order period, whether orders may be confirmed prior to the end of the order period. An order period is defined in the proposed rule as a period announced by the syndicate during which orders will be solicited for the purchase of securities held in syndicate. Any change in the order of priority must be communicated promptly by the senior syndicate manager to the other members of the syndicate. Syndicate members must promptly communicate the foregoing information to others, including non-member municipal securities dealers and investors, upon request. These requirements are designed to afford all syndicate members and other interested persons timely information concerning the syndicate's allocation procedures and thus to enable prospective purchasers to frame their orders in an informed manner if they wish to obtain a favorable priority. In addition, the syndicate manager's allocation policies will be subject to evaluation in light of the announced order of priority.

6. At or before the final settlement of the syndicate account, the senior syndicate manager must furnish to the other members of the syndicate an itemized statement setting forth the nature and amounts of all expenses incurred on behalf of the syndicate. Although items of expense would be required to be shown in detail, the expense statement could contain an item such as "miscellaneous;": *Provided*, The amount shown under it is not disproportionately large in relation to the other items of expense shown on the statement and includes only minor items of expense which cannot be easily categorized elsewhere in the statement. This provision is designed to afford syndicate members detailed information concerning the operation of the syndicate account.

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[1] The term "municipal securities investment portfolio" is defined in section 3(a)(33) of the Securities Exchange Act of 1934, as amended, to mean * * * all municipal securities held for investment and not for sale as part of a regualr business by a municipal securities dealer or by a person, directly or indirectly, controlling, controlled by, or under common control with a municipal securities dealer.

7. Prior to the submission of a bid, in the case of a competitive sale, or prior to the execution of a purchase contract with the issure, in the case of a negotiated sale, a syndicate manager must disclose to syndicate members discretionary fees to be charged by the syndicate manager for clearance costs, and management fees, if any. The Board believes such information is useful to syndicate members in determining whether to participate in a syndicate account.

8. The term "syndicate" as used in proposed rule G–11 is defined to exclude a sole underwriter.

9. The term "related portfolio" as used in proposed rule G–11 is defined to track the statutory definition of "municipal securities investment portfolio" in section 3(a)(33) of the Securities Exchange Act of 1934, as amended (the "Act"). In the Board's view, this includes discretionary accounts, trust accounts, bank investment portfolios and securities firm investment accounts. Managed investment companies, to the extent they are related portfolios, would also be subject to proposed rule G–11.

10. There is no exemption in proposed rule G–11 for short-term issues.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The proposed rule change is intended to address the Congressional directive in section 15B(b)(2)(K) of the Act that the Board adopt a rule or rules either prohibiting municipal securities dealers from selling new issue municipal securities to their related portfolios, or establishing the terms and conditions pursuant to which such sales may be made. Although Congress focused specifically on bank-related portfolios, the Board sees no reason to distinguish for purposes of its proposed rule between such portfolios, on the one hand, and affiliated investment trusts or related portfolios of securities firms, on the other.

Proposed rule G–11 is designed to meet the Board's statutory mandate by increasing the scope of information availalbe to syndicate managers and members, other municipal securities professionals and the investing public, in connection with the distribution and purchase of new issue municipal securities. The Board believes that such information will, among other matters, (a) enable syndicates to make more informed decisions in allocating securities among prospective purchasers because purchases for related portfolios and affiliated investment trusts will be identified as such; (b) enable prospective purchasers to frame their orders to the syndicate in a manner that will enhance their ability to obtain securities since the syndicate's allocation procedures will be known; and (c) render syndicate managers accountable for the allocation of securities in accordance with their announced allocation procedures.

In addition, disclosure of syndicate expenses, as required by paragraph (f) of the proposed rule, will enable syndicate members to analyze the operation of the syndicate account and, with respect to a syndicate manager's clearance and management fees, to make an initial determination whether to participate in the syndicate.

In its Report on the Securities Acts Amendments of 1975, the Senate Committee on Banking, Housing and Urban Affairs (the "Senate Committee") stated that

> [t]he economic power accruing to banks by virtue of their sole as major consumers as well as underwriters of new issue municipals * * *. permit[s] banks to be underwriter distributors of new issues of municipal bonds and at the same time and in the same new issue give their own investment portfolio the prerogatives and priorities of public institutional orders. (S. Rep. 94–75, 94th Cong., 1st Sess. at 49)

In its Report, the Senate Committee cited the interpretation of the National Association of Securities Dealers, Inc. (the "NASD") concerning "free-riding and withholding," applicable to the corporate markets, as a possible approach to regulation of the municipal markets. Under the NASD's interpretation, NASD members and persons associated with them are prohibited from acquiring "hot issue" securities during the underwriting period. As the Senate Committee noted, if this policy were applied to the municipal markets, investment portfolions associated with municipal securities dealers would be prohibited from buying municipal securities during the underwriting period. However, the Senate Committee noted the importance of related portfolios as purchasers of new issue municipal securities and stated that prohibiting such purchases "could adversely affect the ability of municipalities to obtain the lowest possible rate of interest on their bonds." (Id.)

The Senate Committee's concern on this point is underscored by the following statement from its Report:

> The Committee expects that the Board will permit municipal securities investment portfolios to continue to purchase new issues of municipal securities like any other public investor. However, the Committee also expects the Board to assure that municipal securities investment portfolios, in their purchase of new issues of municipal securities during the underwriting period, do not have an advantage in comparison with other public investors solely by reason of their affiliation with municipal securities dealers. (Id.)

In formulating proposed rule G–11, the Board issued a series of proposals in the form of exposure drafts, which took various approaches to the regulation of new issue underwriting activity. In the course of the public discussion and comment generated by these proposals and extended deliberations on the Board's part, it has not been demonstrated that related portfolios obtain advantages in acquiring new issue municipal securities solely by reason of their affiliation with municipal securities dealers. Therefore, the Board believes that a case has not been made at the present time for prohibiting purchases of new issue municipal securities by related portfolios, whether such purchases are made from a syndicate or from a related municipal securities dealer, or for mandating a lower priority for related portfolios in the allocation of new issue municipal securities than for other investors. The Board is of the view, however, that buying interest on the part of related portfolios and affiliated investment trusts should be properly identified to the syndicate, rather than being represented as dealer interest, and that a syndicate should establish and disclose rules of priority for the allocation of securities.

The Board also believes that the adoption at this time of a more restrictive regulatory approach than that contained in proposed rule G–11 could have a profoundly adverse impact on municipal issuers. In the Board's view, present syndicate allocation procedures, under which related portfolios often obtain new issue municipal securities in large quantities, result in a lower interest cost to the issuer than might otherwise obtain if securities were not allocated to such investors or were allocated to such investors on the basis of a lower priority, solely by reason of their affiliation with a municipal securities dealer, than that accorded other investors.

The Board intends to consider the appropriateness of adopting additional or modified rules relating to sales of new issue municipal securities in the light of experience gained under the proposed rule, if it is approved by the Commission, and other pertinent factors, if any, that may be brought to bear on the subject in the future.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board adopted proposed rule G–11 pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(K) of the Act. Section 15B(b)(2)(C) provides that the Board's rules must:

> Be designed * * * to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest; and [must] not be designed to permit unfair discrimination between customers * * *.

Section 15B(b)(2)(K) authorizes and directs the Board to adopt rules to:

> * * * establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHER ON PROPOSED RULE CHARGE

The Board circulated for comment three separate exposure drafts on the general subject of sales of new issue municipal securities during the underwriting period. These exposure drafts were issued on April 20, 1976, September 8 and November 17, 1976 (the second exposure draft was issued in two parts),

and March 16, 1977. Each succeeding exposure draft was materially different in certain respects from the prior draft. Accordingly, the analysis of the letters of comment under this item 5 focuses on the letters of comment received by the Board on its March 16, 1977 exposure draft (the "March 16 exposure draft"). Many of the comments made with respect to the prior exposure drafts were also made on the March 16 exposure draft.

The Board received letters of comment on the March 16 exposure draft from the following persons:

Bache Halsey Stuart Inc. ("Bache").
Bosworth Sullivan & Company, Inc. ("Bosworth Sullivan").
Dealer Bank Association (the "DBA").
INA Capital Advisors, Inc. ("INA").
Merrill Lynch, Pierce, Fenner & Smith Inc. ("Merrill Lynch").
National Association of Securities Dealers, Inc. (the "NASD").
John Nuveen & Co. Incorporated ("Nuveen").
Public Securities Association (the "PSA").
Rainier National Bank ("Rainier").
Salomon Brothers.
Director of the Division of Market Regulation of the Securities and Exchange Commission (the "Commission staff").
Securities Industry Association, Public Finance Committee (the "SIA").
Shearson Hayden Stone Inc. ("Shearson").
Standard & Poor's Corporation.
State Farm Mutual Automobile Insurance Company ("State Farm").
Stifel, Nicolaus & Company Incorporated.
Wauterlek & Brown, Inc. ("Wauterlek").
Weeden & Co. Incorporated ("Weeden").
Willkie Farr & Gallagher ("Willkie Farr").

Copies of the above letters of comment are on file at the office of the Securities and Exchange Commission (the "Commission") and the Board.

Several commentators, including the Commission staff, expressed concern that draft rule G–11A included in the March 16 exposure draft was too restrictive, particularly the provisions which would have prohibited sales of syndicate securities held in a dealer's trading account to a related portfolio or an affiliated investment trust. Other commentators took the opposite position, and suggested that the Board impose additional restrictions on sales of new issue municipal securities to such entities. For example, Bache and the NASD indicated their belief that there is a need for rules prescribing a bona fide offering period during which securities acquired during the pre-sale period must be sold at a stated price.

As indicated above, the Board does not believe that a showing has been made that related portfolios enjoy advantages in acquiring new issue municipal securities solely by reason of their affiliation with municipal securities dealers. Because of this, the Board believes that any more restrictive approach to regulation of the new issue municipal securities markets than that contained in proposed rule G–11 is unwarranted and could have an unnecessary and unjustifiable adverse impact on municipal issuers.

Many of the comments on the March 16 exposure draft are moot in view of the changes made in proposed rule G–11. The following discussion therefore focuses only on the proposed rule as filed with the Commission.

Certain commentators stated the "discretionary accounts" and "trust accounts" should not be excluded from the definition of "related portfolios." The Board believes it to be consistent with the purposes of the proposed rule to include these types of accounts.

In the March 16 exposure draft, the Board expressed the view that managed investment companies (as opposed to affiliated investement trusts) are not municipal securities investment portfolios within the meaning of the statutory definition. Under certain circumstances, however, managed investment companies may be related portfolios of municipal securities dealers, e.g. if the managed investment company is managed by an entity under common control with the municipal securities dealer. Proposed rule G–11 would apply in such cases, and the Board believes this application to be appropriate.

In its comment letter, the Commission staff suggested that managed investment companies should be excluded from the coverage of proposed rule G–11 "on the same basis as would be applied in excluding discretionary accounts." As noted above, the Board has determined not to exclude discretionary accounts or trust accounts from the rule. The Board is also of the view that managed investment companies, to the extent that they are related portfolios, should not be excluded from the rule. It should be noted that proposed rule G–11 would not restrict sales of new issue securities to discretionary or trust accounts, or to managed investment companies, but rather requires certain disclosures to be made concerning orders submitted for such investors.

One commentator recommended that draft rules G–11A and G–11B be modified to clarify the responsibilities of a sole underwriter. The Board has decided to exclude a sole underwriter from the coverage of proposed rule G–11, and has therefore defined the term "syndicate" to mean an account formed by "*two* or more persons" (emphasis added). The Board believes that without such exclusion, the requirements of proposed rule G–11 would be inappropriate for a sole underwriter that makes a distribution of the issue.

Several commentators objected to the proposal in draft rule G–11B included in the March 16 exposure draft permitting a syndicate manager to allocate securities on a case-by-case basis in a manner other than in accordance with the agreed upon order of priority, if the syndicate manager determines that it is in the best interests of the syndicate. One commentator recommended that the provision be changed to permit the syndicate manager to exercise such discretion only "in exceptional situations where it would otherwise be impracticable to consult with members of the account." Certain commentators also recommended that the Board require a majority vote of the syndicate members, based on participation, in order for a syndicate's established allocation procedures to be changed.

The Board included the provision in proposed rule G–11 regarding the exercise of manager's discretion in recognition of the fact that in certain syndicates, whether because of the number of participants in the syndicate or otherwise, it may be in the best interests of the syndicate to permit the syndicate manager to exercise such discretion. The ultimate decision on whether such discretion may be exercised by the syndicate manager would rest with the members of the syndicate. The members could restrict such discretion and require that a change in the order of priority be approved by a stated percentage of the syndicate. The Board believes that these decisions should properly be left to the members of each syndicate, and that it is not an appropriate subject for regulation.

One commentator recommended that the Board consider requiring syndicate managers to account to syndicate members regarding expenses. The Board believes this to be an appropriate suggestion and has included a provision in proposed rule G–11 requiring a syndicate manager to furnish to the other syndicate members an itemized statement of expenses. The Board has also included in the proposed rule a requirement that syndicate managers disclose to syndicate members management fees and discretionary fees for clearance costs, if any. Such disclosure would be made prior to the submission of a bid, in the case of a competitive sale, or prior to the execution of a purchase contract, in the case of a negotiated sale.

Another commentator recommended that "any adjustments of price, concession or take-down" be required to be disclosed. In many syndicates any such adjustments must be approved by a majority vote of the syndicate members, based on participation, and such adjustments are disclosed to syndicate members on a regular basis. The Board does not believe, however, that the necessity for mandatory disclosure of this information has been shown.

It was also recommended that a provision be added to draft rule G–11B to require a syndicate manager to disclose to syndicate members, upon request, information showing the actual allocation of securities among syndicate members and customers and the orders which were designated. The Board is of the view that such disclosure is not necessary to ensure compliance with proposed rule G–11. Allocation of securities by the syndicate will be subject to examination by the appropriate regulatory authorities.

One commentator questioned the appropriateness of an exemption for short-term notes. The Board has decided not

to include such an exemption in proposed rule G–11 because in the Board's view the disclosure requirements of the proposed rule appropriately apply to underwritings of short-term notes.

The Board is of the opinion that the proposed rule change will not impose any burden on competition but, to the contrary, will promote competition by increasing the information available in the market place regarding the distribution of new issue municipal securities.

On or before September 30, 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 selfregulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 30, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 18, 1977.

RULE G–11, SALES OF NEW ISSUE MUNICIPAL SECURITIES DURING THE UNDERWRITING PERIOD

(a) Definitions. For purposes of this rule, the following terms have the following meanings:

(i) The term "accumulation account" means an account established in connection with a municipal securities investment trust to hold securities pending their deposit in such trust.

(ii) The term "customer" means any person other than a broker, dealer, or municipal securities dealer acting in its capacity as such.

(iii) The term "municipal securities investment trust" means a unit investment trust, as defined in the Investment Company Act of 1940, the portfolio of which consists in whole or in part of municipal securities.

(iv) The term "related portfolio," when used with respect to a municipal securities dealer, means a municipal securities investment portfolio of such municipal securities dealer or of any person directly or indirectly controlling, controlled by or under common control with such municipal securities dealer.

(v) The term "syndicate" means an account formed by two or more persons for the purpose of purchasing, directly or indirectly, all or any part of a new issue of municipal securities from the issuer, and making a distribution thereof.

(vi) The term "underwriting period" means the period commencing with the first submission to a syndicate of an order for the purchase of new issue municipal securities or the purchase of such securities from the issuer, whichever first occurs, and ending at such time as the issuer delivers the securities to the syndicate.

(b) Disclosure of Capacity. Every municipal securities dealer that submits an order to a syndicate or to a member of a syndicate for the purchase of municipal securities held by the syndicate shall disclose at the time of submission of such order if the securities are being purchased for its dealer account, for the account of a related portfolio of such municipal securities dealer, for a municipal securities investment trust sponsored by such municipal securities dealer, or for an accumulation account established in connection with such a municipal securities investment trust. The senior syndicate manager shall promptly disclose to the other members of the syndicate, upon request made prior to final settlement of the syndicate account, each order submitted for such a related portfolio, municipal securities investment trust, or accumulation account, indicating the identity of the related portfolio, municipal securities investment trust, or accumulation account, the aggregate face amount of each maturity and the maturity dates of the securities which are the subject of the order.

(c) Confirmations of Sale. Sales of securities held by a syndicate to a related portfolio, municipal securities investment trust or accumulation account referred to in paragraph (b) above shall be confirmed by the syndicate manager directly to such related portfolio, municipal securities investment trust or accumulation account. Nothing herein contained shall be construed to require that sales of municipal securities to a related portfolio, municipal securities investment trust or accumulation account be made by the syndicate.

(d) Priority of Orders. Every syndicate shall provide for the priority to be accorded to different types of orders for the purchase of securities from the syndicate during the underwriting period and, if such priority may be changed, the procedure for making changes. For purposes of this rule, the requirement to provide for priority shall not be satisfied solely by a provision permitting the syndicate manager or managers to determine in the manager's or managers' discretion the priority to be accorded different types of orders. Notwithstanding the foregoing, a syndicate may include a provision permitting the syndicate manager or managers on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, if the syndicate manager or managers determine in its or their discretion that it is in the best interests of the syndicate.

(e) Communications Relating to Priority of Orders and Ordered Period. Prior to the first offer of any securities by a syndicate, the senior syndicate manager shall communicate to the other members of the syndicate (i) the priority to be accorded to different types of orders for securities to be distributed by the syndicate, (ii) the procedure, if any, by which such priority may be changed, (iii) if the senior syndicate manager or managers are to be permitted on a case-by-case basis to allocate securities in a manner other than in accordance with the agreed upon order of priority, the fact that they are to be permitted to do so, and (iv) if there is to be an order period, whether orders may be confirmed prior to the end of the order period. For purposes of this provision, the term "order period" shall mean a period of time announced by the syndicate during which orders will be solicited for the purchase of securities held in syndicate. Any change in the provisions governing the priority of orders shall be promptly communicated by the senior syndicate manager to the other members of the syndicate. Syndicate members shall promptly communicate the information described in this paragraph to others, upon request.

(f) Disclosure of Syndicate Expenses. At or before the final settlement of a syndicate account, the senior syndicate manager shall furnish to the other members of the syndicate an itemized statement setting forth the nature and amounts of all actual expenses incurred on behalf of the syndicate. Notwithstanding the foregoing, any such statement may include an item for miscellaneous expenses: *Provided*, That the amount shown under such item is not disproportionately large in relation to other items of expense shown on the statement and includes only minor items of expense which cannot be easily categorized elsewhere in the statement. Discretionary fees for clearance costs and management fees to be imposed by a syndicate manager shall be disclosed to syndicate members prior to the submission of a bid, in the case of a competitive sale, or prior to the execution of a purchase contract with the issuer, in the case of a negotiated sale.

[FR Doc.77-24780 Filed 8-25-77;8:45 am]

[Rel. No. 20143; 70-6045]

NEW ENGLAND POWER CO. ET AL.

Proposed Guaranty of Payment of Retrospective Insurance Premiums

AUGUST 19, 1977.

In the matter of New England Power Company, 20 Turnpike Road, Westborough, Mass. 01581, The Connecticut Light and Power Company, Selden Street, Berlin, Conn. 06037, The Hart-

ford Electric Light Company, 175 Cumberland Avenue, Wethersfield, Conn. 06109, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Mass. 01089.

Notice is hereby given that New England Power Company ("NEPCO"), an electric utility subsidiary of New England Electric System, a registered holding company, and The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO") and Western Massachusetts Electric Company ("WEMCO"), each of the last three named companies being an electric utility subsidiary of Northeast Utilities, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

The declarants, together with other New England electric utilities, are sponsors and stockholders of four nuclear power generating companies in New England: Yankee Atomic Electric Company ("Yankee Atomic"), Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), Vermont Yankee Nuclear Power Corporation ("Vermont Yankee") and Maine Yankee Atomic Power Company ("Maine Yankee") (collectively the "Yankee Companies"). The declarants and other sponsors have entered into power contracts with each of the Yankee Companies which obligate each sponsor to purchase its entitlement percentage of the output and capacity of the nuclear plant of each Yankee Company at a purchase price equal to the Yankee Company's cost, including depreciation and a return on equity. The declarants' respective percentages of common stock owned of and entitlements in each Yankee Company are as follows:

	Entitlement percentage in—			
	Yankee Atomic	Connecticut Yankee	Vermont Yankee	Maine Yankee
NEPCO	30.0	15.0	20.0	20
CL&P	15.0	25.0	6.0	8
HELCO	9.5	9.4	3.4	4
WMECO	7.0	9.5	2.5	3

The "Indemnification and Limitation of Liability" provisions (the "Price-Anderson Act") of the Atomic Energy Act of 1954 were added by amendment in 1957. The purpose of the Price-Anderson Act was to require certain nuclear licensees, including reactor operators to provide financial protection against public liability in the event of any nuclear incident and, since privately available protection was limited to $60 million of nuclear liability insurance, to provide for additional indemnification by the then Atomic Energy Commission (now Nuclear Regulatory Commission ("NRC")) in an amount up to $500 million. The Price-Anderson Act also established a limitation on the aggregate liability to the public equal to the sum of these two amounts, or $560 million. The NRC charges each licensee an annual fee for providing this indemnification. In the intervening years the amount of insurance available from the private sector has gradually increased to $140 million, and the NRC indemnification has correspondingly decreased because the $560 million limit of liability has remained fixed.

In 1975 the Atomic Energy Act of 1954 was again amended to provide an additional layer of insurance protection from private sources (namely, an industry retrospective rating plan) which would be available to be applied toward satisfaction of public damage claims before resorting to the federally funded indemnification. This additional private sector protection is created by assessments of up to $5 million per operating plant per incident ($10 million maximum per year) and presently, with 61 operating nuclear plants, would amount to $305 million. This significantly reduces the amount of federal indemnity which might be needed, and the NRC indemnification fees are therefore being sharply reduced.

This statutory requirement was implemented by NRC regulations of January 3, 1977, which require each licensee on and after August 1, 1977, to maintain financial protection in an amount equal to the sum of $140,000,000 and the amount available as secondary financial protection (in the form of private liability insurance available under an industry retrospective rating plan providing for deferred premium charges). In July, 1977, the NRC and two groups of insurance underwriters reached agreement on a draft form of Master Policy and Binders, setting forth the provisions of such secondary insurance. The insurance program provides that if after a nuclear incident at any reactor the aggregate damage claims exceed the amount available under the $140 million of primary insurance coverage, then an assessment of up to $5,000,000 in retrospective premiums may be made against each nuclear power plant for each incident (up to a maximum of $10,000,000 per year) to create an additional fund for meeting such damage claims, which fund would have to be exhausted before the federal indemnity were used. The insurance underwriters will administer that additional fund, process all claims, and guarantee up to an aggregate of $30,000,000 in retrospective premiums for licensees defaulting in the payment of their retrospective premiums. The licensees will each pay an annual premium of $6,000 in connection with this guarantee.

Since the Yankee Companies are single-purpose corporations with no significant assets other than their nuclear generating facilities, the insurance companies required that the Binders for each Yankee Company evidence not only the obligation of that Yankee Company to pay its retrospective premium but also the several undertakings of its sponsor companies to pay up to their respective entitlement percentages of that retrospective premium should the Yankee Company default. It is proposed that declarants' guarantees of their respective shares of the Yankee Companies retrospective premiums be authorized.

It is stated that the time constraints of the stautorily imposed August 1, 1977, deadline made it impossible to obtain Commission authorization for these undertakings of those sponsor companies to which the Act applies prior to that date, and that therefore declarants obligations under the Binders have been expressly made subject to obtaining necessary Commission approval.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,000, exclusive of legal fees, which will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 8, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a), and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24773 Filed 8-25-77;8:45 am]

[Release No. 20146; 70-5734]

NORTHEAST UTILITIES, ET AL.

Post-Effective Amendment Related to Financing of Nuclear Fuel

AUGUST 22, 1977.

In the matter of Northeast Utilities, Hartford, Connecticut, the Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Northeast Nuclear Energy Company.

Northeast Utilities ("Northeast"), a registered holding company; The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), public-utility subsidiary companies of Northeast; and Northeast subsidiary company of Northeast formerly known as The Millstone Point Company, have filed with this Commission a further post-effective amendment to the application-declaration in this proceeding pursuant to Sections 9(a), 10, 12, and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 promulgated thereunder regarding the following proposed transactions.

CL&P, HELCO, and WMECO are the owners as tenants-in-common ("Owners") of the nuclear generating units known as Millstone Unit Nos. 1 and 2 located at the Millstone Nuclear Power Station, with 53 percent, 28 percent, and 19 percent ownership interests, respectively. NNEC is acting as the agent of the Owners with respect to the operation of these units pursuant to an Operating Agreement. It receives no fee for this service, and all costs are paid by the Owners. NNEC owns the fuel for the Unit Nos. 1 and 2 reactors. It has issued its own securities to pay for the fuel. The use of the fuel is governed by a Fuel Supply Contract with CL&P, HELCO, and WMECO.

By Orders in this proceeding dated October 21, 1975, January 16, 1976, October 22, 1976, and March 25, 1977 (HCAR Nos. 19218, 19346, 19726, and 19960), the Commission authorized NNEC to engage in certain financing of its nuclear fuel cores and related transactions, including the amending of the Fuel Supply Contract in certain respects. In said orders the Commission reserved jurisdiction over a proposal to increase NNEC's overall rate of return on total capitalization to an amount in excess of 10 percent per annum.

The Northeast system now proposes to amend the Fuel Supply Contract in two respects. First, it is proposed to exclude from NNEC's rate of return computation all costs of debt (both short and long-term) and other senior capital issued to nonaffiliates and to provide instead that the expenses for which the Owners would reimburse NNEC will include all expenses (interest, dividends, commitment fees, etc.) relating to NNEC's short and long-term debt and other senior capital issued to nonaffiliated persons to finance nuclear fuel. Second, the rate of return provision would thus become solely a return on NNEC's total equity capitalization (including common stock, retained earnings, capital contributions, etc., and all evidences of indebtedness issued by NNEC to the Owners, Northeast, or to any other associate company), and such equity return provided to NNEC by the Owners would be revised to be set at a rate equal to the weighted (on an ownership basis) average return on equity granted to the Owners in their most recent retail rate proceedings before the Connecticut and Massachusetts regulatory commissions.

The proposed amendment to the Fuel Supply Contract would be effective as of January 1, 1977. Accordingly, the annual equity return and the overall rate of return on NNEC's capital for the calendar year 1977 under the computation proposed for the Fuel Supply would be 13.095 percent and 11.440 percent, respectively.

As of January 1, 1977, the capitalization of NNEC was as follows:

Total long-term debt	$29,000,000
Equity:	
Common stock	15,000
Paid in capital	13,300,000
Retained earnings	5,018,000
Total equity	18,333,000
Total capitalization	47,333,000

It is stated that no consent or approval of any State commission or any Federal commission, other than this Commission, is required for the transactions proposd, except that the approval or prior authority of the Connecticut Public Utilities Control Authority is being sought in connection with the proposed amendment to the Fuel Supply Contract.

Notice is further given that any interested person may, not later than September 20, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24774 Filed 8-25-77;8:45 am]

[Release No. 13868; File No. SR-OCC-77-10]

OPTIONS CLEARING CORP.

Order Approving Rule Change To Extend Time for Tendering an Exercise Notice on Certain Business Days

AUGUST 18, 1977.

On June 28, 1977, The Options Clearing Corporation ("OCC"), 5950 Sears Tower, Chicago, Illinois 60606, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to extend the time for tendering an exercise notice to 3:30 p.m. Central Time (4:30 p.m. Eastern Time) on business days other than the business day prior to the expiration date of the option contract.

Inaccordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the proposed rule change was published in the FEDERAL REGISTER (42 FR 36579, July 15, 1977), and the public was invited to submit comments until August 5, 1977. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13730, July 8, 1977. No letters of comment were received.

The Commission has reviewed the OCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-77-10 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24775 Filed 8-25-77;8:45 am]

[Release No. 34-13864;
File No. SR-OCC-77-11]

OPTIONS CLEARING CORP.

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 July 28, 1977, the above-mentioned self-regulatory organization filed with the Securities and Ex-

change Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would permit the deposit of Government securities as margin in approved depositories, a broader class of institutions than approved banks.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change is as follows:

The purpose of the proposed amendment to Rule 604 is to enlarge the class of institutions in which Government securities may be deposited for margin purposes. The term "approved depository" defined in Article I, Section 1 (aaa) of OCC's By-Laws includes an approved trust company as well as an approved bank and the proposed rule change would thus permit Government securities held as margin to be deposited in securities depositories organized as trust companies.

The proposed rule change contributes to the protection of investors and the public interest by enabling Clearing Members to deposit Government securities for margin purposes in a wider variety of institutions.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any burden on competition.

On or before September 30, 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 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 September 16, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 16, 1977.

[FR Doc.77-24777 Filed 8-25-77;8:45 am]

[Release No. 13870; File No. 7-4933]

PACIFIC STOCK EXCHANGE, INC.

Order Directing an Additional Comment Period Regarding Application for Unlisted Trading Privileges in Common Stocks of Pacific Resources, Inc.

AUGUST 18, 1977.

On March 23, 1977, the Pacific Stock Exchange, Inc. ("PSE") filed, pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act"), an application for unlisted trading privileges in the common stock of Pacific Resources, Inc. ("PRI").[1] The National Association of Securities Dealers ("NASD") filed a written submission, dated April 22, 1977, in which it requested a hearing on the PSE application. Submissions in opposition to the application were also received from PRI and potential over-the-counter ("OTC") market-makers in the stock. We considered the application and these submissions and on June 22, 1977 issued an order directing a hearing on whether the PSE application should be granted.[2]

In response to the Order Directing a Hearing, submissions addressing the issues set forth in the order were filed by PRI, PSE and the NASD.[3] In its submission and a letter dated August 10, 1977, the NASD has requested that we allow an additional comment period so that it might have the opportunity to respond in rebuttal to certain representations contained in the PSE filing.[4] We have also received a letter dated August 12, 1977 by which the PSE objects to the NASD requests.[5]

We believe that an additional comment period may be useful in providing a more complete record to review in considering the PSE application and that such additional comment period may be provided without jeopardizing the time frame which we anticipated in the order granting the delisting of PRI common stock. When persons have expressed a willingness to provide additional factual or policy arguments concerning matters being considered by the Commission, we have generally taken a liberal stance in allowing such information to be included in the record. This policy is particularly appropriate here since numerous novel and complex issues are presented by the PSE application. We believe that the information which the NASD has requested to file would be pertinent to the issues raised by the Order Directing a Hearing and may thereby assist us in our deliberations.

Further, in fairness to the other commentators and to facilitate action on the PSE application within the anticipated 120-day time period, we are limiting the additional comment period to the receipt of information in response to the submissions of the initial three commentators and providing that the additional comment period will terminate on September 2, 1977.[6]

Accordingly, as set forth above, we hereby order that interested persons may file submissions in response to submissions received pursuant to the Order Directing a Hearing issued on June 22, 1977. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Com-

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[1] The application for unlisted trading privileges was prompted by PRI's application on March 23, 1977, to withdraw its common stock from listing and registration on the PSE. We have since granted that application. See, Securities Exchange Act of 1934 Release No. 13657, June 22, 1977 ("Order Granting (PRI) Application to Strike From Listing and Registration (on PSE) Subject to Certain Terms and Exempting Certain Persons and Securities from the Provisions of Rule 17a-15").

[2] Securities Exchange Act of 1934 Release No. 13658, June 22, 1977 ("Order Directing A Hearing").

[3] Letters from Alan S. Holzman (July 28, 1977), Robert E. Denham (July 29, 1977), and Frank J. Wilson (August 3, 1977), respectively, to George A. Fitzsimmons.

[4] In particular, the NASD states that its response would relate only to "PSE misstatements regarding the size of the spread in NASDAQ, statistical data concerning the relative proportion of volume executed on PSE and in the over-the-counter market, quotation information for PSE limited to open and close (sic), innuendo concerning the rationale of market makers in objecting to last sale reporting, representations regarding access to the floor of PSE and unsubstantiated statements concerning double reporting."

[5] The PSE's stated reasons for its objection were that (1) the hearing procedure does not provide for rebuttal; (2) the revision of the procedure would further delay the decision regarding PSE's application; (3) any further submissions would merely be cumulative; and (4) PSE's submission has been available to the NASD since it was filed on July 29, 1977 and thus could have been reviewed by the NASD before filing its comments on August 3, 1977.

To clarify point 4 above, when the Commission staff informally gave the NASD a two working-day extension for it to file its submission, the NASD consented not to seek access to the public PSE filing until after the NASD filed its submission on August 3. The staff felt it would not be equitable for one commentator to have the advantage of using another commentator's timely filing in preparing a submission to be received after the formal filing deadline.

[6] This comment period will thereby also allow PSE, PRI and other interested parties to respond to any information submitted in the original comments.

mission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-24762 Filed 8-25-77;8:45 am]

[Release No. 34-13858; File No. SR-PHLX 77-10]

PHILADELPHIA STOCK EXCHANGE, INC.

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 July 29, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHILADELPHIA STOCK EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange ("PHLX") proposes to decrease the subsequent option fee from $7,500 to $5,000 effective July 18, 1977 through August 18, 1977, then increase the subsequent option fee to $33,000 from August 19, 1977 and thereafter.

STATEMENT OF BASIS AND PURPOSE

PHLX has stated that "[t]he purpose of the proposed rule change is to promote the free trading in the secondary market of memberships with options privileges."

In a notice to its members (Circular No. 17-16), the Exchange states that "[t]he availability of the $7,500 fee combined with the current market for memberships has effected a ceiling of $7,500 in the secondary market for option trading privileges. Present holders of options trading privileges who are desirous of removing the ceiling requested the Board, through the Committee on Options, to take action to eliminate the $7,500 ceiling."

The proposed rule change relates to the fair administration of the Exchange.

The proposed rule change was initiated at the request of the Committee on Options acting at the suggestion of members who held memberships with option privileges.

The Exchange believes that the proposed rule change does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. The proposed Rule Change changes the subsequent options fee and is a stated policy, practice or interpretation with respect to the meaning of the Option Plan of the PHLX. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six 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 references in the caption above and should be submitted on or before September 16, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 15, 1977.

[FR Doc.77-24776 Filed 8-25-77;8:45 am]

[Release No. 34-13866; File No. SR-SCCP-77-2]

STOCK CLEARING CORP. OF PHILADELPHIA

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 August 1, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

Stock Clearing Corporation of Philadelphia proposes rule changes which will give it authorization to participate in interface agreements with other clearing corporations and to clear over-the-counter securities. In addition, the rule changes authorize the Board of Directors to require selected trades to be settled on an ex-clearing basis. The proposed rule changes are attached hereto as Exhibit No. 1.

STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule changes is to remove impediments from one account settlement at Stock Clearing Corporation of Philadelphia.

The basis under the Act for the proposed rule changes is to remove impediments to, and perfect the mechanism of, a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments from members were not solicited regarding the proposed rule changes.

Stock Clearing Corporation of Philadelphia believes that no burdens on competition will be imposed by the proposed rule changes.

On or before September 30, 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 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. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing and accompanying exhibits 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 September 16, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 16, 1977.

EXHIBIT 1

TEXT OF PROPOSED RULE CHANGE

Transactions between Members (italics indicate new material and brackets indicate deletions.)

Rule 2. All purchases and sales of [cleared] securities made on the floor of the *Philadelphia Stock* Exchange between clearing members shall be [cleared and settled] *confirmed* through Stock Clearing Corporation *of Philadelphia, (SCCP). Clearing members of SCCP may designate whether their side of each trade will be settled through SCCP, will be interfaced to another clearing corporation, or will be settled on* an *ex-clearing basis.* Purchases and sales [of cleared securities] made on other exchanges [between clearing members also] *or over the counter* may be cleared and settled through the Stock Clearing Corporation of Philadelphia. *Such trades shall be reported promptly to SCCP directly by members or by another clearing corpora-*

tion which has performed the comparison function. Loans or other deliveries of [cleared] securities between clearing members may be cleared and settled through Stock Clearing Corporation of Philadelphia.

The Board of Directors of SCCP may designate from time to time the size of trades of individual issues which must be settled on an ex-clearing basis.

REPORTS AND CONFIRMATIONS

Rule 3. All transactions [made on the Exchange] *to be cleared and/or settled through Stock Clearing Corporation of Philadelphia* will be promptly reported *to it* [from the floor of the Exchange to Stock Clearing Corporation. All transactions made on other exchanges, if such are to be cleared also shall be promptly reported to Stock Clearing Corporation].

A confirmation of each transaction [will be prepared by Stock Clearing Corporation] *including transactions representing shipments of trades to other clearing corporations* [and a copy] *will* be distributed to both the buyer and seller *as soon as possible* [shortly] after the transaction has been effected. On the buyers confirmation will be listed the settlement date, exchange where executed, [sellers] *contra side* clearing number, number of shares, name of security price, amount *and transaction identification number.* On the seller's confirmation will be listed the settlement date, exchange where executed [buyer's], *contra side* clearing number, number of shares, name of security, price, amount *and transaction identification number.*

Clearing members shall verify each confirmation upon receipt, and incorrect in any particular, shall [return it promptly to] *notify SCCP prior to settlement date. In addition, members shall notify SCCP of any transactions for which a confirmation was not received. Members shall be liable for any loss resulting from their failure to notify SCCP of any such discrepancies.*

[FR Doc.77-24779 Filed 8-25-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Amended Notice of Meeting

In Volume 42 FR 41942, August 19, 1977, A.I.D. announced a meeting of the Board for International Food and Agricultural Development to be held in Room 1107, State Department Building, on September 12, 1977, from 8:30 a.m. to 12:30 p.m. The purpose of this notice is to indicate that the time of the meeting has been changed to begin at 10:00 a.m. and adjourn at 3:00 p.m.

Dated: August 23, 1977.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc.77-24803 Filed 8-25-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATION ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedures and Hearings, Rules, Station Committee on Education Allowances, that on October 19, 1977 at 10:00 a.m., the Baltimore Regional Station Committee on Educational Allowances shall at the Federal Building, Room 212, 31 Hopkins Plaza, Baltimore, Maryland, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Maryland School for Education, Business and Vocational Skills, 5526 Harford Road, Baltimore, MD 21214, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: August 22, 1977.

JOHN W. RUE,
Director, VA Regional Office, Federal Building, 31 Hopkins Plaza, Baltimore, MD 21201.

[FR Doc.77-24823 Filed 8-25-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 465]

ASSIGNMENT OF HEARINGS

AUGUST 23, 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 140829 (Sub-No. 32), Cargo Contract Carrier Corp., now assigned September 15, 1977 in St. Paul, Minn. is cancelled and application dismissed.

MC 117765 (Sub-226), Hahn Truck Line, Inc., now being assigned September 15, 1977 (1 day), at St. Paul, Minn., in the Federal Bldg., 316 N. Robert Street.

MC-C 9687, *Greyhound Lines, Inc.* v. *Sway Seymour* Individually and Swan Seymour DBA Swan Seymour Bus Lines now assigned September 8, 1977 at Memphis Tenn. is cancelled and reassigned for the 5th day of December, 1977 (1 week), at Knoxville, Tenn. in a hearing room to be later designated.

MC 116004 (Sub-No. 42), Texas Oklahoma Express, Inc., now being assigned November 7, 1977 (2 weeks), at Oklahoma City, Okla., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-24842 Filed 8-25-77;8:45 am]

[I.C.C. Order No. 1, Amdt. 3; Rev. S.O. No. 1252]

BIRMINGHAM SOUTHERN RAILROAD AND LOUISVILLE AND NASHVILLE RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 1 and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 1 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 26, 1977.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc.77-24843 Filed 8-25-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD.

[MA-27 amending M-46]

DELETION OF ITEM FROM THE AUGUST 25, 1977 MEETING AGENDA

AUGUST 22, 1977.

TIME AND DATE: 10:00 am., August 25, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 3, Docket 29123, Petition for reconsideration of Order 77–3–62, March 11, 1977, filed by Pan American (Memo Number 6849–D, BE, BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: Chairman Kahn has indicated that he will not participate in item 3 on the August 25, 1977 meeting agenda. Therefore, there will not be a quorum on this item. The following Members have voted that agency business requires the deletion of item 3 from the August 25, 1977 agenda and that no earlier announcement of this change was possible:

Chairman Alfred E. Kahn, Vice Chairman Richard J. O'Melia, Member G. Joseph Minetti, Member Lee R. West, Member Elizabeth E. Bailey.

[S–1179–77 Filed 8–23–77;4:46 pm]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern time), Tuesday, August 30, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. *Freedom of Information Act Appeal 77–6–FOIA–132.* Request by an attorney, on behalf of an employer charged with discrimination, for documents in the Commission's investigative file.

2. *Freedom of Information Act Appeal 77–6–FOIA–142.* Request by an attorney, on behalf of an employer charged with discrimination, for documents in the Commission's investigative file.

Portions closed to the public:

Litigation Authorization; General Counsel Recommendations. Matters closed to the public under § 1612.13(a) of the Commission's regulations. (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202–634–6748.

This Notice Issued August 23, 1977.

[S–1185–77 Filed 8–24–77;11:02 am]

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: August 31, 1977, at the conclusion of the open meeting to be held at 9:00 a.m.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202–376–3012.

MATTERS TO BE CONSIDERED:

Application for Permission to Organize a Federal Association.

No. 63, August 23, 1977.

[S–1180–77 Filed 8–23–77;4:46 pm]

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:00 a.m., August 31, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202–376–3012.

MATTERS TO BE CONSIDERED:

Application for Expansion of RSU Project—Florida Savings and Loan Development Corporation, Orlando, Florida.

Application for Permission to Organize a New Federal Association—Charles C. Culotta, et al., Morgan City, Louisiana.

Limited Facility Application—First Federal Savings and Loan Association of Lincoln, Lincoln, Nebraska.

Branch Office Application—United Federal Savings and Loan Association of Rocky Mount, Rocky Mount, North Carolina.

Consideration of Association Request for Extension of Time to Open Branch Office—Laguna Federal Savings and Loan Association, Laguna Beach, California.

Application for Modification of RSU Project—Bay Colony Federal Savings and Loan Association, South Yarmouth, Massachusetts.

Satellite Office Application—Clearwater Federal Savings and Loan Association, Clearwater, Florida.

Application for Increase in Accounts of an Insurable Type by Merger—Building Association of London Grove, Avondale, Pennsylvania Into Brandywine Savings and Loan Association, Downingtown, Pennsylvania.

Concurrent Consideration of Two Branch Office Applications—Winter Park Federal Savings and Loan Association, Winter Park, Florida and Security First Federal Savings and Loan Association, Daytona Beach, Florida.

No. 62, August 23, 1977.

[S–1181–77 Filed 8–23–77;4:46 pm]

5

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: August 30, 1977, 2:30 p.m.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202–624–7107.

MATTERS TO BE CONSIDERED: Consideration of Status Report on New FHLBB Building; Consideration of Commitment Authority; Consideration of Permissible Investments.

No. 64, August 23, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S-1178-77 Filed 8-23-77;4:12 pm]

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: August 31, 1977, 10:00 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreement No. 6060-18: Application of the Pacific Indonesian Conference for intermodal authority.

2. Agreement No. 10012-2: Application for Extension of Australia—Pacific Coast Rate Agreement for an Unlimited Duration.

3. Docket No. 77-12: Rules of Practice and Procedure; Designation of Parties in Rate Cases—Final Rules.

4. Docket No. 77-17: Sea-Land Service, Inc.—Amendment to Freight, All Kinds in the U.S. Atlantic/Puerto Rico Trade, Determination whether to Review Discontinuance of Administrative Law Judge.

Portions closed to the public:

1. Agreement Nos. 9847-3 and 10028-5: Pooling agreements in U.S. Atlantic/Brazilian trades—Modifications regarding parties, transshipment of cargo, accounting, minimum sailings and duration of the agreements.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, 202-523-5727.

[S-1173-77 Filed 8-23-77;1:14 pm]

7

S-1175-77

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, August 31, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Issues related to simplification of the advertising and open end credit provisions of the Truth in Lending Act.

2. Postponement of the effective date of the descriptive billing requirements of Regulation 2 (Truth in Lending) relating to cash advance checks.

3. Possible amendments to (a) Regulation R (Membership of State Banking Institutions in the Federal Reserve System) to require that State member banks, or subsidiaries, that are registered clearing agencies must file notice with the Board of all final disciplinary sanctions imposed by them on firms participating in the operations of the clearing agency, and (b) Regulation H and Regulation Y (Bank Holding Companies), pursuant to requirements of the Securities Exchange Act, to establish procedures for requesting stays and review by the Board of disciplinary sanctions and denials of participation imposed by bank clearing agencies. (Proposed earlier for public comment: Docket No. R-0042).

4. Proposed amendments to the Board's Rules Regarding Delegation of Authority, concerning approval of certain categories of foreign branch applications.

5. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of The First National Bank of Canton, Canton, Mississippi, with The Mississippi Bank, Jackson, Mississippi.

6. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204

Dated: August 23, 1977.

GRIFFITH I. GARWOOD,
Deputy Secretary of the Board.

[S-1175-77 Filed 8-23-77;1:14 pm]

8

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., Auugst 31, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Dockets 74 and 332-C, *Sioux.*
Docket 182, *Fort Sill Apache.*

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6184.

[S-1183-7 Filed 8-24-77;9:52 am]

9

[USITC SE-77-50A]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 F.R. 41521, August 17, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, August 25, 1977.

CHANGES IN THE MEETING: Item on the agenda expanded as follows:

1. Investigation AA19121-167 (Pressure-Sensitive Plastic Tape from Italy) and Investigation AA1921-168 (Pressure-Sensitive Plastic Tape from West Germany)—vote and approval of report.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[FR Doc.77-S-1176-77 Filed 8-23-77;4:12 pm]

10

AUGUST 23, 1977.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m. Monday, August 29, 1977.

PLACE: Room 5124, Interstate Commerce Commission Building, 12th and Constitution Avenue, NW., Washington, D.C.

STATUS: Notice of open meeting.

MATTER TO BE CONSIDERED:

Division 3, Division Chairman Brown and Commissioners MacFarland and Christian voted unanimously to hold a meeting to consider the following agenda:

1. Review of present Division work load.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Hildred Hersman, Confidential Assistant to Commissioner Brown, Telephone 202-275-7535.

[S-1177-77 Filed 8-23-77;4:12 pm]

11

NATIONAL RAILROAD PASSENGER CORPORATION

ADDITIONAL AGENDA ITEM FOR MEETING

In accordance with rule 4d. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of August 31, 1977:

Fall 1977 Frequency Reductions.

Board members Besson, Lorentzsen, MacDonald, Luna, Quinn, Head and Langdon determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time. Mr. Reistrup voted no.

Board members Jacobs, Adams and Dunlop could not be reached for the vote.

The revised agenda to be discussed at the meeting follows:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION MEETING OF THE BOARD OF DIRECTORS, AUGUST 31, 1977

(9:30 a.m.) *Closed Session:*
1. *Internal Personnel Matters.*
2. *Fare Increase Strategy.*

(10:00 a.m.) *Open Session:*
3. *Approval of Minutes of Regular Meeting of July 27, 1977.*
4. *Commitment Approval Requests:*
   75–245R—Purchase Teletypewriters.
   77–35R—Ticket-By-Mail EDP Equipment.
   77–194—Bridge Repairs, Northeast Corridor Spur Lines.
   77–208—Omaha Station and Trackage.
   77–218—Station Modifications, Charleston, West Virginia.
   77–219—Elevator, Penn Station, New York.
   77–221—Construct Station, Schenectady, New York.
5. *Board Committee Reports:*
   A. Track Policy: (1) Track Policy Final Report.
   B. Northeast Corridor Improvement Project:
      (1) Status of Improvement Master Plan.
      (2) Status of 1977 Program.
      (3) Status of Clean-Up Program Contracts.
      (4) Status of Woonasquatucket River Bridge.
      (5) Labor Situation.
   C. Planning/Equipment:
      (1) Baltimore-Washington International Intermodal Facility Status Report.
      (2) Route Criteria, Butte and Helena, Montana.
6. *President's Reports:*
   A. Operations:
      (1) National Operations.
      (2) Operations Support.
      (3) Northeast Corridor Operations.
   B. Marketing.
   C. Government Affairs.
   D. Other: (1) Fall 1977 Frequency Reductions.
7. *Financial Reports.*
8. *General Fare Increase.*
9. *Status of Floridian.*
10. *New Business.*
11. *Adjournment.*

Inquiries regarding the agenda for the August 31, 1977, Board meeting should be directed to the Corporate Secretary at (202) 484–7679.

Dated: August 24, 1977.

ELYSE G. WANDER,
Corporate Secretary.

[S–1184–77 Filed 8–24–77;9:52 am]

12

[FORM 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:00 a.m., August 26, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson, 202–634–7970.

Dated: August 23, 1977.

[S–1182–77 Filed 8–24–77;8:46 am]

13

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of August 29, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, August 30, 1977, at 10 a.m. and after the open meeting scheduled for 2:30 p.m.

Open meetings will be held on Tuesday, August 30, 1977, at 2:30 p.m. and on Wednesday, August 31, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Cetrain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 30, 1977, at 10 a.m. will be:

Formal orders of investigation.
Institution of injunctive actions.
Offers of settlement of injunctive actions and administrative proceedings.
Request for confidential treatment.
Termination of injunctive action.
Referral of investigative files to Federal, State or Self Regulatory authorities.
Authorization of former staff members to testify.
Consideration of *amicus curiae* matter.
Freedom of Information Act appeals.
Discusstion of Rule 2(e) proceeding.
Other litigation matters.

The subject matter of the closed meeting scheduled for Tuesday, August 30, 1977, after the open meeting scheduled for 2:30 p.m., will be:

Post-oral argument discussion.

The subject matter of the open meeting scheduled for Tuesday, August 30, 1977, at 2:30 p.m. will be:

1. Oral argument on an application filed by John C. Gebura for a review of the disciplinary action taken against him by the National Association of Securities Dealers.

The subject matter of the open meeting scheduled for Wednesday, August 31, 1977, at 10 a.m. will be:

1. Consideration of a petition filed by Steadman Security Corporation requesting an extension of the forty-five day period which management companies now have to transmit annual reports to shareholders.

2. Consideration of the amendment of the Commission's Statement of Policy relating to investment company sales literature.

3. Consideration of an interpretive release concerning the bearing of distribution expenses by mutual funds. (Rescheduled from Tuesday, August 23, 1977, at 9 a.m.).

4. Consdieration of an application filed by Midwest Stock Exchange Incorporated for Commission Review of the Denial of Access to the Common Message Switch ("CMS") of the Securities Industry Automation Corporation. (CMS is an automated data processing device).

5. Consideration of the adoption of Rule 17Ac3–1 and Related Form TA–W, which prescribe procedures to be used for withdrawing the registrations of transfer agents registered with the Commission.

6. Consideration of a submission by Securities Investor Protection Corporation proposing to repeal a bylaw requiring quarterly meetings of the Board of Directors.

7. Consideration of an extension of time for concluding proceedings in connection with the applications for registrations of the following clearing agencies: The Depository Trust Company; Bradford Securities Processing Services, Inc.; Stock Clearing Corporation of Philadelphia; Boston Stock Exchange Clearing Corporation; Midwest Securities Trust Company; The Options Clearing Corporation; Midwest Clearing Corporation; Pacific Securities Depository Trust Company; Pacific Clearing Corporation and TAD Depository Corporation.

8. Consideration of a proposed rule change filed by the American Stock Exchange, Inc. to establish alternate criteria for the original listing of common stock.

9. Consideration of the publication of a list of foreign issuers which have submitted information required by the exemption relating to certain foreign securities under the Securities Exchange Act of 1934.

FOR FURTHER INFORMATION CONTACT:

John P. Sweeney at 202–376–8003 or Susan E. Auerbach at 202–376–8097.

AUGUST 23, 1977.

[S–1172–77 Filed 8–23–77;1:14 pm]

federal register

FRIDAY, AUGUST 26, 1977

PART II

DEPARTMENT OF LABOR

Employment and Training Administration

■

SERVICES FOR VETERANS

FY 1978 Veterans Preference Indicators of Compliance Levels

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 653]

SERVICES FOR VETERANS

FY 1978 Veterans Preference Indicators of Compliance Levels

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is proposing to issue its first annual updating of the levels for the Veterans Preference Indicators of Compliance. The Veterans Preference Indicators of Compliance are used by the Department to monitor State employment service agencies to insure that veteran applicants receive priority service as required by 38 U.S.C. Chapters 41 and 42 and by 20 CFR Part 653, Subpart C.

DATES: Comments due on or before September 26, 1977. Comments on the proposed rule should be sent to the Assistant Secretary for Employment and Training. Attn: William B. Lewis, Administrator, United States Employment Service; Room 8000, 601 D Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Peter Rell, Director, Office of Program Review; United States Employment Service; Room 8324; 601 D Street NW., Washington, D.C. 20213, 202-376-6914.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Chapters 41 and 42 of Title 38 U.S. Code, provide for job counseling, training and placement services for veterans. The Secretary issued regulations to implement 38 U.S.C. Chapters 41 and 42 on November 2, 1976 at 41 FR 48250. The regulations are found at 20 CFR Part 653, Subpart C. Sections 653.221-226 of that subpart set forth standards of performance governing State agency services to veterans. 20 CFR 653.230(a) states:

> To help in determining whether the standards of performance set forth in §§ 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

20 CFR 653.230(c) states in pertinent part:

> ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for: (1) Veterans versus nonveterans; (2) Veterans of the Vietnam era versus nonveterans; and (3) Disabled veterans versus nonveterans.

Information regarding methodology for determining values is available upon request from Mr. Rell (see FOR FURTHER INFORMATION CONTACT section above).

Accordingly, 20 CFR 653.230, is proposed to be revised as follows:

§ 653.230 Veterans preference indicators of compliance.

(a) To help in determining whether the standards of performance set forth in §§ 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to nonveterans.

(b) The term "applicants" as used in this section shall mean individuals who filed or renewed job applications during the fiscal year. To improve statistical comparability, the term "nonveteran" as used in this section shall not include women and persons 19 years of age or younger. The term "veteran" as used in this section, shall include eligible persons. The term "disabled veteran", as used in this section, shall include "special disabled veteran".

(c) To prevent State agencies which are actually performing at low levels of accomplishment from mathematically appearing, according to the veterans preference indicators of compliance, to be doing well, the ETA shall establish a floor (minimum) level of expected accomplishment for each reportable service for each Federal fiscal year. Only after a State agency reaches its expected floor level of accomplishment shall the veterans preference indicators of compliance be applied. Each year ETA shall consider each State agency's past year's complishments as a major factor in establishing the floor level of accomplishment for the next Federal fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

(1) The floor levels shall be stated as the ratio of veteran individuals served to the number of veterans applying for service, rather than the number of veterans served, to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. The floor levels of accomplishment for FY 1978 shall be as follows:

(i) A minimum of 6 percent of those veterans applying for service shall be counseled.

$$\frac{\text{Veterans counseled}}{\text{Veteran applicants}} \times 100\% = 6\%$$

(ii) A minimum of 1.5 percent of all veteran applicants shall be enrolled in training.

$$\frac{\text{Veterans enrolled in training}}{\text{Veteran applicants}} \times 100\% = 1.5\%$$

(iii) A minimum of 7.5 percent of all veteran applicants shall be provided job development.

$$\frac{\text{Veterans provided job development}}{\text{Veteran applicants}} \times 100\% = 7.5\%$$

(iv) A minimum of (individual State values) percent of all veteran applicants shall be placed in jobs.

$$\frac{\text{Veterans placed}}{\text{Veteran applicants}} \times 100\% = (\text{see list below for State values})$$

(v) A minimum of (individual State values) percent of all veteran applicants shall be inactivated with some reportable service.

$$\frac{\text{Veterans inactivated with some service}}{\text{Veteran applicants}} \times 100 = (\text{see list below for State values})$$

	(4)	(5)
Reg. I (Boston):		
Connecticut	9	36
Maine	23	50
Massachusetts	11	30
New Hampshire	20	39
Rhode Island	14	38
Vermont	20	45
Reg. II (New York):		
New Jersey	14	39
New York	14	40
Puerto Rico	8	34
Reg. III (Philadelphia):		
Delaware	8	29
District of Columbia	12	26
Maryland	10	26
Pennsylvania	14	26
Virginia	17	39
West Virginia	19	39
Reg. IV (Atlanta):		
Alabama	23	37
Florida	23	49
Georgia	20	40
Kentucky	23	42
Mississippi	23	51
North Carolina	22	41
South Carolina	18	42
Tennessee	19	40
Reg. V (Chicago):		
Illinois	14	31
Indiana	15	37
Reg. V (Chicago)—Continued	(4)	(5)
Michigan	12	26
Minnesota	17	29
Ohio	12	34
Wisconsin	18	34
Reg. VI (Dallas):		
Arkansas	23	44
Louisiana	23	42
New Mexico	23	46
Oklahoma	23	51
Texas	23	51
Reg. VII (Kansas City):		
Iowa	23	51
Kansas	23	51
Missouri	20	33
Nebraska	23	51
Reg. VIII (Denver):		
Colorado	17	49
Montana	23	51
North Dakota	23	51
South Dakota	23	51
Utah	20	42
Wyoming	23	51
Reg. IX (San Francisco):		
Arizona	20	40
California	16	39
Hawaii	15	24
Nevada	18	22
Reg. X (Seattle):		
Alaska	25	39
Idaho	23	50
Oregon	22	39
Washington	17	38

(d) The ETA shall compare the level of State agency services for veterans versus that for nonveterans by examining rates of service rather than the numbers of persons served to compensate for the differing sizes of comparison groups and to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. In addition, the two groups, veterans and nonveterans, shall be compared after adjustments for demographic and other appropriate characterstics to make them as comparable as possible within the limitations of available data systems.

(e) ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for:

(1) Veterans versus nonveterans;

(2) Veterans of the Vietnam era versus nonveterans; and

(3) Disabled veterans versus nonveterans.

(f) Veterans preference indicators of compliance for service to all veterans shall be as follows for FY 1978:

(1) The ratio of veteran applicants counseled to the total number of veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 25 percent.

$$\frac{\text{Veteran counseled}}{\text{Veteran applicants}} \div \frac{\text{Nonveterans counseled}}{\text{Nonveteran applicants}} - 1.00 = 25\%$$

(2) The ratio of veteran applicants enrolled in training to the total number of veteran applicants shall exceed the ratio of nonveteran applicants enrolled in training to the total number of nonveteran applicants by at least 5 percent.

$$\frac{\text{Veterans enrolled in training}}{\text{Veteran applicants}} \div \frac{\text{Nonveterans enrolled in training}}{\text{Nonveteran applicants}} - 1.00 = 5\%$$

(3) The ratio of job development contacts made for veterans to the total number of veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 50 percent.

$$\frac{\text{Job development contacts for veterans}}{\text{Veteran applicants}} \div \frac{\text{Job development contacts for nonveterans}}{\text{Nonveteran applicants}} - 1.00 = 50\%$$

(4) The ratio of veteran applicants placed in jobs to the total number of veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 10 percent.

$$\frac{\text{Veterans placed}}{\text{Veteran applicants}} \div \frac{\text{Nonveterans placed}}{\text{Nonveteran applicants}} - 1.00 = 10\%$$

(5) The ratio of veteran applicants inactivated with some service to the total number of veteran applicants shall be more than the ratio of nonveteran applicants inactivated with some service to the total number of nonveteran applicants by at least 15 percent.

$$\frac{\text{Veterans inactivated with some service}}{\text{Veteran applicants}} \div \frac{\text{Nonveterans inactivated with some service}}{\text{Nonveterans applicants}} - 1.00 = 15\%$$

(g) Veterans preference indicators of compliance for service to veterans of the Vietnam era are as follows:

(1) The ratio of Vietnam-era veteran applicants counseled to the total number of Vietnam-era applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 35 percent.

$$\frac{\text{Vietnam-era veterans counseled}}{\text{Vietnam-era veteran applicants}} \div \frac{\text{Nonveterans counseled}}{\text{Nonveteran applicants}} - 1.00 = 35\%$$

(2) The ratio of Vietnam-era veteran applicants enrolled in training to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants enrolled in training to the total number of nonveteran applicants by at least 10 percent.

$$\frac{\text{Vietnam-era veterans enrolled in training}}{\text{Vietnam-era veteran applicants}} \div \frac{\text{Nonveterans enrolled in training}}{\text{Nonveteran applicants}} - 1.00 = 10\%$$

(3) The ratio of job development contacts made for Vietnam-era veterans to the total number of Vietnam-era veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least — percent.

$$\frac{\text{Job development contacts for Vietnam-era veterans}}{\text{Vietnam-era veteran applicants}} \div \frac{\text{Job development contacts for nonveterans}}{\text{Nonveteran applicants}} - 1.00 = 60\%$$

(4) The ratio of Vietnam-era veteran applicants placed in jobs to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 15 percent.

$$\frac{\text{Vietnam-era veterans placed}}{\text{Vietnam-era veteran applicants}} \div \frac{\text{Nonveterans placed}}{\text{Nonveteran applicants}} - 1.00 = 15\%$$

(5) The ratio of Vietnam-era veteran applicants inactivated with some service to the total number of Vietnam-era veteran applicants shll be more than the ratio of non-veteran applicants inactivated with some service to the total number of nonveteran applicants by at least 20 percert.

$$\frac{\text{Vietnam-era veterans inactivated with some service}}{\text{Vietnam-era veteran applicants}} \div \frac{\text{Nonveterans inactivated with some service}}{\text{Nonveteran applicants}} - 1.00 = 20\%$$

(h) Veterans preference indicators of compliance for service to disabled veterans are as follows:

(1) The ratio of disabled veteran applicants counseled to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 100 percent.

$$\frac{\text{Disabled veterans counseled}}{\text{Disabled veteran applicants}} \div \frac{\text{Nonveterans counseled}}{\text{Nonveteran applicants}} - 1.00 = 100\%$$

(2) The ratio of disabled veteran applicants enrolled in training to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants enrolled in training to the total number of nonveteran applicants by at least 15 percent.

$$\frac{\text{Disabled veterans enrolled in training}}{\text{Disabled veteran applicants}} \div \frac{\text{Nonveterans enrolled in training}}{\text{Nonveteran applicants}} - 1.00 = 15\%$$

(3) The ratio of job development made for disabled veterans to the total number of disabled veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 75 percent.

$$\frac{\text{Job development contacts for disabled veterans}}{\text{Disabled veteran applicants}} \div \frac{\text{Job development nonveterans}}{\text{Nonveteran applicants}} - 1.00 = 75\%$$

(4) The ratio of disabled veteran applicants placed in jobs to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 20 percent.

$$\frac{\text{Disabled veterans placed}}{\text{Disabled veteran applicants}} \div \frac{\text{Nonveterans placed}}{\text{Nonveteran applicants}} - 1.00 = 20\%$$

(5) The ratio of disabled veteran applicants inactivated with some service to the total number of disabled veteran applicants shall exceed the ratio of nonveterans inactivated with some service to the total number of nonveteran applicants by at least 25 percent.

$$\frac{\text{Disabled veterans inactivated with some service}}{\text{Disabled veteran applicants}} \div \frac{\text{Nonveterans inactivated with some service}}{\text{Nonveteran applicants}} - 1.00 = 25\%$$

(i) The veterans preference indicator of compliance for State agency action under the mandatory job listing requirements of 38 U.S.C. 2012 shall be: The ratio of the total number of veterans of the Vietnam era and special disabled veterans placed in mandatory listing job openings to total number of individuals placed in mandatory listing job openings shall exceed 7 percent.

(j) Following analysis of the past year's accomplishments, the numerical value for each of the veterans preference compliance indicators will be published in the FEDERAL REGISTER as amendments to paragraphs (f), (g), and (h) of this section.

(k) State agency performance under this subpart shall be reviewed on a quarterly basis by the ETA regional offices during the conduct of regular Operational Planning and Review System (OPRS) reviews. In addition, State agency performance under this subpart shall be formally reviewed by the ETA national office on an annual basis using the floor levels of accomplishment and the veterans preference indicators of compliance. The full results of these reviews shall be incorporated into the Secretary's annual report to the Congress. If a State agency fails to meet three of the five floor levels of accomplishment set forth at paragraph (c) of this section, including the floor level for placement, or if it fails to meet more than one-half of the total number of veterans preference indicators of compliance, with each placement indicator having double weight, ETA shall consider this as evidence that the State agency is not complying with the performance standards at §§ 653.221–226. Such State agencies shall be required to provide documentary evidence to the ETA that their failure is based on good cause. If good cause is not shown, the ETA, pursuant to Subpart H of Part 658 of this chapter, shall formally designate the State agency as out of compliance, shall require it to submit a corrective action plan for the following Federal fiscal year, and may take other action against the State agency pursuant to Subpart H of Part 658 of this chapter.

(l) Even though a State agency veterans' services statistics, including the floor levels of accomplishment and the veterans preference indicators of compliance, indicate adequate services to veterans, the ETA may take corrective action against a State agency pursuant to Subpart H of Part 658 of this chapter if other information comes to the attention of the ETA which indicates that a State agency is not complying with the requirements of this subpart.

Signed at Washington, D.C. this 1st day of August 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

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federal register

FRIDAY, AUGUST 26, 1977

PART III



DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

■

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Revision, Reorganization and Republication

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Revision, Reorganization and Republication

AGENCY: Food and Nutrition Service, U.S.D.A.

ACTION: Final rule.

SUMMARY: These regulations promulgate various changes in requirements for the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC Program). The major changes concern certification of persons, selection of local agencies and food delivery systems and are included to better ensure that Program benefits reach the neediest persons as well as to further ensure Program accountability and operating efficiency.

DATES: The final rules are effective September 26, 1977. Comments are due on the unresolved issues on or before October 10, 1977.

ADRESSES: Send comments to the address below.

FOR FURTHER INFORMATION CONTACT:

Gene Dickey, Director, Special Supplemental Food Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8206.

SUPPLEMENTAL INFORMATION: On February 11, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 8647) to revise the regulations for the Special Supplemental Food Program for Women, Infants and Children (WIC).

The proposals were based on comments received on the interim regulations which were published on January 12, 1976 (41 FR 1743, 4251) to implement Pub. L. 94-105, which had amended the authorizing legislation (Section 17 of the Child Nutrition Act of 1966, as amended, 42 U.S.C. 1786).

The Department received 416 responses to the proposed rulemaking. The substantive comments received and the actions taken are discussed below.

DEFINITIONS

Several commenters requested a definition of "members of populations." Since this term might be open to various interpretations, a definition is added which identifies members of populations as a group of persons with a common special need that do not necessarily reside in a defined geographic area, such as migrant populations or off-reservation Indians.

A number of commenters believed that the term "administrative costs" does not clearly identify clinic and nutrition education costs as allowable administrative costs. They suggested that the term "operating costs" was more reflective of the types of costs incurred in administering the WIC Program. Therefore, the term is changed to "operational and administrative costs." Additionally, a few comments were received recommending that the Department allow for the inclusion of outreach expenditures in such costs. It has come to the Department's attention that many needy persons are not aware of the WIC Program. Therefore, in order to extend Program benefits to as many needy persons as possible, the Department has decided to authorize outreach as an allowable operational and administrative cost.

Some comments were received regarding the tax exempt status requirement under the definition of "nonprofit agency." The commenters supported liberalization of the requirement, such as allowing the agency a one-year period to work towards obtaining official tax exempt status. However, the possibility of numerous ineligible agencies participating in the Program may create funding and administrative problems which would damage Program operations. Therefore, the Department stands with the requirement that nonprofit agencies have tax exempt status prior to entering the Program.

Several comments received addressed the definition of "health services." Some desired a narrower definition, others requested more flexibility, and some suggested clarification of the existing definition. In order for the Program to be an adjunct to good health care, some parameters for health services are needed. The definition in the proposed rules did not sufficiently specify what types of health care were required to be made available, but did give examples of typical health services. Consequently, the definition is changed and now defines health services as ongoing, routine pediatric and obstetrical care, with the examples of typical health services remaining.

Many commenters requested changes in the definition of "nutritional need." Most requested the inclusion of other criteria in the nutritional need definition, such as socioeconomic factors and the presence of various diseases and indicators of high risk pregnancy. A number of commenters suggested more specific standards for the given indicators of nutritional need. The Department believes that the criteria in the nutritional need definition are broad enough to encompass all acceptable standards of nutritional need. However, it is the view of the Department and many health and nutrition professionals that merely being an infant of a WIC Program recipient who participated during pregnancy is a nutritional need factor in itself. Since these infants are not likely to exhibit overt nutritional need conditions, it is difficult to assess their need. Consequently, these infants are expressly addressed in the nutritional need definition and in the priority system. In addition, a separate paragraph is added to the definition which is specifically suited to a breastfeeding woman and her nutritional need criteria.

The "State Plan of Management and Operations" is now referred to as the "State Plan of Program Operation and Administration" in order to more clearly describe the general function of the Plan.

REQUIREMENTS OF LOCAL AGENCIES

The section in the proposed rules entitled "Eligibility of local agencies" is changed to "Selection of local agencies" and is reorganized to include all aspects a state agency must consider in selecting a local agency. The section now addresses the Affirmative Action Plan, application by local agencies, Program initiation and expansion, and the local agency priority system.

The proposed rules prescribe a priority system for use by the State agency in selecting new local agencies in a particular area. First consideration is to be given to an agency which could perform all health and administrative services required for participation as a local agency. Second consideration is to be given to a health agency joined with a welfare agency which, in conjunction, can perform all required health and administrative services. Third consideration is to be given to a welfare agency and private physician which, in conjunction, can perform all required health and administrative services.

It was brought to the Department's attention that there are circumstances where a health clinic can work in conjunction with a private physician to provide WIC Program services. An example is a maternal and infant care clinic which provides health care and WIC Program benefits to women and infants, but not to children. If these children were allowed to receive health care through a private physician, the clinic could provide them with all other WIC Program services. The Department believes provision should be made for this type of circumstance. Therefore, in the priority system for the selection of local agencies, third consideration is to be given to a health agency which works in conjunction with a private physician to provide health services to a specific category of recipient, while fourth consideration is to be given to the welfare agency which operates in conjunction with a private physician.

Several commenters opposed the priority system for the selection of local agencies in each area of need. They believed that the State agency should select the types of local agencies as the State agency sees fit. However, the Department believes that if a health agency exists in an area, that agency should receive preference to operate a WIC Program. The primary reason for allowing a welfare agency (which must work with physicians to provide health services) to operate the Program is to reach areas which have no local health agency. Therefore, the priority system for local agencies will remain. Additionally, a commenter suggested that the State agency notify all potential local agencies in the areas in which it is planning to open a WIC Program. If no agency in the area next in line according to the Affirmative Action

Plan indicates an interest in operating the Program within 30 days of the public notification, the State agency may then fund an agency from the next area on the Affirmative Action Plan. This suggestion is adopted in the regulations.

Several commenters pointed out that it is inequitable to judge the degree of need of members of populations by the area in which they reside. Therefore, a requirement is added to the Affirmative Action Plan that the State agency rank members of populations according to the need of the population, not the area in which the members are located.

Several commenters supported the rule allowing a welfare agency which enters into written agreements with private physicians to operate a WIC Program. Many commenters requested that the welfare agency compensate the physician for providing health services. However, the legislative purpose of the WIC Program is to provide supplemental foods as an "adjunct to good health care," so WIC resources should be directed toward assuring that food is effectively provided to recipients rather than supplementing existing health services. Therefore, the rule will remain unchanged. However, the Department does concur with the commenters who suggested that private physicians should be allowed to receive program funds for medical tests performed for certification purposes. Financial management instructions will be issued which will outline this as an allowable cost and delineate the circumstances under which it will be allowed.

A number of commenters asked that State agencies be required to notify applicant agencies as to the status of their applications within a specified time period. Additionally, many commenters asked that FNS be required to notify State agencies concerning their Plan of Program Operation and Administration within a specified time limit. These suggestions are adopted in the regulations. State agencies are required to notify applicant agencies within 30 days and FNS must notify State agencies within 30 days. However, notification refers only to the status of the agency's application or Plan. It does not require a decision to be made on the application or Plan within the specified time.

A few commenters requested that the Department allow the WIC Program and the Supplemental Food Program (SFP) to operate in the same geographical area. Many commenters asked that the Department allow the local agencies' geographic areas to overlap. However, the Department believes that this would not be in the best interest of good management or the best use of resources, since both programs have limited funds. This is especially true when other needy areas are waiting to be served. Therefore, the proposed rule will remain unchanged.

Several commenters requested that eligibility determinations be made within ten days of application, and food be provided within ten days of an affirmative determination. The Department believes, however, that the ten day time limit would be overly restrictive. Adequate time must be allowed for the clinic to schedule appointments, complete laboratory work and contact the recipient. Therefore, the rule has been changed to require a determination of a person's eligibility to be made within 20 days of the person's first visit to the local agency to apply for participation in the Program. Food must be provided to that person within ten days of an affirmative determination.

Many comments were received concerning the requirement that the local agency assure that WIC Program recipients are enrolled in a health care system. Several commenters opposed the requirement; many commenters asked that recipients be encouraged, not required, to participate in health services; some commenters supported requiring participation in health services; and a few commenters asked that the rule define the term "enrollment." The intent of the enrollment requirement was to ensure that the WIC Program genuinely operates "as an adjunct to good health care," as mandated by the authorizing legislation. However, it is evident from the comments that this requirement was not well understood by some and opposed by many who operate the WIC Program at the local level. Therefore, the section is changed to only encourage recipients to participate in health services.

Numerous comments were received concerning the proposed requirement that the local agency provide health services. Several commenters suggested that in areas where no health care agency is available, the Department should allow an agency which can perform nutritional assessments and provide nutrition education to operate as a local agency. However, it is believed that Congressional intent is to keep the WIC Program an adjunct to good health care. Consequently, it is necessary to require that local agencies provide certain health services. Also, many commenters objected to the requirement that local agencies offer nursing and physician services, with most commenters arguing that either nursing or physician services were adequate. The Department is aware that there are disparities in the type of health services offered by communities. Therefore, the requirement that local agencies offer nursing and physician services has been deleted. It is required only that appropriate health services be made available to recipients through the local agency.

State Agency Plan of Program Operating and Administration

The section in the proposed rules entitled "State agency operations" is changed to "State agency Plan of Program Operation and Administration" and is devoted entirely to the requirements pertaining to the State Plan.

The proposed rules require that the average levels and ranges of expenditure and participation over the past two years be provided in the State Plan. Several commenters noted that this information is already contained in reports submitted to FNS. Therefore, the requirement is deleted.

A number of comments were received which addressed the difficulties migrant farmworkers and their families encountered in continuing their participation in the WIC Program. The primary concern was that a person is required to be certified at each new local agency where he applies to participate in the WIC Program. In the case of migrant families who move frequently due to the nature of their employment, this requirement was burdensome for both the local agencies and migrants. Therefore, the regulations contain a provision under which the State agency may allow local agencies to accept a verification of certification from another local agency where the migrant previously participated in the WIC Program, as long as the migrant's certification period is still valid.

Income Requirements

The proposed rule contained a requirement that all recipients have a gross family income at or below 195 percent of the Secretary's income poverty guidelines. Some commenters supported the income standard, while other commenters opposed setting a uniform income eligibility standard. The reasons most frequently given for opposing the income requirement were the need to preserve the WIC Program as a health-oriented, rather than welfare-oriented, programs and the possible administrative burdens on the local agencies which offer free health care to all persons. Commenters in support of the income requirement emphasized the importance of directing WIC Program benefits to those with low incomes.

The Department strongly believes that the WIC Program should target its resources to low income persons. However, it is also important to strengthen the connection between the WIC Program and the provision of health services, and to maintain the WIC Program as a health and nutrition program. In view of the opposition to the income standard from health and administrative professionals, the Department has decided to delete the proposed income standard for WIC Program eligibility, pending further study of this alternative.

However, Pub. L. 94–105 does require that persons be determined to be "at nutritional risk because of inadequate income and inadequate nutrition." Therefore, inadequate income should be one of the criteria used to determine eligibility for the WIC Program. This criterion should be designed to easily integrate the WIC Program with the health services offered by the local agency and to reduce the administrative burden on the local agency.

The Department has decided to adopt a requirement similiar to that contained in the interim regulations.

Recipients must be eligible for free or reduced price health care at the local agency. That is, if there are income requirements in use in other health pro-

grams operated by the local agency, recipients would have to meet one of those income standards in order to be eligible for the WIC Program. If the local agency offered free health care to all, then no income standard would be required for WIC Program participation. However, there is one change from the requirement as given in the interim regulations: The State agency may set or approve an income standard for use by local agencies that is different from the income standards in use in other health programs. The Department believes that this procedure will allow the State agency the necessary flexibility to set income requirements to suit local conditions, maintain the link between the WIC Program and the provision of health services and assure that WIC benefits go to those most in need.

Many commenters requested that certification of recipients be carried out on the basis of inadequate income alone. They believed there was a direct correlation between having low income and being at nutritional risk. Several commenters suggested that eligibility should be based on nutritional need criteria only after the local agency had reached its maximum participation level. At that point, when a caseload slot becomes available, persons waiting to participate in the WIC Program would be selected based on income and nutritional need. The Department has not made a decision on this issue and would like all interested persons to submit comments. For a discussion of the issue and timetable for submission of comments, please refer to the end of this preamble.

Nutritional Need Priority System

Many commenters opposed the requirement of a nutritional need priority system on the grounds that it would be difficult to administer and the decision as to priority status should be made by the competent professional authority. As more State agencies reach their maximum funding authorization, and their local agencies reach their maximum participation levels, the problem of assigning priority will become even more important. All local agencies should have an equitable and effective means of determining who shall receive Program benefits first. The proposed priority system was developed with the assistance of medical professionals with expertise in maternal and pediatric nutrition and local, State and Federal administrators.

Under the rule, the competent professional is given wide flexibility within each priority category. Therefore, the requirement of a priority system will remain. In addition, several commenters requested that the Department consider an inadequate dietary pattern as equal in priority to anthropometric and hematological indicators, instead of lower in priority. Due to the difficulties of determining an inadequate dietary pattern as an indicator of nutritional need, the Department believes that those persons suffering from anemia, abnormal patterns of growth or medical conditions are deserving of a higher priority level than those with no clinical indicator of nutritional need; therefore, those persons certified on the basis of an inadequate dietary pattern will receive lower priority than persons with clinical indicators of nutritional need.

It was decided that there are some defects in the priority system as contained in the proposed rules. While many commenters supported the rule placing infants of WIC recipients on the Program without a nutritional need determination, these infants were given no place in the priority system. The effect of this rule was that infants of WIC recipients could be placed on the WIC Program before any other eligible person. For example, a relatively healthy infant of a WIC recipient might be placed on the WIC Program before a low birth weight baby. Therefore, in order to remain consistent with the intent of the priority system, infants of WIC recipients are placed in the second priority category. If the infant also exhibits some clinical indicator of nutritional need, then he is given first priority. Additionally, in the proposed rules, pregnant women, infants (or their lactating mother) and children with inadequate dietary patterns were all included in Priority III. However, to be consistent with the purpose of the priority system, it was believed that the women and infants should have priority over children with inadequate dietary patterns. Therefore, the regulations place pregnant women, breastfeeding women and infants with inadequate dietary patterns in Priority IV, and children with inadequate dietary patterns in Priority V. Also, one commenter asked that the rule clarify the place of breastfeeding women in the priority system. The intent of the rule is that a breastfeeding woman may be certified and placed in the priority system on the basis of her own or her infant's nutritional need condition. Therefore, the definition of nutritional need is changed to more clearly reflect this intent.

Recertification

A few commenters supported the proposed rule requiring bloodwork at recertification only if the recipient was initially determined to be in nutritional need because of anemia. However, many commenters supported requiring bloodwork for all recipients at recertification. The Department agrees that the local agency should perform a hemoglobin or hematocrit test at all eligibility determinations to detect regression in the recipient's health status, to maintain an ongoing record of the recipient's health status, and for evaluative purposes. Therefore, the regulations require a hemoglobin or hematocrit test for all recipients at each certification visit, if the necessary equipment is available.

A number of commenters supported the provision in the proposed rules that WIC Program recipients may remain in the Program as long as there is a danger of regression in nutritional status without the supplemental foods. Many commenters asked that recipients remain in the Program on the basis of residency and income criteria alone until the local agency reaches 100 percent of its maximum participation level. A few commenters supported the provision in the proposed rules that the competent professional authority may drop recipients from the Program if there are others waiting who are in greater need. An effective nutrition education component should teach recipients to make the proper food choices, and therefore enable them to obtain an adequate diet without participating in the WIC Program. The Department believes that the competent professional authority should retain recipients in the Program if there is a danger of regression in nutritional status, but if there is no such danger and the recipient does not meet the nutritional need criteria, there is no reason for that person to continue in the Program when persons in greater need are waiting to participate in the Program. Therefore, the statement in the proposed rules that recipients may remain in the Program as long as there is a danger of regression in nutritional status without the supplemental foods, remains.

As a result of the changes reflected in the regulations, there is no longer any reason to distinguish between initial certification and recertification, since no distinction is made in the priority system between current recipients and new applicants, and bloodwork is now required in all certifications, if the necessary equipment is available.

Therefore, at each six-month interval, recipients will be required to undergo a complete certification, as if they had just applied for the Program. Thus, any reference to recertification in the proposed rules is delted in the final regulations. An exception is that pregnant women, who may remain on the Program until six weeks postpartum without undergoing another certification.

Certification Forms

The Department received a number of comments on the certification form prescribed in the proposed rules. Many commenters asked that all statements in the form requiring affirmation by the applicants be deleted. A large number of commenters opposed the statement that all food obtained under the WIC Program must be used solely by the recipient, and not shared with the rest of the family. The commenters felt that this issue was an appropriate topic for nutrition education. Some commenters opposed the statement informing applicants that they would be subject to prosecution if they misrepresented information. Much of the opposition to these statements centered on the increased complexity they would bring to the certification form. The Department agrees with these comments as they pertain to all statements, except the one informing recipients that they are subject to prosecution if they misrepresent information. This statement is retained, because it is important that individuals furnish correct information during the certification visit. However, the state-

ment has been rewritten to clarify that it refers only to information provided to determine the eligibility of the applicants, i.e., residence and income eligibility data. The requirement of a statement on who may use food obtained under the Program is deleted altogether. All other statements will still have to be read to the recipients by local agency staff, but they need not be printed on the form.

NOTICE OF INELIGIBILITY

Several commenters opposed the requirement that written notification be given to recipients who are dropped from the Program, as they felt it to be an unnecessary administrative burden. However, the Department continues to believe that the local agency has an obligation to notify a recipient if he is not eligible and to advise the recipient of his right to a fair hearing. Therefore, in addition, the regulations require that the recipient receive written notification within 15 days when the recipient is dropped from the Program between six-month certifications. For example, if a recipient is removed because he or she fails to pick up vouchers within a required time, a written notification, giving the reason for termination, is required. A person found ineligible at a certification visit must be advised in writing that he is ineligible and why he is ineligible. Further, the regulations require that each recipient receive notification, shortly before his certification period expires, that his eligibility for the Program is due to expire.

NUTRITION EDUCATION

A few commenters felt the Department should delete the requirement that the State agency evaluate the progress of nutrition education objectives in areas such as knowledge, attitudes and skills. They felt that it is impossible to assess measurable progress in these areas. The Department agrees that this is difficult to do; therefore, the reference to evaluating knowledge, attitudes and skills is deleted, but the requirement for evaluating nutrition education remains.

SUPPLEMENTAL FOODS

Many commenters opposed the requirement that the competent professional authority tailor the food package to the individual's nutritional needs because they considered the process time-consuming and an administrative burden. However, this requirement corresponds with the intent of the WIC Program, which is targeted to specific individuals determined to be in nutritional need. In addition, the Department feels it is not cost effective to provide food in greater quantities than indicated in the nutritional need determination, or to provide more food than an individual can consume. Additionally, the local agency can use the funds saved through eliminating the excess food to serve more persons. Therefore, the requirement remains.

A few commenters opposed the requirement that the local agency assure that supplemental foods are provided for home consumption only. The requirement is clarified to state that supplemental foods are not for use in institutions such as day care centers or orphanages where meals are provided by the institution.

Several comments were received asking that the Department allow physicians to prescribe infant formula which is not iron-fortified. However, iron is one of the nutrients specifically identified in the authorizing legislation as an essential component of the supplemental foods to be provided. Therefore, it is not appropriate to provide formula which is not fortified with iron, and the rule remains.

A large number of commenters requested a change in the requirements for cereals in the food package for women and children. Commenters were concerned about the level of iron fortification in cereals, the need for the inclusion of whole grain cereals, the sugar content of the cereals, and the artificial flavorings and colorings used in some of the currently authorized cereals. The Department has not made a decision and would like all interested persons to submit comments. For a discussion of the issues and a timetable for submission of comments, please refer to the end of this preamble.

Several commenters requested that infants be allowed to receive adult cereal. However, a diet containing high levels of iron is considered essential for infants up to one year of age. Substituting adult cereals for infant cereals would substantially lower the amount of iron provided. Therefore, the Department has decided not to provide adult cereals to infants.

Several commenters requested that the Department provide an enhanced food package to women who are breastfeeding. The Department believes that the current package provides sufficient supplemental foods for the breastfeeding mother. Therefore, no unique package is provided.

Many commenters supported the supplemental food package directed towards children with special dietary needs. However, many commenters requested that the Department authorize additional foods for these children, including eggs and a greater amount of juice. The special package was designed to provide sufficient nutrients for children who need primarily infant formula. To authorize the provision of foods other than those set forth in the rule would be excessive and unnecessary. Therefore, the special package remains unchanged in the regulations.

FISCAL MANAGEMENT AND ACCOUNTABILITY

Many commenters opposed the changes in the fiscal management and accountability system prescribed for State agencies in the proposed rules. Most believed this would result in an unnecessary administrative burden to State agencies which were already administering the WIC Program in a financially responsible manner. They also opposed the centralization of responsibility at the State level. Proper accounting for funds is one of the most serious problems in a grant program. The Department strongly believes that the State agency must account for funds received and expended, must know at any one time how much money is obligated and must provide accurate and timely reports on expenditures to FNS. Therefore, the requirements for fiscal accountability remain unchanged.

There is some confusion as to the distinction between a fiscal management and accountability system and the State agency's financial management system. Accordingly, the two sections are combined in the regulations under the heading of "Financial management systems" since both systems utilize similar accounting and management principles.

A number of commenters opposed the requirement that the State agency reconcile the value of individual food instruments issued with the value of individual food instruments redeemed. They claim that this is an administrative burden and costly to accomplish. However, the Department believes that it is impossible to properly account for obligations if the issuance and redemption of individual food instruments is not reconciled. Therefore, the requirement of reconciling individual food instruments' dollar value remains in the regulations. A few commenters asked that the rule allow reconciliation of food instruments at the local level. The Department has no objection if the State agency uses local records to reconcile food instruments. The local agency could reconcile the dollar value and send the information to the State agency. However, the State agency bears the responsibility of providing this information to FNS, and must therefore know the number and value of food instruments distributed and the amount of obligations outstanding, as determined by reconciling the value of the individual food instruments issued with the value of individual food instruments redeemed.

FOOD DELIVERY SYSTEM

A substantial number of commenters opposed the requirement of a uniform food delivery system within the jurisdiction of the State agency. They wanted to retain local systems which they claimed are more suited to local needs. A few commenters supported the uniformity requirements set forth in the proposed rules. Several commenters asked for clarification. The Department believes that it is difficult, if not impossible, for the State to properly control a myriad of different local systems, all using different food instruments, different forms and different methods of distributing food. The result is that the State agency never has a clear idea of the amount of funds obligated and expended until the final closeout reports. Therefore, it is the Department's view that some degree of uniformity is desirable. The Department does recognize, however, that there are many situations when the use by the local agency of a different food delivery system than that of the State agency

is necessary to serve the needs of recipients. For example, a lack of retail outlets may require one local agency to use a home delivery system. Also, commenters have indicated that under the proposed uniformity requirement, some State agencies would probably request a great number of exceptions, leading to administrative delays. Therefore, the regulations allow the State agency to operate up to three kinds of food delivery systems—home delivery, retail purchase, and direct distribution. However, each type of system must be uniform throughout the jurisdiction of the State agency. This provision will allow the State agency to account for local conditions in designing its food delivery system, while retaining the benefits of a uniform system.

It has come to the attention of the Department that some State agencies have food delivery systems in which the maximum purchase price on the food instrument is the average market price of the supplemental foods provided in that area. Food vendors are paid the maximum purchase price, regardless of the actual purchase price of the supplemental foods. Consequently, recipients who go to stores where prices are above the average must pay the difference between the actual price and the maximum purchase price on the food instrument, and stores with prices below the average price in that area retain the difference. The Department finds it unacceptable that recipients must pay for even a part of the cost of WIC Program foods. Authorizing legislation requires that funds be provided so that supplemental foods will be made available to women, infants and children. It is the purpose of the Program to provide recipients with food that they are unlikely or unable to buy themselves. It is directly contrary to this purpose to require recipients to pay for food. Furthermore, the Department believes that food vendors should not be paid more than the actual price of the supplemental foods at that store. Therefore, a requirement is added in the section on food delivery systems that recipients must receive supplemental food free of charge, and that the food vendor may not be reimbursed for more than the actual purchase price of the supplemental foods.

Several commenters opposed the requirement that the State agency must enter into written agreements with all food vendors participating in the Program. They felt that it would be administratively difficult for the State agency to enter into written agreements with all food vendors, and that the local agency could perform this function. The Department has no objection to the local agency signing the written agreements with food vendors. Therefore, the regulations have been rewritten to allow either the State agency or the local agency to enter into written agreements with food vendors.

The proposed rules also allowed the agreement between the State agency and the food vendor to be achieved through a statement on the food instrument. This was proposed because it would be administratively difficult for the State agency to sign a prior agreement with all food vendors. In view of the fact that local agencies are now allowed to enter into agreements with food vendors, the Department believes that it is no longer desirable to allow the agreement to be achieved through the food instrument. As this type of agreement is a relatively ineffective means of communicating to the food vendor his responsibilities under the Program, the provision allowing the food vendor agreement to be executed through the food instrument has been deleted in the final regulations. All agreements with food vendors will have to be signed, written agreements between the food vendor and the State or local agency.

A number of comments were received on the provisions concerning the controls on recipient and vendor abuse. Some commenters opposed allowing the State agency to remove recipients who abuse the Program. A few commenters supported this section. The Department believes that the State agency should have the discretion to remove recipients who abuse the Program. The State agency can deal with less serious abuses by a warning or other means as the State agency wishes. The provisions concerning recipient and vendor abuse therefore remain unchanged.

Food Instruments

Many commenters asked that we allow the local agency to print food instruments. Some commenters asked that the State agency delegate the responsibility for paying vendors to local agencies. These sections are rewritten to make it clear that the local agency may pay food vendors and print food instruments, except that the food instruments must follow the design of the State agency's uniform food instruments, and bear serial numbers designated by the State agency.

Some commenters opposed the restrictions on mailing of food instruments imposed by the proposed rules, one commenter supported the rule, and a few commenters asked that the Department prohibit the mailing of food instruments altogether. The Department believes that it is important to control the mailing of food instruments, both for reasons of accountability, and because mailing may weaken a major function of the WIC Program, that of providing health services and nutrition education at the local agency. However, the commenters pointed out that forcing recipients to come to the clinic to pick up food instruments could disrupt clinic operations, and in some situations impose hardships on clinics and recipients. Assuming that the State agency is familiar with the local agency's situation in this regard, the rule is changed to give the State agency, rather than FNS, the authority to approve the mailing of food instruments on a local agency-wide basis. However, the State agency must approve a local agency's request to mail food instruments as long as accountability is assured and there are either measures to provide a reasonable level of health care and nutrition education services or the State agency determines that persons in need in rural areas will be unable to participate in the program if food instruments are not mailed.

The Department is aware that some local agencies are issuing up to a six-month supply of food instruments at one visit. In these cases, as in some delivery systems which mail food instruments, it is doubtful that the recipients receive either nutrition education or health services at the clinic during the six-month period. Therefore, the final regulations contain a requirement that the local agency issue not more than a three-month supply of food instruments to each recipient at a single time. This requirement will encourage recipients to attend the clinic more frequently than once every six months, and thus take part in nutrition education classes and health services.

The proposed rules contain a requirement that recipients sign their names upon receipt of foods or food instruments. A few commenters requested that this requirement be deleted in the case of recipients who receive their food instruments in the mail. As it is difficult to require recipients to sign for food instruments which are sent in the mail, this suggestion is adopted in the regulations.

Several commenters requested that the recipients be given a longer period of time than the time allowed by some local agencies for the redemption of food instruments. Apparently, some local agencies give recipients a week or less to use the food instrument. The Department believes that participation in the WIC Program should not place undue burdens on the recipients, especially when such burdens serve no obvious Program purpose, as many recipients may live in remote areas, or have difficulty getting to a retail outlet. It is difficult to see any benefit in requiring recipients to redeem food instruments within one or two weeks, although some limit is needed to allow the State agency to determine its outstanding obligations. Therefore, the regulations require the local agency to allow 30 days for the recipient to use the food instrument to obtain supplemental foods and to print both the date the food instrument may be first used and expiration date on the food instrument. In order not to disrupt existing food delivery systems, an exception to this requirement is provided if the recipient receives the food instrument after the beginning of the month. In that case, the State agency may allow the recipient only to the end of the month to use the food instrument. For the next month, however, the State agency must allow the recipient 30 days to use the food instrument.

The proposed rules require that the food vendor submit the food instrument to the State agency within 60 days of its issuance date. Some commenters opposed this requirement, on the ground that too short a time was allowed. Therefore, the requirement has been changed to allow the food vendor to submit the food in-

strument 60 days from the last day the food instrument may be used by the recipient. Since in most cases the recipient will have 30 days to use the food instrument, this change will allow the food vendor a maximum of 90 days from the date of issuance to submit the food instrument to the State agency for payment.

The proposed rules require that the food instrument include a statement that food must be used by WIC Program recipients only, and may not be shared with other family members. Many commenters opposed this requirement. In keeping with the deletion of a similar statement from the certification form, this requirement is deleted.

Program Costs

Several commenters requested that allowable costs under nutrition education include the costs of training the staffs of local agencies and of classes which are not directed solely at WIC recipients. The regulations make clear that the expense of training local agencies' staffs is an allowable nutrition education cost. WIC funds should be used to develop nutrition education materials which are directed toward the special needs of WIC recipients; however, it is acceptable for WIC materials and resources to be utilized in classes for both WIC and non-WIC recipients. Similarly, materials and resources developed primarily for other target groups may be used for WIC nutrition education and WIC funds may be used to pay the pro rata share of the costs. When other programs or groups are sharing resources and materials with WIC, the costs should be allocated among the programs on an equitable basis.

Many commenters requested that the reference to "studies" as an unallowable cost be clarified. Upon further review, the Department has decided that there is no need to expand upon the explanation of studies as a cost, as this is addressed in FMC 74-4, Attachment B. Therefore, the reference to studies is deleted in the regulations.

Several commenters requested that FNS allow the cost of medical equipment. The WIC Program is designed to operate as an adjunct to good health care and is to be carried out in agencies that provide health services. WIC Program funds should not be used to equip medical clinics. Therefore, acquisition of medical equipment is not an allowable cost. Also, guidance was requested as to what kind of capital expenditures are allowable. FMC 74-4 states that capital expenditures are allowable at the discretion of FNS, but gives no dollar limit. Therefore, in order to avoid confusion on the part of State and Federal administrators, the regulations require that FNS approve only those capital expenditures above $2,500.

Management Evaluations

In the proposed rules the Department allowed a four-month implementation period for a State agency to establish a management system to evaluate progress on Program objectives. It appears that most State agencies already are using management evaluation techniques which meet the requirements of the rules. Therefore, the four-month implementation period is deleted in the regulations and all State agencies are expected to conduct management evaluations after the regulations are effective.

Administrative Appeal of State Agency Decisions

There was some confusion over what rights food vendors have to appeal decisions regarding their participation in the Program. To clarify this question, the section on administrative appeals is rewritten to include food vendors in the appeal procedure.

Issues for Comment

Eligibility based on low income alone

Presently, the regulations require that persons be found at nutritional risk because of nutritional need and inadequate income in order to participate in the WIC Program. Priorities were set among various nutritional need factors in order to assure that the persons most in need received WIC Program benefits first. The Department has believed that certifying a person on the basis of income alone might weaken the connection between the WIC Program and the provision of health services.

However, the Department also acknowledges that several surveys and studies have demonstrated a link between low income and nutritional risk in children. Also, some medical professionals have expressed the opinion that the medical and nutritional criteria used for determining nutritional need are imprecise and that low income alone is a sufficient indicator of nutritional need.

Therefore, the Department is looking further into this issue. One possible alternative which might be proposed is to add a seventh nutritional need priority level which would include those low income infants and children who because of inadequate economic resources are determined to be at nutritional risk. This would allow local agencies, after giving consideration to Priorities I through VI, to include as Priority VII infants and children who are of low income. This would entail setting an income level under which infants and children must fall in order to be eligible for Priority VII.

The Department would like to receive comments on this issue and suggestions on how to implement such a provision.

Improved Service in Rural Areas

The Department is interested in providing improved service in all its food assistance programs to low income persons in rural areas. The Department would like to receive comments on how the WIC Program could serve this objective, and suggestions on possible modifications in WIC that might facilitate the realization of this goal.

Food Package Cereals

Presently the food package is designed to increase the consumption of foods that provide the nutrients specified in the law known to be lacking in the diets of women and children at nutritional risk: high-quality protein, iron, calcium, vitamin C, and vitamin A. The authorized supplemental foods are iron-fortified infant formula, milk, cheese, iron-fortified breakfast cereal or infant cereal, full-strength fruit or vegetable juice which contains vitamin C, and eggs.

Many comments were received pertaining to the cereals currently meeting the requirements of the WIC food packages for women and children. Specifically, commenters were concerned about the exclusion of cereals not meeting the current requirement for iron fortification, the need for inclusion of whole grain cereals, the sugar content of the cereals, and the artificial colorings and flavorings used in some of the currently authorized cereals. Some commenters requested changes because they believe some of the cereals may be contributory to health problems, may not be in keeping with exemplary food choices, and the WIC food packages should contain only foods that provide an effective educational message. We would like to receive comments on this issue.

The only WIC Program nutrient requirement for cereals is iron. Presently, the regulations specify a minimum iron content of 28 milligrams (mg.) of iron per 100 grams of dry cereal. A one ounce serving of dry cereal fortified at this level would provide 45 per cent of the U.S. RDA for iron for women and children over four years of age. (The U.S. Recommended Daily Allowances (U.S. RDA) refers to a set of standards used by the Food and Drug Administration (FDA) in regulation of food labeling for nutrient content. The Recommended Dietary Allowances (RDA) refers to a set of standards developed by the National Academy of Sciences and are used by the Department for evaluating the nutrient content of the food packages.) To our knowledge, nine cereals meet this requirement. They are: Product 19, Concentrate, Buc Wheats, Corn Total, Kaboom, Total, Malt-O-Meal, Cream of Wheat, and King Vitaman. The Department is seriously considering changing the requirements for cereals and would like to receive further comments on this issue to determine which changes would be in the best interests of the target population.

Exclusion of High Sugar Cereals From the Food Package

The establishment by the Department of a maximum level of sugar for cereals authorized for use in the WIC Program was requested by commenters because of the possible relationship between sugar consumption and (1) dental caries, (2) obesity, and (3) the development of a "sweet tooth." The Department is also concerned about the possible role of sugar in the development of these prevalent health problems in the United States. However, before the Department makes a decision on this request, we would like to solicit further comments in order to clarify the issue. Many sugars, both monosaccharides and disaccharides, are used in food products. These are added to

foods in the form of refined sugar, honey, molasses, corn syrups, etc. The comments we received to the proposed rules only specified that "sugar" be limited. Since there is some disagreement in the scientific literature regarding the correlation between various sugars and health problems, we would like to know which sugars commenters would like restricted and at what level. The rationale upon which comments are based is also requested.

Currently, FDA does not require manufacturers to list the sugar content of food products on labels. If the Department establishes a maximum level for the sugar content of cereals to be used in the WIC Program, a mechanism by which this level can be ascertained will have to be implemented. Any suggestions regarding this will be appreciated.

EXCLUSION OF HIGHLY FORTIFIED CEREALS FROM THE FOOD PACKAGE

Some of the cereals that meet the iron requirement contain 100 percent of the U.S. RDA for some nutrients. A few commenters requested the exclusion of cereals that supply this level of any nutrient. It is alleged that consumption of these cereals, especially in large quantities by young children, may result in the ingestion of excessive and possibly toxic levels of some nutrients, particularly vitamins A and D. Since the percentage is based on the U.S. RDA for adults and children over four years of age, the nutrient levels for a serving of cereal may actually contain a larger percentage of the U.S. RDA for children under four years of age. Additionally, the provision of cereals fortified to 100 percent of the U.S. RDA is contradictory to the basic nutrition education premise that nutrients should be obtained from a variety of foods. Eating a variety of foods will provide the essential nutrients, thereby eliminating the need for dietary supplements.

Disallowing cereals which supply 100 percent of the U.S. RDA for any nutrient would decrease the number of cereals eligible for the WIC Program unless additional changes in the current requirement are also instituted. The Department is requesting comments on whether or not cereals containing 100 percent of the U.S. RDA for nutrient(s) should be authorized in this Program. The rationale upon which comments are based is also requested.

REDUCTION OF THE IRON REQUIREMENT FOR CEREALS

A number of commenters requested that we lower the minimum iron requirement for cereals from 45 percent to 25 percent of the U.S. RDA. The reasons for this request were to increase the variety of cereals that are eligible for use in the Program. In addition, comments have been received that suggest the cereals now eligible for use are not well accepted by recipients and consequently are not consumed. Since this change of the iron requirement would allow a large number of pre-sweetened cereals to be eligible for the Program, some commenters requested that a maximum requirement for sugar level be established simultaneously.

Currently, the total food package provides a minimum of 12 mg. of iron per day which is 80 percent of the RDA for iron for children, and 65 percent of the RDA for iron for pregnant and breastfeeding women. If the required iron level for cereal were lowered to 25 percent of the U.S. RDA, the food package would provide a minimum of 7.5 mg. of iron per day which is 50 percent of the RDA for iron for children and 40 percent of the RDA for iron for pregnant and breastfeeding women.

The Department is soliciting comments on whether or not the required iron level for cereals should be lowered. The rationale for comments is also requested.

INCLUSION OF WHOLE GRAIN CEREALS

A few commenters requested that we allow whole grain cereals that contain no more than 15–20 percent sugar, regardless of the iron content. This was requested in order to increase the variety of cereals offered and provide for a source of dietary fiber, certain B vitamins, and trace minerals in the food package. Whole grain cereals would include cereals such as cracked wheat/oats, corn meal, barley, buckheat, shredded wheat, oatmeal, brown rice, bran cereals, etc. The total food package with whole grain cereals would provide a minimum of 3 mg. of iron per day which is 20 percent of the RDA for iron for children and 15 percent of the RDA for iron for pregnant and breastfeeding women.

Please submit your comments regarding this issue.

EXCLUSION OF CEREALS THAT CONTAIN ARTIFICIAL FLAVORINGS AND COLORINGS

A few commenters requested that we exclude any cereal that contains any artificial flavoring or colorings. We would like to solicit comments regarding this request and the rationale upon which such comments are based.

Interested persons may submit comments regarding the above issues to the Director, Special Supplemental Food Program (WIC), Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. To be assured of consideration, such comments should be delivered in person or by mail postmarked on or before October 10, 1977. Copies of all written submissions received will be made available for public inspection in Room 4301, Food and Nutrition Service, 201 14th Street SW., Washington, D.C., during regular business hours (8:30 a.m. to 5 p.m.). All comments will be considered before final rules are published on these issues.

Several comments suggested changes to the regulations which are not in accordance with the provisions of section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). Since the regulations must follow the statutory requirements these suggestions cannot be adopted. In arriving at the revised regulations set forth below, each of the comments received was carefully and fully considered. To the extent that the provisions of the final regulations are at variance with any of the views expressed in the comments, any suggestions or proposals contained in the comments are hereby denied and any objections are overruled for the reasons previously stated.

Accordingly, Part 246 is revised to read as follows:

Sec.

246.1 General purpose and scope.
246.2 Definitions.
246.3 Administration.
246.4 Selection of local agencies.
246.5 State Agency Plan of Program Operation and Administration.
246.6 Agreements with local agencies.
246.7 Certification of persons.
246.8 Supplemental foods.
246.9 Nutrition education.
246.10 Food delivery systems.
246.11 Financial management systems.
246.12 Program costs.
246.13 Program income.
246.14 Distribution of funds.
246.15 Redistribution of funds.
246.16 Records and reports.
246.17 Grant closeout procedures.
246.18 Procurement and property management standards.
246.19 Claims.
246.20 Management evaluation and reviews.
246.21 Audits.
246.22 Investigations.
246.23 Nondiscrimination.
246.24 Fair hearing procedures for recipients.
246.25 Administrative appeal of State agency decisions.
246.26 Miscellaneous provisions.

AUTHORITY: Sec. 10, Pub. L. 89-642, 80 Stat. 889 (42 U.S.C. 1779); sec. 14, Pub. L. 94-105, 89 Stat. 518 (42 U.S.C. 1786).

§ 246.1 General purpose and scope.

(a) This part announces the policies and prescribes the regulations for the Special Supplemental Food Program for Women, Infants and Children, carried out by the U.S. Department of Agriculture (USDA) under section 17 of the Child Nutrition Act of 1966, as amended. Section 17 states that "The Congress finds that substantial numbers of pregnant women, infants and young children are at special risk in respect to their physical and mental health by reason of poor or inadequate nutrition or health care, or both. It is, therefore, the purpose of the program authorized by this section to provide supplemental nutritious food as an adjunct to good health care during such critical times of growth and development in order to prevent the occurrence of health problems."

(b) Section 17 authorizes payment of cash grants to health departments or comparable agencies of States; or to Indian tribes, bands or groups recognized by the Department of the Interior; or to the Indian Health Service (IHS) of the U.S. Department of Health, Education, and Welfare. These entities administer the WIC Program through public health or welfare agencies or private, nonprofit agencies of States, or Indian tribes, or IHS service units. Supplemental foods and nutrition education are provided, as set forth in this part, to infants, children, and pregnant, post-

partum and breastfeeding women determined by a competent professional authority to be at nutritional risk due to inadequate nutrition and inadequate income, in order to improve their health status.

§ 246.2 Definitions.

For the purpose of this part and of all contracts, guidelines, instructions, forms, and other documents related hereto, the term:

"Breastfeeding women" means women up to one year postpartum who are breastfeeding their infants.

"Certification" means the use of criteria and procedures to assess and document each potential recipient's eligibility for the Program.

"Children" means persons who are at least one year of age but have not reached their fifth birthday.

"Clinic" means a facility where recipients are certified.

"Competent professional authority" means physicians, registered nurses, nutritionists, dietitians or State or local medically-trained health officials, or persons designated by physicians or State or local medically-trained health officials as being competent professionally to evaluate nutritional need and to authorize supplemental foods.

"Department" means the U.S. Department of Agriculture.

"Dual participation" means simultaneous participation by a recipient in the Program in more than one local agency, or participation in the Program and in the Supplemental Food Program (7 CFR Part 250), during the same period of time.

"Fiscal year" means the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

"FMC 74–4" means Federal Management Circular 74–4, which sets forth principles and standards for determining costs applicable to grants and contracts.

"FMC 74–7" means Federal Management Circular 74–7 which sets forth uniform standards in the administration of grants.

"FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

"Food costs" means the acquisition cost of the supplemental foods provided to State or local agencies or to recipients, whichever receives the foods first.

"Food delivery system" means the method used by State and local agencies to provide supplemental foods to recipients under the Program.

"Food instrument" means a voucher, check, coupon or other document that evidences an obligation to a food vendor for supplemental foods delivered to a recipient.

"Health services" means ongoing, routine pediatric and obstetrical care such as infant and child care, prenatal and postpartum examinations, nutritional examinations or screening, diagnosis and treatment or referral for treatment.

"IHS" means the Indian Health Service of the U.S. Department of Health, Education and Welfare.

"Infants" means persons under one year of age.

"Local agency" means a public health or welfare agency or a private, nonprofit health or welfare agency, which directly, or through an agency or a physician with which it has contracted pursuant to § 246.4 of this part, provides health services to recipients. It also means an IHS service unit, or an Indian tribe, band or group which is recognized by the Department of the Interior and operates a health clinic or is provided health services by an IHS service unit.

"Members of populations" means persons with a common special need that do not necessarily reside in a specific geographic area, such as off-reservation Indians or migrant families.

"Nonprofit agency" means a private agency which is exempt from income tax under the Internal Revenue Code of 1954, as amended.

"Nutritional need" means one or more of the following:

(1) For a pregnant, or postpartum woman—

(i) Anemia;

(ii) High risk pregnancy, or a history of premature births, miscarriages, or high risk pregnancies;

(iii) Abnormal pattern of growth such as underweight or obesity;

(iv) Inadequate nutritional pattern.

(2) For an infant or child—

(i) Anemia;

(ii) Abnormal pattern of growth such as underweight, obesity or stunting; including for infants, a birth weight of 2500 grams or less;

(iii) Inadequate nutritional pattern;

(iv) Status as an infant (up to six months of age) of a mother who was a recipient during pregnancy.

(3) For a breastfeeding woman—

(i) Anemia of the breastfeeding woman or the infant she is breastfeeding;

(ii) Abnormal pattern of growth of the breastfeeding woman or the infant she is breastfeeding, such as underweight, obesity or stunting; including, for the infant, a birth weight of 2500 grams or less;

(iii) Inadequate nutritional pattern of the breastfeeding woman or the infant she is breastfeeding;

(iv) A history of premature births, miscarriages, or high risk pregnancies in the breastfeeding woman.

"Nutritional risk" means special risk by reason of both inadequate income and nutritional need.

"Operational and administrative costs" means those direct and indirect costs, exclusive of food costs, which State and local agencies determine to be necessary to support Program operations. Such costs include, but are not limited to, the cost of Program administration, monitoring, auditing, nutrition education, startup, outreach, certification, and developing and printing food instruments.

"Plan of Program Operation and Administration" means the document which describes the manner in which the State agency intends to implement and operate all aspects of Program administration within its jurisdiction.

"Postpartum women" means women up to six months after termination of pregnancy.

"Pregnant women" means women determined to have one or more fetuses in utero.

"Program" means the Special Supplemental Food Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966, as amended.

"Recipient participation" means the number of persons for whom supplemental foods or food instruments have been issued for the reporting period.

"Recipients" means pregnant women, breast-feeding women, postpartum women, infants, and children who are receiving supplemental foods or food instruments under the Program.

"SSFD" means the Special Supplemental Food Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

"Secretary" means the Secretary of the U.S. Department of Agriculture.

"State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"State agency" means the State health department or agency with comparable responsibilities of a State; or an Indian tribe, band or group recognized by the Department of the Interior; or an intertribal council or group which is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior and which has an ongoing relationship with such tribes, bands or groups for other purposes and has contracted with them to administer the Program; or the appropriate area office of the IHS.

"Supplemental foods" means foods which meet the specifications of this part.

§ 246.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, SSFD and the Regional Offices are responsible for Program administration. FNS will provide assistance to State and local agencies and evaluate all levels of Program operations to assure that the goals of the Program are achieved in the most effective and efficient manner possible.

(b) The State agency is responsible for all operations under the Program within its jurisdiction and shall administer the Program in accordance with the requirements of this part, FMC 74–4, FMC 74–7, and FNS guidelines and instructions. The State agency shall provide guidance to local agencies on all aspects of Program operations.

(c) Each State agency desiring to take part under the Program shall annually enter into a written agreement with the Department for the administration of the

Program in the jurisdiction of the State agency in accordance with the provisions of this part.

(d) The local agency shall provide Program benefits to recipients in the most effective and efficient manner, and shall comply with this part, FMC 74-4, FMC 74-7, and State agency and FNS guidelines and instructions.

§ 246.4 Selection of local agencies.

(a) *General.* This section sets forth the procedures the State agency shall perform in the selection of each agency which desires to operate under the Program.

(b) *Application of local agencies.* The State agency shall require each agency which desires approval as a local agency to submit an application which contains sufficient information to enable the State agency to make a determination as to the eligibility of that agency. The State agency shall make the determination in accordance with the eligibility requirements for a local agency as prescribed in this section. The State agency shall notify the agency of the status of its application within 30 days of receipt of the agency's application. If the application is denied, the State agency shall advise the agency of the reasons for denial and the right to appeal as set forth in § 246.25 of this part.

(c) *Program initiation and expansion.* The State agency shall ensure that all Program initiation and expansion within its jurisdiction are executed in accordance with the Affirmative Action Plan, which is established in accordance with paragraph (d) of this section and which is approved by FNS in the State agency's Plan of Program Operation and Administration. The State agency may fund new local agencies without FNS approval as long as the requirements of this part are met. However, the State agency shall submit to FNS for approval, as an amendment to the Plan of Program Operation and Administration, a description of any operations of the new local agency which are inconsistent with State agency operations as approved in the Plan of Program Operation and Administration. The State agency shall assure that there is no operation under the Program in the same geographic area as the Supplemental Food Program (7 CFR Part 250), except where the local agency serves members of populations.

(d) *Affirmative Action Plan.* The State agency shall establish, and when necessary update, an Affirmative Action Plan which provides, in priority order based on relative need, a list of all areas and populations, including a description of such populations, within the jurisdiction of the State agency (except areas under the Supplemental Food Program (7 CFR 250.14)) which are not now operating under the Program or are requesting expansion of their existing operations. The State agency shall submit its Affirmative Action Plan to FNS as a part of the State agency's Plan of Program Operation and Administration. The State agency shall meet the following requirements in connection with the Affirmative Action Plan:

(1) The Affirmative Action Plan shall state the criteria used to determine the relative need of areas and populations included in the Plan. These criteria may include infant mortality, low birth weight, low income and other criteria which are consistent with the intent of the authorizing legislation to make Program benefits an adjunct to good health care. Members of populations shall be given consideration in the Affirmative Action Plan based on criteria which identify the needs of the populations and not the geographic area where they reside. The Affirmative Action Plan may not be approved by FNS unless Indian and migrant populations which exist within the jurisdiction of the State agency are given consideration.

(2) The State agency shall fund those areas or populations most in need first, in accordance with their order of priority as listed in the Affirmative Action Plan. The selection criteria cited in paragraph (e) of this section shall be applied in each area or population before eliminating that area from consideration and serving the next area or population.

(3) The State agency shall provide a written justification for not funding the highest priority area or population, such as inability to administer the Program, lack of interest expressed for operating under the Program, or, for those areas or populations which are under consideration for expansion of an existing operation, a determination by the State agency that there is a greater need for funding in an area or population not operating under the Program.

(e) *Local agency priority system.* If the State agency has not received an application from a public or nonprofit, private health agency which can provide health and administrative services in the area next in line according to the Affirmative Action Plan, before funding a new local agency the State agency shall publish a notice in the media of that area. The notice shall include a brief explanation of the Program, a description of the local agency priority system cited in this paragraph and a request that potential local agencies notify the State agency of their interest within 30 days. Additionally, the State agency shall contact all potential agencies in an area to ensure that they are aware of the opportunity to apply for participation under the Program. If no agency expresses interest within 30 days, the State agency may then proceed with the selection of a local agency in the area next in line according to the Affirmative Action Plan. A State agency may give notice and consider applications in more than one area at the same time, but shall fund new local agencies in conformance with the sequential ranking of the Affirmative Action Plan. The State agency may select as a local agency the following types of agency arrangements, assigning priority to such arrangements in the following order:

(1) First consideration shall be given to a public or nonprofit health agency which can provide health and administrative services.

(2) Second consideration shall be given to a public or private, nonprofit health or welfare agency which must enter into a written agreement with another such agency for either health or administrative services.

(3) Third consideration shall be given to a public or private, nonprofit health agency which must enter into a written agreement with a private physician in order to provide health services to a specific category of recipient—women, infants or children.

(4) Fourth consideration shall be given to a public or private, nonprofit welfare agency which must enter into a written agreement with a private physician to provide health services.

(f) When a health and welfare agency comprise the local agency, both agencies shall in conjunction meet all the requirements of this part and shall enter into a written agreement which outlines all Program responsibilities of each agency. The agreement shall be approved by the State agency during the local agency application process, and shall be on file at both the State and local agency. No program funds shall be used to reimburse the health agency for the health services provided.

(g) When a health or welfare agency and private physicians comprise the local agency, the agency shall have a written agreement with the private physicians and shall provide guidance to the private physicians regarding their responsibilities under the Program. The agency shall advise the State agency on its application of the names and addresses of the private physicians participating and obtain State agency approval of the written agreement. A competent professional authority on the staff of the welfare agency shall be responsible for the certification of recipients. No Program funds shall be used to reimburse the private physicians for the health services provided.

§ 246.5 State agency Plan of Program Operation and Administration.

(a) *Requirements for the State agency Plan of Program Operation and Administration.* Each year the State agency shall submit to FNS for approval a State agency Plan of Program Operation and Administration for the following fiscal year. Approval of the Plan by FNS is a prerequisite to the payment of funds to the State agency for operation under the Program. Guidance for the preparation of the Plan shall be provided by FNS. The Plan and all amendments thereto shall be signed by the Chief Health Officer of the State agency (or his equivalent). The Plan shall provide the following:

(1) The names and addresses of the local agencies which are currently operating or are expected to operate during the fiscal year, the area or population

served by each local agency, and the number of clinics of each local agency.

(2) A map indicating the areas and populations which will be served under the Program.

(3) A copy of the form to be used for the agreement between the State agency and local agencies.

(4) A current Affirmative Action Plan which is in accordance with the requirements of § 246.4(d).

(5) An estimate of recipient participation for the next fiscal year by category of women, infants, and children.

(6) A description of the financial management system, including a detailed breakdown of the proposed expenditure among the cost categories of operational and administrative costs and food costs.

(7) A description of the methods used to determine nutritional risk which shall include:

(i) For determinations of inadequate income, a description of the income standards prescribed or approved by the State agency for use by local agencies. Such description shall include the procedures used to determine income eligibility under those standards.

(ii) For determinations of nutritional need, a list of the specific nutritional need criteria which cites conditions and indices to be used to determine a person's nutritional need. These criteria shall be listed under each of the six levels of the priority system outlined in § 246.7(b)(2)(ii). The State agency may set further priorities within each nutritional need priority category, according to degree of nutritional risk or age of recipient. These priorities shall be listed in the Plan. If the State agency has no uniform list for use in all local agencies, it must provide in the Plan a description of the State agency criteria used to approve local agency nutritional need criteria.

(8) A plan for the provision of nutrition education services for the fiscal year, including the procedures which shall be used to meet the special nutrition education needs of migrants and Indians. The nutrition education portion of the Plan shall include:

(i) Measurable objectives consistent with the Program nutrition education goals;

(ii) A means of implementing each objective;

(iii) An evaluation component for each objective which includes a systematic procedure for recipient input; and

(iv) The results of the evaluations of the objectives for the prior fiscal year.

(9) A description, in detail, of the type of food delivery system to be used which complies with § 246.10, and where food instruments are used, a sample or facsimile of the food instrument.

(10) A plan for the detection of dual participation within the jurisdiction of the State agency.

(11) A description of the State agency monitoring procedures which comply with the requirements of § 246.20, including the number of reviews of local agencies performed in the last four quarters and the number planned for the upcoming fiscal year.

(12) A description of the State agency audit program procedures which comply with the requirements of § 246.21, including the number of audits performed of local agencies in the last four quarters, the number of local agencies audited in the last four quarters, and the number of audits planned and number of local agencies to be audited in the upcoming fiscal year.

(13) A description of the procedures used to comply with the requirements of title VI of the Civil Rights Act of 1964, including racial and ethnic participation data collection, public notification procedures and the annual civil rights compliance review process.

(14) A description of the resources and staff available to perform State agency responsibilities and to assist local agencies in Program operations, such as any necessary supervision, reviews, training and guidance.

(b) *Amendments.* At any time, the State agency may amend the Plan of Program Operation and Administration to accommodate any changes or budget increases requested. The State agency shall submit such amendments to FNS for approval.

(c) *Submission of Plan to the Governor.* All State agencies, except Indian State agencies, shall submit their Plan of Program Operation and Administration annually to the Governor or his delegated authority for comment as required by Circular A-95 (38 FR 32874), issued by the Office of Management and Budget, September 13, 1973. A period of 45 days from the date the Governor receives the Plan of Program Operation and Administration shall be afforded for such comments prior to submission to FNS. The comments shall be submitted in the Plan of Program Operation and Administration. If the Governor makes no comment, a statement to that effect shall be attached to the Plan of Program Operation and Administration. Amendments to the Plan of Program Operation and Administration need not be submitted to the Governor unless there is a significant change. Although not required, Indian State agencies are encouraged to consult area-wide Federal planning offices in the development of their Plan of Program Operation and Administration.

(d) *State agency notification.* FNS shall notify the State agency in writing of the status of its Plan of Program Operation and Administration within 30 days of the submission of a completed Plan.

(e) *Retention of copy.* A copy of the approved Plan of Program Operation and Administration shall be kept on file at the State agency for public inspection.

§ 246.6 Agreements with local agencies.

(a) The State agency shall enter into a signed written agreement with each local agency which sets forth the local agency's responsibilities under the Program as prescribed in this part. Copies of the agreement shall be kept on file at both the State and local agency for purposes of review and audit in accordance with §§ 246.20 and 246.21.

(b) Each Indian State agency shall assure that all local agencies under its jurisdiction serve primarily Indian populations.

(c) The agreement between the State agency and each local agency shall include provisions assuring that local agencies shall:

(1) Comply with all the fiscal and operational requirements prescribed by the State agency pursuant to this part and FNS guidelines and instructions;

(2) Have the competent professional authority and the facilities and equipment necessary to perform the certification procedures;

(3) Make available appropriate health services to recipients;

(4) Implement a food delivery system prescribed by the State agency pursuant to § 246.10 and approved by FNS;

(5) Provide on a timely basis to the State agency all required information regarding fiscal and program administration in accordance with this part;

(6) Maintain complete, accurate, documented and current accounting of all Program funds received and expended; and

(7) Maintain on file and have available for review and audit all criteria used for certification, including residence information, income standards or other standards used to determine eligibility for free or reduced cost health care and a list of the specific criteria used to determine nutritional need.

§ 246.7 Certification of persons.

(a) *State agency responsibilities.* In determining the eligibility of persons for supplemental foods, the State agency shall perform the following responsibilities:

(1) The State agency shall provide guidance to local agencies regarding eligibility requirements and certification procedures in accordance with this section.

(2) The State agency shall provide or approve standards used by local agencies to determine inadequate income.

(3) The State agency shall maintain a file of all economic standards authorized for use in determining eligibility for the Program, and information supporting approval of the standards, for the purpose of review and audit by the Department as set forth in §§ 246.20 and 246.21.

(4) The State agency shall provide local agencies with a list of specific criteria for use in determining nutritional need which is in accordance with the priorities listed in paragraph (b)(2)(ii) of this section, or approve such a list which is used by local agencies. Such list or lists shall be on file at the State agency.

(5) The State agency shall provide local agencies with a certification form meeting the requirements of paragraph (e) of this section, or approve such forms which are used by local agencies.

(b) *Certification of persons.* To be certified as eligible to receive the supplemental foods under the Program, infants, children and pregnant, post-

partum and breastfeeding women shall meet the following requirements:

(1) *Residence.* They shall be residents of areas or members of populations served by the local agency. If the person is a member of a population and resides outside the local agency's service area, this information shall be noted in the person's certification file.

(2) *Nutritional risk.* They shall be at nutritional risk because of both inadequate income and nutritional need.

(i) *Inadequate income.* Recipients shall meet an income standard provided or approved by the State agency. If none are so provided or approved, they shall be eligible for health care free or at less than the full charge customarily made for health services by the local agency.

(ii) *Nutritional need.* A competent professional authority on the staff of the local agency shall determine if a person is in nutritional need through a medical or nutritional assessment. This determination may be based on data submitted by another competent professional authority. The person's height or length and weight shall be measured, and a hemoglobin or hematocrit test shall be performed if the necessary equipment for such tests is available. However, such hemoglobin or hematocrit tests are not required for infants under six months of age. The competent professional authority shall assure that those persons in greatest nutritional need are placed in the Program first. In determining a person's need for participation in the Program, the following priorities shall be applied when vacancies occur after a local agency has reached its maximum participation level:

(A) *Priority I.* Pregnant women, breastfeeding women and infants in nutritional need as demonstrated by hematological or anthropometric measurements, or other documented medical conditions which demonstrate the person's need for supplemental foods.

(B) *Priority II.* Infants (up to 6 months of age) of WIC recipients who participated during pregnancy, except for infants who qualify for Priority I.

(C) *Priority III.* Children in nutritional need as demonstrated by hematological or anthropometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods.

(D) *Priority IV.* Pregnant women, breastfeeding women, and infants in nutritional need because of an inadequate dietary pattern, as documented by a person qualified in such assessments.

(E) *Priority V.* Children in nutritional need because of an inadequate dietary pattern, as documented by a person qualified in such assessments.

(F) *Priority VI.* Postpartum women in nutritional need.

(c) *Regression in nutritional status.* Recipients may remain in the Program as long as they are eligible according to economic and residential criteria and there is a possibility of regression in nutritional status without the supplemental foods. However, the competent professional authority determining nutritional need may remove a recipient from the Program at a certification visit if that person, in the competent professional's judgment, is no longer believed to be in nutritional need, or if there are potential recipients waiting who, according to the priority system, are in greater nutritional need.

(d) *Schedule of certification.* The local agency shall certify persons at the time of their entrance into the Program, and at 6 month intervals thereafter, except that pregnant women shall be certified for the duration of their pregnancy and for 6 weeks postpartum. When there are funds available to serve a person, the local agency shall certify the person, or notify the person of his ineligibility for the Program, within 20 days of the person's first visit to the local agency to apply for participation in the Program. During the first visit the person's name, address and date shall be recorded on a certification form which shall be completed at the time of certification. A person who is determined eligible shall receive supplemental foods or food instruments within 10 days of notification of his eligibility.

(e) *Certification forms.* All certification data for each person shall be recorded on a form (or forms) which are provided by or approved by the State agency. The information on the form shall include the following:

(1) The person's name and address.

(2) Date of initial visit to apply for participation.

(3) The criteria used to determine the person's economic eligibility for the Program.

(4) The date of the certification.

(5) The person's height or length, weight and, if taken, hemoglobin and hematocrit test results.

(6) The person's specific nutritional need which qualifies him for the supplemental foods.

(7) The signature and title of the administrative personnel collecting the residence and income data, and the signature and title of the competent professional authority making the nutritional need determination.

(8) A statement saying, "This certification form is being made in connection with the receipt of Federal funds. Program officials may verify information on this form. Deliberate misrepresentation may subject you to prosecution under applicable State and Federal statutes."

(9) After the person has been advised of his rights and obligations as set forth in paragraph (f) of this section, the person or his parent or guardian shall read or be read the following statement and shall undersign on the form:

I have been advised of my rights and obligations under the Program. I certify that the information I have provided for my eligibility determination is correct, to the best of my knowledge.

(f) *Recipient rights and obligations.* The following sentences shall be read by, or read to, the person or his parent or guardian at the time of certification. Where a significant proportion of the area served by a local agency is composed of non-English or limited English speaking persons who speak the same language, the sentences shall be stated to such persons in a language they understand.

(1) Standards for participation in the Program are the same for everyone regardless of race, color, creed, national origin, political beliefs, or sex.

(2) You have the opportunity to appeal any decision made by the local agency regarding your eligibility for the Program.

(3) This local agency will make health services available to all recipients who participate in the Program. You are encouraged to participate in these health services.

(g) *Retention of certification data.* For each person, all pertinent certification data, including the person's certification forms, shall be kept on file. Such files shall be maintained for Federal or State audit or review for a period of three years following the date of submission of the final expenditure report for the period for which the records pertain. The provisions of § 246.16(c)(2) shall be applicable to such files, including the longer retention period which may be required by FNS under certain circumstances.

(h) *Notice of recipient ineligibility or expiration of eligibility.* The following responsibilities shall be performed by the State or local agency:

(1) A person found ineligible for the Program during a certificatio. visit shall be advised in writing of his ineligibility, the reasons for his ineligibility and his right to a fair hearing.

(2) A person found ineligible for the Program at any time after his certification shall be advised, in writing, 15 days before termination of his eligibility, of the reasons for his ineligibility and his right to a fair hearing.

(3) Each recipient shall be notified shortly before the expiration of his certification period that his eligibility for the Program is about to expire.

(i) *Certification of migrant farmworker recipients and dependents.* The State agency may allow the local agencies under its jurisdiction to accept verification of certification from migrant farmworker recipients, or their dependents, who have been participating in the Program in another local agency within or outside of the jurisdiction of the State agency. The verification of certification is valid until the certification period expires. The verification of certification shall include the date certification was performed, the nutritional need criteria of the recipient, the name of the recipient, the date the certification period expires, and the signature of the local agency official.

§ 246.8 Supplemental foods.

(a) *General.* This section prescribes the requirements for providing supplemental foods to recipients.

(b) *State agency responsibilities.* State agencies shall:

(1) Identify foods which are acceptable for use under the Program in accordance with the requirements of this section and provide a list of acceptable foods and maximum monthly quantities to local agencies, State auditors and Department auditors; and

(2) Ensure that local agencies are able to make available at least one food from each group in each food package listed in paragraph (d) of this section. However, this does not mean that the local agency must provide each recipient with a food from each food group.

(c) *Local agency responsibilities.* The State agency shall ensure that the local agencies:

(1) Make available to recipients the supplemental foods, as authorized in paragraph (d) of this section; and

(2) Designate a competent professional authority to prescribe supplemental foods in quantities necessary to satisfy the individual nutritional needs of each recipient, taking into consideration, at each certification, the recipient's age and dietary needs. In the case of breastfeeding infants, consideration shall be given as to whether the mother's breast milk alone is sufficient for the infant's dietary needs. The amount of supplemental foods shall not exceed the maximum quantities specified in this section.

(d) *Food packages.* There are three food packages available under the Program which may be provided to recipients. The authorized supplemental foods shall be prescribed from food packages according to the category and nutritional need of recipient. The food packages are as follows:

NOTE.—The metric units given are mathematical conversions. If packaging practices change, the authorized food quantities will be revised accordingly:

(1) *Food Package I—Infants.* (i) Iron-fortified formula intended for use by infants, which is a complete formula not requiring the addition of any ingredients other than water prior to being served in a liquid state, and which contains at least 10 milligrams of iron per liter of formula at standard dilution which supplies 67 kilocalories per 100 milliliters, i.e., approximately 20 kilocalories per fluid ounce of formula at standard dilution. Concentrated liquid or powdered formula shall be provided, except that ready-to-feed formula may be authorized when the competent professional authority determines and documents that there is an unsanitary or restricted water supply, that there is poor refrigeration or that the person who is caring for an infant may have difficulty in correctly diluting concentrated liquid or powdered formula.

Substitutes. The following types of milk may be substituted for all or part of the iron-fortified formula for any infant beginning at six months of age: Pasteurized whole fluid milk which contains 400 International Units of vitamin D per quart (.946 liters); or evaporated milk which contains 400 International Units of vitamin D per reconstituted quart (.946 liters), or, in Puerto Rico, the Virgin Islands, Alaska, Guam, Hawaii, and the Trust Territory of the Pacific Islands only, dry whole milk which contains 400 International Units of vitamin D per reconstituted quart (.946 liters). However, the recipient's parent or guardian shall be informed that the substitution will result in a reduction of the iron content in the infant food package.

(ii) Infant cereal which contains a minimum of 45 milligrams of iron per 100 grams of dry cereal.

(iii) Single strength fruit juice which contains a minimum of 30 milligrams of vitamin C per 100 milliliters; or concentrated fruit juice which contains a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice; or infant juice which contains a minimum of 30 milligrams of vitamin C per 100 milliliters.

(iv) The maximum quantity of supplemental foods authorized per month is as follows:

Food	*Quantity*
Iron fortified infant formula:	
Concentrated liquid formula	403 fluid oz. (11.919 l).
Powdered formula	May be substituted at the rate of 8 lb (3.6 kg)/403 fluid oz. (11.919 l) of concentrated liquid formula.
Ready-to-feed liquid formula.	May be substituted at the rate of 26 fluid oz. (.767 l)/13 fluid oz. (.384 l) of concentrated liquid formula.
Whole fluid milk	May be substituted for formula beginning at age 6 mo. at the rate of 1 qt. (.946 l) of whole fluid milk per 13 fluid oz. (.394 l) of concentrated liquid formula.
Evaporated milk	May be substituted for milk beginning at age 6 mo. at the rate of 13 fluid oz. (.384 l) per 13 fluid oz. (.384 l) of concentrated liquid formula.
Whole dry milk	In Puerto Rico, the Virgin Islands, Alaska, Guam, Hawaii, and the Trust Territory of the Pacific Islands only, may be substituted for formula beginning at age 6 mo. at the rate of 1 lb. (.45 kg.)/39 fluid oz. (1.15 l) of concentrated liquid formula.
Infant cereal	24 oz., dry (680.39 g).
Juices:	
Single strength juices	92 fluid oz. (2.721 l).
Frozen, concentrated juices.	May be substituted as long as the reconstituted volume is no greater than the amount authorized for single strength juices.
Infant juice	May be substituted at the rate of 63 fluid oz. (1.863 l)/92 fluid oz. (2.721 l) of single strength juice.

(2) *Food Package II Children and pregnant, postpartum or breastfeeding women.* (i) Pasteurized whole fluid milk which is flavored or unflavored and which contains 400 International Units of vitamin D per quart (.946 liters); or evaporated milk which contains 400 International Units of vitamin D per reconstituted quart (.946 liters); or pasteurized skim or lowfat fluid milk which is flavored or unflavored and which contains 400 International Units of vitamin D and at least 1500 International Units of vitamin A per fluid quart (.946 liters) or the minimum amount required by the Food and Drug Administration, whichever is greater; or nonfat dry milk which contains 400 International Units of vitamin D and at least 2000 International Units of vitamin A per reconstituted quart (.946 liters); or pasteurized cultured buttermilk which contains 400 International Units of vitamin D and at least 1500 International Units of vitamin A per fluid quart (.946 liters); or in Puerto Rico, the Virgin Islands, Alaska, Guam, Hawaii and the Trust Territory of the Pacific Islands only, dry whole milk which contains 400 International Units of vitamin D per reconstituted quart (.946 liters); or domestic cheese (pasteurized process American, Monterey Jack, Colby, natural cheddar or Swiss).

(ii) Cereal (hot or cold) which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal.

(iii) Single strength fruit juice or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters; or concentrated fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.

(iv) Eggs, or dried egg mix.

(v) The maximum quantity of supplemental foods authorized per month is as follows:

Food	*Quantity*
Whole fluid milk	28 qt. (26.488 l).
Evaporated milk	May be substituted for whole fluid milk at the rate of 13 fluid ounces (.384 l) per quart (.946 l) of whole fluid milk.
Skim or lowfat milk	May be substituted for whole fluid milk on a quart-for-quart (.946 l) basis.
Nonfat dry milk	May be substituted for whole fluid milk at the rate of 1 pound (.45 kg) per 5 qt (4.73 l) of whole fluid milk.
Cultured buttermilk	May be substituted for whole fluid milk on a quart-for-quart (.946 l) basis.
Whole dry milk	In Puerto Rico, the Virgin Islands, Alaska, Guam, Hawaii, and the Trust Territory of the Pacific Islands only, may be substituted for whole fluid milk at the rate of 1 lb (.45 kg) per 3 qt (2.838 l) of whole fluid milk.
Cheese	May be substituted for whole fluid milk at the rate of 1 lb. (.45 kg) per 3 qt. (2.838 l) of whole fluid milk.
Eggs	2½ doz.
Dried egg mix	May be substituted at the rate of 2 lbs (.9 kg) egg mix per 2½ doz. fresh eggs.
Cereals (hot or cold)	36 oz., dry (1,020 g.).
Juices:	
Single strength juices	276 fluid ounces (8.142 l).
Frozen, concentrated juices	May be substituted as long as the reconstituted volume is no greater than the amount authorized for single strength juices.

(3) *Food Package III—Children with special dietary needs.* Children with special dietary needs may receive the following supplemental foods if the physician determines and documents that such a child's condition precludes the use of the supplemental foods specified in paragraph (d)(2) of this section.

(i) Iron-fortified infant formula which is a complete formula not requiring the addition of any ingredients other than water prior to being served in a liquid state and which contains at least 10 milligrams of iron per liter at standard dilution which supplies 67 kilocalories per 100 milliliters, i.e., approximately 20 kilocalories per fluid ounce of formula at standard dilution. Concentrated liquid or powdered formula shall be provided except that ready-to-feed liquid formula may be authorized when the competent professional authority determines and documents that there is an unsanitary or restricted water supply, that there is poor refrigeration or that the person caring for a child may have difficulty in correctly diluting concentrated liquid or powdered formula.

(ii) Cereal (hot or cold) which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal.

(iii) Single strength fruit juice or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters; or concentrated fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.

(iv) The maximum quantity of supplemental foods authorized per month is as follows:

Foods	*Quantities*
Iron-fortified infant formula:	
Concentrated liquid formula	403 fluid ounces (11.919 l).
Powdered formula	May be substituted at a rate of 8 lb. (3.6 kg.) per 403 fluid ounces (11.919 l) concentrated liquid formula.
Ready-to-feed liquid formula	May be substituted at a rate of 26 fluid ounces (.767 l) per 13 fluid ounces (.384 l) of concentrated liquid formula.
Cereals (hot or cold)	36 ounces, dry (1020 grams).
Juices:	
Frozen concentrated juices	138 fluid ounces (4.082 l).
Single strength juices[a]	May be substituted as long as the reconstituted volume is no greater than the amount authorized for single strength juice.

§ 246.9 Nutrition education.

(a) *General.* Nutrition education shall be thoroughly integrated into Program operations. Nutrition education shall be designed to be easily understood by individual recipients and shall bear a practical relationship to their nutritional needs and household situations.

(b) *Goals.* Nutrition education shall be based on the following two broad goals:

(1) To emphasize the relationship of proper nutrition to the total concept of good health, with special emphasis on the nutritional needs of pregnant, postpartum, and breastfeeding women, infants and children under five years of age; and

(2) To assist the individual at nutritional risk in obtaining a positive change in food habits, resulting in improved nutritional status and in the prevention of nutrition-related problems through maximum use of the supplemental and other nutritious foods. This use is to be within the context of ethnic, cultural and geographic preferences and with consideration given to environmental limitations.

(c) *State agency responsibilities.* The following are the State agency responsibilities for nutrition education:

(1) When developing nutrition education services for the Program, the State agency shall take into consideration local agency plans and needs, and shall coordinate planning and implementation of Program nutrition education activities with those provided by other sources.

(2) The State agency shall utilize at least one professional person on a full-time, part-time, or consulting basis who is trained as a nutritionist (M.S. or M.P.H.) or dietitian (registered or eligible to take the registration examination). This person shall have the responsibility to plan, direct and coordinate nutrition education under the Program. Where necessary, this person shall provide instructional and technical assistance to local agencies, and shall also provide inservice training in nutrition and instruction techniques for the local agencies' staff.

(3) The State agency shall ensure that the local agency fully performs its responsibilities as set forth in paragraph (d) of this section.

(d) *Local agency responsibilities.* (1) The local agency shall make nutrition education available to all adult recipients and to parents or guardians of infant and child recipients. Where appropriate, nutrition education for child recipients is encouraged.

(2) The local agency shall direct Program funds for nutrition education to the benefit of recipients and local agency staff members in accordance with this part and FNS guidelines.

(3) The local agency shall conduct nutrition education in a manner consistent with the State agency's nutrition education portion of the Plan of Program Administration.

(4) The local agency shall include the following subject matter areas in the instruction given to recipients:

(i) An explanation of the recipient's nutritional need condition, and the importance of the supplemental foods being consumed by the recipient for whom they are prescribed rather than the whole family;

(ii) Reference to the special nutritional needs of recipients and ways to provide them with adequate diets;

(iii) An explanation of the Program as a supplemental rather than a total food program;

(iv) Information on the use of the supplemental foods and on the nutritional value of these foods; and

(v) An explanation of the importance of health care.

§ 246.10 Food delivery systems.

(a) *General.* This section sets forth design and operational requirements for State and local agency food delivery systems.

(b) *Uniform food delivery systems.* The State agency may operate up to three types of food delivery systems: retail purchase, home delivery or direct distribution. Within ten months of the effective date of this part, each type of food delivery system shall be uniform within the jurisdiction of the State agency. When used, food instruments shall be uniform within each type of system.

(c) *State agency responsibilities.* Each State agency is responsible for the fiscal management of, and accountability for, food delivery systems under its jurisdiction and shall comply with the following requirements:

(1) The State agency shall describe in the Plan of Program Operation and Administration all food delivery systems to be used by local agencies under its jurisdiction. FNS may, for a stated cause and by written notice, require revision of a proposed or operating food delivery system and shall allow a reasonable time for the State agency to effect such a revision.

(2) The State agency shall ensure payment to food vendors for food costs incurred by the food vendor in providing supplemental foods to recipients. Actual payment to food vendors may be made by local agencies.

(3) The State agency shall ensure that all food vendors participating in the Program enter into written agreements with the State or local agency. Copies of these agreements shall be on file at the State agency. The agreements shall require the food vendors to:

(i) Ensure that they will provide only the supplemental foods specified in this part when providing foods under the Program;

(ii) Provide supplemental foods at the current price or at less than the current price charged to customers other than recipients;

(iii) When food instruments are used, submit those food instruments for payment within the allowed time limit and accept food instruments from recipients only within the allowable time limit; and

(iv) Comply with the nondiscrimination requirements of Department regulations (7 CFR Part 15).

(4) The State agency shall ensure that food vendors are provided guidance concerning the authorized supplemental foods and applicable FNS guidelines and instructions. This shall include, but not be limited to:

(i) On-site reviews by State or local agency personnel of those food vendors accepting food instruments;

(ii) Transmittal of pertinent information by State or local agencies to participating food vendors; and

(iii) State or local agency training sessions for participating food vendors.

(5) The State agency shall implement a system of management review to limit food vendor and recipient abuses of the Program. The system shall include the following:

(i) The State agency shall ensure that food vendors, after exhausting all rights outlined in § 246.25, are suspended from participation under the Program for a reasonable period of time, not to exceed three years, upon determination that they have committed any of the following abuses of the Program: Providing cash, unauthorized foods, or other items of value to recipients in lieu of authorized supplemental foods; providing less food than called for on and payable with the food instrument; and charging the Program more for supplemental foods than charged other customers for the same food items. Other abuses by food vendors may be dealt with at the discretion of the State agency. Adequate procedure for an appeal from a suspension from participation under the Program shall be provided by the State agency. A food vendor's disqualification from participation in any other FNS program may be grounds for suspension from the Program without a hearing procedure. The food vendor's privilege of serving the Program may not be reinstated until the other program, with regard to which the food vendor was originally disqualified, reinstates the food vendor's privilege.

(ii) The State agency shall establish procedures designed to control recipient abuse of the Program. Recipient abuse includes, but is not limited to, sale of supplemental foods or food instruments to (or exchange with) other individuals or entities and receipt from food vendors of cash or credit toward purchase of unauthorized food, or other items of value in lieu of authorized food. The State agency shall establish sanctions for recipient abuse. Such sanctions may, at the State agency's discretion, include suspension or removal from the Program. Warnings may be given prior to the imposition of sanctions. Before a recipient is suspended or removed from the Program for alleged abuse, that recipient shall be given full opportunity to appeal a suspension or removal as set forth in § 246.24.

(iii) The provision of sanctions for Program abuse to be imposed on food vendors and recipients shall not be construed as excluding or replacing any criminal or civil sanctions or other remedies that may be applicable under any Federal and State statute or local ordinance.

(6) The State agency shall ensure that the food delivery system is compatible with the delivery of health and nutrition education services to the recipients.

(7) The State agency shall control the receipt and issuance of supplemental foods and food instruments.

(8) The State agency shall reconcile the records of receipt, issuance and redemption of supplemental foods or food instruments in accordance with § 246.11 and identify and document the expired, unredeemed food instruments and their value.

(9) The State agency shall ensure that supplemental foods are not issued for use in institutions, such as day care centers.

(10) The State agency shall ensure that recipients sign upon the receipt of supplemental foods or food instruments. This requirement shall not pertain to systems which mail food instruments.

(11) The State agency shall ensure that no conflict of interest exists between any local agency and the food vendor or vendors within the local agency's jurisdiction.

(12) The State agency shall ensure that all local agency food delivery systems are consistent with the requirements of this section.

(d) *Retail purchase systems.* Retail purchase food delivery systems are systems in which recipients obtain supplemental foods by submitting a food instrument to local retail outlets. All retail purchase food delivery systems shall meet the following requirements:

(1) The State agency shall use uniform food instruments within its jurisdiction. The State agency is responsible for the design and printing of the uniform food instruments, and control of the serialization.

(2) The State agency shall develop guidelines for the mailing of food instruments to recipients. Food instruments may be mailed to recipients on a local agency-wide basis only if approved by the State agency. In making its determination regarding the mailing of food instruments by a local agency, the State agency shall consider participation and hardships which may be encountered by the target population of the local agency if food instruments are not mailed. The State agency shall approve a local agency's request for the mailing of food instruments if accountability is ensured and if either a reasonable level of health and nutrition education services can be provided, or the State agency determines that persons in need of the Program in rural areas will be unable to participate in the program if food instruments are not mailed to them. Mailing food instruments on an individual recipient basis shall be permitted only if:

(i) Individual recipients encounter difficulties in personally obtaining food instruments for such reasons as illness, nearness to termination of pregnancy, inclement weather conditions, distances to travel, high cost of travel, or inability to get to the local agency during business hours;

(ii) The reasons for such an individual determination are documented by the State or local agency in the recipient's certification file; and

(iii) The mailing of food instruments to the recipient is discontinued if the recipient's initial hardship is resolved.

(3) All food instruments shall have, clearly indicated on the face, the following:

(i) The first date from which the food instrument may be used by the recipient to obtain supplemental foods.

(ii) The last date for which the recipient may use the food instrument to obtain supplemental foods. This date shall be either 30 days from the date specified in subdivision (i) of this subparagraph or the end of the month for which the food instrument is valid.

(iii) An expiration date by which the food vendor shall be required to submit the food instrument for payment. This date shall be 60 days from the date specified in subdivision (ii) of this subparagraph.

(4) Food vendors may not be paid for food instruments submitted after the expiration date without the approval of FNS.

(5) All food instruments shall have clearly printed on the face, a unique and sequential serial number.

(6) All food instruments shall have clearly indicated on the face, a maximum purchase value.

(7) The State or local agency may not issue to any recipient more than three months supply of food instruments at one time.

(8) The State or local agency shall enter into agreements with more than one food vendor in each local agency service area, unless the State agency determines that it is impossible to enter into agreements with more than one food vendor in the area because of a lack of retail outlets.

(9) The State agency shall ensure that recipients are provided food free of charge. A food instrument may not have a maximum purchase price which is lower than the price of the food for which it will be used. Also, the State agency may not reimburse the food vendor for more than the actual purchase price of the supplemental foods.

(e) *Home food delivery systems.* Home food delivery systems are systems in which food is delivered to the recipient's home. Systems for home delivery of food shall provide for:

(1) Uniform food instruments, where applicable, which comply with all requirements set forth under paragraph (d) of this section;

(2) Procurement of supplemental foods, in accordance with §246.18 which may entail measures such as the purchase of food in bulk lots by the State agency and the use of discounts that may be available to States; and

(3) The accountable delivery of supplemental foods to recipients.

(f) *Direct distribution systems.* Direct distribution food delivery systems are systems in which recipients pick up food from storage facilities operated by the State or local agency. Systems for direct distribution of food shall provide for:

(1) Uniform food instruments, where applicable, which comply with all requirements set forth under paragraph (d) of this section;

(2) Adequate storage and insurance coverage that minimizes the dangers of

loss due to theft, infestation, fire, spoilage, or other causes;

(3) Adequate inventory control of food received, in stock, and issued;

(4) Procurement of supplemental foods in accordance with § 246.18, which may entail measures such as purchase of food in bulk lots by the State agency and the use of discounts that may be available to States;

(5) The availability of Program benefits to recipients and potential recipients who live at great distances from storage facilities; and

(6) The accountable delivery of supplemental foods to recipients.

§ 246.11 Financial management systems.

(a) The State agency shall maintain a financial management system which provides accurate current and complete disclosure of the financial status of the Program and includes an accounting for all Program funds received and expended each fiscal year.

(b) The State agency shall maintain its financial accounts in a manner sufficient to permit the preparation of the reports required in § 246.16.

(c) The State agency shall maintain records which identify adequately the source and application of funds expended for Program activities. These records shall contain, but are not limited to, information pertaining to authorizations, receipt of funds, obligations, unobligated balances, assets, liabilities, outlays, and income.

(d) The State agency shall maintain effective control over and accountability for all Program funds, property, and other assets.

(e) The State agency shall compare current and projected funding needs, and develop cost data that identify trends for future budget planning and Program funds control, including, but not limited to, comparisons of actual Program expenditures with budgeted amounts and the development of financial data which provide average food costs and operational and administrative costs.

(f) The State agency shall implement procedures which ensure prompt and accurate payment of allowable costs, and ensure the allowability and allocability of costs in accordance with the cost principles and standard provisions of this part, FMC 74–4 and FNS guidelines and instructions.

(g) The State agency shall implement procedures which accurately identify obligated Program funds at the time obligations are made.

(h) The State agency shall implement procedures which ensure timely and appropriate resolution of audit findings and recommendations.

(i) The State agency shall observe the national goal of expanding the opportunities for minority business enterprises, by encouraging the use of minority-owned banks.

(j) The State agency shall, where applicable, implement procedures to reconcile the number of food instruments issued with food instruments redeemed, and the value of individual food instruments issued with the value of individual food instruments redeemed.

(k) The State agency shall, where applicable, implement procedures to identify unredeemed, expired and unexpired, food instruments and their issuance value, and to make the appropriate adjustments to records and reports on obligations and expenditures.

(l) The State agency shall have procedures for minimizing the time elapsing between the transfer of cash and its disbursement at both State and local agencies.

(m) The State agency shall ensure that all local agencies develop and implement a financial management system consistent with the requirements prescribed by the State agency pursuant to the requirements of this section.

§ 246.12 Program costs.

(a) *General.* The two categories of allowable costs under the Program are as follows:

(1) *Food costs.* Food costs shall not exceed the food vendor's customary price for supplemental foods delivered to the State agency, the local agency, or the recipient, whichever is the first to receive the supplemental foods.

(2) *Operational and administrative costs.* FNS shall reimburse State agencies for allowable operational and administrative costs up to 25 percent of the actual foods costs incurred, except that funds other than Program funds used to purchase food under the Program may not be used as a base for computing the State's allowance for operational and administrative costs. The two types of operational and administrative costs are:

(i) *Direct costs.* Those direct costs which are allowable under FMC 74–4; and

(ii) *Indirect costs.* Those indirect costs which are allowable under FMC 74–4. Food costs may not be used as a basis for computing indirect costs.

(b) *Specific allowable costs.* The following items of cost are specifically identified as illustrative of costs allowable under the Program:

(1) Food costs.

(2) The cost of nutrition education services provided to recipients and parents and guardians of recipients, and used for training of local agency staff members.

(3) The cost of certification procedures including:

(i) Laboratory fees incurred for tests conducted to determine the eligibility of persons to participate in the Program; and

(ii) Expendable medical supplies necessary to determine the eligibility of persons to participate in the Program.

(4) The cost of outreach services.

(5) The cost of administering the food delivery system.

(6) The cost of capital expenditures; *Provided*, That capital expenditures over $2500 are approved by FNS.

(c) *Specific unallowable cost.* The cost of nonexpendable medical equipment is not allowable.

§ 246.13 Program income.

(a) Interest earned on Program funds at the State or local levels shall be used in accordance with Attachment E, FMC 74–7.

(b) Proceeds from the sale of personal property purchased in whole or in part with Program funds shall be handled in accordance with Attachment N, FMC 74–7.

(c) Royalties received from copyrights and patents during the grant period shall be retained by the State agency and be added to the funds already committed to the Program. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to FNS.

§ 246.14 Distribution of funds.

(a) This section prescribes the procedures for the distribution by FNS of available funds to participating State agencies and by State agencies to local agencies. All Program funds shall be used only for Program purposes. As a prerequisite to the receipt of funds, the State agency shall have executed an agreement with the Department and shall have received approval of its Plan of Program Operation and Administration.

(b) All funds made available to the Department for the Program in any fiscal year shall be provided by FNS to participating State agencies by means of Letters of Credit unless other funding arrangements are made with FNS, except that sufficient funds shall be withheld for funding Federal operating expenses. Program funds shall be used by State agencies to cover those allowable and documented Program costs, as defined in § 246.12, which are incurred by the State agency and participating local agencies within its jurisdiction.

(c) All funds provided by FNS to a participating State agency shall be made available by the State agency to local agencies within its jurisdiction, on the basis of claims submitted monthly, with the exception of those allowable food costs and operational and administrative costs deemed necessary and appropriate for use by the State agency in administering the Program. Funds provided to local agencies may be used only to cover allowable food costs and operational and administrative costs incurred by the local agencies.

(d) Distribution of funds to State agencies shall reflect any changes necessary due to the recovery of unspent funds and shall be consistent with § 246.15.

§ 246.15 Redistribution of funds.

(a) FNS may recover and redistribute funds from a State agency under any of the following conditions:

(1) If FNS determines, through a review of the State agency's reports, program or financial analysis, monitoring, audit or otherwise, that the State agency's performance is inadequate or that the State agency has failed to comply

with this part or FNS guidelines and instructions.

(2) If FNS determines, based on State agency reports of expenditures and operations, that the State agency is not expending funds at a rate commensurate with the amount of funds distributed or provided for expenditure under the Program.

(3) If FNS determines that a State agency is not providing full and timely reports in accordance with § 246.16.

(b) FNS shall effect such recoveries of funds through adjustments in the amount of funds provided under the Program.

§ 246.16 Records and reports.

(a) *Recordkeeping requirements.* Each State and local agency shall maintain full and complete records concerning Program operations which comply with the following requirements:

(1) Records shall include, but not be limited to, information pertaining to financial operations, food delivery systems, food instrument issuance and redemption, equipment purchases and inventory, certification procedures, nutrition education, civil rights and fair hearing procedures.

(2) All records shall be retained for three years following the date of submission of the final expenditure report for the period to which the reports pertain. However, FNS may, by written notice, require longer retention of any records deemed by it to be necessary for resolution of an audit or of any litigation. If FNS deems any of the Program records to be of historical interest, it may require the State or local agency to forward such records to FNS whenever either agency is disposing of them. All records, except medical case records of individual recipients (unless they are the only source of certification data), shall be available during normal business hours for representatives of the Department and of the General Accounting Office of the United States to inspect, audit, and copy. Any reports resulting from such examinations shall not divulge names of individuals.

(b) *Financial reports.* All financial data shall be submitted as required by FNS, at a frequency prescribed by FNS.

(c) *Program reports.* All program performance data shall be submitted as required by FNS, at a frequency prescribed by FNS.

(d) *Civil rights.* Each local agency participating under the Program shall submit a report of racial and ethnic participation data, at a frequency prescribed by FNS.

(e) *Audit acceptability of reports.* To be acceptable for audit purposes, all financial and program performance reports shall be traceable to source documentation.

(f) *Certification of reports.* Financial and program reports shall be certified as to their completeness and accuracy by the person given that responsibility by the State agency.

(g) *Use of Reports.* FNS shall use State agency reports to measure progress in achieving objectives set forth in the Plan of Program Operation and Administration. If it is determined, through review of State agency reports, program or financial analysis, or an audit, that a State agency is not meeting the objectives set forth in its Plan of Program Operation and Administration, FNS may request additional information including, but not limited to, reasons for the failure to achieve its objectives.

§ 246.17 Grant closeout procedures.

(a) *General.* State agencies shall submit preliminary and final grant closeout reports for each fiscal year or part thereof. All obligations shall be liquidated before final closure of a fiscal year grant. Obligations shall be reported for the fiscal year in which they occur.

(b) *Grant closeout reports.* State agencies:

(1) Shall submit to FNS, within 30 days after the end of the fiscal year, preliminary financial reports which show cumulative actual expenditures and obligations for the fiscal year, or part thereof, for which Program funds were made available.

(2) Shall submit to FNS, within 90 days after the end of the fiscal year, final fiscal year closeout reports; and

(3) May submit revised closeout reports at any time. However, FNS shall not be responsible for reimbursing unpaid obligations later than one year after the close of the fiscal year in which they were incurred.

(c) *Termination for cause.* FNS may terminate a State agency's participation under the Program, in whole or in part, whenever FNS determines that the State agency has failed to comply with the conditions prescribed in this part, and in FNS guidelines and instructions. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency shall terminate a local agency's participation under the Program by written notice whenever it is determined by FNS or the State agency that the local agency has failed to comply with the requirements of the Program. When a State agency's participation under the Program is terminated for cause, any payments made to the State agency, or any recoveries by FNS from the State agency, shall be in conformance with the legal rights and liabilities of the parties.

(d) *Termination for convenience.* FNS or the State agency may terminate the State agency's participation under the Program, in whole or in part, when both parties agree that continuation under the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date thereof and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination.

§ 246.18 Procurement and property management standards.

(a) State and local agencies shall comply with the requirements of FMC 74–7 and FMC 74–4 procedures for the procurement and allowability of food in bulk lots, supplies, equipment and other services with Program funds. These requirements are adopted by FNS to ensure that such materials and services are obtained for the Program in an effective manner and in compliance with the provisions of applicable law and executive orders.

(b) The standards contained in FMC 74–7 and FMC 74–4 do not relieve the State or local agency of the responsibilities arising under its contracts. The State agency is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

(c) The State or local agency may use its own procurement regulations which reflect applicable State and local regulations, provided that procurements made with Program funds adhere to the standards set forth in FMC 74–4 and FMC 74–7.

(d) State and local agencies shall observe the standards prescribed in FMC 74–7, Attachment N, in their utilization and disposition of property acquired in whole or in part with Program funds.

§ 246.19 Claims.

If FNS determines that any Program funds provided to a State agency for food delivery or administrative purposes were, through State agency or local agency negligence or fraud, misused or otherwise diverted from Program purposes, a claim shall be made by FNS against the State agency, and the State agency shall pay promptly to FNS a sum equal to the amount of the administrative funds or the value of supplemental foods or food instruments so misused or diverted. Further, if FNS determines that any part of the money received by a State agency, or supplemental foods purchased or food instruments, were lost as a result of thefts, embezzlements, or unexplained causes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the supplemental foods or food instruments so lost. The State agency shall have full opportunity to submit evidence, explanation or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases.

§ 246.20 Management evaluation and reviews.

(a) *General.* FNS and each State agency shall establish a management evaluation system in order to assess the accomplishment of Program objectives.

(b) *Responsibility of FNS.* FNS shall establish evaluation procedures to determine whether State agencies carry out the purposes and provisions of this part, the State agency Plan of Program Operation and Administration, and FNS guidelines and instructions. FNS shall take appropriate action as set forth in this part when FNS determines that a State agency has failed to comply with any requirement of this part.

(c) *Responsibility of State agencies.* The State agency is responsible for meeting the following requirements:

(1) The State agency shall establish evaluation and review procedures and document the results of such procedures. The procedures shall include, but not be limited to:

(i) Monitoring of all local Program areas to evaluate management, nutrition education, civil rights compliance, accountability, and financial management systems. The operation of each local agency shall be reviewed annually. However, more frequent reviews may be performed as the State agency deems necessary. The State agency shall provide a continuing evaluation of each local agency through on-site reviews, reviews of local agency reports, and claims;

(ii) Reviewing, or requiring local agencies to review, local food vendors, including on-site visits; and

(iii) Instituting the necessary follow-up procedures to correct identified problem areas.

(2) On its own initiative or when required by FNS, the State agency shall provide special reports on Program activities.

(3) The State agency shall require that local agencies establish Program review procedures to be used in reviewing their operations and those of subsidiaries or contractors.

§ 246.21 Audits.

(a) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records (except medical case records of individuals unless that is the only source of certification data) of the State and local agencies and their contractors, for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

(b) The State agency may take exception to particular audit findings and recommendations. The State agency shall submit a response or statement to FNS as to the action taken or planned regarding the findings.

(c) FNS shall determine whether Program deficiencies have been adequately corrected. If additional corrective action is necessary, FNS shall schedule a follow-up review, allowing a reasonable time for such corrective action to be taken.

(d) Each State agency shall provide for an independent audit of the financial operations of the State agency and local agencies. Audits may be conducted by State and local government audit staffs or by certified public accountants and audit firms under contract to the State or local agencies. Audits shall conform to "The Standards of Audit of Governmental Organizations, Programs, Activities and Functions", issued by the Comptroller General of the United States (1972, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, price 70 cents). An audit shall be used to determine:

(1) Whether financial operations are properly conducted;

(2) Whether the financial reports are fairly presented; and

(3) Whether the entity has complied with applicable laws, regulations, and administrative requirements pertaining to financial management.

(e) Each State agency shall make all State or local agency sponsored audit reports of Program operations under its jurisdiction available for the Department's review upon request. The cost of these audits shall be considered a part of operational and administrative costs and funded from the State or local agency operational and administrative funds, as appropriate.

(f) When completing the Plan of Program Operation and Administration, each State agency shall include a plan for the conduct of audits. The plan shall:

(1) State the scope and frequency of audits of the State agency and local agencies and delineate the procedures that assure audit frequency of not less than once every two years;

(2) Provide a description of the State agency in sufficient detail to demonstrate the independence of the audit organization. Local agencies under the State agency's jurisdiction may be required to submit similar information to the State agency for its use in assuring compliance with this section; and

(3) Provide a description of the method used by the State agency to assure timely and appropriate resolution of audit findings and recommendations.

§ 246.22 Investigations.

(a) The Department may make an investigation of any allegation of noncompliance with this part and FNS guidelines and instructions. The investigation may include, where appropriate, a review of pertinent practices and policies of any State or local agency, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the State or local agency has failed to comply with the requirements of this part.

(b) No State or local agency, recipient, or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this part because he has made a complaint, formal allegation, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 246.23 Nondiscrimination.

(a) The State agency shall comply with the requirements of title VI of the Civil Rights Act of 1964, and the Department's regulations concerning nondiscrimination issued thereunder (7 CFR Part 15), including requirements of racial and ethnic participation data collection, public notification of the nondiscrimination policy and annual reviews to assure compliance with such policy, to the end that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Program.

(b) The State agency shall further ensure that no person is subject to any discrimination under the Program because of creed, political beliefs, or sex.

(c) Where a significant proportion of the area served by a local agency is composed of non-English or limited English speaking persons who speak the same language, the State agency shall take action to ensure that Program information in an appropriate language is provided to such persons.

(d) Complaints of discrimination filed by applicants or recipients shall be referred to the Director, Special Supplemental Food Program (WIC), Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 246.24 Fair hearing procedure for recipients.

(a) Each potential recipient shall be informed of the right to a fair hearing during the initial Program certification. Whenever a person is determined to be ineligible to participate in the Program, the person shall be notified in writing of the reason for his ineligibility and his right to a fair hearing.

(b) Each State agency participating in the Program shall establish a hearing procedure under which a person, or the person's parent or guardian, can appeal from a decision made by a local agency denying such person participation in the Program or suspending such person's participation. If the recipient was already participating in the Program, he shall continue to receive Program benefits until a decision is reached in the fair hearing proceedings. Such hearing procedure shall provide:

(1) A simple, publicly announced method for a person to make an oral or written request for a hearing;

(2) An opportunity for the program to be assisted or represented by an attorney or other persons;

(3) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;

(4) That the hearing be held within three weeks from the date of receipt of request, be convenient to the person, and that a minimum of ten days written notice be given to the person as to the time and place of the hearing;

(5) An opportunity for the person or his representative to present oral or documentary evidence and arguments supporting his position in accordance with procedures established by the hearing official, and that such procedures shall not be unduly complex or legalistic, and shall take into consideration the person's background and education;

(6) An opportunity for the person or his representative to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(7) That the hearing be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conferences;

(8) That the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and that such decision be made a part of the hearing record;

(9) That the person, and any designated representative, be notified in writing of the decision of the hearing official within 45 days from the date of the request for hearing;

(10) That a written record be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence admitted and a summary or verbatim transcript of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family concerned of the decision of the hearing official; and

(11) That such written records of each hearing be preserved for a period of three years and be available for examination by the person, or his representative, at any reasonable time and place during such period.

§ 246.25 Administrative appeal of State agency decisions.

The State agency shall provide a hearing procedure whereby an agency whose application is denied by the State agency, or a food vendor which is denied participation in the Program may appeal the denial. Such a procedure at a minimum shall provide for:

(a) An opportunity for the aggrieved agency or food vendor or its representative to present its case;

(b) The opportunity for the agency or food vendor to confront and cross-examine adverse witnesses;

(c) The opportunity for the agency or food vendor to be represented by counsel, if desired; and

(d) An impartial decision-maker, whose conclusion as to the agency's or food vendor's eligibility shall rest solely on the evidence presented at the hearing and the statutory and regulatory provisions governing the Program. The basis for the conclusion shall be stated in writing, though it need not amount to a full opinion or contain formal findings of fact and conclusions of law.

(e) The agency or food vendor shall be notified in writing of the decision concerning the appeal within 60 days from the date of the request for a hearing.

§ 246.26 Miscellaneous provisions.

(a) The value of benefits or assistance available under the Program shall not be considered as income or resources of recipients or their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare and public assistance programs.

(b) FNS reserves the right to use information obtained under the Program in a summary, statistical or other form which does not identify particular individuals.

(c) FNS may require the State or local agencies to supply medical data and other information collected under the Program in a form that does not identify particular individuals, to enable the Secretary or the State agencies to evaluate the effect of food intervention upon individuals determined to be at nutritional risk.

(d) Each State agency shall restrict the use or disclosure of information obtained from Program applicants or recipients to persons directly connected with the administration or enforcement of the Program.

(e) Any person who wishes information, assistance, records or other public material shall request such information from the State agency, or from the FNS Regional Office serving the appropriate State as listed below:

(1) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: U.S. Department of Agriculture, FNS, New England Region, Northwest Park, 34 Third Avenue, Burlington, Mass. 01803.

(2) Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, West Virginia: U.S. Department of Agriculture, FNS, Mid-Atlantic Region, One Vahlsing Center, Robbinsville, N.J. 08691.

(3) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: U.S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street NW., Atlanta, Ga. 30309.

(4) Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin: U.S. Department of Agriculture, FNS, Midwest Region, 536 South Clark Street, Chicago, Ill. 60605.

(5) Arkansas, Louisiana, New Mexico, Oklahoma, Texas: U.S. Department of Agriculture, FNS, Southwest Region, 1100 Commerce Street, Room 5-D-22, Dallas, Tex. 75202.

(6) Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming: U.S. Department of Agriculture, FNS, Mountain Plains Region, 1823 Stout Street, Denver, Colo. 80202.

(7) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, Washington: U.S. Department of Agriculture, FNS, Western Region, 550 Kearney Street, Room 400, San Francisco, Calif. 94108.

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

(Catalog of Federal Domestic Assistance, Program No. 10.557, National Archives Reference Service.)

Signed at Washington, D.C., on August 23, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-24837 Filed 8-25-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 246]

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Revision, Reorganization, and Republication

CROSS REFERENCE: In the rules section of today's FEDERAL REGISTER the Food and Nutrition Service has Promulgated final regulations for the Special Supplemental Food Program for Women, Infants and Children (WIC Program). However, the Food and Nutrition Service is requesting additional comments on certain unresolved issues. For an explanation of the issues involved, see FR Doc. 77-24837, which appears as a separate part in this issue.

federal register

FRIDAY, AUGUST 26, 1977
PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

NOISE EMISSION STANDARDS FOR NEW TRUCK-MOUNTED SOLID WASTE COMPACTORS

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 205]

[FRL 762-8]

NEW TRUCK-MOUNTED SOLID WASTE COMPACTORS

Noise Emission Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes noise emission standards for truck-mounted solid waste compactors. This action is being taken under authority of the Noise Control Act of 1972. Compliance with the proposed standards should, on the average, reduce noise from new conventional truck-mounted solid waste compactors by from 4 to 8 decibels in 1979, and by an additional 3 decibels in 1982. In terms of reduced impact on the nation's population, these reductions, when considered in combination with existing Federal standards for new medium and heavy trucks, should result in a reduction of approximately 71 percent in the severity and extensiveness of noise impact due to solid waste collection by the year 1991. The estimated reduction in noise impact is due in approximately equal measure to the reductions in collection cycle noise brought about by the Federal noise regulation for medium and heavy trucks and to the additional noise reduction expected as a result of this proposed regulation.

DATES: The official docket (Docket Number ONAC 77-1) for the proposed noise emission regulation for Truck-Mounted Solid Waste Compactors will remain open for the submittal of comment until November 25, 1977. At that time, all materials submitted for the record, including transcripts of all public hearings, will become part of the official record. Public hearings will be held on September 27, 1977, commencing at 9:00 a.m. in the Americana City Squire Inn; 790 7th Avenue, New York, New York and on September 29, 1977, commencing at 9:00 a.m., in the Salt Palace, Salt Lake City, Utah.

ADDRESSES: Persons submitting written comments and/or wishing to make a statement at the public hearings should write to the following address:

Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Truck-Mounted Solid Waste Compactor Docket No.: ONAC 77-1, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Mintz, Program Manager, General Products Branch, at the above address or phone (703) 557-2710.

To receive copies of the Proposed Rule contact:

Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center (PM-215), Room 2194 D Waterside Mall, Washington, D.C. 20460, (202) 755-0717.

SUPPLEMENTARY INFORMATION:

1.0 Introduction

Through the Noise Control Act of 1972, Pub. L. 92-574, 86 Stat. 1234 et seq. 42 U.S.C. 4901 et seq. (the "Act"), Congress established a National policy "to promote an environment for all Americans free from noise that jeopardizes their health and welfare." In pursuit of that policy, Congress stated, in section 2 of the Act, "that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which requires National uniformity of treatment."

As part of this Federal action, section 5(b)(1) of the Act requires the Administrator, after consultation with appropriate Federal agencies, to publish a report or series of reports "identifying products (or classes of products) which in his judgment are major sources of noise." The Administrator published in the Federal Register (40 FR 23105, May 28, 1975) a report which identified "truck-mounted solid waste compactors", a class of products in the surface transportation category, as a major source of noise. For brevity, this product may be referred to hereinafter as either "TMSWC", or "compactors."

Section 6(a) of the Act requires the Administrator to publish a proposed regulation for each product which is identified or which is part of a product class identified as a major source of noise, where in his judgment noise standards are feasible. Such regulations are to include standards that set limits on the noise emission from new products which are requisite to protect public health and welfare, taking into account the magnitude and conditions of use of such products (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology and the cost of compliance.

Section 6(d)(1) of the Act specifies that the manufacturer of each new product shall warrant to the ultimate purchaser and each subsequent purchaser that the product is designed, built, and equipped so as to conform at the time of sale with the regulation.

Under section 6(e)(1), no State or political subdivision thereof may adopt or enforce any law or regulation which sets a limit on noise emissions from new products regulated by EPA, unless such law is identical to the applicable EPA regulation. The requirement to be "identical" applies to the standard and those elements of the measurement methodology which define the standard; these must be identical to those in the EPA regulation. However, other elements of the State or local law need not be identical. Such elements include the list of persons subject to the regulations, sanctions, enforcement procedures and correlatable or equivalent "short tests" used for enforcement purposes.

Section 6(e)(2) of the Act specifies that nothing in section 6 shall preclude or deny the right of any State or political subdivision thereof to establish and enforce controls on environmental noise and sources thereof through the licensing, regulation, or restriction of the use, operation, or movement of any product or combination of products. Such controls which are reserved to State and local authority under this section include, but are not limited to, the following:

(1) Controls on the time of day during which products may be operated.

(2) Controls on the places or zones in which products may be used.

(3) Controls on the noise emission level of products during use and operation that are enforceable against the consumer.

(4) Controls on the number of products which may be operated at the same time.

(5) Controls on noise emission level from the properties on which products are used.

(6) Controls on the licensing of products.

(7) Controls on the manner of operation of products.

State and local time-of-sale noise emission regulations applicable to products which are not covered by Federal regulation are in no way preempted by these regulations.

Section 10 of the Act establishes prohibited acts in relation to products for which section 6 regulations are applicable. Distribution in commerce of any new product manufactured after the effective date of regulations pursuant to section 6, is prohibited, unless it is in conformity with such regulations. Removal or rendering inoperative of any device or element of design incorporated into any product in compliance with section 6 regulations, other than for purposes of maintenance, repair, or replacement, prior to its sale or delivery to the ultimate purchaser or while it is in use is prohibited. The use of a product which has been tampered with is also prohibited.

Section 11 of the Act specifies enforcement penalties for violation of any prohibited act under section 10. Such penalties for first violations include a fine of not more than $25,000 per day of violation, or imprisonment for not more than one year, or both for knowing or willful violations. The penalties double for subsequent violations.

Section 13 of the Act provides the authority for the Administrator to require a manufacturer to establish and maintain records and make such reports and provide such information as is necessary for him to determine compliance.

Section 15 of the Act establishes a process by which the Federal Government will give preference in its purchas-

ing to products whose noise emissions are significantly below those required by the Federal noise emission standards promulgated pursuant to Section 6 of the Act. Accordingly, the EPA has published procedures for Certification of Low-Noise-Emission Products (LNEP) (40 CFR Part 203). For truck-mounted solid waste compactors, the specific noise emission level criteria required for LNEP determination are contained in § 205.202 (d) subpart F, of the proposed regulation, and are discussed in section 2 of this preamble.

Section 16(d) grants the Administrator the authority to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents to assist him in obtaining information to carry out the purposes of the Act.

2.0 The Proposed Regulation

The proposed regulation will establish standards for noise emissions resulting from the operation of newly manufactured truck-mounted solid waste compactors. The proposed standard specifies the energy-averaged sound level, in dBA, measured at an 'on axis' distance of 7 meters (23 feet) from the front, rear, and sides of the truck-mounted solid waste compactor, using fast meter response. The measurement procedure used to obtain the data upon which the standards are based is presented in section 205.204 of the proposed regulation. A detailed technical discussion is contained in the "Environmental Impact Statement, Economic Impact Statement and Background Document for Noise Emission Standards for Truck-Mounted Solid Waste Compactors", referred to hereafter as the "Background Document."

The proposed regulation is established in two steps, the first step of which is to take effect January 1, 1979. The second step of the regulation is scheduled to become effective January 1, 1982, concurrently with the second step of the noise regulation for medium and heavy trucks (41 FR 15538, April 13, 1976). The reduced (80 dBA) sound level limit (at full throttle, maximum engine speed) for new trucks in 1982 should permit attainment of the reduced (75 dBA) limit (during the compaction cycle) for compactors with no additional application of noise control technology.

Effective on the dates listed, truck-mounted solid waste compactors shall not produce a sound level in excess of the level shown in Table 2–1, when operated and evaluated according to the methodology provided in § 205.204 of Subpart F.

Table 2–1—Proposed Regulatory Noise Emission Standards

Effective date	*Not-to-Exceed sound level*
January 1, 1979	78 decibels.
January 1, 1982	75 decibels.

Machinery-related impulse[1] sounds shall not exceed the average sound level limits by more than 5 decibels.

[1] See discussion of impulse sounds unded 3.5.3.

To ensure lasting benefits from this proposed regulation, the Agency proposes to require that manufacturers design and build each product such that, when properly maintained and used, it will not degrade (increase) in sound level above the applicable levels in Table 2–1 for a specified period of time or use from the date of the product's delivery to the ultimate purchaser. This period is defined by the Agency as the Acoustical Assurance Period (AAP). In the case of truck-mounted solid waste compactors, the Acoustical Assurance Period is 3 years or 7500 operating hours, whichever occurs first.

A manufacturer must develop pursuant to section 205.208–4 of subpart F, an anticipated increase in the sound level of his products during the AAP. The manufacturer must take into account the increase in sound level, expressed as a Sound Level Degradation Factor (SLDF), when making test measurements to show compliance with the applicable standard. Accordingly, the manufacturer must show that his product conforms to a sound level limit defined by the applicable standard of Table 2–1 less the SLDF value.

The Administrator has determined, based upon studies of the noise control technology for compactors, that the proposed standards are feasible and represent those levels of noise requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of such product (alone or in combination with other noise sources), the degree of noise reduction achievable through the application of the best available technology and the cost of compliance as required by section 6(c)(1) of the Noise Control Act.

A subsection of this regulation specifies a Low Noise Emission Product (LNEP) level of 70 dBA, effective January 1, 1978. Ordinarily the LNEP level is set 5 dBA below the regulatory limit, allowing 2 dBA for manufacturing variation and 3 dBA for improved performance. However, for compactors the LNEP level has been set at 70 dBA, 8 dBA below the initial regulatory limit. The reason for this choice is that certain gasoline-powered trucks which use front drive for the pumps, already are close to meeting a 73 dBA level, and therefore an LNEP level of 73 dBA would provide no incentive for further development of technology or acoustical quality control. In addition, there are indications that an electric truck of foreign manufacturers also can meet a 73 dBA limit readily (and possibly 70 dBA as well) so that a 73 dBA level would provide no incentive for improvement on this existing model.

The proposed regulation also incorporates an enforcement program which includes production verification, selective enforcement auditing procedures, warranty, maintenance, compliance labeling and anti-tampering provisions.

EPA is unaware at this time of any manufacturer who would be unable to comply with the proposed standards by the specified effective dates. The Agency solicits submittal of such data or information during the public comment period that substantiates or refutes this view.

3.0 Background Information

3.1 General

The proposed regulation is one of a series of surface transportation noise regulations to be proposed. In arriving at the proposed regulation, the Agency carried out detailed investigations of truck-mounted solid waste compactor design, manufacturing and assembly processes; available noise control technology; noise measurement methodologies; costs attendant to noise control methods; the cost to test machines for compliance; the cost of recordkeeping; possible economic impacts; and the potential environmental and health and welfare benefits associated with the application of various noise control measures. The information summarized briefly herein is presented in detail in the "Background Document".

To meet the requirements of the Act, to consider "the best available technology, taking into account the cost of compliance," the Agency constructed definitions of the terms "best available technology" and "cost of compliance." In doing so, the Agency carefully considered the strict language of the Act, its legislative history, and other relevant data. Based thereon, the following definitions have been established by the Administrator for the purposes of this regulation.

3.1.1 "Best available technology". EPA considers the level "achievable through the application of the best available technology" to be the lowest noise level which can be reliably predicted, based on engineering analysis of products subject to the standard, that manufacturers will be able to meet by the effective date, through application of currently known noise attenuation techniques and materials. In order to assess what can be achieved, EPA has (1) identified the sources of TMSWC noise and the levels to which each of these sources can be reduced, using currently known techniques; (2) determined the level of overall TMSWC noise that will result; (3) assured that such techniques may be applied to the general TMSWC population; (4) assured that such techniques are adaptable to production line assembly; and (5) assured that sufficient time is allowed for the design and application of this technology by the effective dates of the standards.

3.1.2 "Cost of compliance" is defined as the cost of identifying what action must be taken to meet the specified noise emission level, the cost of taking that action, any additional cost of operation and maintenance caused by that action, and costs of noise testing and record keeping required by the regulation.

3.1.3 To determine what constitutes the best available technology and the cost of compliance, the Agency amassed information from a range of sources including: (1) Studies performed by

Agency personnel; (2) studies performed under contract with the Agency; (3) submissions by other Federal agencies; (4) submission by industry; and (5) data in the available literature.

Representatives of the Agency carried out extensive interviews with key members of firms and trade associations in the TMSWC industry to gain first-hand knowledge of the industry and its products and to obtain and verify technological and financial information. Similar interviews were conducted with key persons in the solid waste collection and management industries, and State and local governments.

3.2 PRODUCT DEFINITION

A truck-mounted solid waste compactor is defined, for purposes of this regulation, as a vehicle comprising a mechanically powered truck cab and chassis or trailer, equipped with a body and machinery for receiving compacting, transporting, and unloading solid waste. The body, which includes a waste-receiving hopper, houses machinery which typically consists of hydraulic actuators (rams) with requisite hydraulic pump, valves, piping, and controls. The hydraulic actuators operate various components that sweep the waste matter into the container portion of the body and compact it. Power generally is drawn from the truck engine by means of a power take-off (PTO) unit, coupled by gears or other mechanical connection to the transmission, engine drive shaft, or fly wheel.

Truck-mounted solid waste compactors are used for the collection of solid wastes in residential and commercial areas. It is estimated that as of 1976 there were approximately 79,000 such units in use, distributed in the following categories:

	Units
Rear-loaders	57,700
Side-loaders	10,900
Front-loaders	10,400

3.2.1 Rear-loaders have a hopper at the rear into which waste materials are dumped by hand or from a container lifted by a winch or hydraulic lift. The waste is swept forward into the main body where it is compacted by hydraulically-operated blades. Rear-loaders typically are used in densely populated urban and suburban areas where handloading of trash generally is necessary.

3.2.2 Side-loaders have a body with openings on either side forward of the midsection. Waste materials are loaded either by hand or by means of a mechanical container lift, and compacted toward the rear by a ram-operated blade. Side-loaders are used mainly for collecting waste and trash in residential areas comprising one or two family housing units.

3.2.3 Front-loaders generally are used to collect waste from commercial facilities and residential apartment complexes. A front-loader is equipped with a pair of hydraulically-operated lifting arms which extend forward of the cab to pick up a specially-designed container. The container is lifted over the cab, inverted, and dumped through an opening in the top of the body into a receiving hopper; the container then is lowered to the ground and the waste is compacted toward the rear of the compactor body.

3.3 SOUND LEVEL DATA

The average maximum steady sound level of the various configurations of TMSWC, during their typical compaction cycles, are summarized in the following listing. The sound level listed for each configuration is the arithmetic means of the sound levels determined for each unit of that type using the measurement procedure outlined in section 3.5 of this preamble.

Type of Unit	
Rear loaders:	
Conventional units, gasoline-powered	[1] 79.9
Conventional units, gasoline ered	[1] 81.8
Quieted units, gasoline powered	[1] 74.0
Front loaders: Conventional units, diesel powered	[1] 83.8
Side loaders:	
Gasoline powered (1 unit)	[1] 77.0
Quieted, diesel powered (1 unit)	[1] 74.0

[1] Mean sound level of units of specified types dBA.

3.4 NOISE SOURCES IN TRUCK-MOUNTED SOLID WASTE COMPACTORS

The major sources of noise in TMSWC's may be categorized as:

Primary power supply: truck engine; auxiliary engine.
Power transmission features: transmission power take-off (PTO); flywheel PTO; front PTO; other.
Mechanical features of compactor: hydraulic system; container loading system (winch, hydraulic lift); compactor actuation mechanism (ram); hopper closure.

Although not readily susceptible to categorization, other noise sources occur in the operation of a TMSWC including truck brake squeal, the hiss of brake air release, waste compaction related noise, and impulse noises due to impacts between components of the compacting machinery and to banging of cans or containers against the hopper walls by collection personnel. The first type, i.e. machinery-related impacts, can be controlled by design, and the regulation addresses this type. The second type, although partially controllable by use of rubber or similar materials at impact areas, is due mainly to operating practices and the design of containers. Control of this type of impulse noise will depend on appropriate industry practices, with guidance or incentive provided by local regulations regarding waste collection practices and container materials and design.

3.4.1 Primary Power Supply. Truck engines, the primary power source for most compactors may be either gasoline or diesel-fueled. Auxiliary engines, which provide the power on a few units, also may be gasoline or diesel, but generally are gasoline fueled. An electrically-powered truck has appeared on the European market, but is not yet available in the United States.

3.4.2 Power Transmission. A power take off unit, mounted to (1) the engine transmission, (2) the engine flywheel, or (3) connected to the front end of the engine crankshaft, transfers engine power to the hydraulic pump(s) which energizes the compactor's hydraulic system.

3.4.3 Loading Devices. Two types of hydraulically driven container-loading devices are used: mechanical linkages and winches. The front-loader employs a complex, powerful mechanical linkage system which is essential to its operation. Side-loaders and rear-loaders may have either mechanical linkages or winches, but are generally loaded by hand.

3.4.4 Compaction Devices. The compaction of waste materials in front- and side-loaders is achieved through the use of a pusher blade or ram that spans the compactor body and is swept the length of the body by means of a telescoping hydraulic cylinder. Rear-loaders generally use an articulated blade to compact the waste in the hopper and sweep it forward into the body. Other types of compacting mechanisms or principles also may be used. One design employs a rotating auger-like device. Another has a cylindrical body with internal helical ribs that shred and propel the waste materials forward as the cylinder rotates.

3.5 NOISE MEASUREMENT PROCEDURES

3.5.1 Compactor load. There is some evidence that the quantity and type of waste materials loaded in a compactor body affect the noise emission characteristics of the unit in the compacting operation. However, to avoid the difficulties inherent in attempting to define and use a reproducible load of waste materials (standard compactor load), EPA has selected a load condition of no waste material as being the most suitable one for use in measuring the noise emissions of a compactor. This easily controlled and reproducible condition provides a consistent standard for comparison of all types of compactor units. The data collected by EPA has enabled the Agency to establish a correlation between the noise emissions measured in this manner and the noise emitted by TMSWC's in use during a typical collection and compaction process.

3.5.2 Engine Speed. The noise of a truck-mounted solid waste compactor increases markedly with the speed of the engine that powers the compactor. Some units use an engine speed governor, i.e., speed control device, during the compaction cycle to obtain the desired operating conditions and cycle time. If the unit is equipped with such a governor, then the noise measurements are to be made at governed speed, with automatic operation. If the unit is not so equipped, then the noise measurement is to be made at the maximum allowable speed in revolutions per minute (rpm) of the engine or the hydraulic pump, whichever is the lower.

3.5.3. Measurement criteria. During operation of a truck-mounted solid waste compactor, two general types of noise occur. One is a continuous sound due to

operation of the engine, PTO, hydraulic pump and compacting mechanisms throughout the compaction cycle (or loading and compaction cycle if a container is involved). The level of this sound may vary during the compaction cycle. A continuous noise of this type is chararacterized well by the A-weighted sound level, measured on a Sound Level Meter that meets type 1 criteria of ANSI Standard S1.4–1971, using the "fast" meter response. Accordingly, the noise measurement procedure in this regulation calls for observation (or recording) of the average maximum A-weighted sound level, in decibels, that occurs during normal operation of the compactor.

The second type of noise is generally due to impacts between metal parts of the compactor mechanism, e.g., ram cylinder and stop or between a trash container and the compactor walls or blade. The Agency has determined that the A-weighted energy in the impulse, averaged over a 0.125 second time interval, is an appropriate measure of an impulsive sound. This quantity is approximated well by a sound level reading using fast meter response.

3.5.4. Measurement Procedure. The noise sources of a truck-mounted solid waste compactor are found at various locations on the vehicle. To take account of these diverse locations, multiple measurement positions are necessary. However, to provide a measurement procedure that is reasonably simple to carry out and not excessively costly, it is desirable to use the minimum number of measurement positions that will define the sound emissions with acceptable accuracy and repeatability.

Two important aspects of microphone location are the distance of the microphone from the noise source, and the size of the clear test area required to obtain a measurement without significant sound reflections or other interferences.

In addition, the possibility of applying a simplified version of the measurement procedure for in-use enforcement measurements on urban streets suggests the desirability of a relatively close microphone position, because of space and building separation factors.

Consideration of the foregoing factors, discussed in detail in the Background Document, has led the Agency to adopt a measurement procedure for acquiring sound level data on compactor vehicles based on four microphone positions located 7 meters (23 feet) "on axis" from the front, rear, and side surfaces of the vehicle. The measurement obtained at each microphone location is the A-weighted sound pressure level, or sound level, L, in decibels, frequently abbreviated as dBA. The sound levels measured at these four microphone locations are combined on an energy averaged basis.

4.0 Rationale for Standard Selection

In arriving at the proposed standards, the Agency examined the various types of residential neighborhoods in which the truck-mounted solid waste compactor contributes to environmental noise. Studies were conducted to determine the contribution by the truck-mounted solid waste compactor to total residential neighborhood noise associated with operation of these units. These investigations indicate that the truck-mounted solid waste compactor is a significant contributor to noise caused annoyance and probability of sleep and speech interference, in urban neighborhoods.

The Agency examined the technology, costs, and economic impact to achieve various reduced noise levels of truck-mounted solid waste compactors. (See section 5.2 of this preamble.) The noise levels examined ranged in value from the present mean levels for the various configurations (from 74 to 84 dBA) to 70 dBA measured at 7 meters. Estimates of the costs to quiet compactor trucks were developed from engineering cost data provided by industry and independent Agency estimates, taking into consideration industry accounting practices and list prices of solid waste compactors.

The Agency also examined the health and welfare benefits that various levels of reduced noise emissions from truck-mounted solid waste compactors would provide to the noise-impacted population. The public health and welfare impact associated with these proposed regulations has been assessed in terms of the number of people impacted by the noise of truck-mounted solid waste compactors, the severity of impact, and the noise impact relief that would be achieved by quieting the compactors. Since the truck engine is a major source of compactor noise, these assessments have taken into account the benefits independently resulting from EPA's recently promulgated regulations, for new medium and heavy trucks.

The benefits attendant to the study levels were assessed using a "fractional noise impact" method. This method determines impact in terms of both extensiveness (i.e., the number of people impacted) and the intensiveness (severity) of impact. Analyses were performed to determine the total potential benefits from the regulation of compactor noise in combination with medium and heavy trucks which are already subject to Federal noise emission standards.

In order to quantify the public health and welfare impact, the number of people impacted at noise exposure levels above L_{dn}=55 were determined and weighting factors were applied to account for severity of exposure. The result was a series of measurements of benefit in terms of reduction in extensiveness and severity of impact relating to annoyance, possibility of sleep and speech interference, and related factors.

The attainment of the estimated health and welfare benefits from reduction in the noise levels of compactors is dependent on the continued compliance of these products with the Federal not-to-exceed noise emission standard. To ensure that manufacturers develop and apply durable sound reduction measures to their products, the Agency believes it is necessary to establish a specific period of time or use during which newly manufactured products must, as a minimum requirement, comply with the Federal standard. It is the Agency's opinion that this time period should be of a duration that is commensurate with average major component repair, replacement or proudct overhaul time periods. The Agency beleives that if a truck mounted solid waste compactor complies with the standard during this initial period (the Acoustical Assurance Period), it is unlikely that the noise emisisons of the compactor will degrade (increase) above the standard for the remainder of the expected life of the product: *Provided*, That the product is properly maintained and used. This places a burden on several parties. First, it requires the manufacturer to design and build the product so that if it is properly maintained and operated, the product will be capable of performing at or below the requisite sound level, and second it relies on the owner/user to properly maintain and use the product. (The responsibility of the owner/user is discussed in other portions of this preamble; see discussion of antitampering infra.)

The Agency considers the concept of an Acoustical Assurance Period necessary because if the product is not built such that it is even minimally capable of meeting the standard while in use over this initial period, when properly used and maintained, then the standard itself becomes a nullity and the anticipated health and welfare benefits become illusory.

The Agency considers the concept reasonable because, in the information available to the Agency, it finds little evidence that the noise levels of compactors will increase significantly over the initial 3 years or 7500 operating hours when the product is properly used and maintained.

In making the determination that the Acoustical Assurance Period for truck-mounted solid waste compactors should be 3 years or 7500 operating hours, EPA took into account the degree and conditions of use of these products, the best maintenance practices attendant to noise control, and the cost of compliance. Among specific factors considered were:

1. The likelihood that acoustical degradation of noise control features and the resultant increase in noise level above the standard would not occur during the Acoustical Assurance Period if the manufacturer uses proper design and quality materials and workmanship;

2. The maintenance normally required on compactors during their early years of use;

3. The relative usage cycles of these products during their early years of use.

It is important to understand what AAP means to the manufacturer. The manufacturer will be held responsible for producing a product that is capable of meeting the standard. He can design and build the product at the level of the standard assuming no degradation in noise control features with time, or build it with noise levels somewhat below the standard to account for some degradation with time. But in neither event can the product exceed the stand-

ard during the Acoustical Assurance Period.

In fact, in assessing the noise control technology which is needed for compliance with the proposed compactor standards, the Agency found no components which cannot be built to assure minimal or no degradation (increase) in the compactor's sound level, provided that the compactor is well maintained and is operated in a manner consistent with the manufacturers instructions. The compactor industry has stated that it strives to produce a long lasting, durable product by using component parts of high quality and compactor designs which can withstand extensive use. As a result, the Agency has concluded that the AAP requirement will not impose additional maintenance or equipment costs over those already estimated as attributable to the proposed regulation.

EPA is also proposing a procedure whereby the manufacturer must account for sound level degradation in his compliance testing and verification program by applying a Sound Level Degradation Factor (SLDF) to the noise emission standard. This may result in a manufacturer-specific production test level which is lower than that specified by the standard. For example, if a manufacturer estimates that the noise level of his product may increase 3 dBA during the AAP the SLDF would be 3 dBA. Then, for production verification (discussed below), the manufacturer would have to establish that the sound level of his product is 3 dBA lower than that specified by the standard. If a product is not expected to degrade during the AAP, the SLDF would be near or equal to zero. It is EPA's evaluation that in most cases the SLDF would be near or equal to zero.

Manufacturers would be subject to Federal enforcement actions consistent with section 11 of the Noise Control Act if the noise emission level during the AAP exceeds the noise emission standard. It should be clearly understood that this concept does not impose any additional burden on the manfacturer for proper maintenance and use. That is, if the product is not properly maintained and used the manufacturer is relieved of subsequent resulting liability. The responsibility of properly maintaining and using the product rests with the owner/user.

EPA invites comments on the approach it has taken to attain the health and welfare benefits requisite to this regulatory action. EPA also solicits comments on the length of the AAP together with the rationale and data to support the position taken.

5.0 Estimated Impact of Proposed Regulation

5.1 Health and Welfare.

The EPA estimates that approximately 17 million persons currently are exposed to residential neighborhood noise levels due to operation of truck-mounted solid waste compactors at noise exposure levels above $L_{dn} = 55$. It is estimated that compliance of compactors with the proposed standards will result in a reduction in the number of persons so exposed to about 6 million persons by 1991, representing about a 65 percent decrease.

As pointed out in section 4.0, the reduction in extensiveness and severity of impact can be evaluated in terms of effects due to individual noisy events, such as sleep and speech interference, as well as effects due to generalized annoyance which can be assessed by reductions in L_{dn}. Detailed information on these impacts is provided in the Background Document. From fractional impact analysis of general annoyance, EPA estimates that the "equivalent number of persons impacted" will decrease from about 1,600,000 in the base year, 1976, to about 470,000 persons in 1991, a relative change in impact of about 71 percent. Part of the estimated reduction in impact is due to the effect of recently promulgated noise standards for medium and heavy trucks; in 1991, the reduced truck noise alone accounts for a reduction of 600,000 equivalent persons impacted. The balance of the estimated reduction, 530,000 equivalent persons, is due entirely to the compactor noise regulation.

Recognition of the intrusive nature of TMSWC noise impact led the Agency to a single-event noise exposure analysis for assessing the health and welfare impact of TMSWC noise control. The benefits of the proposed compactor noise regulation in terms of reduction of single-event impacts, relate to sleep awakening, sleep disturbance, and speech interference. For example, the estimated number of probably sleep disruption events (and similarly for speech interference occurrences) decreases from about 32 million in 1976 to about 7.4 million in 1991 as a result of the regulation.

The foregoing figures indicate that major reductions in health and welfare impact will result from promulgation of the proposed compactor noise regulation. These health and welfare benefits due to reduced trash collection noise will be additive to the benefits obtained as a result of reduced urban noise brought about by the medium and heavy truck noise regulation.

5.2 Cost and Economic Impact.

The cost impact of quieting compactors to meet the proposed regulatory standard may be expressed in terms of increased list price. The Agency's studies indicate that average list price increases for the compactor-truck assembly will range from 6.4 to 12.8 percent, depending on machine type and size, resulting in overall average list price increase of about 10.3 percent for all regulated machines. There are indications that a few small firms in the industry, by virtue of their small market share and related financial and operation factors, would incur higher manufacturing costs resulting in slightly higher list price increases. The Agency will continue to study these potential impacts because it is desirable to achieve the public health and welfare goals of the Act with minimal disruptive impacts from EPA noise regulations. The price elacticity of demand for this equipment is —1.0 (or smaller) which could possibly result in a decrease in demand of 9 percent; manufacturers' total revenues should remain essentially unchanged because of price increases. Some pre-buying is expected to occur prior to the effective date(s) of the regulation. However, the Agency believes this activity will be limited by the available excess production capacity of about 4,000 units, almost entirely rear loaders.

In terms of societal resources, capital costs for the first year of compliance are estimated at about $27 million, with annual costs (including amortized capital cost, operation and maintenance) at $6.5 million. Costs are expected to pass through to the end user, and ultimately the consumer, of waste collection services. Because equipment costs represent a small portion of the total costs of solid waste collection the consequent cost increase for service is expected to be small, an estimated 0.5 percent or less.

Other aspects of potential economic impact due to promulgation of this regulation are detailed below.

1. *Impacts on manufacturers and employment.* Employment is not expected to change significantly. It is possible that from one to three manufacturers of truck-mounted solid waste compactor bodies may cease production of that line of equipment due to industry pressure and competition. Persons who might be affected by such reduction of production amount to less than two percent of the employed population of about 2900 persons within the industry and produce less than three percent of the total units estimated. An offsetting increase in employment is expected to occur due to testing and compliance activity and procurement of noise control components and materials resulting from the regulation.

2. *Impacts on Exports and Imports.* As the noise control treatment generally represents add-on materials or substitute components, or both, machines for export generally can be produced without noise control treatment, if desired. Units produced solely for export need not comply with U.S. noise standards; consequently, impact on exports should be minimal. With respect to imports, the regulation will apply to imported compactors. Consequently, domestic and foreign manufacturers will be affected equally, no adverse competitive impact will result and, therefore, the proposed regulation should have no appreciable impact on the U.S. balance of payments.

3. *Impact on energy use and costs.* The changes in compactor operating conditions associated with the noise control treatment are expected to result in an annual fuel savings of approximately $95 per unit. This should provide a net savings in operating costs, taking into account possible increases in maintenance costs.

5.3 Summary

The Agency has concluded that at this time the regulatory levels and schedule selected represent optimal noise reduc-

tion standards for truck-mounted solid waste compactors. Implementation of the regulations is expected to result in a substantial reduction in the number of people impacted by compactor noise.

Technology to achieve the selected levels has been demonstrated, and the effective dates for the noise level limits are coordinated with those for the truck noise standards. The Agency believes that the time schedule for application of the noise standards, corresponding with reduced noise limits for trucks, should allow the manufacturers the lead time requisite to incorporate the necessary design and component changes without production or market disruption.

The cost of compliance and possible economic impacts have been considered and are believed to be reasonable.

6.0 Enforcement

6.1 General

The EPA enforcement strategy places a major share of the responsibility on the manufacturers for pre-sale testing to determine the compliance of truck-mounted solid waste compactors with these regulations and noise emission standards. This approach leaves the manufacturer in control of many aspects of the compliance program and imposes a minimal burden on the industry. The effectiveness of this strategy necessitates monitoring by EPA personnel of the tests conducted and actions taken by the manufacturers in compliance with this regulation.

The enforcement strategy proposed in this regulation consists of three parts: (1) Production Verification, (2) Selective Enforcement Auditing, and (3) In-Use Compliance.

6.2 Production verification (PV)

PV is the testing by a manufacturer of early production models of a category or configuration of the product, and submitting a report of the results to the EPA. This process, using the proposed methodology, gives the EPA some assurance that the manufacturer has the requisite noise control technology in hand and the capability to apply it to the production process. Models selected for testing must have been assembled using the manufacturer's normal assembly method and must be units assembled for sale.

PV does not involve any formal EPA approval or issuance of certificates subsequent to manufacturer testing. The proposed regulations would require that prior to the distribution in commerce of any regulated product, that product must undergo production verification. Section 205.205-2(a) would allow a conditional and temporary waiver of this requirement under special circumstances. Responsibility for testing lies with the manufacturer. However, the Administrator reserves the right to be present to monitor any test (including simultaneous testing with Agency equipment) or to require that a manufacturer ship products for testing to the EPA's Noise Enforcement Facility in Sandusky, Ohio, or to any other site the Administrator may find appropriate.

The basic production unit selected for testing purposes is a product configuration, which is a set of compactors grouped together on the basis of parameters proposed in § 205.205-3.

The manufacturer would be required to verify production products of each configuration. The regulation allows manufacturers to group configurations into categories based on the parameters proposed in § 205.205-2 and to verify by category. This is done by selecting the configuration in each category that has the highest level of noise emissions at the end of its defined Acoustical Assurance Period (based on tests or on engineering judgment). If when tested in accordance with the test procedure, that configuration does not exceed a noise level defined by the new product standard minus that configuration's expected noise degradation over its Acoustical Assurance Period, then all configurations in that same category are considered production verified.

The Administrator also reserves the right to test products at a manufacturer's test facility using either Agency equipment or the manufacturer's equipment. This will provide the Administrator an opportunity to determine that the manufacturer's test facility and test equipment meet the specifications proposed in § 205.204. If it is determined that the facility or equipment does not meet these specifications, the Administrator may disqualify them from further use for testing under this subpart.

Under § 205.206(a)(1), the Administrator may require that manufacturers submit to the Agency any product tested or scheduled to be tested pursuant to this regulation or untested products at such time and place as he may designate.

If a manufacturer proposes to add a new configuration to his product line or change or deviate from an existing configuration with respect to any of the parameters which define a configuration, the manufacturer must verify the new configuration either by testing a product and submitting data or by filing a report which demonstrates verification on the basis of previously submitted data. A manufacturer may production verify a configuration at any time during the model year or in advance of the model year if desired.

Production verification is an annual requirement. However, the Administrator, upon request by a manufacturer, may permit the use of data from previous production verification reports for specific configurations or categories.

Production verification performed on the early production models demonstrates that the models conform to the applicable noise emission standard and limits the possibility that non-conforming products are distributed in commerce. Because the possibility still exists that subsequently produced compactors may not conform, selective enforcement auditing (SEA) testing is incorporated in this proposed regulation.

6.3 Selective enforcement auditing

Selective enforcement auditing (SEA) is the testing of a statistical sample of assembly line (production) products from a specified product configuration or category to determine whether these products comply with the applicable noise emission standards.

SEA testing is initiated when a test request is issued to the manufacturer by the Assistant Administrator for Enforcement or his designated representative. The test request will require the manufacturer to test a batch of products of a specified category or configuration produced at a specified plant. An alternative category or configuration may be designated in the event that products of the first category or configuration are not available for testing.

The SEA plan employs a technique known as inspection by attributes. The basic criterion for acceptance or rejection of a batch is the number of sample products in the batch which meet the standard rather than the average noise level of the products tested.

A sequential batch sampling inspection plan will be used for SEA testing. Sequential sampling differs from single sampling in that small test samples are drawn from consecutive batches and tested sequentially until a statistically significant conclusion can be drawn rather than one large sample being drawn and tested all at once. It offers the advantage of keeping the number of products tested to a minimum when the majority of products are meeting the standards.

A batch will be defined as the number of products produced during a time period specified in the test request. This will allow the Administrator to select batch sizes small enough to keep the number of products to be tested at a minimum and still to draw statistically valid conclusions about the noise emission performance of all products in that category or configuration.

The sampling plans proposed in this regulation are arranged according to the size of the batch from which a sample is to be drawn. Each plan specifies the sample size and the acceptance and rejection number for the established acceptance quality level (AQL). This AQL is the maximum percentage of products exceeding the applicable noise emission standard that for purposes of sampling inspection can be considered satisfactory. An AQL of 10% was chosen for compactors to take into account some test variability. The number of failing products in a sample is compared to the acceptance and rejection numbers for the appropriate sampling plan. If the number of failures is less than or equal to the acceptance number, then there is a high probability that the percentages of noncomplying products in the batch is less than the AQL and the batch is accepted. If the number of failing products is greater than or equal to the rejection number, then there is a high probability that the percentage of non-complying products in the batch is

greater than the AQL and the batch fails.

Since the sampling strategy involves a multiple sampling plan, in some instances the number of failures in a test sample may not allow acceptance or rejection of a batch so that continued testing may be required until a decision can be made to either accept or reject a batch.

When a batch sequence is tested and accepted in response to a test request, the testing is terminated. When a batch sequence is tested and rejected, the manufacturer must cease introducing these products into commerce. If the manufacturer desires to continue production and introduction into commerce of the failed configuration (category), this may be done provided that, under proposed § 205.207–8, all of the products in that category or configuration produced at that plant are tested. The manufacturer may then distribute the individual products that pass the test.

Regardless of whether a batch is accepted or rejected, failed products would have to be repaired or adjusted and pass a retest before they can be distributed in commerce.

The manufacturer can request a hearing on the issue of non-compliance of the rejected category or configuration.

Since the number of compactors tested in response to a test order may vary considerably, a fixed time limit cannot be placed on completing all testing. The proposed approach is to establish a limit on test time per product. It is estimated that manufacturers can test a minimum of five (5) products per day. However, manufacturers are requested to present any data or information that may effect a revision of this estimate.

6.4 ADMINISTRATIVE ORDERS

Section 11(d)(1) of the Act provides that: "Whenever any person is in violation of section 10(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare."

This provision grants the Administrator discretionary authority to issue remedial orders to supplement the criminal penalties of section 11(a). The proposed regulation provides for several types of orders in specified circumstances: (1) Recall orders for failure of products to comply with the regulation (§ 205.209); (2) cease-to-distribute orders for products not properly production verified (§ 205.205–10); and (3) cease-to-distribute orders for failure to test (§ 205.207–9).

In addition, 40 CFR § 205.4(f) provides for cease-to-distribute orders for substantial infractions of regulations requiring entry to manufacturers' facilities and reasonable assistance. These provisions do not limit the Administrator's authority to issue orders, but give notice of cases where such orders would in his judgment be appropriate. In all such cases notice and opportunity for a hearing will be given.

6.5 COMPLIANCE SECTION

The proposed regulation requires that subject compactors be labeled to provide notice that the product complies with the noise emission standard. The label shall contain a notice of tampering prohibitions. The label also contains the effective date of the standard to which the product complies. The EPA is considering requiring that the actual not-to-exceed level of the standard be stated on the label. This would be intended to aid State and local officials in field testing and enforcement of complementary in-use standards. Specific comments on the advantages and disadvantages of including the level of the standard on the compliance label are solicited from all concerned parties. A coded rather than actual date of manufacture has been provided for so as to avoid possible disruption of marketing and distribution patterns.

6.6 IN-USE COMPLIANCE

In-use compliance provisions are included in proposed §§ 205.208–1, 205.208–2, and 205.208–3 to ensure that compactor noise levels are reasonably maintained for the life of the product provided that the compactors are properly maintained, used and repaired. These provisions include a requirement that the manufacturers provide a time-of-sale warranty to purchasers, assist the Administrator in defining those acts that constitute tampering, and finally provide purchasers with instructions specifying the maintenance, use, and repair required to minimize or negate degradation during product use. It should be noted that the warranty is a time-of-sale warranty. Section 6 of the Act requires that a manufacturer warrant to the ultimate purchaser and all subsequent purchasers that at the time-of-sale the product was designed, built, and equipped to comply with the regulations. A warranty claim can be made by a purchaser at any time throughout the actual life of the product so long as it relates back to a non-compliance at the time-of-sale.

6.7 ACOUSTICAL ASSURANCE PERIOD

The manufacturer must design products which will meet the noise standard for the period of time specified as the Acoustical Assurance Period beginning at the date of sale to an ultimate purchaser. EPA does not specify what testing or analysis a manufacturer must conduct to determine that compactors will meet the Acoustical Assurance Period requirement. However, under proposed § 205.208–4, the manufacturer is required to make a determination regarding the expected degradation and to maintain records of the test data or other information upon which the determination was based. This determination may be based on information such as tests of critical noise producing or abatement conponents, rates of noise control deterioration, engineering judgments based on previous experience, and physical durability characteristics of the product or product components.

The mechanism used in this regulation to express the amount of expected degradation, if any, is the sound level degradation factor (SLDF). The SLDF is the degradation (increase in A-weighted sound level which the manufacturer expects will occur on a configuration during the period of time specified as the Acoustical Assurance Period. The manufacturer must determine an SLDF for each product configuration. SLDF for each product configuration.

To ensure that the products will meet the noise standard throughout the Acoustical Assurance Period, proposed § 205.202(c)(2) requires the product to emit a time-of-sale noise level less than or equal to the new product noise emission standard minus the SLDF. In no case shall this noise level exceed the Federal noise standards; i.e. a negative SLDF may not be used. Production verification and selective enforcement audit testing both embody this principle.

If the product's noise level is not expected to deteriorate during the Acoustical Assurance Period when properly used and maintained, the SLDF is zero. If a manufacturer determines that a product configuration will become quieter during the period, the configuration must still meet the standard at the time of sale and an SLDF of zero must be used for that configuration.

It may be that most of the data required to determine an SLDF will already be in the hands of the manufacturer since this information is typically used for general product development work. In any event, EPA is not now proposing to require long term durability tests to be run as a matter of course.

6.8 APPLICABILITY OF PREVIOUSLY PROMULGATED REGULATIONS

Manufacturers who will be subject to the proposed regulation must also comply with the general provisions of 40 CFR Part 205 Subpart A. These include the requirements for inspection and monitoring of manufacturer's actions taken in compliance with the proposed regulation and the requirements for requesting and granting exemptions from this proposed regulation.

Manufacturers producing products subject to the proposed regulation may also be subject to selective enforcement auditing under the Medium and Heavy Duty Truck regulations of 40 CFR Part 205 Subpart B, as subsequent manufacturers. Comments are invited as to each of the above points.

A more detailed description of the enforcement regulation may be found in the Background Document.

7.0 FUTURE INTENT

The Agency is pursuing a strategy through which major contributors to overall residential neighborhood noise will be identified and subsequently regulated. This coordinated approach is necessary because, in residential neighborhoods, a number of different noise sources may be operating at the same time and the quieting of only one such source may not in itself be sufficient to reduce the noise in residential neighbor-

hoods to a level the Agency believes is requisite to protect the public health and welfare.

As indicated in the first EPA Identification of Major Sources of Noise Report (39 FR 22297–99, June 21, 1974), the principal candidates for potential future regulatory efforts are known.

The Agency has underway, or intends to commence, further regulatory action on other noise sources. These include wheel and crawler tractors, buses, motorcycles, pavement breakers and rock drills, and lawnmowers. The levels chosen for the time-phased standards in this proposed rulemaking, while believed to be optimal at present, may be lowered in the future, to be consistent with the overall objective to quiet all major noise sources in order to reduce noise in residential areas.

The Agency believes that the standards here proposed are necessary to protect the public health and welfare and are achievable by the best available technology taking into account the cost of compliance. However, as technological advances occur lower levels may be achievable with such advanced technology. The Agency will consider all new information and data which become available or are presented to it, and may subsequently revise the regulation proposed herein.

8.0 Public Comment

The Agency is committed by statute and policy to public participation in the decision making process for its environmental regulations. Accordingly, EPA encourages and solicits communications and contributions to the public docket on all aspects of the proposed rulemaking, including the identification of truck-mounted solid waste compactors as a major source of noise under section 5 (b) (1) of the Act, (40 FR 23107, May 28, 1975). These contributions are desired from as many diverse views as possible. When received, such information will be fully analyzed and any appropriate changes in the proposed rules will be made and explained in the promulgation of final regulation.

All interested parties are invited to attend public hearings concerning the proposed noise emission regulation for truck-mounted solid waste compactors. Hearings will be held on September 27, 1977, commencing at 9 a.m., in the Americana City Squire Inn, 790 7th Avenue, New York, N.Y., and on September 29, 1977, commencing at 9 a.m., in the Salt Palace, Salt Lake City, Utah. Persons wishing to present their views at either public hearing should notify the Director, Standards and Regulations Division, at the address specified at the beginning of this notice no later than September 9, 1977, so that presentations may be scheduled. It is requested that presentations be limited to 20 minutes to enable all prescheduled persons an opportunity to speak and to permit a question and answer period following each presentation. To the extent that time permits, persons who have not given notice of their intent to speak will be heard following the scheduled statements. It is requested that speakers submit, if practicable, five (5) copies of their statement to the Director, Standards and Regulations Division, prior to the hearing date.

9.0 Background Document

The EPA has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Eexecutive Order 11949 and OMB Circular A–107 and certifies that an Economic Impact Statement has been prepared.

The document entitled "Environmental Impact Statement, Economic Impact Statement and Background Document for Noise Emission Standards for Truck-Mounted Solid Waste Compactors" may be obtained from:

U.S. Environmental Protection Agency, EPA Public Information Center (PM–215), Room 2194D, Waterside Mall, Washington, D.C. 20460. Secs. 6, 10, 11, 13, and 15, Noise Control Act, Pub. L. 92–574, 86 Stat. 1237, 1242, 1244, and 1245 (42 U.S.C. 4905, 4909, 4910, 4912, and 4914).

Dated: August 12, 1977.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, it is proposed to amend Part 205 by adding Subpart F as follows:

Subpart F—Truck-Mounted Solid Waste Compactors

Sec.	
205.200	Applicability.
205.201	Definitions.
205.202	Noise emission standards.
205.203	Maintenance of records; submittal of information.
205.204	Test procedures.
205.205	Production verification.
205.205–1	General requirements.
205.205–2	Production verification: Compliance with standards.
205.205–3	Configuration identification.
205.205–4	Production verification report: Required data.
205.205–5	Test sample selection.
205.205–6	Test preparation.
205.205–7	Testing.
205.205–8	Addition of, changes to and deviation from a compactor configuration during the year.
205.205–9	Production verification based on data from previous years.
205.205–10	Cessation of distribution.
205.205–11	Labeling-compliance.
205.206	Testing by the Administrator.
205.207	Selective enforcement auditing requirements.
205.207–1	Test request.
205.207–2	Test sample selection.
205.207–3	Test sample preparation.
205.207–4	Testing procedures.
205.207–5	Reporting of the test results.
205.207–6	Acceptance and rejection of batches.
205.207–7	Acceptance and rejection of batch sequence.
205.207–8	Continued testing.
205.207–9	Prohibition of distribution in commerce; manufacturer's remedy.
205.208	In-use requirements.
205.208–1	Warranty.
205.208–2	Tampering.
205.208–3	Instructions for maintenance, use and repair.
205.208–4	Sound level degradation factor (SLDF) and retention of durability data.
205.209	Recall of non-complying compactors.
Appendix I.	

Authority: Sec. 6, Noise Control Act (42 U.S.C 4095) and additional authority as specified.

Subpart F—Truck-Mounted Solid Waste Compactors

§ 205.200 Applicability.

(a) Except as otherwise provided for in these regulations the provisions of this subpart apply to any truck mounted solid waste compactor (hereinafter compactor) which meets the definition of the term "new product" in the Act.

(b) The provisions of the subpart do not apply to: (1) Non-compacting vehicles that pick up solid waste containers; (2) Non-compacting collection vehicles; (3) Stationary trash compactors; (4) Solid waste containers.

§ 205.201 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in other subparts of this part.

(1) "Acceptable Quality Level" (AQL) means the maximum percentage of failing compactors that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(2) "Acceptance of a batch" means that the number of non-complying compactors in the batch sample is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(3) "Acceptance of a batch sequence" means that the number of rejected batches in the sequence is less than or equal to the acceptance number as determined by the appropriate sampling plan.

(4) "Acceptance of a compactor" means that the measured emissions of the compactor when measured in accordance with the applicable procedure, as delineated in this subpart, conform to the applicable standard.

(5) "Batch" means the collection of compactors of the same category or configuration as designated by the Administrator in a test request, from which a batch sample is to be drawn, and inspected to determine conformance with the acceptability criteria.

(6) "Batch size" means the number as designated by the Administrator in the test request of compactors of the same category or configuration in a batch.

(7) "Batch sample" means the collection of compactors of the same category or configuration which are drawn from a batch.

(8) "Batch sample size" means the number of compactors of the same category or configuration in a batch sample.

(9) "Category" means a group of compactor configurations which are identical in all material aspects with respect to the parameters listed in § 205.205–2.

(10) "Compactor" means a truck mounted solid waste compactor, which comprises an engine powered truck cab and chassis or trailer, equipped with machinery for receiving, compacting, transporting and unloading solid waste.

(11) "Configuration" means the basic classification unit of a manufacturer's product line and is comprised of all compactor designs, models or series which are identical in material aspects with respect to the parameters listed in § 205.-205–3.

(12) "Exhaust system" means the system comprised of a combination of components which provide for enclosed flow of exhaust gas from engine exhaust port to the atmosphere.

(13) "Failing compactor" means that the measured emissions of the compactor when measured in accordance with the applicable procedure, as delineated in this subpart, exceed the applicable standard.

(14) "Inspection criteria" means the rejection and acceptance numbers associated with a particular sampling plan.

(15) "Model year" means the manufacturer's annual production period which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(16) "Noise control system" includes any part, component or system the primary purpose of which is to control or cause the reduction of noise emitted from a compactor.

(17) "Noise emission test" means a test conducted pursuant to the measurement methodology specified in this subpart.

(18) "Production verification compactor" means any compactor selected for testing, tested or verified pursuant to the production verification requirements of this subpart.

(19) "Rejection of a batch" means the number of non-complying compactors in the batch sample is greater than or equal to the rejection number as determined by the appropriate sampling plan.

(20) "Rejection of a batch sequence" means that the number of rejected batches in a sequence is equal to or greater than the rejection number as determined by the appropriate sampling plan.

(21) "Shift" means the regular production work period for one group of workers.

(22) "Tampering" means those acts prohibited by section 10(a)(2) of the Act.

(23) "Test compactor" means a compactor in a test sample or a production verification compactor.

(24) "Test sample" means the collection of compactors from the same category or configuration which is drawn from the batch sample and which will receive noise emission tests.

(25) "Test sample size" means the number of compactors of the same category or configuration in a test sample.

(26) "Low Noise Emission Product" (LNEP) means any product which emits noise in amounts significantly below the levels specified in noise emission standards under the applicable regulation.

(27) "Sound Level Degradation Factor" (SLDF) means the increase in A-weighted sound level which the product configuration is projected to undergo during the Acoustical Assurance Period when properly maintained and used.

(28) "Warranty" means the warranty required by section 6(d)(1) of the Act.

§ 205.202 Noise emission standards.

(a) *Time-of-sale standard.* Truck-mounted solid waste compactors which are manufactured after the dates listed below shall be designed, built, and equipped so that at the time of sale they will not produce sound emissions in excess of the limits specified for the dates listed.

Effective date:	*Maximum steady sound level limit*
January 1, 1979	78 decibels.
January 1, 1982	75 decibels.

Machinery-related impulse sounds shall not exceed the maximum steady sound level limits by more than 5 decibels.

(b) The standards set forth in paragraph (a) of this section refer to the sound emissions as measured in accordance with the procedures prescribed in § 205.204.

(c) *In-Use Standard.* Following the effective date of the applicable standard, truck-mounted solid waste compactors shall continue to meet the standard for an Acoustical Assurance Period of 3 years or 7500 operating hours after sale to the ultimate purchaser, provided that the product is properly maintained and used in accordance with manufacturers' recommendations: *And provided*, That there has been no tampering with noise control components. At the time of product verification (PV) testing in § 205.205 and selective enforcement auditing (SEA) testing in § 205.207, new truck mounted solid waste compactors must comply with the standards set forth in paragraph (a) of this section minus the sound level degradation factor (SLDF) developed in accordance with § 205.208–4.

(d) *Low Noise Emission Product.* For the purpose of Low-Noise-Emission-Product Certification (LNEP) pursuant to 40 CFR Part 203, truck mounted solid waste compactors subject to this subpart which are procured after January 1, 1978, shall not emit noise in excess of 70 dBA when determined in accordance with the procedures prescribed in § 205.204. LNEP products must meet all requirements contained in paragraph (c) of this section.

(Sec. 10, 15 of the Noise Control Act (42 U.S.C. 4909, 4914).)

§ 205.203 Maintenance of records: submittal of information.

(a) Except as otherwise provided for in the regulation, the manufacturer of any new compactor subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records: (i) Identification and description by category and configuration parameters of all compactors composing the manufacturer's product line for which testing is required under this subpart and the identification and description of all devices incorporated into the compactor for the purpose of noise control and attenuation.

(ii) A description of any procedures other than those contained in this regulation used to perform noise tests on any test compactor.

(iii) A record of the calibration of the acoustical instrumentation as is required by § 205.204.

(iv) A record of the date of manufacture of each compactor subject to this part, keyed to the serial number or other coded identification contained on the label affixed to each compactor pursuant to § 205.205–11.

(2) Individual records for test compactors:

(i) A complete record of all noise emission tests performed for PV and SEA (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof.

(ii) A record and description of all repairs, maintenance and other servicing performed on PV and SEA test products giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service.

(3) A properly filed production verification report following the format prescribed by the Administrator in § 205.-205–4 fulfills the requirements of paragraphs (a)(1)(i), (ii), (iii), and (a)(2)(i) and (ii) of this section.

(4) All records required to be maintained under this part shall be retained by the manufacturer for a period of three (3) years from the production verification date. Records may be retained as hard copy or alternatively reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer; however, if an alternate method is to be used, all required information shall be retained relative to that alternative method.

(b) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to new compactor production:

(1) Number of compactors, by category or configuration, scheduled for production for the time period designated in the request.

(2) Number of compactors, by category or configuration, produced during the time period designated in the request.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.204 Test procedures.

Conformity of compactors with the standards specified in § 205.202 shall be determined according to the test procedures specified in this section.

(a) *General.* This section prescribes the conditions under which noise emission standard compliance testing shall be conducted and the measurement pro-

cedures that shall be used to measure the sound level and to calculate the average sound level of truck-mounted solid waste compactors for which the test is conducted.

(b) *Test site description.* The test site shall consist of an open area above a hard reflecting plane. The reflecting plane shall consist of a surface of sealed concrete or sealed asphalt, shall be flat with ±0.05 meters, and shall extend 1 meter beyond each microphone location. No reflecting surface such as a building, signboard, hillside, etc. shall be located within 15 meters of a microphone location.

(c) *Measurement equipment.* The measurement equipment to be used during noise standard compliance testing shall consist of the equivalent of the following:

(1) Sound level meter and microphone system conforming to the Type I requirements of American National Standards Institute (ANSI) S1.4.1971, "Specification for Sound Level Meters".

(2) As an alternative to making direct measuremepts using a sound level meter, a microphone or sound level meter may be used with a magnetic tape recorder and/or a graphic level recorder or indicating meter, providing the system meets the requirements of SAE Recommended Practice J184, Qualifying a Sound Data Acquisition System.

(3) A windscreen shall be employed with the microphone during all measurements of compactor noise when the wind speed exceeds 11 km/hr (7 mph). The windscreen shall not affect sound levels from the compactor in excess of 0.5 decibel.

(4) The entire acoustical instrumentation system including the microphone and cable shall be calibrated before and after each test series. A sound level calibrator accurate within ±0.5 dB shall be used to calibrate the acoustic measuring system. A calibration of the instrumentation shall be performed at least annually using methodology of sufficient precision and accuracy to determine compliance with ANS S1.4–1971 and IEC 179. This calibration shall consist, at a minimum, of an overall frequency response calibration and attenuator (gain control) calibration plus a measurement of dynamic range and instrument noise floor.

(5) An anemometer or other device accurate to within ±10 percent shall be used to measure wind velocity.

(6) An indicator accurate to within ±2 percent shall be used to measure speed in RPM of the engine used as a prime mover for the compactor operation.

(7) A barometer accurate to within ±5 percent shall be used for measuring atmospheric pressure.

(8) A stopwatch having an accuracy of better than 1 percent shall be used to measure time intervals.

(9) A thermometer accurate to within ±1 degree shall be used to measure ambient temperature.

(d) *Microphone locations.* The microphone shall be located 1.2±0.1 meters (4 ft±½ ft) above the ground plane and 7±0.3 meters (23 feet±1 ft) from the mid-point of the surface of the truck on the side on which the measurements are being made. Measurements will be made at four microphone positions to the front, rear and each side of the vehicle. (See Figure 1 for layout of microphones at test site.)

(e) *Test conditions.* Noise standard compliance testing shall be carried out under the following conditions:

(1) Zero rain or other precipitation.

(2) Wind speed less than 19 km/hr.

(3) No observer located within 2 meters in any direction of any microphone location, nor shall any person be located between the test machine and microphone(s).

(4) The reflecting plane, described in paragraph (b) of this section, shall be free of flowing or standing water, snow or other covering and any extraneous materials such as gravel.

(5) Sound levels produced by the test compactor shall be at least 10 dB greater than the test site background sound level.

(f) *Test procedure.* (1) The waste compactor equipment shall be operated with the vehicle stationary.

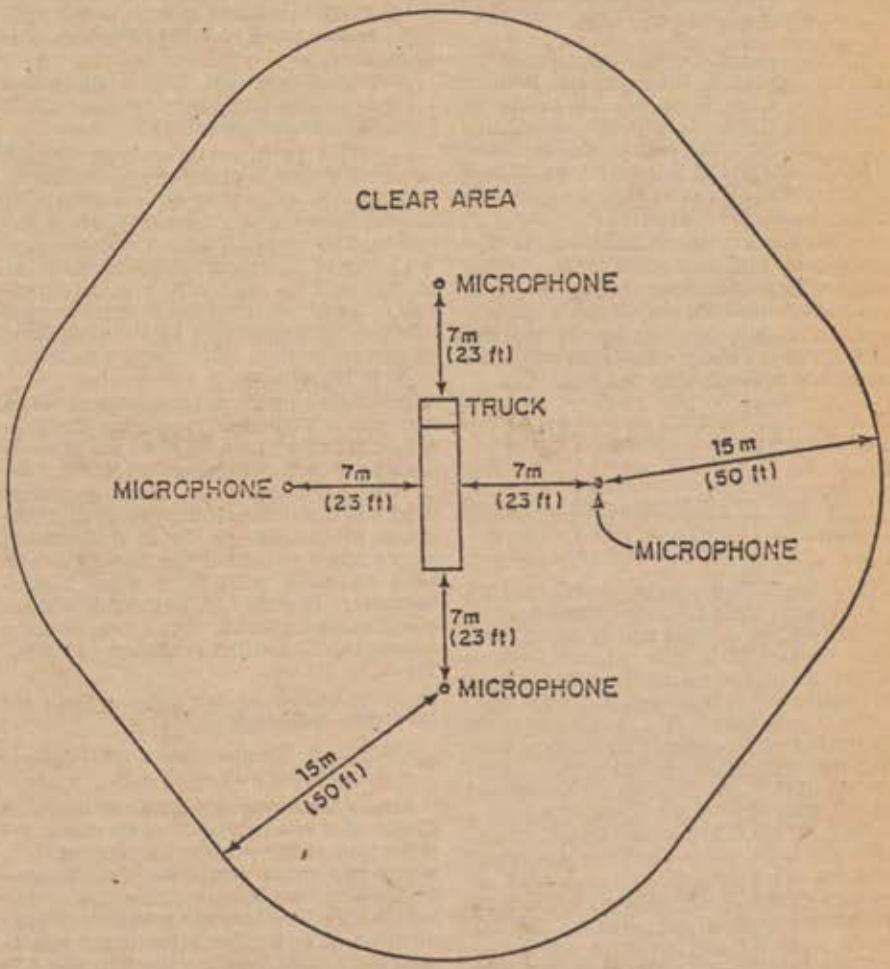


Figure 1 Noise Measurement Site

(2) The vehicle engine will be started and allowed to reach its recommended operating temperature. In addition, if the ambient temperature is below 60°F, the compaction equipment will be operated for enough cycles to allow the hydraulic oil and components to reach a stable operating temperature.

(3) The compaction equipment shall be operated empty. Trucks which normally load containers will be measured loading an empty container.

(4) The compaction equipment shall be operated in accordance with its normal operating procedures. The truck engine will be operated at its speed which is governed for the cycle or, if there is no such speed, the maximum allowable engine or pump speed, whichever is lower.

(5) The waste compaction equipment shall be run through two complete compaction cycles for each noise measurement taken. If the readings differ by more than 2 dB, further readings will be

taken until two agree within 2 dB and the average will be taken.

(6) The meter shall be set for "fast" response and on the "A" weighting network.

(7) Waste compaction equipment cycling noise. The waste compaction equipment will be operated through its normal cycle. The maximum sound level, ignoring any peaks due to impacts, will be recorded with the meter set for "fast" response and "A"-weighting.

(8) Waste compaction equipment impact noise. The waste compaction equipment will be operated through its normal cycle. The peak sound level due to impacts will be recorded with the meter set for "fast" response and "A"—weighting.

(9) The waste compaction equipment will be operated through its normal cycle. The time from the beginning to the end of the cycle will be recorded.

(10) Sound level measurements shall be taken at each of the four microphone positions around the vehicle and the following data will be reported:

(i) Maximum sound level during the compaction and operating cycle at each location, ignoring impacts.

(ii) Maximum impact sound level.

(iii) The four-location energy average for each of the above two data categories computed according to the equation.

$$\overline{L} = 10 \log \left(\sum_{i=1}^{4} 10^{L_i/10} \right) - 6\text{dB}$$

where:

$\overline{L}$ = average sound level, in decibels L_i is the A-weighted sound level corresponding to the ith microphone location.

(iv) Cycle time.

(g) The Administrator may approve applications from manufacturers for the use of test procedures which differ from those contained in this subpart so long as the alternate procedures have been demonstrated to correlate with the prescribed procedure. To be acceptable, alternate testing procedures shall be such that the test results obtained will identify all those test units which would not comply with the noise emission limit prescribed in § 205.202 when tested in accordance with the procedures contained in § 205.204–1(a). Tests conducted by manufacturers under approved alternate procedures may be accepted by the Administrator for all purposes, including, but not limited to, production verification testing and selective enforcement audit testing.

(h) *References.* Suggested reference material is as follows:

ANSI S1.1–1960 Acoustical Terminology.

ANSI S1.2–1967 Physical Measurement of Sound.

ANSI S1.4–1971 Specifications for Sound Level Meters.

SAE Recommended Practice J–184—Qualifying a Sound Data Acquisition System.

Requests for copies of these documents should be addressed to the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018; or The Society of Automotive Engineers, Incorporated, Two Pennsylvania Plaza, New York, N.Y. 10001.

§ 205.205 Production verification.

§ 205.205–1 General requirements.

(a) Every new compactor manufactured for distribution in commerce in the United States which is subject to the standards prescribed in this subpart and not exempted in accordance with § 205.5:

(1) Shall be verified in accordance with the production verification procedures described in this subpart;

(2) Shall be represented in a production verification report, as required by § 205.205–4;

(3) Shall be labeled in accordance with the requirements of § 205.205–11 of this subpart; and

(4) Shall conform to the applicable noise emission standards established in § 205.202 of this regulation.

(b) The requirements of paragraph (a) of this section apply to the new products at the time they first conform to the definition of compactors in this regulation. The responsibility for complying with the requirement of paragraph (a) of this section rests with the manufacturer of the new product at the time the product first conforms to the definition of truck-mounted solid waste compactor in this regulation.

(c) Subsequent manufacturers of a new product which conforms to the definition of truck mounted solid waste compactors in this regulation when received by them from a prior manuufacturer, need not fulfill the requirements of paragraph (a)(1), (2) or (3) of this section where such requirements have already been complied with by a prior manufacturer: *Provided*, That such subsequent manufacturing does not constitute tampering as defined pursuant to § 205.-208–2.

(Secs. 10 and 13 of the Noise Control Act (42 U.S.C. 4909, 4912).)

§ 205.205–2 Production verification: compliance with standards.

(a)(1) Prior to distribution in commerce of a compactor of a specific configuration, the first manufacturer of such compactor must verify such configuration in accordance with the requirements of this subpart. However, production verification of a configuration is automatically and conditionally waived by the Administrator without request by a manufacturer for a period of up to 45 consecutive days from the date of distribution in commerce by a manufacturer of the first compactor of that configuration, in order to enable a manufacturer to distribute compactors in commerce pending compliance and to avoid disruption of the manufacturing process. To qualify for such waiver, a manufacturer must conduct any tests required in paragraphs (b) or (c) of this section as soon as weather conditions at a manufacturer's test facility permit after distribution in commerce of the first compactor of a configuration. Such conditions must be documented by the manufacturer and provided to the Administrator on request. Failure to test on such first day will result in automatic and retroactive rescission of the waiver and will render the manufacturer liable for illegal distribution of products in commerce.

(2) At the completion of any 45-day period, the conditional waiver granted under paragraph (a)(1) of this section is rescinded for that configuration unless the manufacturer has complied with the requirements of paragraphs (b) or (c) of this section as appropriate; except that, upon application by a manufacturer and a showing that the weather conditions at the manufacturer's test facility or other conditions beyond the control of the manufacturer made it impossible to conduct the required testing, and that documentation of such conditions is submitted by the manufacturer, the Administrator at his option may extend for a specified period (not to exceed 45 days) conditional production verification for a configuration to enable the manufacturer to comply with the requirements of paragraph (b) or (c) of this section; or he may require pursuant to § 205.207 that the manufacturer ship the test compactor to the EPA test facility for testing by the Administrator.

(b) The production verification requirements with regard to each compactor configuration consist of:

(1) Testing in accordance with § 205.-204 of a compactor selected in accordance with § 205.205–5;

(2) Compliance of the test compactor with a sound level such that the arithmetic addition of the Sound Level Degradation Factor (SLDF, determined in accordance with § 205.208–4) to that sound level does not exceed the applicable standards, when tested in accordance with § 205.204.

(3) Submission of a production vertification report pursuant to § 205.205–4.

(c)(1) In lieu of testing products of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

(i) Grouping configurations into a category where each category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):

(A) Truck Engine Fuel Type: (*1*) Gasoline; (*2*) Diesel; (*3*) Other.

(B) Truck Engine Type: (*1*) Piston; (*2*) Rotary; (*3*) Turbine; (*4*) Other.

(C) Compactor Type: (*1*) Front Loader; (*2*) Side Loader; (*3*) Rear Loader.

(D) Compactor Power System: (*1*) Direct Drive; (*2*) Auxiliary Engine; (*3*) Power Take Off: (*i*) Transmission Mounted; (*ii*) Crankshaft Mounted; (*iii*) Flywheel Mounted.

(E) Hydraulic Power System (*1*) Pump;

(ii)(A) Identifying the configuration within each category which emits the highest sound level (in dBA) at the end of the defined Acoustical Assurance Period based on best technical judgment, emission test data, or both;

(B) If two or more configurations would emit the same sound level de-

scribed in (c)(1)(ii)(A) of this section, then identifying the configuration that emits the highest sound level when distributed into commerce;

(iii) Testing in accordance with § 205.-204 of a compactor selected in accordance with § 205.205–5 which must be a compactor of the configuration which is identified pursuant to paragraph (c)(1)(ii) of this section as having the highest sound level (estimated or actual) within the category;

iv) Compliance of the test compactor with a sound level such that the arithmetic addition of the SLDF to that level does not exceed the applicable standards when tested in accordance with § 205.204; and

(v) Submission of a production verification report pursuant to § 205.205–4.

(2) Where the requirements of paragraph (c)(1) of this section are complied with, all those configurations contained within a category are considered to be represented by the tested compactor and are considered to be production verified.

(3) Where all other requirements of paragraph (c)(1) of this section are complied with except that the manufacturer tests a configuration which does not have the highest sound level in a category [as identified in paragraph (c)(1)(ii) of this section], all those configurations in the category which have sound levels no greater than the tested compactor are considered to be production verified; however, a manufacturer must production verify according to the requirements of paragraphs (b)(1) and/or (c)(1) of this section any configurations in the subject category which have a higher sound level than the compactor configuration tested.

(d) A manufacturer may elect to production verify using representative testing pursuant to paragraph (c) of this section, all or part of his product line.

(e) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any compactor determined not in compliance with applicable standards.

(1) Delete that configuration from the production verification report. Configurations so deleted may be included in a later report under § 205.205–4. However, in the case of representative testing a new test compactor from another configuration must be selected and production verified according to the requirements of paragraph (c) of this section, in order to production verify the category represented by the non-compliant compactor.

(2) Modify the test compactor and demonstrate by testing that it meets applicable standards. All modifications and test results shall be reported in the production verification report. The manufacturer shall modify all production compactors of the same configuration in the same manner as the test compactor before distribution into commerce.

(f) Upon request by the Director, Noise Enforcement Division, the manufacturer shall notify said Director of any production verification testing scheduled by the manufacturer pursuant to this section so that EPA Enforcement Officers may be present to observe and monitor such testing or conduct the testing in lieu of the manufacturer.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–3 Configuration identification.

(a) A separate product configuration shall be determined by each combination of the following parameters:

(1) Category parameters listed in § 205.205–2.

(2) Truck Chassis Manufacturer.

(3) Truck Engine Type: (i) Gasoline; (ii) Diesel; (iii) Piston; (iv) Rotary; (v) Turbine; (vi) Number of cylinders and configuration; (vii) Displacement; (viii) Horsepower; (ix) Full load RPM.

(4) Transmission: (i) Automatic; (ii) Manual.

(5) Truck Exhaust System: (i) Horizontal; (ii) Vertical.

(6) Compactor Type: (i) Front loader; (ii) Side loader; (iii) Rear loader.

(7) Compactor Capacity.

(8) Compactor Power System: (i) Power take-off: (A) Transmission mounted; (B) Flywheel mounted; (C) Crankshaft mounted; (D) Full load RPM; (E) Ratio; (F) Manufacturer; (G) Manufacturer's model designation.

(ii) Auxiliary engine: (A) Type: (a) Gasoline; (b) Diesel; (c) Other.

(B) Number of cylinders and configuration.

(C) Manufacturer.

(D) Horsepower.

(E) Displacement.

(F) Full load RPM.

(G) Cooling system.

(H) Manufacturer's model designation.

(I) Exhaust system.

(iii) Direct drive.

(9) Hydraulic power system: (i) Pump: (A) Manufacturer.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–4 Production verification report: required data.

(a) Prior to distribution in commerce of any product to which these regulations apply, the manufacturer shall submit a production verification report to the Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460, unless product verification is waived in accordance with § 205.205–2(a) (1) and (2). A manufacturer may choose to submit separate production verification reports for different parts of his product line.

(b) The report shall be signed by an authorized representative of the manufacturer and shall include the following:

(1) The name, location and description of the manufacturer's noise emission test facilities which meet the specifications of § 205.204 and have been utilized to conduct testing pursuant to this subpart: Except that a test facility that has been described in a previous submission under this subpart need not again be described but must be identified as such.

(2) A description of normal predelivery maintenance procedure.

(3) A description of all compactor configurations, as determined in accordance with § 205.205–3, to be distributed in commerce by the manufacturer, including the sound level degradation factor for each configuration and a list identifying or defining any device or element of design (including its location and method of operation) incorporated into compactors for the purpose of noise control and any device that affects noice emission from the compactor and does not operate during the normal operating modes of the compactor. The manufacturer may satisfy the compactor configuration description requirements of this parargaph by submitting as part of the production verification report a copy of his technical sales literature that describes his product line including options, provided that this literature is supplemented with any additional information necessary to fulfill the requirements of this section. If a manufacturer elects to production verify pursuant to § 205.205–2(c), the configuration, within each category, which is estimated to have the highest A-weighted sound level at the end of its Acoustical Assurance Period shall be identified. The manufacturer may estimate the average sound level based on his best technical judgment or data. The criteria used to estimate each sound level shall be stated with the estimates.

(4) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 205.204 for all official tests conducted in accordance with § 205.205–7 including, for each invalid test, the reason for invalidation.

(ii) A complete description of any preparation, maintenance or testing which was performed on the test compactor and which will not be performed on all other production compactors.

(iii) The reason for replacement where a replacement compactor was necessary, and test results, if any, for replaced compactors.

(5) A complete description of the sound data acquisition system if other than those specified in § 205.204.

(6) The following statement and endorsement:

This report is submitted pursuant to Section 6 and Section 13 of the Noise Control Act of 1972. All testing for which data is reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 205, et. seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is, to the best of _____

(company name)

knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

(Signed)

(authorized representative)

(c) Where a manufacturer elects to submit separate production verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted: Except, that information necessary to update or make current previously submitted information must be submitted.

(d) Any change with respect to information reported pursuant to this subpart shall be reported as soon as the information becomes available.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–5 Test sample selection.

Test compactors of a configuration for which production verification testing is required § 205.205–2 shall be a compactor of the subject configuration which has been assembled using the manufacturer's normal production processes and will be sold or offered for sale in commerce.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–6 Test preparation.

(a) Prior to the official test, the test compactor selected in accordance with § 205.205–5 shall not be prepared, tested, modified, adjusted, or maintained in any manner unless such adjustments, preparation, modification or tests are part of the manufacturer's prescribed manufacturing and inspection procedures, and are documented in the manufacturer's internal compactor assembly and inspection procedures, or unless such adjustments or tests are required or permitted under this subpart or are approved in advance by the Administrator. The manufacturer may perform adjustments, preparations, modifications or tests normally performed at the port of entry of the manufacturer to prepare the compactor for delivery to a dealer or customer, provided that such adjustments, preparation, modification, or tests are documented in the production verification report.

(b) Equipment or fixtures necessary to conduct the test may be installed on the compactor: *Provided*, That such equipment or fixtures shall have no effect on the noise emissions of the compactor, as determined by the measurement methodology.

(c) In the event of a compactor malfunction (i.e., failure to start) the manufacturer may perform the maintenance that is necessary to enable the compactor to operate in a normal manner: *Provided*, That such maintenance is documented and reported in the final report prepared and submitted in accordance with this subpart.

(d) No quality control, quality assurance testing, assembly or selection procedures shall be used on the test compactor or any portion thereof, including parts and subassemblies, that will not normally be used during the production and assembly of all other compactors of the category which will be distributed in commerce, unless such procedures are required or permitted under this subpart, or are approved in advance by the Administrator.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–7 Testing.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 for each compactor selected for verification testing.

(b) No maintenance will be performed on the test compactors except as provided for by § 205.205–6.

(c) In the event a compactor is unable to complete the noise test, the manufacturer may replace the compactor. Any replacement compactor will be a production compactor of the same configuration as the replaced compactor and will be subject to all the provisions of these regulations. Any replacement shall be reported in the production verification report including the reason for the replacement.

(d) In the event a compactor fails to comply with the standards of this subpart when tested in accordance with the procedures specified in paragraph (a) of this section; the manufacturer may proceed in accordance with § 205.205–2(e).

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.205–8 Addition of, changes to and deviation from a compactor configuration during the year.

(a) Any change to a configuration with respect to any of the parameters stated in § 205.205–3 shall constitute the addition of a new and separate configuration or category to the manufacturer's product line.

(b) (1) When a manufacturer introduces a new category or configuration to his product line, he shall proceed in accordance with § 205.205–2.

(2) If the configuration to be added can be grouped within a verified category and the new configuration is estimated to have a lower A-weighted sound level than a previously verified configuration with the same category, the configuration shall be considered verified: *Provided*, That the manufacturer submits a report pursuant to § 205.205–4 with respect to such configuration.

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912).)

§ 205.205–9 Production Verification based on data from previous years.

(a) Production verification of each configuration will be required at the beginning of each year except that in certain instances, the Administrator, upon request by the manufacturer, may permit the use of production verification data for specific configurations from previous production verification reports. Considerations relevant to his decision may include, but are not limited to:

(1) The level of the standard in effect for the year in question;

(2) Performance based on production verification data for previous years;

(3) Performance based on data obtained from selective enforcement testing during previous years; and

(4) The number and type of noise emission design changes incorporated in the new models that affect the noise emission level of that model.

(Sec. 13 of the Noise Conrtol Act (42 U.S.C. 4912).)

§ 205.205–10 Cessation of distribution.

(a) If a category or configuration is found to be non-conforming to this subpart by reason of failure to be properly verified, as required by § 205.205–2, the Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of that category or configuration. However, such an order shall not be issued if the manufacturer has made a good faith attempt to properly production verify the category or configuration. The burden of establishing such good faith shall rest with the manufacturer.

(b) Any such order shall be issued after notice and opportunity for a hearing.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910).)

§ 205.205–11 Labeling—compliance.

(a) (1) The manufacturer of any compactor subject to the standards prescribed in §205.202 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described in paragraphs (a) (2), (3) and (4) of this section, containing the information specified in this section, to all such compactors to be distributed in commerce.

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position, on the forward driver's side of the compactor unit body.

(3) The label shall be affixed by the compactor manufacturer, who has verified such compactor pursuant to § 205.205–2, in such a manner that it cannot be removed without destroying or defacing the label, and shall not be affixed to any piece of equipment that is easily detached from such compactor.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading Product Noise Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Identification number;

(iv) Date of manufacture, which may consist of a serial number of code in those instances where records specified in § 205.203(a)(1)(iv) are maintained; and

(v) The statement:

This compactor, when new, is warranted not to exceed the applicable standard effective on (month/year) when tested as prescribed by U.S. EPA. Tampering with any product noise control device or element of

design (see owner's manual) or use of this product after such tampering is prohibited by Federal Law.

(b) Any compactor manufactured solely for use outside the United States and not conforming to the noise emission standards for this regulation shall be clearly labeled "For Export Only."

(Sec. 13 of the Noise Control Act, (42 U.S.C. 4912).)

§ 205.206 Testing by the Administrator.

(a) (1) The Administrator may require that a product to be tested pursuant to these regulations or any untested product be submitted to him at such time and place as he may designate for the purpose of conducting tests in accordance with the test procedures described in § 205.204 to determine whether such products conform to applicable regulations.

(2) The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment of the type required by these regulations shall be made available by the manufacturer for test operations. The Administrator may conduct such tests with Agency equipment, which shall equal or exceed the performance specifications of the instrumentation and equipment specified by the Administrator in this regulation.

(b) (1) If, based on tests conducted by EPA, or other relevant information, the Administrator determines that the test facility does not meet the requirements of § 205.204 (b) and (c) (including any alternate procedures that may be approved under § 205.204(h)), he will notify the manufacturer in writing of his determination and the reasons therefor.

(2) After any notification issued under paragraph (b)(1) of this section has taken effect, no data thereafter derived from such test facility will be acceptable for purposes of this subpart and the Administrator may issue an order to the manufacturer, with respect to the product category or configuration in question, to cease to distribute in commerce compactors of such category or configuration: Except that any such order shall be issued only after notice and opportunity for a hearing. Such notification may be included in any notification under paragraph (b)(1) of this section. A manufacturer may request that the Administrator grant a hearing; such request shall be made not later than 15 days, or other such period as may be allowed by the Administrator, subsequent to notification of the Administrator's intent to issue an order to cease to distribute.

(3) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reasons for disqualification.

(4) The Administrator will notify the manufacturer of his determination with regard to the requalification of the test facility within 10 days of the manufacturer's request for reconsideration pursuant to paragraph (b)(3) of this section.

(Secs. 11 and 13 of the Noise Control Act (42 U.S.C. 4910, 4912).)

§ 205.207 Selective enforcement auditing requirements.

§ 205.207–1 Test request.

(a) The Administrator will request all testing under this subpart by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will specify the compactor category or configuration selected for testing, the batch selected for testing, the batch size, the manufacturer's plant or storage facility from which the compactors shall be selected, and the time at which a compactor shall be selected. The test request will also provide for situations in which the selected configuration or category is unavailable for testing. The test request may include an alternative category or configuration selected for testing in the event that compactors of the first specified category or configuration are not available for testing because the units are not being manufactured at the specified plant, are not being manufactured during the specified time, or are not being stored at the specified plant or storage facility.

(d) Any manufacturer shall, upon receipt of the test request: (1) If the manufacturer produces less than 4 of the specified category or configuration of compactor per given period of time specified in the test request, test every compactor produced in two consecutive batches in accordance with this regulation and the conditions specified in the test request.

(i) If one or more of the compactors in a test batch fails to meet the standard, the batch is rejected.

(ii) If one batch is rejected then the batch sequence determined under this paragraph is rejected.

(2) If he produces 4 or more of the specified category or configuration of compactors per given period of time as specified in the test request, select and test a batch sample of compactors from two consecutively produced batches of the compactor category or configuration specified in the test request in accordance with these regulations and the conditions specified in the test request.

(e)(1) Any testing conducted by the manufacturer pursuant to a test request shall be initiated within such period as is specified within the test request. Such test initiation may be delayed for increments of 24 hours or one business day where ambient test site weather conditions in any 24-hour period do not permit testing: *Provided*, That the ambient test site weather conditions for that period are recorded.

(2) The manufacturer shall complete noise emission testing on a minimum of five compactors per day unless otherwise provided for by the Administrator or unless ambient test site conditions permit only the testing of a lesser number: *Provided*, That ambient test site weather conditions for that period are recorded.

(3) The manufacturer shall be allowed 24 hours to ship compactors from a batch sample from the assembly plant to the testing facility if the facility is not located at the plant or in close proximity to the plant: Except, that the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) The Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of a specified category or configuration being manufactured at a particular facility if:

(1) The manufacturer refuses to comply with the provisions of a test request issued by the Administrator pursuant to this section; or

(2) The manufacturer refuses to comply with any of the requirements of this section.

(g) A cease-to-distribute order shall not be issued under paragraph (f) of this section if such refusal is caused by conditions and circumstances outside the control of the manufacturer which render it impossible to comply with the provisions of a test request or any other requirements of this section. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure, or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(h) Any such order to cease to distribute shall be issued only after a notice and opportunity for a hearing.

(Secs. 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912).)

§ 205.207–2 Test sample selection.

(a) Compactors comprising the batch sample which are required to be tested pursuant to a test request in accordance with this subpart will be selected in the manner specified in the test request from a batch of compactors of the category or configuration specified in the test request. If the test request specifies that the compactors comprising the batch sample must be selected randomly, the random selection will be achieved by sequentially numbering all of the compactors in the batch and then using a table of random numbers to select the number of compactors as specified in paragraph (c) of this section based on

the batch size designated by the Administrator in the test request. An alternative random selection plan may be used by a manufacturer: *Provided*, That such a plan is approved by the Administrator. If the test request does not specify that test compactors must be randomly selected, the manufacturer shall select test compactors consecutively. The provisions of § 205.205–7 (b) and (c) shall also pertain to this section.

(b) The Acceptable Quality Level is 10 percent. The appropriate sampling plans associated with the designated AQL are contained in Appendix I, Table II of this subpart.

(c) The appropriate batch sample size will be determined by reference to Appendix I, Tables I and II. A code letter is obtained from Table I based on the batch size designated by the Administrator in a test request. The batch sample size will be obtained from Table II of Appendix I of this subpart. The batch sample size will be equal to the maximum cumulative sample size for the appropriate code letter obtained from Table I plus an additional 10 percent rounded off to the next highest number.

(d) Compactors comprising the test sample will be randomly selected from the batch sample using the same random selection plan as in paragraph (a) of this section. Test sample size will be determined by using Table II of Appendix I of this subpart.

(e) The test compactors of the category or configuration selected for testing shall have been assembled by the manufacutrer for distribution in commerce using the manufacturer's normal production process.

(f) Unless otherwise indicated in the test request, the manufacturer will select the batch sample from the production batch next scheduled after receipt of the test request, of the category or configuration specified in the test request.

(g) Unless otherwise indicated in the test request, the manufacturer shall select the compactors designated in the test request for testing.

(h) At their discretion, EPA enforcement officers, rather than the manufacturer, may select the compactors designated in the test request.

(i) The manufacturer will keep on hand all products in the batch sample until such time as the batch is accepted or rejected in accordance with § 205.207–6: Except, that compactors actually tested and found to be in conformance with this regulation need not be kept.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–3 Test sample preparation.

Prior to the official test, the test compactor selected in accordance with § 205.207–2 will be prepared in accordance with § 205.205–6.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–4 Testing procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 of this subpart for each compactor selected for testing pursuant to this subpart.

(b) No maintenance will be performed on test compactors except as provided for by § 205.207–3. In the event a compactor is unable to complete the emission test, the manufacturer may replace the compactor. Any replacement product will be a production compactor of the same configuration as the replaced compactor. It will be randomly selected from the batch sample and will be subject to all the provisions of these regulations.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–5 Reporting of the test results.

(a) (1) The manufacturer shall submit a copy of the test report for all testing conducted pursuant to § 205.207 at the conclusion of each 24-hour period during which testing is done.

(2) For each test conducted the manufacturer will provide the following information:

(i) Configuration and category identification where applicable;

(ii) Sound level degradation factor;

(iii) Year, make, assembly date, and model of compactor;

(iv) Compactor serial number;

(v) Test results by serial numbers; and

(vi) Serial number of the vehicle on which manufacturer has installed the compactor in subdivision (iv) of this subparagraph.

(3) The first test report for each batch sample will contain a listing of all serial numbers in that batch.

(b) In the case where an EPA enforcement officer is present during testing required by this subpart, the written reports requested in paragraph (a) of this section may be given directly to the enforcement officer.

(c) Within 5 days after completion of testing of all compactors in a batch sample, the manufacturer shall submit to the Administrator a final report which will include the information required by the test request in the format stipulated in the test request in addition to the following:

(1) The name, location, and description of the manufacturer's noise emission test facilities which meet the specifications of § 205.204 and were utilized to conduct testing reported pursuant to this section: Except, that a test facility that has been described in a previous submission under this subpart need not again be described, but must be identified as such.

(2) A description of the random compactor selection method used, referencing any tables of random number selection used, name of the person in charge of the random number selection, if the compactor test request specifies a random compactor selection.

(3) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 205.204 for all noise emission tests including for each invalid test, the reason for invalidation.

(ii) A complete description of any modification, repair, preparation, maintenance, and/or testing which was performed on the test compactor and will not be performed on all other production compactors.

(iii) The test results for any replaced compactor and the reason for replacement of the compactor.

(4) A complete description of the sound data acquisition system if other than those specified in § 205.204.

(5) The following statement and endorsement:

> This report is submitted pursuant to Section 6 and Section 13 of the Noise Control Act of 1972. All testing for which data is reported herein was conducted in strict conformance with applicable regulations under 40 CFR Part 205 *et seq*. All the data reported herein is a true and accurate representation of such testing. All other information reported here is, to the best of _____
> _____
> (company name)
> knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.
> _____
> (authorized representative)

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–6 Acceptance and rejection of batches.

(a) A failing product is one whose measured sound level is in excess of the sound level equal to the applicable noise emission standard set forth in § 205.202 minus the sound level degradation factor as determined in § 205.208–4 for the category or configuration being tested.

(b) The batch from which a batch sample is selected will be accepted or rejected based upon the number of failing compactors in the batch sample. A sufficient number of test samples will be drawn from the batch sample until the cumulative number of failing compactors is less than or equal to the acceptance number, or greater than or equal to the rejection number appropriate for the cumulative number of compactors tested. The acceptance and rejection numbers listed in Appendix I of this subpart, Table II at the appropriate code letter obtained according to § 205.207–2 will be used in determining whether the acceptance or rejection of a batch has occurred.

(c) Acceptance or rejection of a batch takes place when a decision that a compactor is a failing unit is made on the last compactor required to make a decision under paragraph (b) of this section.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–7 Acceptance and rejection of batch sequence.

(a) The manufacturer will continue to inspect consecutive batches until the batch sequence is accepted or rejected. The batch sequence will be accepted or rejected based upon the number of rejected batches. A sufficient number of consecutive batches will be inspected until the cumulative number of rejected batches is less than or equal to the se-

quence acceptance number, or greater than or equal to the sequence rejection number appropriate for the cumulative number of batches inspected. The acceptance and rejection numbers listed in Table III of Appendix I of this subpart at the appropriate code letter obtained according to § 205.207–2 will be used in determining whether the acceptance or rejection of a batch sequence has occurred.

(b) Acceptance or rejection of a batch sequence takes place when the decision is made on the last compactor required to make a decision under paragraph (a) of this section.

(c) If the batch sequence is accepted, the manufacturer will not be required to perform any additional testing on products from subsequent batches pursuant to the initiating test request.

(d) The Administrator may terminate testing earlier than required in paragraph (b) of this section based on a request by the manufacturer, accompanied by voluntary cessation of distribution in commerce, from all plants, of compactors from the category or configuration in question: *Provided*, That once production is reinitiated the manufacturer must take the action described in § 205.207–9 (a)(1) and (a)(2) prior to distribution in commerce of any compactor from any plant of the compactor category or configuration in question.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–8 Continued testing.

(a) If a batch sequence is rejected in accordance with paragraph (b) of § 205.207–7, the Administrator may require 100 percent testing of all compactors of that category or configuration produced at that plant.

(b) The Administrator will notify the manufacturer in writing of his intent to require 100 percent testing of compactors pursuant to paragraph (a) of this section.

(c) Any tested compactor which demonstrates conformance with the applicable standard may be distributed into commerce.

(d) Any knowing distribution into commerce of a compactor which does not comply with the applicable standard is a prohibited act.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.207–9 Prohibition of distribution in commerce; manufacturer's remedy.

(a) The Administrator will permit the cessation of continuous testing under § 205.207–8 once the manufacturer has taken the following actions:

(1) Submits a written report to the Administrator which identifies the reason for the non-compliance of the compactors, describes the problem and describes the proposed quality control or quality assurance remedies to be taken by the manufacturer to correct the problem or follows the requirements for an engineering change pursuant to § 205.205–9; and

(2) Demonstrates that the specified compactor category or configuration has passed a retest conducted in accordance with § 205.207, and the conditions specified in the initial test request.

(b) Any compactor failing the prescribed noise emission tests conducted pursuant to this Subpart F may not be distributed into commerce until necessary adjustments or repairs have been made and the compactor passes a retest.

(c) No compactors of a rejected batch which are still in the hands of the manufacturer may be distributed in commerce unless the manufacturer has demonstrated to the satisfaction of the Administration that such compactors do in fact conform to the regulation: Except, that any compactor that has been tested and does, in fact, conform with this regulation may be distributed into commerce.

(Secs. 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912).)

§ 205.208 In-use requirements.

§ 205.208–1 Warranty.

(a) The manufacturer of a compactor who is required to production verify under this part shall include in the owner's manual or in other information supplied to the ultimate purchaser the following statement:

NOISE EMISSIONS WARRANTY

The manufacturer warrants to the first person who purchases this compactor for purposes other than resale and each subsequent purchaser that this compactor was designed, built and equipped to conform, at the time of sale to such first purchaser, with all applicable U.S. EPA noise control regulations.

This warranty is not limited to any particular part, component or system of the compactor. Defects in the design, assembly, or in any part, component, or system of the compactor, which at the time of sale to such first purchaser, cause noise emission levels to exceed Federal standards, are covered by this warranty for the actual life of the compactor.

(b) Not later than the date of submission of the product verification report required by § 205.205–4, the manufacturer shall submit to the Administrator two (2) copies of the written noise emission warranty required by paragraph (a) of this section and two (2) copies of all other information provided to the ultimate purchaser which could reasonably be construed as impacting on the warranty.

(c) Not later than ten (10) days after dissemination, the manufacturer shall submit two (2) representative copies of all information of a general nature, or modifications thereto, which is provided to dealers, zone representatives, or other agents of the manufacturer regarding the administration and application of the noise emission warranty. Information regarding noise emission warranty claims which is provided to a dealer or representative in response to a particular warranty claim or dealer inquiry is not considered to be information of a general nature, if such information does not receive broad dissemination to dealers.

(d) All information required to be forwarded to the Administrator pursuant to this section shall be addressed to: Director, Noise Enforcement Division, (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.208–2 Tampering.

(a) For each model year and for each configuration of compactors covered by this part, the manufacturer shall submit to the Administrator a list of those acts which, in the manufacturer's estimation, migh be done to the compactor in use on more than an occasional basis, and result in an increase in noise emission levels above the standards prescribed in § 205.22. The manufacturer shall state his estimate, wherever possible, of the amount of this increase in noise level.

(b) The above information shall be submitted to the Administrator within adequate time prior to the introduction into commerce of each configuration to allow for the development and printing of tampering lists, as provided in paragraphs (c) and (d) of this section.

(c) On the basis of the above information, the Administrator will develop a list of acts which, in his judgment, constitute the removal or rendering inoperative, totally or partially, other than for purposes of maintenance, repair, or replacement, of noise control devices or elements of design of the compactor. This list shall be provided to the manufacturer by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted by the manufacturer. The list shall be included in the statement to the ultimate purchaser as required by paragraph (d)(2) of this section. If the list is not provided by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted, the manufacturer shall include only the statement in paragraph (d)(1) of this section until such time as the list has been provided and the owner's manual is reprinted for other purposes.

(d) The manufacturer shall include in the owner's manual the following information:

(1) The statement:

TAMPERING WITH NOISE CONTROL SYSTEM PROHIBITED

Federal law prohibits the following acts or the causing thereof: (1) The removal or rendering inoperative by any person other than for purposes of maintenance repair, or replacement, of any device or element of design incorporated into any new compactor for the purpose of noise control prior to its sale or delivery to the ultimate purchaser or while it is in use, or (2) the use of the compactor after such device or element of design has been removed or rendered inoperative by any person.

(2) The statement:

Among those acts presumed to constitute tampering are are acts listed below.

Immediately following this statement, the manufacturer shall include the list

developed by the Administrator under paragraph (c) of this section.

(e) Any act included in the list prepared pursuant to paragraph (c) of this section is presumed to constitute tampering; however, in any case in which a prohibited act has been committed and it can be shown that such act resulted in no increase in the sound level of the unit or that the unit still meets the noise emission standard of § 205.202, such act will not constitute tampering.

(f) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on compactors subject to this part.

(g) All information required by this section to be furnished to the Administrator shall be sent to the following address:

Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Secs. 10, 13 of the Noise Control Act (42 U.S.C. 4909, 4912).)

§ 205.208–3 Instructions for maintenance, use and repair.

(a)(1) The manufacturer shall provide to the ultimate purchaser of each compactor covered by this subpart written instructions for the proper maintenance, use and repair of the compactor in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the compactor.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission level is eliminated or minimized during the life of the compactor. Manufacturers shall prepare the instructions with this purpose in mind. The instructions shall be clear and, to the extent practicable, written in nontechnical language.

(3) The instructions shall not be used to secure an unfair competitive advantage. They shall not restrict replacement equipment to original manufacturer equipment or service to dealer service, unless such manufacturer makes public the performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book which shall contain a schedule for the performance of all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where and when.

(c) Not later than the date of submission of the production verification report required by § 205.205–4, the manufacturer shall submit to the Administrator two (2) copies of the maintenance instructions (including the record book) required by paragraphs (a) and (b) of this section.

(d) The Administrator will require modifications to the instructions if they are not sufficient to fulfill the requirements of paragraph (a) of this section.

(e) Information required to be submitted to the Administrator pursuant to this section shall be sent to the following address:

Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.208–4 Sound Level Degradation Factor (SLDF) and retention of durability data.

(a) Each manufacturer responsible for compliance with the standards specified in § 205.202 shall develop a Sound Level Degradation Factor (SLDF) for each of its compactor configurations utilizing the records compiled under section (b) of this section.

(b)(1) The manufacturer shall establish and maintain records which demonstrate the increase in noise level which will occur for each product configuration during the specified Acoustical Assurance Period.

(2) The records may include, but need not be limited to, the following:

(i) Durability data and actual noise testing on critical noise producing or attenuating components.

(ii) Sound level deterioration curves on the entire product.

(iii) Data from products in actual use.

(c) The SLDF is to be used in all Production Verification testing and Selective Enforcement Audit testing to determine compliance.

(d) If the manufacturer determines the product's sound level will not increase during the Acoustical Assurance Period when properly used and maintained, the SLDF is zero.

(e) If the manufacturer determines that a product's sound level does not increase, but rather decreases with use, yielding a negative SLDF, he shall use zero as the SLDF in all testing under these regulations, but shall determine and record the actual SLDF.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912).)

§ 205.209 Recall of non-complying compactors.

(a) Pursuant to section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any compactor distributed into commerce which is not in compliance with this subpart.

(b) A recall order issued pursuant to this section shall be based upon a determination by the Administrator that compactors of a specified category or configuration have been distributed in commerce which do not conform to the regulation. Such determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by the test prescribed in § 205.204 for testing prior to distribution in commerce or any other test which has been demonstrated to correlate with the prescribed test procedure in accordance with § 205.204(g).

(d) Any order to recall shall be issued only after notification and an opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying compactors under this section shall be borne by the manufacturer.

(f) This section shall not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910).)

APPENDIX I

TABLE I—SAMPLE SIZE CODE LETTERS

Batch size:	*Code letter*
4 to 8	A
9 to 15	B
16 to 25	C
26 and larger	D

TABLE II.—*Sampling plans for inspecting batches*

Sample size code letter	Test sample	Test sample size	Cumulative test sample size	Batch inspection criteria: Acceptance number	Batch inspection criteria: Rejection number
A	1st	4	4	0	1
B	1st	3	3	0	1
C	1st	3	3	0	2
	2d	3	6	1	2
D	1st	2	2	(1)	2
	2d	2	4	(1)	2
	3d	2	6	0	2
	4th	2	8	0	2
	5th	2	10	1	3
	6th	2	12	1	3
	7th	2	14	2	3

[1] Batch acceptance not permitted at this sample size.

TABLE III.—*Batch sequence plans*

Sample size code letter	Number batches	Cumulative number batches	Sequence inspection criteria: Acceptance number	Rejection number
A	2	3	1	(1)
	2	4	2	4
	2	6	3	5
	2	8	4	5
B	2	2	0	(1)
	2	4	1	4
	2	6	2	5
	2	8	3	5
	2	10	4	6
	2	12	5	6
C	2	2	(2)	2
	2	4	0	2
	2	6	0	3
	2	8	1	3
	2	10	2	4
	2	12	3	4
D	2	2	0	2
	2	4	1	3
	2	6	2	4
	2	8	3	4

[1] Batch sequence rejection not permitted for this number of batches.
[2] Batch sequence acceptance not permitted for this number of batches.

TABLE IV.—*Noise emission test data sheet: Truck-mounted solid waste compactor*

Test Report No .....

I. Compactor characteristics:
Manufacturer ..... Model ..... Serial No .....
Rated speed ..... Rated r/min ..... Capacity ..... Yd^3 $(m)^3$
Configuration identification ..... Category identification .....
Compactor identification No ..... Build date ..... Truck identification No .....

II. Test conditions:
Manufacturer test site identification and location .....
.....
Ambient sound levels (a) Beginning of test ..... dBA (b) End of test ..... dBA
Ambient wind speed ..... mi/h (km/hr); Atmospheric pressure ..... lb/in^2 (kPa)
Temperature ..... °F (°C)

III. Instrumentation:
Microphone manufacturer ..... Moedl No ..... Serial No .....
Sound level meter manufacturer ..... Model No ..... Serial No .....
Acoustical calibrator manufacturer ..... Model No ..... Serial No .....
Other ..... Model No ..... Serial No .....

IV. Sound level data (dB reference 2×10^{-5} Pascals):

A-weighted sound levels in dBA

Compactor reference surface: Front	L.H. side	Rear	R.H. side	Calculated average test level	Sound level degradation factor	Final calculated average level
Compactor operating cycle						
Maximum steady level						
Maximum impulse level						

V. Test personnel and witnesses:
Tested by: _____ Date _____
Reported by: _____ Date _____
Checked by: _____ Date _____

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federal register

FRIDAY, AUGUST 26, 1977
PART V



DEPARTMENT OF LABOR

Employment and Training Administration

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COMPREHENSIVE MANPOWER PROGRAMS

Guidelines for Review of Planned Performance

DEPARTMENT OF LABOR

Employment and Training Administration

[Field Memorandum 347-77]

COMPREHENSIVE MANPOWER PROGRAMS

Guidelines for Review of Planned Performance

In order to provide a common framework of national and regional experience against which to compare performance goals and to identify potential problems with program design and delivery, the Department of Labor has developed guidelines to review prime sponsors' planned performance for Fiscal Year 1978 under title I of the Comprehensive Employment and Training Act (CETA) of 1973, as amended.

The entire text of Field Memorandum No. 347-77 is published here to inform all interested parties of the Department's review procedures.

[Field Memorandum No. 347-77]

TO: ALL REGIONAL ADMINISTRATORS

FROM: FLOYD E. EDWARDS
Administrator, Field Operations

SUBJECT: CETA Title I Review Guidelines for FY 1978

1. *Purpose.* To transmit guidelines for the review of CETA title I annual plans for FY 1978.

2. *Reference.* FM 209-77.

3. *Background.* Grant review guidelines were implemented for the first time in the review of FY 1977 CETA title I grant applications. Much of the criticism of this initial effort was directed toward the technical adequacy of the indicators themselves and the fact that participation in decisions relating to the choice and use of the indicators was limited. In response to this, a work group, consisting of one prime sponsor from each region and one representative from each regional office, was created to identify the best indicators to measure performance and to define methods of computation, given the constraints of the existing data system. Additional projects related to the use of the indicators, including grant review guidelines and FY 1978 performance assessment, were also planned. The group produced a final document (FM-209-77) setting forth 13 performance indicators, grouped into four clusters and related interpretive factors. The cluster approach was used since CETA represents a multiplicity of goals and objectives for which no one performance indicator can adequately measure the effectiveness of a local program.

A subgroup was designated to analyze the data and propose a mechanism to assist in the review of FY 1978 annual plans. The subgroup consisted of three prime sponsor representatives and three regional office representatives, from the larger group, as well as two national office representatives.

4. *Objectives and Mechanism of Review Guidelines.* The primary objective of such a tool is to provide a common framework against which prime sponsors and regional offices can compare FY 1978 annual plans and performance goals to national and regional experience. The subgroup developed a review mechanism to compare planned performance with actual national and regional experience, based on the performance indicators developed by the larger group. This mechanism is to be followed in the review of FY 1978 title I annual plans.

Data for each indicator will be displayed in terms of lowest and highest performance, median (mid-point) and first and third quartiles on both a national and regional level. The exact meaning of median and quartile is in section 6(b) of this memorandum, and in Attachment I, section I.A.

Planned performance in relationship to the regional median and trend toward the first or third quartile will be emphasized in the plan review. Each indicator cluster will include a list of factors the presence or absence of which may affect performance in either direction from the median. Such a list is not intended to be all inclusive nor is it intended to substitute for the knowledge of a Federal Representative and prime sponsor staff about the appropriateness of a plan.

The data displays are intended to provide a good starting point from which to identify potential problems with program design and delivery *before* they are reflected in poor performance.

The review guidelines are *not* to be considered as *performance standards.* The median and other reference points of regional and national experience served only as convenient benchmarks against which prime sponsors' plans can be reviewed and analyzed.

5. *Indicators.* The indicators to be used as the basis for the review of FY 1978 title I annual plans are those developed by the Performance Indicators Work Group published in the FEDERAL REGISTER. However, several indicators have been excluded from this exercise; these are in the earnings cluster, for which no information is available in the planning documents, and the expenditure rate in the fund utilization cluster, because it is the complement of the carry-out rate included in these review guidelines. The following indicators have been included.

a. *Termination Cluster*
- Positive Termination Rate
- Entered Employment Rate—Total Terminations Based
- Entered Employment Rate—Total Positive Terminations Based
- Nondirect Placement Rate—Total Terminations Based
- Nondirect Placement Rate—Total Entered Employment Based

b. *Cost Cluster*
- Cost Per Positive Termination
- Cost Per Entered Employment
- Cost Per Nondirect Placement

c. *Fund Utilization Cluster*
- Carry-out Rate
- Administrative Cost Rate

A description and method of computation for each indicator are included in Attachment II.

6. *Description of Data.*

a. *Data Base.* Data covering FY 1976 and the transition quarter, for 431 prime sponsors, were used to compute the 10 indicators and to determine national and regional medians, quartiles and high and low performance against which the prime sponsor's planned performance will be compared. The data were obtained from the CETA Program Status Summary (PSS), Financial Status Report (FSR) and obligations contained in the Grant Signature Sheet and modifications. Data from these documents are recived in the national office through the Regional Automated System (RAS).

This is the latest data for a full program year that will be available in time for the FY 1978 annual plan review which is to take place during the fourth quarter of FY 1977. A full program year was selected instead of a combination of FY 1976 and FY 1977 to provide later data for a 12-month period because activities associated with a new year would distort termination and cost data. Also, there would be no basis for determining a carry-out rate.

Data for the base period were obtained by a special RAS computer run from reports in the system through November 30, 1976. Missing data were obtained from later regular RAS computer runs or from special runs. Substantially, all of the PSS and FSR data are in the final RAS/QPR run for the subject period dated December 10, 1976. Due to the carry out of unexpended funds into FY 1977, fund availability was understated for a number of prime sponsors. In these cases an upward adjustment was made.

b. *Computation of Quartiles and Medians.* The performance of each prime sponsor was computed for each of the 10 indicators. The results expressed as a percent or dollars were then arrayed in ascending order regionally and nationally starting with the prime sponsor with the lowest computed value to the prime sponsor with the highest computed value. This array was divided into four equal parts, each part containing the performance of 25 percent of all prime sponsors.

The boundary dividing the lower half of the array into two quarters, each containing 25 percent of the sponsors, is designated as the first quartile (Q_1). The boundary dividing the array in half is designated as the median (M) or second quartile. The boundary dividing the upper half of the array in two quarters, each containing 25 percent of sponsors is designated as the third quartile (Q_3). The quartile divisions serve as convenient reference points in the array against which to compare prime sponsor planning goals.

c. *Interpretive Factors.* Data for interpretive factors preprinted in the interpretive factor worksheet (see Attachment I) include selected client characteristics, pre-CETA and post-CETA median wages, percent of cumulative enrollment by activity, percent of accrued expenditures by activity and the local unemployment rate. Data, except for the local unemployment rate, were obtained from the PSS for enrollment, the FSR for accrued expenditures and the Quarterly Summary of Participant Characteristics (QSPC) for characteristics and wage data. The data base for these factors, as for the performance indicators, include cumulative data for FY 1976 and the transition quarter. Prime sponsor data will be compared against the national and regional totals from the final RAS printout for this period dated December 10, 1976. For comparison, the Federal Representative should fill in the appropriate data in the interpretive factor worksheet for the prime sponsor under review to explain program performance. Instructions for completing "sponsor" column are in the worksheets, Attachment I, section II.

7. *Application of review guidelines.* There are separate worksheets for each of the indicator clusters and a worksheet for the interpretive factors to be utilized in annual plan reviews. See Attachment I for an explanation of the five reference points and instructions for the use of the worksheets.

In reviewing prime sponsor planning goals, the following procedures should apply:

a. *Computation of Planning Goals.* The Federal Representative should first compute the FY 1978 performance goals for each of the indicators in the three performance clusters by substituting cumulative planning data through the fourth quarter from the PPS and BIS of the annual plan for the data elements of the formulas in the worksheets. The computed values should be placed in the "results" column of the worksheets.

b. *Comparison to Regional Median.* Planned performance in relation to the regional median will be emphasized in the

review process for each indicator in the performance clusters to determine if significant deviation requires an explanation. The national reference points show the relationship between prime sponsor planning goals and regional and national experience. Use of regional comparative data as the reference points against which prime sponsor plans are to be compared to determine significant deviation takes into account programmatic and other factors unique to a particular region, thereby ensuring equitable treatment for as many prime sponsors as possible.

c. *Significant Deviations from the Median.* In general, planned performance close to the middle of the comparative data (median) need not be explained. However, planned performance as indicated on the PPS and BIS should be consistent with the program narrative in the annual plan. In addition, planned performance falling above the regional median for the "termination cluster" and below the regional median for the "cost cluster" and the administrative cost rate in the "fund utilization cluster" may not need explanation. Higher than median positive outcome rates, lower than median costs for positive outcomes and administrative cost rates generally indicate desirable performance and should not require explanation unless there are programmatic or other reasons for doing so. Because the carry-out rate of the "fund utilization cluster" is high for many regions, an explanation may be required for significant deviation below the regional median to be determined by the RA, see 7.c.(1) below. In conducting the review of the annual plan, the following should be observed concerning significant deviation from the median.

(1) *Significant Deviation from the Median which may not Require Explanation.* The review process is designed to examine closely planned performance below the first quartile or above the third quartile, depending on the indicator or cluster being reviewed. RA's should not require written explanation of prime sponsor planning goals which deviate from the regional median to and including the first quartile for indicators in the "termination cluster," and the carry-out rate in the "fund utilization cluster," and from the regional median to and including the third quartile for indicators in the "cost cluster" and the "fund utilization cluster." RA's may request an explanation of planned performance within the limits outlined above when, the reviewer believes the planning goals are unrealistic or serious programmatic problems are evident. This may include planned performance which differs substantially from previous performance without a significant change occurring in program operations or planned performance which may not be achieved because of serious administrative, managerial or fiscal problems. The RA may determine appropriate situations and the amount of detail required for any explanation. The most important thing is consistency between the program narrative and whatever performance is planned. Therefore, even though an explanation of deviation from the median, may not be required, consistency should be insured.

(2) *Significant Deviations from the Median for Which an Explanation is Mandatory.* Where planned performance deviates from the median to fall below the first quartile (Q_1) for indicators in the "termination cluster" and above the third quartile (Q_3) for indicators in the "fund utilization cluster" and "cost cluster," an explanation/justification will be required. This explanation must be as complete and detailed as possible.

Significant deviations from the median where an explanation is mandatory or may be required as determined by the RA, should be explained by the absence or presence of environmental, programmatic and other locally relevent situations which may influence performance from the median. These factors will be discussed in item 8 of this FM.

d. *Incremental Improvement.* In evaluating plans for FY 1978, an additional key element to be considered is each sponsor's previous performance. The concept of incremental improvement is critical to reviewing a sponsor's plan. To determine the extent of improvement over previous performance, Federal Representatives should compute the sponsor's actual achievement for each of the indicators, using the most recent data available in the regional office. Where a prime sponsor's plan deviates significantly from the median, but reasonable improvement over previous performance is planned, such improvement may serve as adequate explanation for deviations. A prime sponsor performing above the median for the termination cluster and below it for the others, should not be permitted "slippage" unless there has been a drastic change in local conditions. In fact, such sponsors may be expected to improve on their performance.

e. *Special Considerations in the Review.* Because of the nature of the data for a few indicators, the following information is provided for your consideration:

(1) For the *carry-out rate* of the "fund utilization cluster," FY 1976 and the transition quarter national and regional experience upon which the guidelines are based indicate median carry-out rates of 11 percent or greater nationally and for nine of the ten regions. This would indicate that expenditures for FY 1976 and the transition quarter were on the low side resulting in a large carry-out of funds into FY 1977. While it is recognized that a certain amount of funds may be necessary to be carried out into the following year providing for a smooth transition of the program, this should be kept to a minimum. Therefore, explanation of deviation from the median below to the first quartile and above to the third quartile may be requested as determined by the RA. An explanation for deviation above the third quartile is mandatory. Additionally, comparison should always be made with the carry-out rate of previous experience. If the planning goal significantly deviates from the median, but a reasonable improvement in the carryout rate is planned when compared to the actual carry-out rate for FY 1976 and the transition quarter, no further explanation may be necessary.

(2) For the *administrative cost rate* in the "fund utilization cluster," the regulations already mandate an adequate explanation with supporting documentation if the planned rate exceeds 20 percent. It is suggested that explanation for significant deviation should not be required above the median for the planning goal until it exceeds 20 percent. In all regions, administrative cost rates above 20 percent will fall above the third quartile (Q_3) and will require an explanation as complete and detailed as possible. The documentation contained in the annual plan should be cited if this is adequate.

8. *Interpretive Descriptions and Interpretive Factors.* Each performance cluster worksheet (see Attachment I to this FM) contains a preprinted list of programmatic and environmental factors, under the heading of Interpretive Descriptions, which may be of assistance in explaining, or raising questions about prime sponsor planned performance. The list, located in the lower left side of each worksheet, is not intended to be all inclusive. The Federal Representative may be aware of other factors unique to the region or prime sponsor area that could explain planned performance. Among the influential factors (whether or not listed in the interpretive description section of the attached cluster worksheets) are those dealing with the prime sponsor's program mix, enrollee characteristics, enrollee pre-CETA and post-CETA wages, and the local unemployment rate.

These factors are all quantifiable and are designated as interpretive factors. They are contained on a separate worksheet in Attachment I for convenience of comparing these factors and using them in combination to explain a significant deviation. Since these factors, except for enrollee wages and the local unemployment rate, can be broken down by their proportion of the prime sponsor's total program, each factor can be compared with other elements of the sponsor's program and regional experience data.

The interpretive factors worksheet will contain regional and national experience data for FY '76 and the transition quarter which has been preprinted on the worksheets. Prime sponsor data to be compared within the program and with regional totals will be filled in by the Federal Representative in a column marked "sponsor." (See Attachment I, section II, for additional instructions.)

The right side of the worksheet contains a short presentation on the use of each of the interpretive factor groups. This presentation is limited but is included to give the Federal Representative an understanding of how the various interpretive factors may be used. The following examples provide the Federal Representative with a fuller range of implications that these factors may have on planned performance:

a. *Enrollee Characteristics.* The Federal Representative should pay particular attention to the types of participants to be enrolled in the program and the possible correlations to the percent of expenditures, cumulative enrollments by program activity, planned performance goals, and program objectives. Prime sponsors may develop and operate programs designed to increase the employability of particular groups of enrollees, with placement in unsubsidized employment not being a program objective. A prime sponsor proposing to serve a significant number of youth and full-time students may be expected to allocate a sizeable portion of funds for work experience activities and have a sizeable percentage of enrollments in work experience activities, accompanied by a relatively low planned "entered employment rate, a relatively high planned "cost per entered empolyment," and a relatively high planned "positive termination" rate. The Federal Representative should then compare planned performance goals for the affected indicators against regional comparative data for the interpretive factors. This comparison may explain significant deviations.

Prime sponsors operating programs or activities stressing service to other groups, generally considered to be "hard to place," e.g., minorities, persons with limited English-speaking ability, older workers and handicapped, may be expected to propose relatively low positive termination rates through frequent turnover, low entered employment rates, high costs per positive termination and high costs per entered employment.

b. *Program Mix.* Prime sponsors may plan to allocate a sizeable portion of funds to classroom training and OJT. These are placement-related activities and planned performance should reflect this. Planned goals for other indicators may be similarly affected by such a distribution of funds. The Federal Representative should review regional data for the affected indicators and the interpretive factors for possible explanation of the sponsor's planned performance.

The interpretive factors and other environmental and programmatic influences, must

be used with care. Although there may be a precedent to draw certain conclusions from an established correlation of some of these with the planning goals, the danger is to rationalize relationships for others where the correlation is weak or does not exist. It will be incumbent on the Federal Representative, who is knowledgeable concerning the environmental and programmatic aspects of the prime sponsor, to make judgments as to the factors and the strength of the factors considered to be operating to determine if they are adequate to explain planned performance. Where an explanation for deviation from the median is required, it should be documented with appropriate backup in the annual plan and by information available from other sources. Again, consistency between the narrative and planned performance is imperative. Regional offices may wish to establish "review" committees to assure consistency in the application of the interpretive influences on a regional level. Prime sponsors with similar profiles on the interpretive influences could be reviewed together to determine whether legitimate explanations for program deviations in planned performance goals exist.

9. *Training.*

a. *Federal Staff.* In order to ensure a uniform understanding of how to apply the guidelines in your region, it is recommended that regional staff be trained as early as possible. The national office has contacted regional offices offering them assistance in training. For those regions accepting, arrangements were made for selected members of the review guidelines work group and a member of the performance indicators work group to assist in training in the regions.

b. *Prime Sponsor.* Prime sponsors should be provided with a copy of the review guidelines memorandum and attachments as early as possible to become aware of how their plans will be reviewed. Whether prime sponsors are called together for a general orientation to the guidelines or the Federal Representatives review the guidelines with them individually should be decided by the RA.

10. *Action Required.* RAs should distribute this FM as soon as possible to regional staff, prime sponsors and any other person requiring this information. They should also inform prime sponsors and others that these guidelines will be published in the FEDERAL REGISTER.

11. *Inquiries.* Questions should be directed to Henry Rosenbloom or Ric Campbell on 8-376-6390.

12. *Attachments.* (RAs only.)

I. Worksheets.

II. Description of Indicators.

ATTACHMENT I

WORKSHEETS

I. *Performance Cluster Worksheets.* Separate worksheets have been developed fro each of the indicator clusters which include a list of interpretive environmental and programmatic factors to be utilized in plan reviews. The following will describe the format of the cluster worksheets and general procedure for review.

A. The upper part of each worksheet lists the component parts of the cluster, the computation formula; and a space for entering planned outcomes for the prime sponsor being reviewed. Next to the planned result, comparative data, to be used as reference points in either percents or dollars, will be preprinted. The comparative data will be disregions. Five reference points will be included.

1. Lowest Performance (L).
2. First Quartile (Q_1).
3. Median (Mid Point) (M).
4. Third Quartile (Q_3).
5. Highest Performance (H).

The first quartile refers to the point which 25 percent of the prime sponsors fall below in performance.

The third quartile refers to the point in performance where 25 percent of the sponsors fall above.

(The first and third quartiles represent boundaries which include the middle 50 percent, in terms of performance, of prime sponsors.)

In reviewing the plan the regional median will be used as the main reference point by the Federal Representative (see item 7.b of FM). Significant deviations above or below the median, depending on the performance cluster, should be analyzed in terms of various interpretive environmental and programmatic factors.

B. The bottom left hand side of the worksheets will contain a list of interpretive descriptions. These consist of environmental and programmatic factors the presence or absence of which may influence performance. These will be used as a basis for explaining deviations of planning goals. The list will be preprinted on the worksheets but will not be all inclusive. Federal Representatives may be aware of other factors unique to the region or sponsor. In any event, it will be incumbent upon the Federal Representative (working with the prime sponsors) to document the absence or presence of influential factors. Important factors in the interpretive description lists that can be very useful in explaining planned performance are those dealing with program mix, enrollee characteristics, pre-CETA and post-CETA wages and the local unemployment rate. These are classed as interpretive factors and are listed on a separate worksheet of the review guideline package. This worksheet will be discussed in Section II of this Attachment.

C. The bottom right hand side of the worksheets provides space for explanation of planned performance. In general, explanation of planned performance may not be required under the following circumstances:

1. Planned performance which is close to the median.

2. Planned performance falling above the median for indicators in the "termination cluster" and below the median for indicators in the "cost cluster," and for the administrative cost rate in the "fund utilization cluster," unless planning goals are unrealistic or serious programmatic problems are evident.

3. Prime sponsor planning goals deviating significantly from the median, but a reasonable improvement over recent previous performance is planned. A prime sponsor performing above the median for the termination cluster and below it for the others should not be permitted "slippage" unless there has been a drastic change in local conditions. In fact, such sponsors may be expected to improve on their performance.

Significant deviations from the median where an explanation may be required:

The review process is designed to examine closely planned performance below the first quartile or above the third quartile, depending on the indicator or cluster being reviewed. RA's should not require written explanation of prime sponsor planning goals deviating from the regional median to and including the first quartile for indicators in the "termination cluster," and the carryout rate in the "fund utilization cluster," and from the regional median to and including the third quartile for indicators in the "cost cluster" and the "fund utilization cluster." RAs may request an explanation of planned performance within the limits outlined above when, in the opinion of the reviewer, the planning goals are unrealistic or serious programmatic problems are evident. This may include planned performance which differs substantially from previous performance without a significant change occurring in program operations, or planned performance which may not be achieved because of serious administrative, managerial or fiscal problems. The RA may determine appropriate situations and the amount of detail required for any explanation.

Significant deviations from the median where an explanation is mandatory:

An explanation of planning goals falling below the first quartile (Q_1) for indicators in the "termination cluster" and above the third quartile (Q_3) for indicators in the "fund utilization cluster" and "cost cluster," is mandatory. If these deviations occur, an explanation/justification should be as complete and detailed as possible.

Significant deviations from the median for which an explanation may be required or is mandatory, should be explained by the absence or presence of interpretive environmental and programmatic factors which may influence performance from the median. These factors will be pre-printed under the heading of interpretive descriptions on the left hand side of the performance cluster worksheets and on a separate interpretive factor worksheet described in this attachment. Any explanation provided should be documented by appropriate backup in the annual plan and by information available from sources outside the plan.

II. *Interpretive Factors.* An additional worksheet, assisting Federal Representatives in displaying performance in terms of various interpretive factors, is contained in the worksheet package. These factors should be used in conjunction with other influential factors, which are listed in the interpretive description section of the indicator cluster worksheets explaining prime sponsor performance. The interpretive factors include categories of program mix, selected enrollee characteristics, pre-CETA and post-CETA wages and local unemployment rates. The right hand side of the worksheet contains a short description on the use of each section of the interpretive factors which should assist the Federal Representative. The left hand side of the worksheet contains preprinted total national and regional experience based on FY 1976 and the transition quarter. Prime sponsor data to be compared with the preprinted regional and national totals explaining performance should be filled in by the Federal Representative in the "sponsor" column as follows:

A. *Program Mix.*

1. *Percent of Expenditures by Program Activity.* Data for these interpretive factors will be obtained from Section F. of the BIS of the FY 1978 annual plan. Cumulative fourth quarter expenditure data for each activity from F.2.a. through F.2.f. should be divided by cumulative fourth quarter total projected expenditures by program, F.2. The result should be multiplied by 100 and placed in the "sponsor" column beside the appropriate activity.

2. *Percent of Cumulative Enrollment by Program Activity.* Data for these interpretive factors will be obtained from Section II of the PPS of the FY 1978 annual plan. Cumulative fourth quarter total enrollments (a) for each activity from II.A. through II.E. should be added. Cumulative total enrollments (a) through the fourth quarter for each activity should be divided by the total obtained for all activities. The results should be multiplied by 100 and placed in the "sponsor" column beside the activity. Since "other activities" is now receiving special consideration, an entry need not be made on the interpretive factors worksheet. However, if "other activities" is useful in explaining performance, this should be considered in the analysis.

B. *Selected Enrollee Characteristics.* Data for selected enrollee characteristics will be based on the QSPC for FY 1976, including the transition quarter. Since all of the planned enrollee characteristics needed are not available in FY 1978 annual plans, comparable actual data for the previous full year will be used. The assumption is that the characteristics will be similar to the sponsor's FY 1978 program. The proportions of selected characteristics for prime sponsors should be obtained from the final report of the September 1976 RAS/QSPC dated December 10, 1976. This report is available in the regions.

C. *Pre-CETA and Post-CETA Median Wage.* Data for the pre-CETA and post-CETA median wage will also be based on the QSPC for FY 1976, including the transition quarter. Since wages are not available in the FY 1978 planning data, comparable actual data, will be used. The median wages should be obtained from the final report of the September 1976 RAS/QSPC dated December 10, 1976. This report is available in the regions.

D. *Unemployment Rates.* Unemployment rate data will not be included in the interpretive factors worksheet, except for a short description on their use. However, the region should arrange to obtain local, regional and national unemployment rates from sources within the ETA regional office or from the regional office of the Bureau of Labor Statistics. These rates should be compared with unemployment rates of recent periods noting trends that may assist in explaining deviations.

III. Also included is a chart which provides for the display of national and regional reference points and prime sponsor planning goals. Examples of how to complete the chart are provided below and the Federal Representative may display the required data for each indicator similarly. This display is optional and may be helpful to the region and prime sponsor to see relationships more clearly.

Chart Examples

Positive Termination Rate



Cost Per Entered Employment



NAT. - National Reference Points, P.S. - Prime Sponsor FY 1978 Planning Goal, REG. - Regional Reference Points

PERFORMANCE GUIDELINES WORKSHEETS- REGION I

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region I					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		45	59	67	77	81	21	59	70	78	99
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B} \times 100$		14	26	36	48	71	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		8	20	31	40	53	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		28	41	61	69	90	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		20	67	82	95	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region I					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{BIS\ F.2}{BIS\ E.7.f.} \times 100$		3	8	11	14	34	0	8	13	21	53
Administrative Cost Rate	$\frac{BIS\ E.1.d.}{BIS\ E.7.d.} \times 100$		10	15	17	19	25	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data: Region I L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Cost per positive termination	BIS P.2. / PPS I.B.1. + I.B.2.		1132	1925	2453	3598	5758	355	1249	1888	2606	8598
Cost per entered employment	BIS P.2. / PPS I.B.1.		1353	3398	4324	6150	15064	405	2857	4254	6586	65,705
Cost per non-direct placement	BIS P.2. / PPS I.B.1.b. + I.B.1.c.		2588	3894	6144	7928	23859	863	3693	5678	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data: Region I	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	23	30
On-job training	_____	10	9
Public Service Employment	_____	18	11
Work Experience	_____	41	40
Services	_____	9	8
Other Activities	_____	**	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	24	24
Classroom - Voc. Educ.	_____	5	9
On-job training	_____	7	9
Public Service Employment	_____	8	4
Work Experience	_____	40	48
Other Activities	_____	16	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____%	34%	36%
19 - 21	_____	20	21
2. Education: 8 & under	_____	14	12
9 - 11	_____	43	43
3. Minority: Black	_____	20	37
Spanish-American	_____	12	14
4. Handicapped	_____	6	4
5. Full-time student	_____	24	37
6. Offender	_____	8	5
C. Median Wage			
1. Post-CETA	$_____	$ 3.08	$2.88
2. Pre-CETA	$_____	$ 2.78	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.
** Less than 0.5%

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

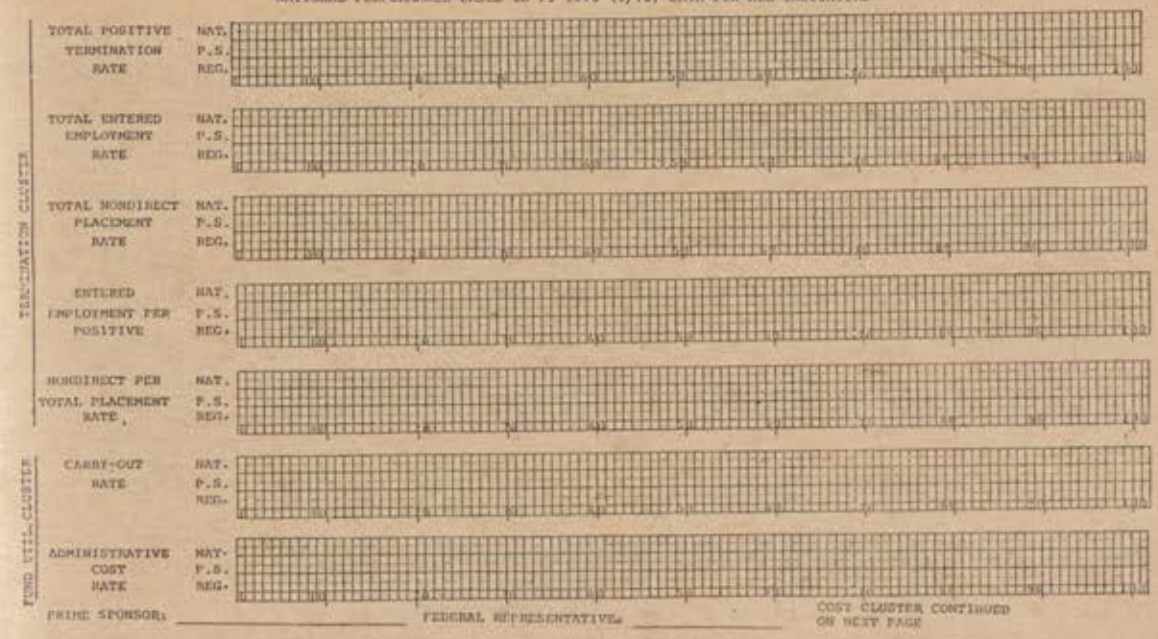
B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and Wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

REGION I*

COMPARISON OF PRIME SPONSOR FY 1978 PLANNING GOALS WITH REGIONAL AND NATIONAL PERFORMANCE BASED ON FY 1976 (9/76) DATA FOR ALL INDICATORS

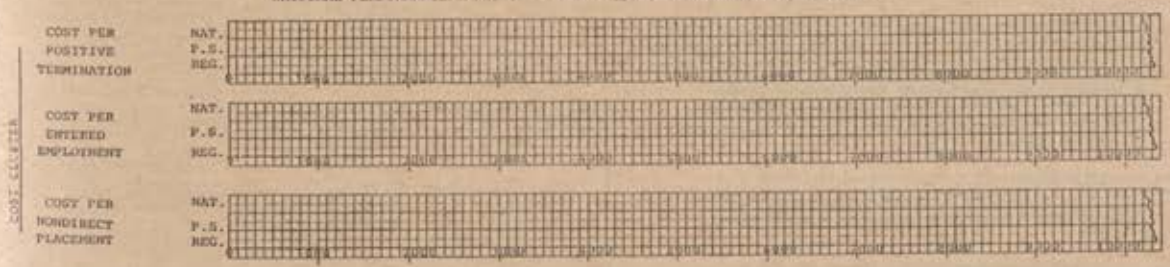


PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

COST CLUSTER CONTINUED ON NEXT PAGE

REGION I (CONTINUED)

COMPARISON OF PRIME SPONSOR FY 1978 PLANNING GOALS WITH REGIONAL AND NATIONAL PERFORMANCE BASED ON FY 1978 (9/76) DATA FOR ALL INDICATORS



* This chart used to plot medians, other reference points and prime sponsor planning goals for indicators in the termination, fund utilization and cost cluster is the same for all regions. Therefore, the chart will only be included in the worksheets for Region I for purposes of publication in the Federal Register.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

PERFORMANCE GUIDELINES WORKSHEETS- REGION II

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region II					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		33	59	67	77	95	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		6	23	34	46	84	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		4	16	24	33	56	2	17	23	33	73
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		8	38	56	71	95	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		5	61	72	91	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region II					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS F.2}}{\text{BIS E.7.f.}} \times 100$		0	5	9	14	36	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.1.d.}}{\text{BIS E.7.d.}} \times 100$		9	13	16	19	26	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region II					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1. + I.B.2.}}$		355	1711	2393	3171	6852	355	1269	1888	2606	8598
Cost per entered employment	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.}}$		405	3415	4678	6432	18069	405	2857	4254	6586	85,705
Cost per non-direct placement	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.b. + I.B.1.c.}}$		2557	5128	6521	8637	24187	863	3693	5628	8235	85,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data Region II	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	24	30
On-job training	_____	13	9
Public Service Employment	_____	14	11
Work Experience	_____	42	40
Services	_____	7	8
Other Activities	_____	1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	18	24
Classroom - Voc. Educ.	_____	4	9
On-job training	_____	10	9
Public Service Employment	_____	4	4
Work Experience	_____	53	48
Other Activities	_____	12	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____%	37 %	36 %
19 - 21	_____	21	21
2. Education: 8 & under	_____	13	12
9 - 11	_____	43	43
3. Minority: Black	_____	39	37
Spanish-American	_____	27	14
4. Handicapped	_____	3	4
5. Full-time student	_____	35	32
6. Offender	_____	4	5
C. Median Wage			
1. Post-CETA	$_____	$2.98	$2.88
2. Pre-CETA	$_____	$2.78	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION III

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region III					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ T.B.1. + T.B.2.}{PPS\ T.B.} \times 100$		43	62	72	79	93	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ T.B.1.}{PPS\ T.B.} \times 100$		2	19	26	33	48	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ T.B.1.b. + T.B.1.c.}{PPS\ T.B.} \times 100$		2	18	21	29	57	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ T.B.1.}{PPS\ T.B.1. + T.B.2.} \times 100$		3	26	37	55	88	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ T.B.1.b. + T.B.1.c.}{PPS\ T.B.1.} \times 100$		24	76	95	99	100	5	53	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region III					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{BIS\ F.2}{BIS\ E.7.f.} \times 100$		0	7	11	17	35	0	8	13	21	53
Administrative Cost Rate	$\frac{BIS\ E.1.d.}{BIS\ E.7.d.} \times 100$		3	10	12	17	29	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data: Region III L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Cost per positive termination	BIS F.2. / PPS I.B.1. + I.B.2.		480	1587	2170	2544	7181	355	1269	1888	2606	8598
Cost per entered employment	BIS F.2. / PPS I.B.1.		720	4028	5307	8100	$5,705	405	2857	4254	6586	$5,705
Cost per non-direct placement	BIS F.2. / PPS I.B.1.b. + I.B.1.c.		1122	4762	6790	8695	$5,705	863	3693	5628	8235	$5,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Noodirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data: Region III	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	28	30
On-job training	_____	6	9
Public Service Employment	_____	16	11
Work Experience	_____	41	40
Services	_____	9	8
Other Activities	_____	1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	26	24
Classroom - Voc. Educ.	_____	7	9
On-job training	_____	7	9
Public Service Employment	_____	6	4
Work Experience	_____	54	48
Other Activities	_____	1	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	38 %	36 %
19 - 21	_____	23	21
2. Education: 8 & under	_____	11	12
9 - 11	_____	42	43
3. Minority: Black	_____	49	37
Spanish-American	_____	2	14
4. Handicapped	_____	3	4
5. Full-time student	_____	33	32
6. Offender	_____	6	5
C. Median Wage			
1. Post-CETA	$ _____	$2.84	$2.68
2. Pre-CETA	$ _____	$2.70	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment I, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and noodirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION IV

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region IV					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		28	55	71	76	96	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		6	16	25	33	56	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		5	13	17	23	55	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		8	21	41	56	95	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		32	62	87	98	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	Comparative Data: Region IV L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS F.2}}{\text{BIS E.7.f.}} \times 100$		0	7	12	21	42	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.1.d.}}{\text{BIS E.7.d.}} \times 100$		4	11	15	18	23	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data: Region IV L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Cost per positive termination	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1. + I.B.2.}}$		372	1112	1587	2344	6567	355	1269	1888	2606	8598
Cost per entered employment	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.}}$		492	2974	5407	7892	21866	405	2857	4254	6586	65,705
Cost per non-direct placement	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.b. + I.B.1.c.}}$		863	4329	7167	9637	21866	863	3693	5628	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data Region IV	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	35	30
On-job training	_____	6	9
Public Service Employment	_____	11	11
Work Experience	_____	40	40
Services	_____	9	8
Other Activities	_____	**	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	24	24
Classroom - Voc. Educ.	_____	9	9
On-job training	_____	7	9
Public Service Employment	_____	4	4
Work Experience	_____	50	48
Other Activities	_____	6	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	40 %	36 %
19 - 21	_____	19	21
2. Education: 8 & under	_____	14	12
9 - 11	_____	44	43
3. Minority: Black	_____	49	37
Spanish-American	_____	5	14
4. Handicapped	_____	3	4
5. Full-time student	_____	38	32
6. Offender	_____	3	5
C. Median Wage			
1. Post-CETA	$ _____	$2.71	$2.80
2. Pre-CETA	$ _____	$2.61	$2.47

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.
** Less than 0.5%.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION V

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region V					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		21	57	66	77	94	21	59	70	78	99
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		6	18	27	38	87	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		4	15	20	30	44	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		7	28	46	59	100	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		39	70	86	95	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or interfitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region V					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{BIS\ F.2}{BIS\ E.1.f.} \times 100$		0	9	16	23	53	0	8	13	21	53
Administrative Cost Rate	$\frac{BIS\ E.1.d}{BIS\ E.1.a.} \times 100$		3	12	15	19	37	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region V					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	BIS F.2. / PPS I.B.1. + I.B.2.		527	1364	2080	2789	8214	355	1269	1888	2606	8598
Cost per entered employment	BIS F.2. / PPS I.B.1.		1125	3383	4958	7944	28129	405	2857	4254	6586	65,705
Cost per non-direct placement	BIS F.2. / PPS I.B.1.b. + I.B.1.c.		1844	4099	6514	10344	28313	861	3693	5628	8235	65,709

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data: Region V	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	30	30
On-job training	_____	7	9
Public Service Employment	_____	9	11
Work Experience	_____	45	40
Services	_____	7	8
Other Activities	_____	1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	25	24
Classroom - Voc. Educ.	_____	10	9
On-job training	_____	6	9
Public Service Employment	_____	3	4
Work Experience	_____	46	48
Other Activities	_____	9	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	35 %	36 %
19 - 21	_____	23	21
2. Education: 8 & under	_____	12	12
9 - 11	_____	44	43
3. Minority: Black	_____	43	37
Spanish-American	_____	8	14
4. Handicapped	_____	4	4
5. Full-time student	_____	29	32
6. Offender	_____	5	5
C. Median Wage			
1. Post-CETA	$ _____	$3.12	$2.88
2. Pre-CETA	$ _____	$2.74	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA/ WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION VI

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region VI					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		44	69	76	84	95	21	59	70	78	99
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		24	30	43	53	66	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		7	21	27	36	57	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		31	42	57	69	87	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		28	58	72	89	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	Comparative Data									
			Region VI					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS F.2}}{\text{BIS E.7.f.}} \times 100$		0	9	11	15	29	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.1.d}}{\text{BIS E.7.d.}} \times 100$		4	12	15	19	27	1	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILISATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region VI					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1. + I.B.2.}}$		671	1110	1350	1754	3565	355	1269	1888	2604	8598
Cost per entered employment	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.}}$		1063	1991	2505	3158	5743	405	2857	4254	6586	65,705
Cost per non-direct placement	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.b. + I.B.1.c.}}$		1063	2701	3663	5050	11818	863	3693	5628	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see terminations cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data Region VI	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	22	30
On-job training	_____	11	9
Public Service Employment	_____	5	11
Work Experience	_____	47	40
Services	_____	8	8
Other Activities	_____	7	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	23	24
Classroom - Voc. Educ.	_____	12	9
On-job training	_____	11	9
Public Service Employment	_____	2	4
Work Experience	_____	50	48
Other Activities	_____	2	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	39 %	36 %
19 - 21	_____	28	21
2. Education: 8 & under	_____	13	12
9 - 11	_____	44	43
3. Minority: Black	_____	37	37
Spanish-American	_____	25	14
4. Handicapped	_____	4	4
5. Full-time studcot	_____	34	32
6. Offender	_____	3	5
C. Median Wage			
1. Post-CETA	$ _____	$ 2.67	$2.88
2. Pre-CETA	$ _____	$ 2.53	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA/ WAGE LEVELS: High post-CETA wages, and wage increase relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION VII

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA: Region VII L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{\text{PPS I.B.1. + I.B.2.}}{\text{PPS I.B.}} \times 100$		50	63	76	83	88	21	59	70	78	99
Entered Employment as a % of Total Terminations	$\frac{\text{PPS I.B.1.}}{\text{PPS I.B.}} \times 100$		17	27	37	50	74	3	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{\text{PPS I.B.1.b. + I.B.1.c.}}{\text{PPS I.B.}} \times 100$		15	21	28	43	71	2	17	23	33	72
Entered Employment as a % of Total Positive	$\frac{\text{PPS I.B.1.}}{\text{PPS I.B.1. + I.B.2.}} \times 100$		20	36	48	83	97	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{\text{PPS I.B.1.b. + I.B.1.c.}}{\text{PPS I.B.1.}} \times 100$		58	69	87	99	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA: Region VII L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS F.2}}{\text{BIS E.7.f.}} \times 100$		4	9	12	17	33	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.1.d.}}{\text{BIS E.7.d.}} \times 100$		8	11	15	19	26	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data: Region VII L	Q_1	M	Q_3	H	National L	Q_1	M	Q_3	H
Cost per positive termination	BIS F.2. / FPS I.B.1. + I.B.2.		733	1049	1452	2372	4248	355	1269	1888	2606	8598
Cost per entered employment	BIS F.2. / FPS I.B.1.		1059	2035	3678	4946	7220	405	2857	4254	6586	65,705
Cost per non-direct placement	BIS F.2. / FPS I.B.1.b. + I.B.1.c.		1374	2737	3962	5860	8903	863	3693	5628	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data: Region VII	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	31	30
On-job training	_____	12	9
Public Service Employment	_____	25	11
Work Experience	_____	24	40
Services	_____	9	8
Other Activities	_____	1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	22	24
Classroom - Voc. Educ.	_____	8	9
On-job training	_____	15	9
Public Service Employment	_____	6	4
Work Experience	_____	18	48
Other Activities	_____	11	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	31 %	36 %
19 - 21	_____	22	21
2. Education: 8 & under	_____	10	12
9 - 11	_____	41	43
3. Minority: Black	_____	30	37
Spanish-American	_____	7	14
4. Handicapped	_____	6	4
5. Full-time student	_____	28	12
6. Offender	_____	6	5
C. Median Wage			
1. Post-CETA	$ _____	$2.68	$2.88
2. Pre-CETA	$ _____	$2.64	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION VIII

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region VIII					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		59	75	77	83	93	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		23	42	47	59	77	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		23	30	40	46	59	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		27	55	62	77	95	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		36	60	89	100	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region VIII					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS P.2}}{\text{BIS E.7.f.}} \times 100$		4	14	21	27	39	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.1.c}}{\text{BIS E.7.d.}} \times 100$		9	13	16	20	28	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region VIII					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1. + I.B.2.}}$		671	906	1276	1734	8598	355	1269	1888	2606	8598
Cost per entered employment	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.}}$		722	1610	1916	3058	13346	405	2857	4254	6586	65,705
Cost per non-direct placement	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.b. + I.B.1.c.}}$		1273	1804	2868	3518	13346	863	3693	5628	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

INTERPRETIVE FACTORS		FY 1976 (9/76) Actual Data	
	Sponsor*	RegionVIII	National
A. Program Mix			
1. Percent of Expenditures			
Classroom		35	30
On-job training		17	9
Public Service Employment		12	11
Work Experience		22	40
Services		14	8
Other Activities		1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor		32	24
Classroom - Voc. Educ.		9	6
On-job training		18	9
Public Service Employment		7	4
Work Experience		14	48
Other Activities	-	0	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	%	31 %	26 %
19 - 21		22	21
2. Education: 8 & under		9	12
9 - 11		38	43
3. Minority: Black		6	37
Spanish-American		18	14
4. Handicapped		10	4
5. Full-time student		22	32
6. Offender		4	5
C. Median Wage			
1. Post-CETA	$	$2.84	$2.88
2. Pre-CETA	$	$2.65	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and Wage increase relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION IX

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region IX					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		22	56	67	79	99	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		10	27	36	44	78	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		6	18	25	36	55	2	17	23	33	72
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		11	47	64	69	91	3	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		19	65	86	98	100	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region IX					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{BIS\ F.2}{BIS\ E.7.f.} \times 100$		0	10	18	24	53	0	8	13	21	53
Administrative Cost Rate	$\frac{BIS\ E.1.a + E.2.a}{BIS\ E.7.a.} \times 100$		10	14	18	20	26	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region IX					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	BIS P.2. / PPS I.B.1. + I.B.2.		358	1386	1636	2484	4843	355	1269	1888	2606	8598
Cost per entered employment	BIS P.2. / PPS I.B.1.		480	2318	3406	5599	8586	405	2857	4254	6586	65,705
Cost per non-direct placement	BIS P.2. / PPS I.B.1.b. + I.B.1.c.		2236	2979	4296	6189	15025	863	3693	5628	8235	65,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data: Region IX	National
A. Program Mix			
1. Percent of Expenditures			
Classroom	_____	35	30
On-job training	_____	12	9
Public Service Employment	_____	5	11
Work Experience	_____	36	40
Services	_____	9	8
Other Activities	_____	3	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor	_____	28	24
Classroom - Voc. Educ.	_____	11	9
On-job training	_____	11	9
Public Service Employment	_____	3	4
Work Experience	_____	43	48
Other Activities	_____	3	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	_____ %	32 %	36 %
19 - 21	_____	20	21
2. Education: 8 & under	_____	9	12
9 - 11	_____	41	43
3. Minority: Black	_____	21	37
Spanish-American	_____	32	14
4. Handicapped	_____	4	4
5. Full-time student	_____	29	32
6. Offender	_____	9	5
C. Median Wage			
1. Post-CETA	$ _____	$3.10	$2.88
2. Pre-CETA	$ _____	$2.71	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in Classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

PERFORMANCE GUIDELINES WORKSHEETS- REGION X

PRIME SPONSOR _____

FEDERAL REPRESENTATIVE _____

DATE REVIEWED _____

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Termination Cluster	Formula	Result	COMPARATIVE DATA									
			Region X					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Total Positive as a % of Total Terminations	$\frac{PPS\ I.B.1. + I.B.2.}{PPS\ I.B.} \times 100$		40	57	63	71	78	21	59	70	78	95
Entered Employment as a % of Total Terminations	$\frac{PPS\ I.B.1.}{PPS\ I.B.} \times 100$		19	25	31	36	60	2	22	32	43	87
Non-Direct Placements as a % of Total Terminations	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.} \times 100$		10	21	24	29	41	2	17	23	33	71
Entered Employment as a % of Total Positive	$\frac{PPS\ I.B.1.}{PPS\ I.B.1. + I.B.2.} \times 100$		26	40	50	67	80	1	34	51	66	100
Non-Direct as a % of Entered Employment	$\frac{PPS\ I.B.1.b. + I.B.1.c.}{PPS\ I.B.1.} \times 100$		37	57	93	96	99	5	63	86	97	100

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

TERMINATION CLUSTER

Lower total positive termination rates (or high non-positive rates) may be due to:

1. High enrollment of hard-to-place groups;

2. High local unemployment rates;

3. Inadequacies in program operation (e.g., assessment, counselling, job development) or in program design (e.g., long "holding" periods before placement, poor coordination between components, classifying applicants as participants prior to actual enrollment in program activities, etc.).

Lower entered employment rates: any of the above plus local emphases on "employability development" activities (e.g., high school equivalency; youth work experience, etc.) or intertitle transfers leading to other positive "terminations."

Lower nondirect-employment rates: any of the above plus inclusion of direct job referral activities.

PRIME SPONSOR _____ FEDERAL REPRESENTATIVE _____

Fund Utilization Cluster	Formula	Result	COMPARATIVE DATA									
			Region X					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Carryout: % of Available Funds	$100\% - \frac{\text{BIS F.2}}{\text{BIS E.7.f.}} \times 100$		7	12	20	25	44	0	8	13	21	53
Administrative Cost Rate	$\frac{\text{BIS E.4.c.}}{\text{BIS E.7.d.}} \times 100$		7	15	17	19	20	3	12	16	19	37

INTERPRETIVE DESCRIPTION: See interpretive factors .. contained in worksheets

EXPLANATION/JUSTIFICATION:

FUND UTILIZATION CLUSTER

CARRY OUT RATE: May be increased by:

- Start up of new activities;
- Supplemental appropriations received late in fiscal year;
- Internal administrative, management, processing or contracting problems;
- Unplanned for events, since original grant approvals.

ADMINISTRATIVE COST RATE: May be increased by:

- High local cost structure, especially salaries, rent;
- Stress on activities requiring proportionally more administration (e.g., classroom training vs. work experience);
- Stress on non-stipended activities (e.g., services);
- Heavy reliance on contractors, subgrants;
- Unplanned carry out of non-administrative costs;
- Heavy use of computers or other hardware;
- High indirect cost rates.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE: _____

Cost Cluster	Formula	Results	Comparative Data									
			Region X					National				
			L	Q_1	M	Q_3	H	L	Q_1	M	Q_3	H
Cost per positive termination	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1. + I.B.2.}}$		612	1858	1987	2593	5981	355	1269	1888	2606	8598
Cost per entered employment	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.}}$		762	3555	4563	6932	9704	405	2857	4254	6586	35,705
Cost per non-direct placement	$\frac{\text{BIS F.2.}}{\text{PPS I.B.1.b. + I.B.1.c.}}$		2048	4626	6385	7631	10795	863	3693	5628	8235	35,705

INTERPRETIVE DESCRIPTION: See interpretive factors contained in worksheets

EXPLANATION/JUSTIFICATION:

COST CLUSTER

Higher costs per positive outcome may be due to any of the factors leading to lowered positive termination rates, (see termination cluster worksheet) plus:

1. High local cost structures for standard items (e.g., wage rates, rental costs);
2. Use of more costly resources (e.g., proprietary schools, computers, special equipment);
3. Emphasis on supportive services (transportation, day care, etc.), classroom training, employability development;
4. Higher than minimum rates for participant stipends, wages;
5. Stress on longer term training for higher skill jobs.

Higher Costs Per Entered Employment may be due to any of the factors contributing to higher positive outcome costs indicated above plus those leading to lowered entered employment rates (see termination cluster worksheet).

Higher Costs Per Nondirect Placement may be due to any of the factors contributing to higher positive outcome costs indicated above plus the inclusion of direct job referral activities.

PRIME SPONSOR: _____ FEDERAL REPRESENTATIVE _____

INTERPRETIVE FACTORS	Sponsor*	FY 1976 (9/76) Actual Data Region X	National
A. Program Mix			
1. Percent of Expenditures			
Classroom		35	30
On-job training		13	9
Public Service Employment		3	11
Work Experience		38	40
Services		11	6
Other Activities		1	1
	100%	100%	100%
2. Percent of Cumulative Enrollments			
Classroom - prime sponsor		25	24
Classroom - Voc. Educ.		14	9
On-job training		12	9
Public Service Employment		3	4
Work Experience		46	48
Other Activities		3	7
	100%	100%	100%
B. Enrollee Characteristics			
1. Youth: 18 & under	%	35 %	36 %
19 - 21		18	21
2. Education: 8 & under		9	12
9 - 11		41	41
3. Minority: Black		11	37
Spanish-American		6	14
4. Handicapped		3	4
5. Full-time student		24	32
6. Offender		10	5
C. Median Wage			
1. Post-CETA	$	$3.23	$2.86
2. Pre-CETA	$	$2.81	$2.67

*Column to be filled in by Federal Representative. See instructions contained in Attachment 1, Section II.

USE OF INTERPRETIVE FACTORS

A. PROGRAM MIX

1. Expenditures: A high proportion of total funds in classroom, OJT and other activities stressing higher skills increase "costs per." A high proportion in work experience may lower entered employment rates and thereby increase "costs per."

2. Enrollees: A high percentages of enrollees in classroom and OJT should raise expected entered employment and nondirect placement rates; a high percent of enrollees in work experience may lower entered employment rates but should raise expected other positive termination rates.

B. ENROLLEE CHARACTERISTICS: Higher proportions of youth, minorities, high school dropouts, handicapped, offenders and other locally determined groups indicate a stress on services for those most difficult to place, and may lead to longer term or higher cost activities, and may result in lower positive termination rates.

C. POST-CETA, WAGE LEVELS: High post-CETA wages, and wage increases relative to pre-CETA wages may provide evidence for an emphasis on higher quality training and higher skilled jobs, high increases may also indicate a high proportion of participants without prior work experience.

D. LOCAL UNEMPLOYMENT RATES: Also to be considered, but not shown in the interpretive indicator table are local unemployment rates. High local unemployment rates may cause more difficulty in obtaining placements, and may influence sponsors' choice of activities and characteristics of enrollees (less disadvantaged).

ATTACHMENT II

INDICATORS

The indicator utilized in this process were developed by the Performance Indicators Work Group as a result of its deliberations during December 1976 and January 1977. However, it was determined that use of the "Earnings Clustre" indicators, would not be practical, since data would not be available from the appropriate planning documents (PPS and BIS). Additionally, the "Expenditure Rate" indicator was omitted.

Termination Rate Cluster. This group of measures indicates the proportions of participants leaving the CETA program achieving the several types of objectives included in the employment and positive outcome categories. Obviously, no one of the measures is sufficient in analyzing or explaining participant outcomes. The cluster must, in addition, be examined in relation to costs, and the interpretive factors.

1. *Positive termination rate:*

$$\frac{\text{Total positive terminations}}{\text{Total terminations}} \times 100$$

This indicator provides a broad measure of planned prfogram success in accomplishing multiple goals. The inclusion of other positive terminations recognize that programs may have additional planned outcomes other than placement. The inclusion of intertitle transfers in other positive terminations and total terminations represents a troublesome distortion which cannot be avoided.

2. *Entered employment rate-total terminations based:*

$$\frac{\text{Entered employment}}{\text{Total termination}} \times 100$$

This indicator provides a general measure of the degree CETA participation will result in employment. The measure disregards the amount of service provided or the source of placements, but these factors should be taken into account during analysis of this indicator.

3. *Entered employment rate-total positive terminations based:*

$$\frac{\text{Entered employment}}{\text{Total positive terminations}} \times 100$$

This indicator provides another method of analyzing the degree CETA participation will result in employment. It focuses on the internal composition of positive outcomes.

4. *Nondirect placement rate-total terminations based:*

$$\frac{\text{Nondirect placements}}{\text{Total terminations}} \times 100$$

This indicator measures the degree employment will result for participants who receive more than a minimal level of CETA services. The obtained employment group is included to take into account those participants who receive significant CETA services and gain employment but for whom the sponsor cannot take actual placement credits.

5. *Nondirect placement rate-total entered employment based:*

$$\frac{\text{Nondirect placements}}{\text{Entered employment}} \times 100$$

This indicator is another measure of employment results for participants receiving more than minimal CETA services. It highlights the composition of the entered employment category.

Cost cluster. This group of indicators measures the costs in achieving positive outcomes in CETA programs. This cluster consists of the rates of total expenditures to termination categories. In addition, the cost factors must be related to quality outcome, difficulty of clientele, and external factors. It should be noted that the ratios for the indicators in the "cost cluster" used to compute the quartile reference points and for planning goals do not represent actual dollars spent or planned to be spent on each enrollee terminating positively, each enrollee entering employment and each enrollee nondirectly placed. This is because total accrued or planned expenditures into which the outcomes are divided reflect costs for all aspects of the prime sponsor's program rather than for any specific outcome. Actual costs can only be obtained by appropriate longitudinal studies. The purpose of these indicators is to provide a common base for comparing prime sponsors. Therefore, the high "costs" obtained for these indicators, especially the highest national and regional reference points for the cost per entered employment and the cost per nondirect placement, and those which may be obtained for planning goals, should be understood in this context.

1. *Cost per positive termination.*

$$\frac{\text{Planned expenditures}}{\text{Total number of positive terminations}}$$

This indicator provides a measure of costs in relation to broad program results, including accomplishment of goals other than placement in employment.

2. *Cost per entered employment:*

$$\frac{\text{Planned expenditures}}{\text{Total number entering employment}}$$

This measure relates costs to the total employment results of a CETA program.

3. *Cost per nondirect placement:*

$$\frac{\text{Planned expenditures}}{\text{Total number of nondirect placements}}$$

This indicator provides a measure of costs in relation to employment results for participants receiving CETA services beyond intake, assessment, and job referral placement.

Fund utilization cluster. These indicators measure the extent total available funds will be utilized during the fiscal year. Since there is general concern about reducing the amount of unspent funds remaining at the end of each fiscal year, a specific measure related to planned carry-out for the year is included. In addition, an indicator on administrative costs is included. Regulations prohibit administrative cost rates of more than 20 percent of total planned costs for all program activities other than PSE.

1. *Carry-out rate:*

$$\frac{\text{Planned carry-out funds}}{\text{Total funds available}} \times 100$$

This indicator describes trends in spending rates.

2. *Administrative cost rate:*

$$\frac{\text{Planned administrative costs}}{\text{Planned expenditures}}$$

This measure relates administrative costs to the overall expenses of a program.

Signed at Washington, D.C., this 11th day of August 1977.

ROBERT J. MCCONNON,
Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc.77-24849 Filed 8-25-77;8:45 am]

federal register

FRIDAY, AUGUST 26, 1977

PART VI



DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

■

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishment

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which have been officially reported as using humane methods of slaughter and incidental handling of the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected and passed at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all such species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 1 OF 24 PAGES)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
ARMOUR & COMPANY	2AT					(•)	
ARMOUR & COMPANY	2C	-(•)					
ARMOUR & COMPANY	2CC	-(•)					
ARMOUR & COMPANY	2H					(•)	
ARMOUR & COMPANY	2SA			(•)			
ARMOUR & COMPANY	2SD					(•)	
ARMOUR & COMPANY	2W					(•)	
ARMOUR & COMPANY	2WH	-(•)					
SWIFT & COMPANY	3AE					(•)	
SWIFT & COMPANY	3BW		(•)	(•)			
SWIFT FRESH MEATS COMPANY	3C					(•)	
SWIFT & COMPANY	3CH			(•)			
SWIFT FRESH MEATS COMPANY	3D	-(•)					
SWIFT & COMPANY	3G	-(•)					
SWIFT FRESH MEATS COMPANY	3GI	-(•)					
SWIFT & COMPANY	3GW					(•)	
SWIFT & COMPANY	3H	-(•)				(•)	
SWIFT & COMPANY	3L					(•)	
SWIFT & COMPANY	3M	-(•)				(•)	
SWIFT & COMPANY	3R	-(•)				(•)	
SWIFT & COMPANY	3S					(•)	
SWIFT FRESH MEATS COMPANY	3TA	-(•)					
SWIFT & COMPANY	3V	-(•)					
SWIFT & COMPANY	3Z	-(•)					
LYKES BROS INC	8	-(•)	-(•)				
LYKES BROS INC	8B	-(•)	-(•)				
PAULY PACKING COMPANY INC	10	-(•)					
FRENCH CITY MEATS INC	11	-(•)					
HYGRADE FOOD PRODUCTS CORPORATION	12A					(•)	
HYGRADE FOOD PRODUCTS CORPORATION	12FW	-(•)	-(•)				
HYGRADE FOOD PRODUCTS CORPORATION	12P	-(•)					
JOHN MORRELL & COMPANY	17D	-(•)		(•)		(•)	
JOHN MORRELL & COMPANY	17E					(•)	
JOHN MORRELL & COMPANY	17U	-(•)					
C FINKBEINER INC	18	-(•)					
WILSON FOODS CORPORATION	20H					(•)	
WILSON FOODS CORPORATION	20I	-(•)				(•)	
WILSON FOODS CORPORATION	20MO					(•)	
WILSON FOODS CORPORATION	20O	-(•)				(•)	
WILSON FOODS CORPORATION	20Y	-(•)	-(•)	-(•)		(•)	
SWIFT FRESH MEATS COMPANY	23	-(•)		(•)			
PATRICK CUDAHY WISCONSIN INC	28					(•)	
KREINBERG AND KRASNY INC	30	-(•)					
SUPERIOR BRAND MEATS INC	31	-(•)				(•)	
THE ROEGELEIN COMPANY	32					(•)	
THE ROEGELEIN COMPANY	32A	-(•)	-(•)				
VALLEYDALE PACKERS INC	34	-(•)	-(•)			(•)	
KENTON PACKING COMPANY	36	-(•)	-(•)			(•)	
TOP-LINE PACKING COMPANY	37	-(•)				(•)	
SUNNYLAND FOODS INC	43					(•)	
BROOKS COUNTY PACKING COMPANY INC	43B					(•)	
IDAHO MEAT PACKERS	46	-(•)					
DUGDALE PACKING COMPANY	53	-(•)					
SUNNYLAND PACKING COMPANY OF ALABAMA	56	-(•)					
SUNNYLAND PACKING COMPANY OF ALABAMA	56A					(•)	
GLOVER PACKING COMPANY	60	-(•)					
GLOVER PACKING COMPANY	60A	-(•)				(•)	
GOOCH PACKING COMPANY INC	61	-(•)				(•)	
SUNFLOWER BEEF PACKERS INC	62	-(•)					
SANDUSKY DRESSED BEEF COMPANY	63	-(•)					
BARC MEAT PROCESS PLANT	68	-(•)				(•)	
AUBURN UNIVERSITY MEAT LABORATORY	71	-(•)				(•)	
BROWN THOMPSON & SON	73					(•)	
DINNER BELL FOODS INC	79A					(•)	
DINNER BELL FOODS INC	79B	-(•)				(•)	
EDGAR PACKING COMPANY	84		(•)				
MBPXL CORPORATION	86	-(•)					
MBPXL CORPORATION	86D	-(•)					

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 2 OF 24 PAGES)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
MBPXL CORPORATION	86E	-(•)					
MBPXL CORPORATION	86M	-(•)					
UTICA VEAL COMPANY INC	88	-(•)					
KAHN'S DIV CONSOLIDATED FOODS CORP	89	-(•)	-(•)			(•)	
PEET PACKING COMPANY	90					(•)	
LAREDO PACKING COMPANY	91	-(•)					
SUGARDALE FOODS INC	92	-(•)				(•)	
LANE PACKING INC	93	-(•)	-(•)				
THE VAL DECKER PACKING COMPANY	95	-(•)				(•)	
CENTRAL PACKING COMPANY INC	96	-(•)	-(•)				
A KOCHS SONS	98	-(•)					
ARMOUR & COMPANY	100	-(•)		(•)			
LIBERTY PACKING COMPANY	101	-(•)					
WILSON FOODS CORPORATION	113	-(•)		(•)		(•)	
M & R PACKING COMPANY E	113						(•)
M & R PACKING COMPANY E	113B						(•)
FARMLAND FOODS INC	114	-(•)					
THE MERCHANTS COMPANY	116	-(•)				(•)	
MARHOEFER PACKING COMPANY INC	121					(•)	
JOHN MORRELL & COMPANY	126	-(•)					
CASH BROTHERS PACKING	127	-(•)	-(•)			(•)	
JOHN ROTH AND SON INC	130	-(•)					
FERRARA MEAT COMPANY INC	134	-(•)	-(•)				
NEBRASKA BEEF PACKERS INC	135	-(•)					
KLUEBNER PACKING COMPANY	142	-(•)					
R & R RICE COMPNY OF MISSOURI INC	144					(•)	
OLLIE WELCH MEAT COMPANY INC	153	-(•)	-(•)				
DALLAS CITY PACKING INC	156	-(•)	-(•)				
CORNLAND DRESSED BEEF COMPANY	157	-(•)					
GREAT PLAINS BEEF COMPANY	158	-(•)					
CORNELL UNIVERSITY ANIMAL SCIENCE	165	-(•)	-(•)	-(•)		(•)	
E W KNEIP INC	169	-(•)					
BUB DAVIS PACKING INC	171	-(•)				(•)	
THE AMERICAN MEAT PACKING CORPORATION	180					(•)	
THE RATH PACKING COMPANY	184F					(•)	
CARL'S SAUSAGE COMPANY	188					(•)	
SEATTLE PACKING COMPANY	191					(•)	
KREY PACKING COMPANY	192					(•)	
HYMES PACKING COMPANY	197	-(•)	-(•)				
UNITED PACKING COMPANY	198	-(•)		(•)			
GEORGE A HORMEL & COMPANY	199	-(•)				(•)	
GEORGE A HORMEL & COMPANY	199A	-(•)					
GEORGE A HORMEL & COMPANY	199D					(•)	
GEORGE A HORMEL & COMPANY	199H	-(•)					
GEORGE A HORMEL & COMPANY	199I					(•)	
GEORGE A HORMEL & COMPANY	199N	-(•)				(•)	
GEORGE A HORMEL & COMPANY	199O					(•)	
CAVINESS PACKING COMPANY INC	200	-(•)					
DUGDALE PACKING COMPANY	203	-(•)					
ERGE PACKING COMPANY INC	205	-(•)				(•)	
NATIONAL BEEF PACKING COMPANY	208A	-(•)					
PENN PACKING COMPANY	212					(•)	
E W KNEIP INC	213	-(•)					
MARSHALL MEAT PRODUCTS INC	215	-(•)					
LINCOLN MEAT COMPANY INC	217	-(•)					
YORK PACKING COMPANY INC	220					(•)	
ITT GWALTNEY INC	221A					(•)	
DE JONG PACKING COMPANY	223	-(•)	-(•)				
HYGRADE FOOD PRODUCTS CORPORATION	224	-(•)				(•)	
HYGRADE FOOD PRODUCTS CORPORATION	224B	-(•)					
INDEPENDENCE MEAT COMPANY	226	-(•)	-(•)			(•)	
GOLD MERIT BEEF PROCESSORS INC	232	-(•)	-(•)				
JOHN MORRELL & COMPANY	234	-(•)					
TEXAS TECHNOLOGICAL COLL ANIMAL HUSBANDRY	236	-(•)					
RASKIN PACKING COMPANY	237	-(•)					
SHREVEPORT PACKING COMPANY INC OF KANSAS	239	-(•)					
P D AND J MEATS	240	-(•)	-(•)				
GREENWOOD PACKING PLANT	242	-(•)				(•)	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 3 OF 24 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
IOWA BEEF PROCESSORS INC	245	-(*)					
IOWA BEEF PROCESSORS INC	245A	-(*)					
IOWA BEEF PROCESSORS INC	245B	-(*)					
IOWA BEEF PROCESSORS INC	245D	-(*)					
IOWA BEEF PROCESSORS INC	245E	-(*)					
JOHN MORRELL & COMPANY	246	-(*)				(*)	
FEDERAL PACKING COMPANY INC	249	-(*)					
LONG PRAIRIE PACKING CO	253	-(*)					
MAGIC VALLEY PACKING COMPANY	258	-(*)					
HYPLAINS DRESSED BEEF INC	262	-(*)					
THE JONES DAIRY FARM	263					(*)	
FARM PAC KITCHENS INC	266	-(*)					
PACIFIC MEAT COMPANY INC	267	-(*)					
GOLDEN VALLEY PACKING COMPANY	272	-(*)					
TOG PACKING COMPANY INC	273	-(*)					
ALPHA BETA ACME MARKETS INC	279	-(*)	-(*)				
PARNETT PACKING CORPORATION	283	-(*)					
SOLANO MEAT COMPANY	285	-(*)		(*)			
FLAVORLAND INDUSTRIES INC	288	-(*)					
ARBOGAST AND BASTIN INC	289					(*)	
SAN JOSE MEAT COMPANY INC	291	-(*)					
ARMOUR & COMPANY	292					(*)	
IOWA BEEF PROCESSORS INC	292A	-(*)					
GUS JUENGLING AND SON INC	298	-(*)					
UNION PACKING COMPANY	305	-(*)					
SERV U MEAT PACKING COMPANY	306	-(*)					
A GEMMEN & SONS INC	308	-(*)					
KAUFMAN MEATS	310	-(*)					
RUDYS FARM COMPANY	315					(*)	
ESTES PACKING COMPANY	319	-(*)					
STADLER PACKING COMPANY INC	320	-(*)				(*)	
PIERCE PACKING	322	-(*)		(*)	-(*)	-(*)	
RUDNICK PACKING COMPANY INC	325	-(*)					
GOLDEN STATE FOODS CORPORATION	327	-(*)					
C & M MEAT PACKING CORPORATION	329	-(*)					
ROYAL PACKING COMPANY	331A	-(*)					
SHAPIRO PACKING COMPANY INC	332	-(*)					
GREAT WESTERN PACKING COMPANY INC	334	-(*)					
NOBLE'S MEAT COMPANY	335	-(*)	-(*)				
CHINO VALLEY MEAT PACKING COMPANY INC	336	-(*)	-(*)				
SAN KANE BEEF PROCESSORS INC	337	-(*)	-(*)				
GREEN & OLIVER SAUSAGE COMPANY	338					(*)	
MIDLAND EMPIRE PACKING COMPANY INC	339	-(*)					
BOUKEY PACKING COMPANY	340	-(*)					
PUCKETT PACKING COMPANY	343	-(*)					
GOLD-PAK MEAT COMPANY INC	344	-(-)	-(*)				
ANZA MEAT PACKING COMPANY	345	-(*)					
UNION PACKING COMPANY INC	351	-(*)					
FRESNO MEAT PACKING COMPANY	354	-(*)					
MC CANDLESS PACKING COMPANY INC	355	-(*)					
SUNSTAR FOODS	357	-(*)					
CLOUGHERTY PACKING COMPANY	360					(*)	
MYERS PACKING COMPANY	363	-(*)					
JAMES ALLAN AND SONS	365	-(*)		(*)		(*)	
KERSEY MEAT PROCESSING COMPANY	366	-(*)		(*)		(*)	
WILSON & COMPANY INC	374	-(*)				(*)	
SALINAS MEAT COMPANY	378	-(*)	-(*)	-(*)			
EMGE PACKING COMPANY INC	380	-(*)				(*)	
SMITHFIELD PACKING COMPANY INC	382					(*)	
AMERICAN STORES PACKING COMPANY	384	-(*)					
FREEDMAN PACKING INC	387	-(*)					
DUGDALE PACKING COMPANY	390	-(*)					
OLDHAM'S FARM SAUSAGE COMPANY INC	392					(*)	
HUISKEN MEAT CENTER	394	-(*)				(*)	
DUBUQUE PACKING COMPANY	396	-(*)	-(*)	-(*)		(*)	
DUBUQUE PACKING COMPANY	396C	-(*)					
DUBUQUE PACKING COMPANY	396D	-(*)					
DUBUQUE PACKING COMPANY	396E	-(*)				(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 4 OF 24 PAGE(S)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
DUBUQUE PACKING COMPANY	396N	-(*)					
WATSONVILLE DRESSED BEEF INC	398	-(*)					
LOS BANOS ABATTOIR	400	-(*)					
OAKRIDGE SMOKEHOUSE	401	-(*)					(*)
OWENS COUNTRY SAUSAGE INC	403						(*)
WILLISTON PACKING COMPANY INC	405	-(*)					
NEUHOFF BROS	406	-(*)					
GREEN BAY DRESSED BEEF INC	410	-(*)					
ALPINE PACKING COMPANY	412	-(*)					
THE LUNDY PACKING COMPANY	413						(*)
THE LUNDY PACKING COMPANY	413A						(*)
FROSTY MORN MEATS	414	-(*)					(*)
S BONACCURSO & SONS INC	418	-(*)					
MURRAY PACKING COMPANY INC	421	-(*)					
E W KNEIP INC OF IOWA	422	-(*)					
THE COLLINS PACKING COMPANY	423						(*)
KENOSHA BEEF INTERNATIONAL LTD	425	-(*)					
FINEBERG PACKING COMPANY	428	-(*)	-(*)	-(*)		(*)	
SCHNEIDER PACKING COMPANY	439	-(*)					
OMAHA DRESSED BEEF COMPANY INC	441	-(*)					
OMAHA DRESSED BEEF COMPANY INC	441A	-(*)					
DEL CURTO MEAT COMPANY	445	-(*)	-(*)				
THE DICILLO CORPORATION	448	-(*)					
ECONOMY PACKING HOUSE	451	-(*)	-(*)				
DEWITT PACKING CORPORATION	456	-(*)	-(*)				
MORRIS RIFKIN & SONS INC	460	-(*)					
PIONEER BONELESS BEEF INC	461	-(*)					
LANCASTER PACKING COMPANY	462	-(*)					
LITVAK PACKING COMPANY	465	-(*)					
BECMAR PACKING COMPANY	467	-(*)				(*)	
CORNHUSKER PACKING COMPANY	468	-(*)					
SIOUXLAND BEEF PROCESSING COMPANY	476	-(*)					
ARMOUR & COMPANY	477	-(*)					
GOTHAM PROVISION COMPANY INC	481	-(*)	-(*)				
ST CROIX ABATTOIR	482	-(*)	-(*)	-(*)	-(*)	-(*)	
ROBBL BEEF PACKERS INC	485	-(*)					
EAST TENNESSEE PACKING COMPANY	487	-(*)				(*)	
BURING FOOD GROUP INC	488	-(*)				(*)	
E W KNEIP INC	489	-(*)					
WARD FOODS INC	490	-(*)	-(*)	-(*)			
FAIRBANK FARMS INC	492	-(*)	-(*)				
KAPLAN MEAT PACKERS INC	494	-(*)	-(*)				
BARTELL'S MEAT COMPANY	497	-(*)	-(*)				
PELLA PACKING COMPANY INC	498	-(*)					
HEIM BROTHERS PACKING COMPANY INC	499	-(*)				(*)	
STUTZMAN SLAUGHTERHOUSE	507	-(*)	-(*)	-(*)		(*)	
SHEN VALLEY MEAT PACKERS INC	511	-(*)				(*)	
SNIDER BROS INC	512	-(*)	-(*)				
CAPITOL PACKING COMPANY	513	-(*)					
PORK PACKERS INTERNATIONAL INC	520					(*)	
RANCHO FEEDING CORPORATION	527	-(*)	-(*)				
ARMOUR & COMPANY	528	-(*)					
SMALLWOOD PACKING COMPANY INC	529	-(*)					
MARYSVILLE MEAT PACKING COMPANY INC	533	-(*)					
PEPPER PACKING COMPANY	536	-(*)					
OSCAR MAYER & COMPANY	537A	-(*)				(*)	
OSCAR MAYER & COMPANY	537B					(*)	
OSCAR MAYER & COMPANY INC	537C					(*)	
OSCAR MAYER & COMPANY	537E					(*)	
MIDWEST PACKING COMPANY	538	-(*)					
GOEHRING MEAT PRODUCTS CORPORATION	548					(*)	
L A BEEFLAND INC	549	-(*)	-(*)				
CASCADE MEAT PACKING COMPANY	550	-(*)		(*)		(*)	
BLACK HILLS PACKING COMPANY	554	-(*)					
MID SOUTH PACKERS INC	557	-(*)				(*)	
D & W PACKING COMPANY	560	-(*)				(*)	
UNITED DRESSED BEEF COMPANY INC	561	-(*)	-(*)				
PACKERLAND PACKING COMPANY	562	-(*)					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
PECK MEAT PACKING CORPORATION	567	(*)					
ELMER BENDER & SON INC	569		(*)	(*)			
PERRETTA PACKING COMPANY INC	571	(*)					
COIL INC	575	(*)					
FROSTY MORN MEATS INC	576					(*)	
MONARCH PACKING COMPANY	581	(*)					
COFFEYVILLE PACKING COMPANY INC	583	(*)					
FREDERICK & HERRUD INC	586					(*)	
DAWSON-BAKER PACKING COMPANY INC	588	(*)					
CORO MEAT PACKING INC	593	(*)					
ELK GROVE MEAT COMPANY	601	(*)					
SAN ANTONIO PACKING COMPANY	602	(*)		(*)		(*)	
SAN ANTONIO PACKING COMPANY	602A	(*)		(*)			
WRIGHT PACKING COMPANY INC	603	(*)					
COPPER STATE PHOENIX MEAT COMPANY	604	(*)	(*)				
WILSON FOODS CORPORATION	606					(*)	
WESTERN MEATS	608	(*)					
EASTERN OREGON MEAT COMPANY INC	611	(*)				(*)	
DONNER PACKING COMPANY	614	(*)					
KUMMER MEAT COMPANY INC	617	(*)	(*)	(*)			
DOSKOCIL SAUSAGE INC	623					(*)	
LUMBERJACK MEATS INC	626					(*)	
BIG FOOT PACKING COMPANY INC	627	(*)					
E A MILLER & SONS PACKING COMPANY INC	628	(*)	(*)				
H H KEIM COMPANY	630	(*)					
FLANERY MEATS INC	643	(*)					
TRANSCONTINENT PACKING COMPANY E	646						(*)
BIRD PROVISION COMPANY	647					(*)	
SPENCER FOODS INC	648	(*)					
SCHLUDERBERG-KURDLE COMPANY INC	649					(*)	
JOHN MORRELL & COMPANY	650					(*)	
BAUMS BOLOGNA INC	657	(*)					
QUALITY MEAT PACKING COMPANY	661	(*)					
COLORADO WEST PACKERS INC	662	(*)				(*)	
GLOBE PACKING COMPANY	663	(*)					
WEBER FARMS INC	665					(*)	
CROWN PACKING COMPANY	666					(*)	
FLANERY FOODS INC	667	(*)					
UNION PACKING COMPANY INC	673	(*)					
S & S PACKING COMPANY INC	674	(*)				(*)	
CAVINESS PACKING COMPANY INC	675	(*)					
JACOB BAUERS SONS INC	678	(*)	(*)				
CALDWELL PACKING COMPANY INC	683	(*)					
CALLAWAY PACKING COMPANY	688	(*)					
PIERCE PACKING COMPANY	691					(*)	
BRYAN MEAT COMPANY	693	(*)	(*)				
KANSAS STATE UNIV ANIMAL SCIENCE & INDUSTRY	694	(*)					
GULF PACKING COMPANY	696	(*)					
TRIOLO BROTHERS	706					(*)	
CENTRAL NEBRASKA PACKING COMPANY E	713						(*)
DAVENPORT PACKING COMPANY INC	716	(*)					
FARMLAND FOODS INC	717					(*)	
FARMLAND FARMS	717CR					(*)	
A DARLINGTON STRODE	718					(*)	
SWIFT & COMPANY	726	(*)				(*)	
DECKER & SON	727					(*)	
ROODE PACKING COMPANY INC	729	(*)					
FROSTY LAND FOODS INTERNATIONAL INC	731	(*)					
EILER & SON INC	732	(*)	(*)	(*)		(*)	
WESTERN PACKERS	733	(*)					
OMID PACKING COMPANY	736	(*)	(*)			(*)	
PARNELLS PACKING COMPANY	738	(*)	(*)	(*)		(*)	
THE JACOB SCHLACHTER'S SON & COMPANY	739	(*)					
MID STATE MEAT COMPANY	741	(*)					
THE O K PACKING COMPANY	749	(*)	(*)				
JACK'S MEAT PACKING PLANT	754	(*)		(*)		(*)	
SEITZ FOODS INC	756A	(*)					
THE AMERICAN MEAT PACKING CORPORATION	760					(*)	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
SCHAAKE PACKING COMPANY INC	761	(*)					
KARLER PACKING COMPANY	767	(*)					
SHERIDAN MEAT COMPANY INC	768	(*)				(*)	
EARL C GIBBS INC	770	(*)					
HANFORD MEAT PACKING COMPANY	773	(*)	(*)				
BRISTOL FOODS INC	775	(*)					
CENTRAL PACKING COMPANY	777	(*)					
THE CUDAHY PACKING COMPANY	779	(*)				(*)	
BRYAN PACKING COMPANY INC	780	(*)				(*)	
DIAMOND MEAT COMPANY INC	783	(*)					
GRANITE STATE PACKING COMPANY	785	(*)	(*)				
AURORA PACKING COMPANY INC	788	(*)					
HATFIELD PACKING COMPANY	791					(*)	
BAUMS MEAT PACKING	792	(*)	(*)				
HURON DRESSED BEEF	798	(*)					
AMERICAN BEEF PACKERS INC	807	(*)					
THE G ERHARDT SONS INC	810	(*)					
S & R BEEF COMPANY	811	(*)					
FLOYD VALLEY PACKING COMPANY	812					(*)	
ROCHESTER INDEPENDENT PACKER INC	817	(*)					
J H ROUTH PACKING COMPANY	818					(*)	
STRUAB & SMITH PACKING CORP	820	(*)		(*)		(*)	
STERLING COLORADO BEEF COMPANY	823	(*)					
FOREMOST PACKING COMPANY	824					(*)	
SUPERIOR PACKING COMPANY INC	825			(*)			
LOOKOUT MOUNTAIN PACKERS INC	826	(*)					
BERCHEMS MEAT COMPANY	830	(*)					
LEE-JOHNSON INC	835	(*)					
FREDERICK COUNTY PRODUCTS INC	838	(*)					
VALLEYDALE PACKERS INC	840	(*)				(*)	
G BARTUSCH PACKING COMPANY	843	(*)					
THE ALLEN PACKING COMPANY	845	(*)		(*)			
ARENA DRESSED BEEF COMPANY	851	(*)					
FLAVORLAND INDUSTRIES INC	851C	(*)					
FLAVORLAND INDUSTRIES INC	851I	(*)					
JORDAN MEAT & LIVESTOCK COMPANY INC	858	(*)	(*)	(*)		(*)	
O'NEILL MEAT COMPANY	862	(*)	(*)				
TENNESSEE DRESSED BEEF COMPANY	865	(*)					
HARDY & COMPANY INC	869	(*)	(*)				
PAHLER PACKING CORPORATION	880	(*)					
SWANTON PACKING INC	883	(*)					
ALCO PACKING COMPANY INC	885	(*)	(*)			(*)	
WALTER H LYONS INC	886	(*)					
HAMILTON PACKING COMPANY	891	(*)	(*)			(*)	
SAMBOL PACKING COMPANY	892	(*)					
TOBIN PACKING COMPANY INC	893					(*)	
VERNON CALHOUN PACKING COMPANY	897	(*)					
SIGMAN MEAT COMPANY INC	901D					(*)	
PARTY PACKING CORPORATION	902	(*)					
LIBERTY MEAT PACKING CORPORATION	910	(*)					
B CONSTANTINO & SONS COMPANY	918	(*)					
ALICE PACKING COMPANY	921	(*)					
VALLEYDALE PACKERS INC	922	(*)	(*)			(*)	
WISCONSIN PACKING COMPANY	924	(*)					
NEVADA WEST PACKING INC	925	(*)					
PARSONS BEEF COMPANY INC	932	(*)					
E B MANNING AND SON	934	(*)					
WOLZ PACKING COMPANY	938	(*)					
GENTNER PACKING COMPANY INC	941	(*)					
WHITEHALL PACKING COMPANY	946	(*)					
MEILMAN FOOD INDUSTRIES INC	946B	(*)					
M BRIZER & COMPANY	948	(*)					
JOE DOCTORMAN & SON PACKING COMPANY INC	949	(*)					
KENNEDYS SAUSAGE COMPANY	950					(*)	
BOB EVANS FARMS MICHIGAN INC	952					(*)	
GREATER OMAHA PACKING COMPANY INC	960	(*)					
POTTER SAUSAGE PRODUCT INC	961					(*)	
VIRGINIA PACKING COMPANY INC	963	(*)	(*)				

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 7 OF 24 PAGES)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
T L LAY PACKING COMPANY	967	•				•	
MONFORT PACKING COMPANY	969	•		•			
HAWAII MEAT COMPANY LTD	970	•					
LONGHORN MEAT PACKERS INC	976	•					
BANNER BEEF COMPANY	985	•					
SHAMROCK PACKING COMPANY	987	•					
KLARER OF KENTUCKY INC	995					•	
THE HOME PRIDE PROVISIONS INC	1029	•	•	•	•		
ARMOUR & COMPANY	1085		•				
LANDY PACKING COMPANY	1171	•					
PORKLAND DIV OF CONSOLIDATED FOODS CORP	1175					•	
A P MOYER & SON	1311	•					
MCCABE PACKING PLANT	1312	•					
H & H PACKING	1315	•				•	
BEEF NEBRASKA INC	1318	•					
LA BRIER MEAT PROCESSING COMPANY	1463	•			•	•	
ASSOCIATED MEAT PACKERS INC	1472	•		•		•	
STEVENS MEAT COMPANY INC	1485	•	•				
OMAHA PORK PACKERS INC	1526					•	
HENDERSON MEAT PROCESSORS	1527	•				•	
MULLEN PACKING COMPANY	1585	•					
DOUBLE J MEAT COMPANY	1669	•				•	
JAMES SAUSAGE COMPANY	1718					•	
DE KALB COUNTRY PACKING INC	1737					•	
ROBERT L RUNTZ INC	1750	•					
LITTLE RIVER PACKING	1771	•				•	
PINE CITY FROZEN FOODS INC	1772	•				•	
GOLDEN WEST MEAT COMPANY INC E	1796						•
ROCK DELL MEATS & PROCESSING	1894	•					
MINDEN BEEF COMPANY	1914M	•					
CROCKETT PACKING COMPANY	2033	•					
MR BEEF PACKING	2061	•	•			•	
BRAUNFELS MEATS INC	2083	•				•	
OOOM SAUSAGE COMPANY OF KENTUCKY INC	2094					•	
ALEWELS INC	2101	•				•	
HONEY BEEF HOUSE	2104		•				
BALLARDS FARM SAUSAGE INC	2108					•	
P & H PACKING COMPANY INC	2211	•	•				
HANDY PACKING COMPANY INC	2215	•	•	•		•	
YOAKUM PACKING COMPANY LTD	2216	•					
CLARK PACKING COMPANY	2219	•				•	
BURLISON PACKING COMPANY	2224	•					
PACE PACKING COMPANY	2228	•				•	
RIDLEY PACKING COMPANY	2229	•	•				
SOUTH TEXAS PACKERS INC	2230	•					
GEORGE BRAUN PACKING COMPANY INC	2239	•					
BRYAN SAUSAGE COMPANY INC	2249					•	
LOVELAND PACKING COMPANY INC	2259					•	
G & C PACKING COMPANY	2262	•					
RIDLEY PACKING COMPANY	2265	•				•	
L A FREY & SONS INC	2266A	•				•	
WRIGHT PACKING COMPANY	2269	•	•			•	
CENTENO MEAT COMMISSARY	2271	•					
LAMESA MEAT COMPANY	2272	•				•	
AMARILLO PACKING COMPANY	2273	•					
HUSBAND BROTHERS PACKING COMPANY	2284	•					
BEN GRANTHAM MEAT PACKERS	2290	•				•	
DANKWORTH PACKING COMPANY INC	2296	•				•	
BARKER ENTERPRISES INC	2315	•				•	
FRUITLAND PACKING COMPANY	2316	•					
HEIGHTS MEAT CENTER	2319	•			•		
CORNETT PACKING COMPANY	2333	•		•		•	
AMANA SOCIETY	2357	•					
W J RAHE & SONS INC	2358	•	•			•	
THIES PACKING COMPANY INC	2367	•					
GROTE MEAT COMPANY	2369	•					
CLAYTON PACKING COMPANY	2373		•	•			
SMIT & SON INC	2376	•					

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 8 OF 24 PAGES)

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
SPENCER FOODS INC	2379	•					
PARTIN SAUSAGE COMPANY	2385					•	
MARSHALL PACKING COMPANY INC	2386	•					
CLINTON PACKING COMPANY	2387					•	
MOTT PACKING COMPANY	2394	•				•	
UNITED MEAT COMPANY INC	2396	•					
PONY EXPRESS RANCH	2398	•				•	
P H CUSTOM MEATS INC	2401	•		•	•	•	
HILLSHIRE FARM COMPANY	2435					•	
RANCHLAND PACK INC	2439	•	•			•	
JOHN R DAILY INC	2450	•				•	
CEMPL PACKING COMPANY	2460	•					
LINK BROS INC	2472	•	•			•	
WENNING PACKING COMPANY INC	2533	•					
STRICKLER'S MEATS	2585	•				•	
WEYHAUPT BROS PACKING COMPANY	2594	•				•	
BARTLOW BROS INC	2595	•				•	
THE TEETERS PACKING COMPANY	2598					•	
DUQUOIN PACKING COMPANY	2599	•				•	
MCDONALD MEATS	2603	•					
FOUTCH PACKING CO	2604	•				•	
J W TREUTH & SON INC	2612	•					
MANASSAS FROZEN FOODS ABATTOIR	2621A	•		•	•	•	
LOOMIS PACKING COMPANY INC	2636	•				•	
CURTIS PACKING COMPANY	2642	•					
MORRIS PACKING PLANT	2657	•	•			•	
H P BEALE & SONS INC	2682					•	
WEAVER'S MEAT PROCESSING	2698					•	
YODERS LOCKER PLANT	2699	•				•	
D & E COUNTRY BUTCHERS	2751	•				•	
WAGNER PROVISION COMPANY INC	2770	•	•			•	
B & H WHOLESALE MEAT COMPANY	2777	•					
DOUGLAS J OSGOOD	2791	•				•	
GEORGE BROWN	2794	•				•	
STOEVEN BROTHERS	2800	•		•			
BLUE MOUNTAIN MEATS	2825	•		•			
LEWIS & MCDERMOTT	2847	•					
WISTA MEAT PACKING COMPANY INC	2854	•	•				
GRANITE MEAT & LIVESTOCK COMPANY	2856	•					
ARMBRUST MEATS	2912	•	•				
MADISON FOOD INC	2923					•	
MARYVILLE PACKING COMPANY	2927	•				•	
PETTIS COUNTY LOCKER SYSTEM	2929	•				•	
RUNYON FROZEN FOOD SERVICE	2932	•				•	
WINTER'S MEAT PROCESSING	2936	•	•			•	
WOODS LOCKER & ABATTOIR	2938	•				•	
YONTZ PACKING COMPANY	2939	•					
WEST PLAINS PACKING COMPANY	2944	•				•	
WEST SLAUGHTER HOUSE	2945	•				•	
P & H MEATS INC	2946	•		•		•	
PENISCOT PACKING COMPANY	2948	•				•	
DAVIS SLAUGHTER PLANT	2950	•					
CROUCH'S LOCKER & PROCESSING	2951	•				•	
NADLER'S MEATS INC	2956	•				•	
MAXWELL BROTHERS INC	2959	•				•	
MAC DYE PACKING COMPANY	2962	•		•		•	
MATTEWS SLAUGHTER HOUSE	2963					•	
BOLIVAR LOCKER PLANT	2964	•				•	
FRANCIS PACKING COMPANY	2965	•					
SWISS PROCESSING PLANT	2969	•				•	
SLAGLE MEAT MARKET INC	2970	•				•	
MURPHY SLAUGHTERHOUSE	2972	•					
SINGER LOCKER SERVICE	2975	•				•	
DELALOYE & SONS MEAT PACKING INC	2977	•					
RINEHART'S MEAT PROCESSING INC	2978	•				•	
MIRABILE MEAT PROCESS	2982	•					
DAVIS MEAT PROCESSING	2984	•				•	
BIGGS PACKING COMPANY	2985	•					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
OZARK PACKING COMPANY	2986A	[*]				[*]	
HIGHLANDVILLE PACKING COMPANY	2987	[*]				[*]	
GLEN'S CUSTOM BUTCHERING	2989	[*]				[*]	
PERRY SLAUGHTER	2990	[*]				[*]	
HERROD PACKING COMPANY INC	2991	[*]					
HOLDEN LOCKER PLANT	2993	[*]				[*]	
COUNTRY BUTCHER SHOP	2995	[*]				[*]	
COUNTRY BUTCHER SHOP	2995A	[*]				[*]	
MISSOURI STATE PENITENTIARY FOR MEN	2998	[*]				[*]	
GENMAN'S QUALITY MEATS	4014	[*]	[*]	[*]		[*]	
DIETRICH'S COUNTRY MEATS	4022	[*]				[*]	
HOFFER'S LIGONIER VALLEY PACKING	4025	[*]				[*]	
HOST ACRES FARMS QUALITY MEATS	4034	[*]				[*]	
CLARENCE W CRAMER	4043	[*]				[*]	
FARMLAND MEATS	4049	[*]				[*]	
LEE PACKING COMPANY	4055	[*]				[*]	
THE DEVEREUX FOUNDATION FARM	4065	[*]					
TALONE PACKING COMPANY	4152	[*]	[*]				
UPLAND PACKING COMPANY	4165	[*]					
THE COLDWATER MEAT SERVICE INC	4202	[*]	[*]			[*]	
TINY'S MEAT	4206	[*]				[*]	
VALLEY MEATS INC	4213	[*]				[*]	
HAWARDEN OF IOWA INC	4216	[*]					
SPRINGFIELD QUALITY BEEF INC	4220	[*]					
PULVERMACHER INC MEAT PROCESSING	4244	[*]	[*]			[*]	
WEBSTER CITY CUSTOM MEATS INC	4246	[*]				[*]	
JOE PAGLIUSO & BROS INC	4253	[*]	[*]				
SCHREIBER SON'S MARKET INC	4254	[*]	[*]				
LASHWAY VICTOR & SONS	4261	[*]	[*]			[*]	
POOK'S WHOLESALE MEATS INC	4263	[*]					
STATE UNIV OF NEW YORK AGRI & TECH COLLEGE	4266	[*]					
JIM SIMON'S MEATS	4285	[*]	[*]				
S & J SLAUGHTERHOUSE	4346	[*]					
F K E SON INC	4353	[*]					
KLINCK BROS INC	4354	[*]					
DONALD M CLOY	4355	[*]					
BERNACKI BROS	4356	[*]					
SMITH PACKING COMPANY	4371	[*]	[*]			[*]	
CARLSON BROTHERS MEATS INC	4372	[*]		[*]	[*]	[*]	
J M BOSTWICK AND SONS INC	4373	[*]					
ROBERT C RONALD VAN CAMP	4374	[*]					
SIPPERLY BROS INC	4380	[*]					
NESSLE BROTHERS MEATS	4389	[*]	[*]				
WALLKILL CORRECTIONAL FACILITY	4416	[*]					
KARL'S SLAUGHTERHOUSE	4418	[*]					
FIORENTINO BROS MEAT PROCESSORS	4419	[*]					
L & C MEATS COMPANY	4421	[*]					
LEWIS A IVES	4422	[*]					
LOFFT'S MARKET	4423	[*]				[*]	
HERBERT M ZIFF INC	4424	[*]	[*]				
SHAPPEE & SHEIVE MEAT PLANT	4426	[*]	[*]			[*]	
P BRENNAN INC	4429	[*]	[*]	[*]	[*]		
WILLIAM G MEAT PACKING COMPANY	4431	[*]	[*]			[*]	
GREEN HAVEN CORRECTIONAL FACILITY	4463	[*]					
FRANK BROTHERS FARM INC	4464	[*]					
NOWER CUSTOM SLAUGHTERING	4468	[*]					
KAMERY'S WHOLESALE MEATS	4470	[*]	[*]	[*]	[*]	[*]	
FREDERICK BOND	4471	[*]			[*]		
PACKER'S WHOLESALE MEATS	4473	[*]					
GREENVILLE PACKING CORPORATION	4474	[*]					
LUTZ PACKERS INC	4475	[*]				[*]	
BRICCETTI'S BEDFORD MARKET	4476	[*]					
JOSEF MEILLER'S SLAUGHTERHOUSE INC	4477	[*]	[*]			[*]	
CROGHAN MEAT MARKET INC	4480	[*]					
F J LEWIS	4482	[*]					
HORAN'S SLAUGHTERHOUSE	4483	[*]					
STEINER PACKING COMPANY INC	4486	[*]	[*]	[*]		[*]	
VICTORIA POLYNIAK	4488	[*]				[*]	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
STEIGER'S SLAUGHTER HOUSE	4489	[*]					
ORLEANS MEAT PROCESSING COMPANY	4490	[*]					
PAT ROBUSTON INC	4491	[*]					
DILLION'S SLAUGHTER HOUSE	4492	[*]					
E D BEADLES SLAUGHTER HOUSE	4493	[*]					
CUDLIN'S MARKET	4528	[*]				[*]	
CLIFFORD H SCHRADER	4529	[*]					
JOHN BRITT	4530	[*]	[*]				
STATE UNIV OF NEW YORK AT ALFRED AGRI & TECH	4531	[*]					
OWASCO MEAT COMPANY	4532	[*]		[*]		[*]	
MAPLE GROVE FARMS	4533	[*]	[*]				
GORHAM PACKING CORPORATION	4534	[*]	[*]				
TEAR'S MARKET	4535	[*]		[*]	[*]	[*]	
SOUTH DAYTON MEAT MARKET	4540	[*]					
MANWARING'S CUSTOM PROCESSING	4541	[*]	[*]	[*]	[*]	[*]	
LAZY FARMS INC	4542	[*]					
THE HILLSDALE PACKING COMPANY INC	4546	[*]	[*]				
MULLEN'S SLAUGHTERHOUSE	4623	[*]					
FORD BROS WHOLESALE MEATS INC	4625	[*]	[*]				
CHARLES AHL MEATS	4638	[*]					
RITE WAY MEAT PROCESSING INC	4662	[*]		[*]		[*]	
STRANDBURG'S WHOLESALE MEATS	4666	[*]					
SUFFOLK COUNTY FARM COOP	4675	[*]				[*]	
KENNEDY MEAT MARKET	4677	[*]	[*]				
HOBART'S REFRIGERATED SERVICE	4679	[*]					
POTTER PACKING COMPANY INC	4689	[*]				[*]	
LILLIES WHOLESALE MEATS	4697	[*]	[*]				
FRANK DEMARTINO & SON & SONS	4707	[*]					
SOUTHINGTON PACKING COMPANY	4708	[*]	[*]	[*]	[*]	[*]	
DAN BROOK PACKING COMPANY	4709	[*]	[*]	[*]	[*]	[*]	
MAURICE'S COUNTRY MEAT MARKET	4714	[*]	[*]	[*]		[*]	
LECCE PACKING COMPANY	4715	[*]		[*]		[*]	
E & J FARMS	4716	[*]		[*]			
DON J LYNCH PACKING HOUSE	4727	[*]					
MATTICE'S SLAUGHTERHOUSE	4728	[*]					
ESSEX AGRICULTURAL & TECHNICAL INSTITUTE	4751					[*]	
WARRINGTON FARM	4752	[*]				[*]	
TROUP PACKING COMPANY	4800	[*]					
CURRY COUNTY MEAT PACKERS INC	4802	[*]				[*]	
TAMA MEAT PACKING CORP (HOLTON DIV)	4803	[*]					
JOEY PAUL DBA MOUNTAIN PROCESSORS INC	4804	[*]				[*]	
BIG CREEK TRADING POST	4805	[*]				[*]	
HIGH PLAINE PACKING COMPANY INC	4806	[*]		[*]		[*]	
CENTRAL MEAT PACKERS INC	4809	[*]				[*]	
Q SUPPLY COMPANY	4810	[*]					
CAJUN PACKING COMPANY	4814	[*]	[*]				
GREAT WESTERN MEAT COMPANY E	4816						[*]
CATTLEMAN'S WHLSE BEEF & PORK OUTLET	4819	[*]					
CAL POLY MEATS	4869	[*]					
KLAPP'S COUNTRY MARKET & PACKING HOUSE	4903	[*]	[*]	[*]	[*]	[*]	
RICKERT MEAT COMPANY	4982	[*]				[*]	
FORT PLAIN PACKING COMPANY INC	5074	[*]	[*]				
SELECTED MEAT PACKERS INC	5109	[*]					
ANTHONY PARRILLO INC	5193	[*]	[*]	[*]	[*]	[*]	
RALPH PACKING COMPANY INC	5228	[*]	[*]				
JOHNSTON DRESSED BEEF & VEAL COMPANY INC	5300	[*]	[*]				
HAYES PACKING CORPORATION	5301	[*]					
GEO WALDENMAIER & SONS	5327	[*]	[*]				
A ARENA & SONS INC	5346	[*]					
SALEM PACKING COMPANY	5425	[*]				[*]	
BRINGHURST BROS INC	5426	[*]	[*]	[*]	[*]	[*]	
NEWFIELD MEAT PACKERS INC	5429		[*]	[*]	[*]	[*]	
VINELAND DRESSED BEEF INC	5430	[*]	[*]	[*]			
WHIPPANY MEAT PACKING INC	5437	[*]					
KLEEMEYER & MERKEL INC	5439	[*]					
MUENCH MEATS	5442		[*]				
SIEGEL BROS INC	5457	[*]	[*]				
MARLBORO PSYCHIATRIC HOSPITAL	5464	[*]				[*]	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 11 OF 24 PAGES]

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
PERSON'S PROCESSING	5469	*	*	*		*	
WINCHESTER PACKING COMPANY INC	5500	*				*	
MORELAND & MAY PROCESSING PLANT	5507	*				*	
AMEND PACKING COMPANY	5509	*					
GIBSON PACKING COMPANY	5511	*					
HERB'S LOCKER & SLAUGHTER INC	5514	*					
CENTRAL FOODS INC	5519	*					
HEWLETT WHOLESALE MEATS	5524	*					
SIOUX-PREME PACKING COMPANY	5537					*	
JACK POLEN PACKING COMPANY	5548	*					
IOLA MEAT PROCESSORS INC	5555	*					
THE FANESTIL PACKING COMPANY INC	5562	*					
HAVILAND BROS PACKING COMPANY INC	5565	*				*	
TAMA MEAT PACKING CORPORATION	5569	*					
STANKO PACKING COMPANY	5572	*					
BUTCHERS INC	5575	*				*	
WIMMER'S MEAT PRODUCTS INC	5601	*				*	
HERMAN THE GERMAN SLAUGHTERHOUSE	5604	*					
ELLIOTT FOOD PRODUCTS INC	5608	*				*	
ORD COLD STORAGE	5610	*				*	
JOHNSON'S FROZEN FOODS	5612	*				*	
THE JIMMY DEAN MEAT COMPANY INC	5614					*	
DE LUCA PACKING COMPANY INC	5621	*	*	*		*	
ALBION LOCKERS INC	5622	*		*		*	
ALEXANDRIA PACKING COMPANY	5623	*				*	
BRAATEN & PALMER MEATS	5626	*					
HOLTZEN'S CERTIFIED MEAT PROCESSING & CURING	5630	*				*	
OSAKIS MEAT & PROCESSING	5633	*				*	
DOTY PACKING COMPANY INC	5634	*				*	
GRUNKEMEYER MEATS	5635	*				*	
OTTE PACKING	5638	*					
E & E MEATS PROCESSING	5639	*				*	
F & S SAUSAGE COMPANY INC	5640	*				*	
JOHNSON STEAK MASTER	5641	*				*	
PETERSON'S LOCKERS INC	5647	*				*	
TATUM'S PROCESSING PLANT	5649	*				*	
CUSTOM PACK INC	5650	*					
CITY MEAT MARKET	5652	*				*	
VERLING LOCKER	5653	*				*	
BELSINDE'S LOCKER PLANT	5654	*				*	
EPLER MERCANTILE COMPANY	5655	*				*	
KIMBALL LOCKERS	5656	*				*	
TRAUTMAN'S MEAT CENTER	5657	*				*	
UNIV OF NEBRASKA LOEFFEL MEAT LABORATORY	5658	*				*	
BUTLER'S BEEF ACRES	5660	*				*	
ROMAN PACKING COMPANY INC	5662	*					
PETERSBURG LOCKER	5668	*				*	
YOST PACK INC	5672	*				*	
HOLLSTEIN PACKING COMPANY	5673	*				*	
KREIDER'S STORE	5681	*				*	
TECUMSEH LOCKER	5682	*				*	
VALENTINE LOCKER	5683	*					
WAUSA LOCKERS	5686	*				*	
IOWA PORK INDUSTRIES INC	5689					*	
BIRDGE & ZIMMERMAN INC	5700	*				*	
MORRIS SNOW & COMPANY	5715	*					
HAWLIK'S LOCKER PLANT	5729	*				*	
SHERMAN CUSTOM SLAUGHTERING	5764	*				*	
ALEWEL'S INC	5766	*				*	
V-B MEAT COMPANY	5769	*				*	
PERRYVILLE PACKING COMPANY	5770	*		*		*	
HASTY PACKING COMPANY	5772	*				*	
KAHRE & SONS SLAUGHTERING & PROCESSING	5775	*					
FRIGID FOOD SERVICE	5776	*				*	
UNIVERSITY OF MISSOURI FS & N DEPT	5777	*		*		*	
SPRAGUE SLAUGHTER HOUSE	5779	*				*	
EDENS DUTCH PACKING COMPANY	5781	*				*	
THE DEEP-FREEZE INC	5782	*				*	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 12 OF 24 PAGES]

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
LUMLEY LOCKER	5788	*				*	
SEATON MEAT COMPANY	5791	*		*	*	*	
PARIS LOCKER & ABATTOIR	5795	*					
DALE'S PACKING COMPANY	5797	*					
NORVS MEAT PRODUCTS	5798	*				*	
MCGEE PACKING COMPANY	5801	*					
ST LOUIS MEAT PACKING CORPORATION	5807					*	
WARSAW MEAT PROCESSING COMPANY INC	5812	*				*	
SCHLESWIG SAUSAGE INC	5813	*				*	
R MEATS INC	5819	*				*	
NORBORNE LOCKER SERVICE	5820	*					
MOTT'S FOOD LOCKERS ABATTOIR	5821	*				*	
SIKESTON SLAUGHTERHOUSE	5824	*					
HUGHESVILLE SLAUGHTER PLANT	5826	*				*	
POOS BROS INC SLAUGHTER HOUSE	5827	*	*				
CROWLEY PACKING COMPANY INC	5832	*				*	
LEET'S LOCKER PLANT	5835	*				*	
GIBSON PACKING COMPANY	5843	*				*	
C & C MEATS	5848	*				*	
NIBLOCK PORK PRODUCTS	5900					*	
JOSEPH CHIU	5910	*	*	*			
DE VRIES MEAT PACKING	5911	*	*	*		*	
JOHN MARCACCI	5913	*	*	*	*	*	
BRISTOL BEEF	5998	*	*	*		*	
J GAGLIARDI INC	5999		*	*			
ARIZONA BEEF INC	6001	*					
WILLIAM PARK & SONS COMPANY	6003	*					
UNIVERSITY OF NEVADA ANIMAL SCIENCE DIVISION	6004	*				*	
HOHENER MEAT COMPANY INC	6011	*	*			*	
SONOMA VALLEY MEAT COMPANY	6016	*	*	*	*	*	
RIISE MEAT PACKING COMPANY	6017	*	*		*	*	
MOUNT VERNON MEAT COMPANY INC	6039	*					
PASCO MEAT PACKERS INC	6040	*				*	
WEBER INC	6041	*	*	*			
MCRAE PACK INC	6042	*					
FLORENCE PACKING COMPANY INC E	6043						*
DAVIS MEAT COMPANY	6044	*	*			*	
AVILA MEAT COMPANY	6046	*	*				
SATICOY MEAT PACKING COMPANY	6055	*	*				
SCHENK PACKING COMPANY	6056	*	*				
TULARE MEAT COMPANY	6063	*	*				
REDWOOD MEAT COMPANY	6066	*	*	*	*	*	
GRANDVIEW PACKING COMPANY	6083	*	*			*	
ARNOPOLE MEAT COMPANY	6084	*	*				
STILSON MEATS	6094	*	*	*			
G & G MEATS	6099	*	*				
KRATZIG MEAT COMPANY	6110	*				*	
ATWATER MEAT COMPANY	6113	*	*				
MID-CAVE MEAT PACKING COMPANY	6114	*				*	
CEDAR PACKING COMPANY	6118	*				*	
CUYAMACA MEAT COMPANY	6126	*					
VERN'S WHOLESALE MEAT	6151	*	*				
T P PACKING COMPANY	6173	*					
LEWIS MEATS	6175	*				*	
R & R LOCKER PLANT	6228	*				*	
TRI MILLER PACK	6230	*				*	
THE MEAT HOUSE	6237	*	*			*	
EVANS MEAT COMPANY	6243	*					
A & Z PROCESSING COMPANY INC	6257	*					
VALLEY MEAT COMPANY	6269	*	*	*		*	
MC CARY MEATS	6270	*				*	
STILLWATER PACKING COMPANY	6271	*					
BIG SKY MARKET	6277	*		*		*	
J T TRELEGAN COMPANY	6343		*	*			
WAMESIT ABATTOIR	6344	*	*			*	
E L BLOOD & SON	6354	*	*			*	
BRITO'S MEATS & PROVISIONS	6759	*		*	*	*	
ISRAEL SHEINHIT PACKING COMPANY	6369	*	*	*	*		

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
JOHN SZALA	6376	•				•	
RICE MEAT PACKING COMPANY	6413	•				•	
GALBREATH PACKING COMPANY	6420	•				•	
WHOLESALE MEATS	6421	•	•	•		•	
MC KLENLEY MEAT PACKING COMPANY	6423	•					
FOSS BROTHERS	6434	•	•	•		•	
REED PACKING COMPANY	6442	•					
WILDER PACKING PLANT	6445	•		•		•	
BIG COUNTRY MEAT	6446	•		•		•	
CREAGHE PACKING COMPANY	6450	•				•	
WINDSOR PACKING COMPANY	6452	•	•	•		•	
RIFLE PACKING PLANT	6453	•	•	•		•	
ELIZABETH LOCKER PLANT INC	6454	•				•	
SCANGA MEAT COMPANY	6460	•		•		•	
T W PACKING	6462	•		•	•	•	
BRUSH PACKING PLANT	6463	•				•	
NELSON'S DRESSED MEATS INC	6470	•				•	
YORK'S MEAT	6482	•				•	
MORI WHOLESALE MEATS	6485	•		•	•	•	
K PACK MEAT COMPANY	6487	•	•		•	•	
CARSON VALLEY MEAT COMPANY	6491	•	•			•	
HOTCHKISS ICE & COLD STORAGE COMPANY	6493	•		•		•	
QUALITY PACKING INC	6494	•				•	
LA JARA QUALITY PACKING COMPANY INC	6495	•		•		•	
ART'S PROCESSING	6498	•					
GREEN MILL INC	6513	•				•	
ELM MILL MEATS INC	6515					•	
KEY PACKING COMPANY	6518	•					
GEORGE H MEYER SONS INC	6521	•	•			•	
GUARD MILL MEATS INC	6526	•				•	
B & B MEAT COMPANY	6532	•	•	•	•	•	
NORRISTOWN PROVISION COMPANY	6535	•	•			•	
GUNNOE SAUSAGE COMPANY INC	6541					•	
ODOM SAUSAGE COMPANY INC	6544					•	
K-M COMPANY	6545	•					
SUFFOLK PACKING COMPANY INC	6546	•	•				
MARTINS ABATTOIR & WHOLESALE MEATS	6547	•					
DAVIS COUNTRY SAUSAGE	6549	•					
NORMAN'S PACKING PLANT	6552	•	•			•	
THE WELLS COMPANY INC	6554	•		•		•	
FAYETTE PACKING COMPANY	6555	•					
SILBERTS SLAUGHTER HOUSE	6556	•				•	
PENN HAVEN MEATS INC	6559	•				•	
HAYES PROCESSING PLANT	6560	•				•	
LINDSEY'S SLAUGHTER HOUSE	6561					•	
SAVANNAH PROCESSING & LOCKER	6562					•	
BOLIVAR PACKING COMPANY	6563	•				•	
BROWN'S MEAT PLANT	6570	•					
EDWARDS SAUSAGE COMPANY INC	6579					•	
GLASGOW MARKET	6580					•	
M & G SLAUGHTER HOUSE	6582					•	
RANDOLPH PACKING COMPANY INC	6590	•	•			•	
LEDFORDS LIVESTOCK FARM SLAUGHTER PLANT	6591A	•				•	
QUAKER BRAND MEATS	6593	•				•	
WHITE PACKING COMPANY	6595	•				•	
GREENBACK FOOD SPECIALTY	6601	•				•	
JAKES BROS SAUSAGE COMPANY	6610					•	
MEEKS SLAUGHTER HOUSE	6612	•				•	
TENNESSEE VALLEY PACKING COMPANY	6613					•	
PARKS HARRIS COMPANY	6618	•	•	•	•	•	
DEAN SAUSAGE COMPANY INC	6621					•	
MORRISSEY MEATS & PROVISIONS	6628	•	•				
BONNEVILLE PACKING COMPANY	6635	•				•	
PETE'S MARKET	6636	•				•	
BRASELTON PACKING	6652	•				•	
SAN JUAN MUNICIPAL SLAUGHTER HOUSE	6675	•	•			•	
HUMACAO CITY HALL SLAUGHTER PLANT	6676	•	•			•	
ASOCIACION SUPLIDORES DE CARNES DEL OESTE	6677	•	•		•	•	

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
YAUCO MUNICIPAL GOVERNMENT	6678	•			•	•	•
MANATI SLAUGHTER HOUSE	6679	•	•	•			
MUNICIPAL SLAUGHTER HOUSE	6680	•	•			•	
MUNICIPALITY OF VIEQUES	6681	•					
MUNICIPALITY OF ARECIBO	6682	•				•	
AGROPECUARIA DEL SUR INC	6684	•	•	•		•	
NAGUABO REGIONAL ABATTOIR	6686	•	•			•	
SAN SEBASTIAN ABATTOIR	6687	•				•	
MACELO MUNICIPAL DE PONCE	6689	•				•	
LARES SLAUGHTERHOUSE	6696	•	•			•	
PELL CITY MEAT PROCESSING	6728					•	
PROVIMI DE PUERTO RICO INC	6729		•				
M & J SLAUGHTER HOUSE INC	6750	•				•	
PRIMEAT PACKING COMPANY	6756	•					
STAR MEAT COMPANY	6760					•	
WALTER PACKING INC	6766	•					
CALIHAN & COMPANY	6775	•					
HELMS MEATS INCORPORATED	6777	•					
THE ROSE ABATTOIR COMPANY	6780	•	•	•			
BOB EVANS FARMS INC	6785					•	
BERGMAN MEAT PACKING COMPANY INC	6788	•				•	
ILLINI BEEF PACKERS INC	6792	•					
BOB EVANS FARMS	6807					•	
UTICA PACKING COMPANY	6832					•	
COLUMBIA PACKING COMPANY INC	6853	•					
MARBURGER PACKING COMPANY	6863	•					
NEMETZ PACKING COMPANY	6866	•					
HITCH PACKING COMPANY INC	6887	•					
MILLER PROCESSING COMPANY INC	6889	•				•	
COUNTRY PRIDE INC	E 6893						•
ROCKVILLE PACKING COMPANY INC	6901	•				•	
ECKERT'S INC	6917	•				•	
MEATXCORP	E 6920						•
TRI STATE FOODS INC	6957	•					
THE CUYAHOGA MEAT COMPANY	6963		•	•	•	•	
ABE MAY PACKING COMPANY	6965	•					
SELECTED MEATS	6979	•					
WILLIAM P PROEHLICK	6982	•					
JUDSON PACK INC	6989	•		•		•	
PURDUE UNIVERSITY MEAT SCIENCE LABORATORY	6992			•		•	
SCHWARTZMAN PACKING COMPANY	7003	•					
DEMING PACKING COMPANY INC	7005	•				•	
CATTLEMEN'S MEAT PROCESSING COMPANY	7007	•				•	
SURRATT PACKING COMPANY INC	7009	•		•		•	
JIMMY DEAN MEAT COMPANY INC	7012					•	
MUSKOGEE PACKING COMPANY INC	7015	•	•				
HATCH PACKING COMPANY INC	7021	•				•	
SIXTY-SIX PACKING COMPANY	7023	•				•	
WESTERN MEAT PACKERS INC	7028	•					
KACHINA PACKING COMPANY	7040		•				
BELTEX CORPORATION	E 7041						•
CROWS MEAT COMPANY	7048	•		•		•	
ROCKING V BEEF INC	7054	•	•			•	
BROWNS MEAT LOCKER	7055	•		•		•	
DONOHO BONELESS BEEF COMPANY	7056	•					
TEAPAK INC	E 7060						•
BROWN PACKING COMPANY INC	7064	•				•	
RUNYAN PACKING COMPANY	7065	•	•				
P & S PACKING COMPANY	7074	•				•	
COMMUNITY ABATTOIR INC	7075A	•				•	
HUGHSON MEAT COMPANY INC	7086	•				•	
CLENNIN MEATS	7090	•				•	
TURVEY INC	7097	•					
E-TEX PACKING COMPANY	7122	•					
ROSEVILLE PACKING COMPANY	7127		•	•	•	•	
FELICIANA MEAT SUPPLY	7128	•	•		•	•	
VALLEY MEAT SUPPLY & SERVICES	7134	•	•	•		•	
WICKHAM PACKING COMPANY INC	7139	•				•	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 15 OF 24 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
B & B PACKING COMPANY	7146	*				*	
OSBURN PACKING COMPANY	7150	*					
DON MCDOWELL MEAT PACKING COMPANY	7155	*					
SOUTHERN MEAT PACKERS INC	7157					*	
GREER'S INC	7159					*	
BOOKER CUSTOM PACKING COMPANY	7162	*					
BAUER & SON PACKING COMPANY	7178	*					
ALL-STATE PACKING COMPANY	7193	*	*				
SHALLOUF PACKING COMPANY INC	7201	*				*	
MESA PACKING COMPANY	7206	*			*		
CONCHO PACKING COMPANY	7209	*		*		*	
PRIVETT PACKING COMPANY	7214	*					
TEXAS MEAT PACKERS INC	7235	*					
COLUMBIA PACKING	7237	*				*	
AMERICAN PACKING COMPANY INC	7243	*				*	
CHAMPION MEAT COMPANY	7255	*		*		*	
H & H PRODUCTS COMPANY INC	7259	*	*				
FORREST MEAT PROCESSING	7270	*				*	
HOBSONS MEATS SLAUGHTER & PROCESSING	7274	*				*	
PALACE MEAT PACKING	7275					*	
PALO DURO MEAT PROCESSING INC	7282	*					
BEEVILLE PACKING COMPANY	7283	*					
MONTGOMERY PACKING COMPANY	7286	*					
KENTUCKY SAUSAGE COMPANY INC	7300					*	
DUFFY BONELESS BEEF COMPANY	7305	*					
METZGER PACKING COMPANY INC	7306	*				*	
ENTERPRISE MEAT COMPANY INC	7319	*					
CHEROKEE PACKING COMPANY	7323		*				
OLE SALEM PACKING COMPANY	7326	*					
NU-WAY PACKING	7330	*					
MC BAR ACRES	7339					*	
JEFFERSON MEAT PROCESSING	7343	*					
DYER & WHITSON	7345	*				*	
ILLINI BEEF PACKERS INC	7346					*	
THE MEAT COMPANY	7351	*					
J-F-J PROCESSORS	7379	*					
ST THOMAS ABATTOIR	7385	*		*	*	*	
SAN GERMAN SLAUGHTERHOUSE	7386	*				*	
CABO ROJO MUNICIPAL SLAUGHTERHOUSE	7387	*	*			*	
ANDRES F PEREZ CRESPO	7388	*	*			*	
MACELO DE AIBONITO	7390	*				*	
COLEMAN SAUSAGE COMPANY	7401					*	
CAROLINA ABATTOIR INC	7404	*				*	
HARRISONBURG WHOLESALE MEAT COMPANY	7420	*	*			*	
FARMERS WHOLESALE PRODUCTS	7425	*					
HAMPTON'S MEATS	7429	*				*	
SHARON FROZEN FOOD LOCKER	7430	*					
DINNER BELL MEAT PRODUCTS	7440	*	*	*		*	
BLUE RIDGE BEEF PLANT INC	7445	*					
BLUE RIDGE BEEF PLANT INC	7445A	*					
WILLIAMS SAUSAGE COMPANY	7455					*	
F B PURNELL SAUSAGE COMPANY INC	7464					*	
DIAMOND MEAT COMPANY INC	7465					*	
HOLMES MEAT MARKET	7466	*					
FIELD PACKING COMPANY	7467	*					
H & R CUSTOM SLAUGHTERING	7472	*				*	
BRUNDIDGE SAUSAGE COMPANY	7475					*	
TENNESSEE PACKERS & PROCESSORS	7482	*					
DANVILLE MEAT PRODUCTS COMPANY	7486	*				*	
T M LANDIS INC	7517	*	*				
DEALMAN ENTERPRISES INC	7562	*				*	
GARTNER-HARP COMPANY	7576	*					
DAKOTA PACKING COMPANY	7600	*				*	
ABERCROMBIE MEAT PROCESSING COMPANY	7601	*				*	
M & W BEEF PACKERS	7602	*					
MISSOURI VALLEY MEAT COMPANY	7604	*					
CEDAR RIDGE MEAT SERVICE	7607	*					
HOPE LOCKER PLANT	7609	*				*	

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 16 OF 24 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
CASSELTON COLD STORAGE	7611	*	*	*		*	
GREAT BEND LOCKERS	7612	*				*	
FAIRMOUNT LOCKERS	7615	*				*	
SHONEYS BIG BOY ENTERPRISES INC	7616	*				*	
MONTEITH MEAT SERVICE	7617	*				*	
PARK RIVER LOCKER PLANT	7618	*				*	
BOWDEN LOCKER PLANT	7620	*				*	
LANGDON LOCKERS	7622	*		*		*	
AAFEDTS LOCKER PLANT	7623	*				*	
ROCKLAKE LOCKER PLANT	7624	*				*	
ANETA MEATS	7625	*				*	
NORTH DAKOTA STATE UNIVERSITY ANIMAL SCIENCE	7627					*	
GRANN'S PROCESSING	7634	*				*	
BICKLER'S JACK & JILL	7635	*				*	
DAKOTA MEATS INC	7636	*		*			
NORTH DAKOTA STATE HOSPITAL	7639	*					
MYERS MEAT PROCESSING	7641	*					
HILLSIDE MEAT COMPANY	7642	*				*	
CITY MEAT & LOCKER	7644	*				*	
WETSCH JACK & JILL	7646	*					
FRED BORN	7648	*				*	
K & E PROCESSING & SALES	7655	*				*	
JOHN BORN	7656	*				*	
J&T CORPORATION	7661	*	*	*		*	
MORGAN COLORADO BEEF COMPANY	7671	*					
CITY MEAT COMPANY	7677	*				*	
KAHR MEAT SERVICE	7678	*					
MILES CITY PACKING COMPANY	7679	*					
HARDT'S INC	7684	*					
SEITZ-BOWERS PROCESSING PLANT	7685	*				*	
TIMBERLAND PACKING CORPORATION	7687	*					
ROCKY MOUNTAIN PACKING COMPANY INC	7690	*				*	
MARIAS PACKING COMPANY	7692	*	*			*	
LLOYD B SCHMITT'S STANFORD MEAT	7694	*					
C & W MEAT COMPANY	7695	*		*		*	
MONTANA STATE PRISON	7707	*				*	
ROBERTS PACKING PLANT	7708	*				*	
C & P PACKING PLANT INC	7710	*				*	
HI-LINE PACKING	7711	*					
FAN MOUNTAIN MEATS	7712	*		*		*	
GALLATIN VALLEY PACKING	7713	*					
KALISPELL MEAT COMPANY	7716	*					
WHITES WHOLESALE MEATS	7717	*	*				
VANDERVANTER MEATS	7718	*					
RASMUSSEN MEATS	7719	*		*		*	
TOLMAN MEAT PROCESSING	7724	*		*		*	
MICKEY'S PACKING PLANT	7732	*					
MODERN LOCKER PLANT	7745	*				*	
CEDAREDGE LOCKER PLANT	7748	*		*		*	
ROYAL GORGE PACKING COMPANY INC	7749	*					
JET PAK INTERNATIONAL INC E	7755						*
UNIVERSITY OF MINNESOTA MEAT SCIENCE LAB	7759					*	
BOB EVANS FARM INC	7763					*	
ADAMS LOCKER	7774	*				*	
DALES MEAT PROCESSING	7781	*				*	
LINDENFELSER MEATS	7782	*				*	
HUETTLS LOCKER & DRESSING PLANT	7785	*	*			*	
NORTH STAR PACKING COMPANY	7790	*				*	
CARLOS LOCKERS	7796					*	
PINKE'S GARFIELD LOCKER	7797	*				*	
CLARISSA MEATS	7799	*				*	
BANGOR BEEF COMPANY	7806	*	*				
CONTI PACKING COMPANY INC	7814	*					
KENNETH BAKER FARMS	7845	*	*	*	*	*	
READFIELD ABATTOIR	7874	*	*			*	
BOVALINA PACKING COMPANY	7875	*	*	*			
PETER O VILLARI INC	7897				*	*	
BRADLEY PROCESSING COMPANY	7930					*	

ESTABLISHMENTS SLAUGHTERING HUMANELY

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
BURNETT'S SLAUGHTER PLANT	7908	[*]				[*]	
PARTIN'S COUNTRY SAUSAGE	7923					[*]	
ELK HILL MEATS INC	7936	[*]					
KOCH BEEF COMPANY	7937	[*]	[*]				
MUD LICK MEAT PROCESSING	7944	[*]				[*]	
SOUTHERN PACKING CORPORATION	7945	[*]	[*]	[*]		[*]	
CHARLES J SCHMIDT & COMPANY	7948	[*]					
DREHER PACKING COMPANY INC	7957					[*]	
LOUISVILLE BEEF CORPORATION	7969	[*]	[*]				
KLING'S MEAT MARKET	7983	[*]	[*]	[*]		[*]	
METZGER BROTHERS	8000	[*]					
HOMER & DENNIS JEANES MEAT PROCESSING PLANT	8006	[*]				[*]	
UNIVERSITY OF KENTUCKY MEAT LABORATORY	8013			[*]		[*]	
W W MILLER & SONS	8022					[*]	
COUNTRY CORNER MEAT CENTER	8024	[*]				[*]	
INTERRELATED INDUSTRIES INC	8025	[*]					
BOURBON PACKING COMPANY	8027	[*]				[*]	
MALTON LOCKER & SLAUGHTER PLANT	8031	[*]				[*]	
BILL WHEELER SLAUGHTER HOUSE	8034					[*]	
HARRY ADSS PACKING COMPANY	8045	[*]				[*]	
GARRETT'S PROCESSING COMPANY	8049					[*]	
SLADE'S MEAT PACKERS INC	8054	[*]					
HUGHES MARKET	8055					[*]	
GRISSOM'S PROCESSED MEAT	8056	[*]				[*]	
JUENGLING COMMODITIES CORPORATION	8058	[*]					
S M CAMPBELL COMPANY INC	8062					[*]	
LORETTO MEAT PROCESSORS	8064	[*]				[*]	
GRIBBLE'S PROCESSING	8066	[*]				[*]	
BILLS MEAT BLOCK PROCESSING PLANT	8068	[*]	[*]	[*]		[*]	
BOONE'S BUTCHER SHOP	8070	[*]					
KIRBY & POE SLAUGHTER HOUSE	8082	[*]				[*]	
GREGORY SLAUGHTER HOUSE INC	8083	[*]				[*]	
ELMORE & PAYNE PACKING COMPANY INC	8088	[*]			[*]	[*]	
LEWIS MEATS INC	8095	[*]					
TRIPLEX PACKING COMPANY	8119	[*]					
IGNACIO FOOD STORE INC	8123	[*]				[*]	
STEAMBOAT PACKING COMPANY	8124	[*]	[*]	[*]		[*]	
BRACH PACKING COMPANY	8125	[*]	[*]	[*]	[*]		
JENSEN'S BLUE RIBBON PROCESSING INC	8131	[*]		[*]	[*]	[*]	
BROWNSDALE MEAT SERVICE INC	8189	[*]				[*]	
SOL'S PACKING	8195	[*]				[*]	
C V PANIZERA	8271	[*]		[*]	[*]	[*]	
SUNSHINE MEAT COMPANY	8286	[*]	[*]	[*]	[*]	[*]	
FALCON WHOLESALE MEAT	8309	[*]				[*]	
FULLER SLAUGHTER PLANT	8312	[*]					
FORTENBERRY SAUSAGE COMPANY	8313	[*]				[*]	
SWAGGERTY SAUSAGE COMPANY INC	8314	[*]				[*]	
WADE AUSMUS	8315	[*]					
HERRON PACKING COMPANY	8316	[*]	[*]	[*]		[*]	
LINGO PACKING COMPANY	8319	[*]				[*]	
ESTEPP SLAUGHTER	8320	[*]				[*]	
SELL MEAT COMPANY INC	8321	[*]		[*]			
WADE BULLA SLAUGHTER HOUSE	8323	[*]				[*]	
MADISON PACKING COMPANY	8325	[*]	[*]		[*]	[*]	
VALLEY SLAUGHTER & PROCESSING	8326	[*]				[*]	
B & B PACKING COMPANY	8327	[*]					
Q R S MEAT COMPANY INC	8332	[*]				[*]	
GOOD DAY MEAT PRODUCTS	8334	[*]				[*]	
PERFECTA USA INTERNATIONAL E	8337						[*]
CUSTOM PACKING COMPANY	8338	[*]					
HOLLAND & DOTSON SLAUGHTER & PROCESSING	8339	[*]				[*]	
CITY PACKING COMPANY	8341					[*]	
RICE PROCESSING PLANT	8342	[*]	[*]	[*]		[*]	
SOUTH FOODS INC	8344	[*]				[*]	
EMORY RIVER PROCESSING COMPANY	8353	[*]				[*]	
R G DUNNOE FARMS INC	8392					[*]	
TURNER FARM MEAT PROCESSING	8401	[*]				[*]	
ROBINSON SAUSAGE COMPANY	8405	[*]					

ESTABLISHMENTS SLAUGHTERING HUMANELY

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
ROBERT L BULLOCK	8461	[*]					
CENTRAL FOOD SERVICE INC	8496	[*]	[*]				
CONNECTICUT PACKING COMPANY	8502	[*]	[*]	[*]	[*]	[*]	
KARL EHMER INC	8520A	[*]					
BURTON BLOCK E	8523						[*]
CORBIN MEAT PACKING COMPANY	8537	[*]	[*]				
CHAMPLAIN BEEF COMPANY	8547	[*]	[*]	[*]			
BLOUGH PACKING	8551	[*]	[*]	[*]		[*]	
LEALI BROS MEATS	8555	[*]	[*]			[*]	
NEW HOLLAND MEAT MARKET	8556	[*]	[*]			[*]	
SHOBER'S & SONS INC	8557	[*]	[*]				
FRANK YAKUBIK	8558	[*]				[*]	
S WRIGHT MEAT PACKING	8559	[*]		[*]	[*]	[*]	
JUNIATA PACKING COMPANY	8560	[*]	[*]	[*]		[*]	
GODFREY BROS	8562	[*]	[*]	[*]		[*]	
R L SIPES LOCKER PLANT	8565	[*]					
WELTERS CUSTOM SLAUGHTERING	8569	[*]				[*]	
M W SNAVELY	8570	[*]	[*]	[*]		[*]	
KNUPP BROTHERS	8572	[*]	[*]	[*]			
JAMES EBERLY	8573	[*]				[*]	
CHARLES ILYES	8576	[*]				[*]	
PETERS BROS MEAT MARKET INC	8581	[*]	[*]	[*]		[*]	
RICHARD W SERENA	8582	[*]					
RUSSIC SHADE PACKING	8583	[*]					
FRITZ'S MEATS	8585	[*]				[*]	
BILSKI'S SLAUGHTERHOUSE	8586	[*]				[*]	
MONRY'S MEAT PROCESSING PLANT	8587	[*]					
LLOYD & EARL YOUNDT	8588	[*]				[*]	
CARL GOOD INC	8591	[*]	[*]			[*]	
JOHN F PELUSO & SONS	8592	[*]				[*]	
ROSE'S SLAUGHTER HOUSE	8595	[*]					
SECHRIST BROS INC	8596		[*]	[*]			
RILEY MEAT PROCESSING	8604	[*]				[*]	
RICHARD L BECK & SONS INC	8607	[*]				[*]	
CHARLES WINICK	8608	[*]	[*]				
NEW WILMINGTON SLAUGHTER HOUSE	8609	[*]				[*]	
JAMES R MCDEAVITT	8610	[*]				[*]	
WITMAN'S MEATS	8611	[*]		[*]		[*]	
KOVACEVIC BROS PACKING COMPANY	8612		[*]	[*]			
KARL K KLING	8613	[*]					
HI WAY MEAT MARKET	8615	[*]					
OTSINGER MEATS INC	8622	[*]		[*]		[*]	
PAUL E ADAMS	8623	[*]				[*]	
C M REED'S SONS	8624			[*]			
A J PEASLEY & SONS	8628	[*]				[*]	
RAY T BENNER & SON	8630	[*]	[*]				
HONSAKER BROS MEAT MARKET	8632	[*]				[*]	
TED'S MEAT MARKET	8633	[*]				[*]	
ESPENSHADE QUALITY MEATS	8635	[*]					
HERSCH MEATS	8636	[*]				[*]	
ECONOMY LOCKER STORAGE COMPANY INC	8642	[*]	[*]	[*]		[*]	
CECIL F PRAKER	8643	[*]		[*]		[*]	
REDUCK FARMS	8644	[*]					
RIDINGER MEATS	8645	[*]	[*]	[*]		[*]	
HENRY'S MEAT MARKET	8648	[*]				[*]	
GIUNTA WHOLESALE MEATS	8649		[*]	[*]	[*]	[*]	
HILLSBURG PROCESSING & SLAUGHTERING	8680	[*]				[*]	
DAN'S COUNTRY MEATS INC	8681	[*]				[*]	
CLOUD PACKING COMPANY	8682	[*]					
LE DUC PACKING COMPANY	8687	[*]	[*]	[*]		[*]	
CANTON LOCKER SLAUGHTER HOUSE	8689A	[*]				[*]	
POLO LOCKER SYSTEM INC	8695	[*]				[*]	
NEW FRANKLIN LOCKER SERVICE	8696	[*]		[*]		[*]	
WRIGGS SLAUGHTER HOUSE	8697	[*]					
WRIGHT CITY MEAT COMPANY	8699	[*]				[*]	
WEBER MEAT SERVICE	8702	[*]				[*]	
WARNER LOCKER INC	8703	[*]				[*]	
PRINCETON FOOD SERVICE	8705	[*]				[*]	

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
OYLER'S LOCKER SERVICE	8706	(*)					
NOVINGER FOOD LOCKER	8707	(*)				(*)	
HALE LOCKER PLANT	8710	(*)					
ELMERS PLACE	8714	(*)					
WENTZVILLE CATTLE INVESTMENT COMPANY	8715	(*)	(*)		(*)	(*)	
BOUCHAERT PACKING COMPANY	8716	(*)					
KELLER PROCESSING SERVICE	8717	(*)				(*)	
GROVES PACKING COMPANY	8724	(*)				(*)	
GOLDEN CITY MEAT COMPANY	8725	(*)				(*)	
ALMA COOP LOCKER ASSN	8728	(*)				(*)	
BOONER PACKING COMPANY INC	8729	(*)		(*)		(*)	
LEWISTOWN LOCKER SERVICE	8730	(*)				(*)	
UPTOWN SLAUGHTER HOUSE	8731	(*)				(*)	
PLEASANT HILL MEAT COMPANY	8734	(*)					
MAUPIN PROCESSING PLANT	8735	(*)					
ADRIAN MEATS	8737	(*)				(*)	
STONYHILL MEAT	8738	(*)				(*)	
BAKER PACKING COMPANY	8743	(*)				(*)	
SCHOOL OF THE OZARKS	8745	(*)					
GLASGOW LOCKER PLANT	8747	(*)				(*)	
HAMILTON LOCKER	8748	(*)				(*)	
THERIAULT'S ABATTOIR INC	8772	(*)					
CLARK PACKING COMPANY	8799					(*)	
IRELL PORK COMPANY INC	8850	(*)	(*)				
AMFRAN PACKING COMPANY INC	E 8861						(*)
OXFORD ABATTOIR	8886	(*)					
JOHN F MARTIN & SONS INC	8888	(*)	(*)	(*)		(*)	
W DOVER BUTCHER SHOP	8892	(*)	(*)	(*)			
GREGGWOOD FARM	8901					(*)	
ERDMAN SUPERMARKETS INC	8905	(*)					
MCDONALD'S FOOD MARKET	8915	(*)				(*)	
ST JOSEPH MEAT MARKET INC	8916	(*)	(*)			(*)	
FRIDZ-N-FOODS COMPANY	8917	(*)				(*)	
GORDHAMER FOOD MARKET	8920	(*)				(*)	
BUCK'S MEAT PROCESSING CENTER INC	8921	(*)				(*)	
THOMPSON PROCESSING SERVICE	8922	(*)		(*)			
INDIEKE'S MEATS	8927	(*)				(*)	
RAPIDS LOCKER	8928	(*)			(*)	(*)	
PLANTENBERG MARKET INC	8931	(*)				(*)	
KETTERS MEATS	8937	(*)	(*)	(*)		(*)	
CARLSON MEAT PROCESSING INC	8948	(*)					
DAVE & TED'S LOCKERS	8950	(*)			(*)	(*)	
FERGUS LOCKER PLANT	8952	(*)				(*)	
LAKELAND MEATS INC	8953	(*)					
SPIKES LOCKERS	8954	(*)					
HERGES MEAT MARKET INC	8959	(*)				(*)	
CITY MEAT MARKET	8960	(*)	(*)			(*)	
NEW MUNICH LOCKER PLANT	8961	(*)				(*)	
PETER'S FOOD MARKET	8963	(*)				(*)	
FORSTER PACKING COMPANY INC	8966	(*)	(*)	(*)		(*)	
PARROT MARKET INC	8968	(*)				(*)	
DREWES FROZEN FOOD CENTER	8971	(*)				(*)	
FOSSTON CO-OP ASSN LOCKER DEPT	8974	(*)	(*)			(*)	
CITY MEAT MARKET	8975	(*)				(*)	
LYNCH'S FOODS	8976	(*)					
GENEVA MEATS & PROCESSING SERVICE	8979	(*)					
GREENWALD LOCKER PLANT	8982	(*)					
DELFT BLUE-PROVIMI INC	8984		(*)				
JOPPRU INC	8988	(*)				(*)	
WIDDOOM MEAT SERVICE	8989	(*)		(*)		(*)	
COUNTRY SIDE MEATS	9003	(*)		(*)	(*)	(*)	
CALIFORNIA STATE UNIV MEAT LABORATORY	9004	(*)		(*)		(*)	
JOHANSEN'S MEAT MARKET	9008	(*)		(*)	(*)	(*)	
MOXON'S GOLD STAR MEAT	9024	(*)				(*)	
SWINGLE MEAT COMPANY	9032	(*)		(*)	(*)	(*)	
MERIDEAN MEAT COMPANY	9033	(*)	(*)	(*)	(*)	(*)	
THOS G EVART MEAT COMPANY	9049	(*)	(*)	(*)	(*)	(*)	
MOOOC MEAT PACKERS	9053	(*)		(*)		(*)	

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NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
WAMPLER WHOLESALE MEATS INC	9065	(*)				(*)	
SMITH'S MEAT PROCESSING COMPANY	9073	(*)		(*)		(*)	
SNOW HILL PROCESSING PLANT	9075	(*)				(*)	
GOLD KIST INC	9084	(*)				(*)	
SNAPPS FERRY PROCESSING COMPANY	9085	(*)				(*)	
W R DELOZIER SAUSAGE COMPANY	9086	(*)				(*)	
CELINA PACKING COMPANY	9091	(*)					
LAUDERDALE FARMS COMPANY	9095					(*)	
NEWBERRY PACKING COMPANY	E 9105						(*)
BLAIR MEAT PACKING COMPANY	9107	(*)				(*)	
CAUDELL'S MEAT PROCESSING COMPANY	9108					(*)	
ELLIOTT & SON'S	9111	(*)				(*)	
VOLUNTEER MEAT PROCESSORS INC	9129	(*)					
JACKSON PACKING COMPANY	9130	(*)				(*)	
THE BUTCHER SHOP	9131					(*)	
JUSTICE PACKING COMPANY	9136	(*)					
SOWEGA MEAT COMPANY	9142	(*)				(*)	
SOUTHERN ABATTOIR MEAT SUPPLY COMPANY	9143	(*)					
MICKEY'S MEATS	9144	(*)					
BILL OPELL'S MEAT PROCESSING	9148	(*)				(*)	
MCLENDON MEAT COMPANY	9159	(*)		(*)	(*)	(*)	
SCOTT MEAT PACKERS INC	9160	(*)	(*)			(*)	
SMULL SAUSAGE COMPANY INC	9161					(*)	
LAKEVIEW PACKING COMPANY	9186	(*)				(*)	
TENN FRONTIER MEATS	9173	(*)	(*)			(*)	
PASTURES INC	E 9174						(*)
CATTLEMAN PACKING COMPANY	9177	(*)				(*)	
CARROLL PACKING COMPANY	9185	(*)				(*)	
PARIS MEAT PROCESSING COMPANY	9187	(*)				(*)	
FARM FRESH MEATS INC	9189	(*)				(*)	
CLIATT-WELLS COUNTRY STYLE WHOLE HOG SAUSAGE	9190					(*)	
UNIVERSITY OF TENNESSE MEAT LABORATORY	9193			(*)		(*)	
SOUTHEASTERN MEAT PROCESSING	9196	(*)					
HILL MEAT COMPANY INC	9201	(*)				(*)	
DELTA MEAT INC	9209	(*)		(*)		(*)	
SANTIAM MEAT PACKERS	9220	(*)			(*)	(*)	
OREGON STATE UNIV MEAT SCIENCE LABORATORY	9223	(*)				(*)	
CARLTON PACKING COMPANY	9228	(*)	(*)	(*)		(*)	
DAYTON MEAT COMPANY	9230	(*)		(*)		(*)	
HABERMANS MEAT SERVICE	9232	(*)				(*)	
STAFFORD'S MEATS	9233	(*)				(*)	
JACOBSMUHLENS MEATS	9234	(*)					
A & B MEAT PACKING	9239	(*)				(*)	
POPE'S MERRILL MEAT COMPANY	9240	(*)		(*)		(*)	
PONDEROSA PACKING & PURVEYORS	9242	(*)					
PARKER PACKING COMPANY	9243	(*)				(*)	
BOYER MEAT COMPANY	9246	(*)	(*)	(*)		(*)	
ERDMAN PACKING COMPANY	9249	(*)				(*)	
GREENE MEAT COMPANY	9251	(*)	(*)	(*)		(*)	
MOHAWK PACKING COMPANY	9252	(*)		(*)		(*)	
SPRINGFIELD SLAUGHTER PLANT	9256	(*)				(*)	
HICKMAN'S MEATS	9257	(*)					
MOLALLA MEATS	9263	(*)		(*)	(*)	(*)	
LEE MEAT COMPANY	9264	(*)		(*)		(*)	
MARKS MEAT COMPANY	9265	(*)				(*)	
IOWA BEEF PROCESSORS INC	9268	(*)					
MT ANGEL MEAT COMPANY	9270	(*)		(*)		(*)	
OREGON STATE PENITENTIARY ANNEX	9272	(*)					
BAKER'S CUSTOM MEAT COMPANY	9273	(*)		(*)		(*)	
MC KILLIP BROTHERS MEAT	9274	(*)				(*)	
BOSTON'S BEEF HOUSE INC	9275	(*)					
HOPKINS WHOLESALE MEATS	9277	(*)					
JOHN DAY VALLEY PACKING COMPANY	9286	(*)		(*)		(*)	
D & L MEAT COMPANY	9287	(*)		(*)		(*)	
WILDER MEAT COMPANY	9289	(*)				(*)	
CROOKED RIVER MEAT COMPANY	9291	(*)				(*)	
OWYHEE MEAT COMPANY	9294	(*)					
RIGGS MEATS INC	9296	(*)		(*)			

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
WALT'S CUSTOM SLAUGTERING	9300	*					
TERRY BROS INC	9315	*	*	*			
VERNS MOSES LAKE MEATS	9318	*				*	
CURCIO'S MEAT COMPANY	9319	*					
WASHINGTON STATE UNIV MEAT SCIENCE LAB	9322	*				*	
FONDIS PACKING & CATTLE COMPANY	9324	*				*	
LAMPLEAT MEATS	9325	*	*			*	
OWENS PACKING COMPANY	9331	*	*				
COLVILLE MEAT PROCESSOR'S	9334	*				*	
MC INRAY MEAT COMPANY	9335	*					
WENATCHEE PACKING COMPANY	9338	*	*			*	
KIOWAY MEATS	9347	*	*			*	
DWIGHT GORDON	9351	*					
FAIR VIEW FARM	9353	*		*		*	
RUDOLPH MANUCA	9357		*	*			
HARVEY E DELP	9359	*	*			*	
BALTHASER'S MEAT MARKET	9360	*				*	
MERVIN F MOYER	9363	*					
GRETTLER MEAT PACKERS	9366	*	*			*	
ALLENS MILLS FRESH MEATS	9367	*		*		*	
MIKE ZRILE MEAT	9368		*				
ALEX FROEHLICH PACKING COMPANY	9369	*	*	*		*	
J T BARTON	9371	*		*		*	
MUTZABAUGH SLAUGHTER HOUSE	9372	*	*	*			
H L PEACHEY JR	9373	*		*			
GREGORY'S TROY MEAT PROCESSING COMPANY	9376	*		*		*	
STOCKDALE MEAT & PROVISION	9375	*				*	
WILLIAMSON'S WHOLESALE MEATS INC	9376					*	
HENNINGER'S MEAT MARKET	9377	*				*	
BIERLY MEAT MARKET	9380	*		*		*	
ELMO MANIERI	9381	*	*	*	*		
MIKE'S PACKING COMPANY	9382	*		*			
WARRINGTON MEAT PACKING COMPANY INC	9384					*	
GREEN VALLEY PACKING COMPANY	9385	*		*		*	
ADAM BUTZ JR	9389	*	*				
SHAW BROS INC	9390	*	*			*	
DIXON'S MEATS	9398	*		*		*	
BRISTOL BEEF COMPANY INC	9399	*		*	*	*	
J V TAYLOR INC	9400	*					
BATTLES MEAT PROCESSING PLANT	9401	*				*	
JOE DEFELICE & SONS	9402	*				*	
GILLO BROS	9403	*				*	
T P CUNNINGHAM MEATS	9410	*	*			*	
SHUPES HOME DRESSED MEATS	9413	*				*	
GINO GIULIANI	9414	*					
EDWARD GALVANEK & SONS	9415	*				*	
FRANCONIA MEATS INC	9417	*	*			*	
LOVE HILLS COUNTRY MARKET	9419	*					
RICE'S MEAT MARKET	9420	*				*	
KVERAGAS MEAT PLANT	9422	*				*	
STEELY MEATS	9423	*	*			*	
BEN'S MEAT MARKET	9425	*		*		*	
ZECHMAN BUTCHER SHOP	9430	*	*			*	
EDWARDS BROS PACKING COMPANY	9431	*					
YAMBROVICH MEATS	9435	*	*	*		*	
RUPERT'S BUTCHER SHOP	9437	*					
THREE SONS MEAT MARKET	9438	*	*			*	
BURKHOLDER'S MEAT MARKET	9440	*					
GROFF'S MEATS	9442	*	*			*	
KREISL COMPANY INC	9444	*					
SMITH'S SUPER MARKET INC	9445	*	*	*		*	
GRILL'S BUTCHER SHOP	9448	*					
GEORGE N BYERLY	9450	*				*	
SHAMOKIN PACKING COMPANY	9451	*	*			*	
GIORDANO SAUSAGE	9456		*	*		*	
RENDULIC PACKING COMPANY	9457					*	
ARTHUR B WENGER	9459	*					
R E HERSHEY INC	9464	*					

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
HERFURTH BROS MEAT COMPANY	9465	*				*	
MYERS BROTHERS	9469	*	*	*		*	
RANCK'S MEAT MARKET	9473	*		*			
U S PENITENTIARY	9474	*				*	
E B HOSTOFFER & SONS	9480	*	*	*		*	
ESPEY'S MEAT MARKET	9482	*		*		*	
A W WANTZ & SONS	9483					*	
WALTER E DILLON	9484	*					
WALTER J MILLER	9487	*					
MERRY PROVISION	9489	*	*			*	
CHRISTMAN & FOX	9494	*				*	
NAGE'S QUALITY MEATS	9496	*					
THORNTON MEATS	9497	*	*				
INDIANA SLAUGHTERING COMPANY	9498	*				*	
WINDSOR MEAT MARKET	9500	*	*			*	
STONEBRIDGE FARM BUTCHER SHOP INC	9509	*	*			*	
FRED E SHIVELY	9511	*				*	
R P HOWRY	9513		*	*		*	
LEIDY'S INC	9520					*	
WEISS PACKING COMPANY INC	9528	*	*	*	*	*	
BRIGHT BYERLY	9536	*					
KEN WEAVER MEATS	9538	*					
CLYDE R ALBERTSON	9540	*				*	
ANDERSON QUALITY MEAT MARKET	9541	*	*	*	*	*	
EMERSON KNIGHT	9544	*				*	
EZRA W MARTIN COMPANY	9547					*	
WAYNE & CHARLES NELL SLAUGHTERHOUSE	9548	*	*	*		*	
JOHN J KOHLER	9549	*				*	
BEACH MEAT MARKET	9550	*				*	
STERNER'S SLAUGHTERHOUSE INC	9558	*				*	
C P RHOADES & SON INC	9559	*	*	*			
FORREST D KISTLER	9561	*					
GERALD ANDERSON	9562	*				*	
CHARLES T HEARD & COMPANY	9563	*					
PUTNAK PACKING COMPANY	9564	*					
PERRY PACKING	9566	*		*	*	*	
PIERCE CUSTOM SLAUGHTER COMPANY	9567	*	*	*	*	*	
CLOVERBLOOM MARKET	9570	*				*	
STEVE FECHERA WHOLESALE MEATS	9576		*	*	*	*	
GOULDEY & SONS INC	9577	*	*	*		*	
FALK BROTHERS	9578	*	*			*	
O J HYNES	9579	*				*	
GOURLEY PACKING COMPANY INC	9580	*				*	
LIVINGSTON PACKING COMPANY	9581	*		*		*	
JONES ABATTOIR	9584	*					
LOUIS ALINE INC	9589	*	*	*		*	
GEORGE'S MEATS	9590	*				*	
PRIM PACKING COMPANY	9592	*	*	*			
HAROLD A DOMS	9605	*				*	
DOWNINGTOWN WHOLESALE MEATS	9606	*	*			*	
FRANK ESPOSITO & SONS	9607	*					
GOODHART MEATS	9609	*		*			
LUKON MEATS	9616	*	*	*			
MOCCIO PACKING	9618	*					
GEORGE'S MEAT MARKET INC	9620	*				*	
CHARLES J PUDLINER	9622	*	*	*	*	*	
RHODES' MEAT MARKET	9623	*	*	*		*	
STOLZFUS LOCKER & EGA FOOD MARKET	9625	*					
EBLING'S MEAT MARKET	9630	*				*	
PIFFERETTI PACKING COMPANY	9631	*		*	*	*	
BURKHOLDER MEAT PRODUCTS	9632	*		*	*	*	
JONATHAN L KING	9633	*					
TURNER FARMS INC	9634	*				*	
R D KELLY MEAT PACKING	9635	*				*	
M LEPIDI & SONS INC	9636	*	*	*			
KRALL'S MEAT MARKET	9638	*				*	
F & S MEATS	9639	*		*		*	
GLEN J ROSENBERRY	9640	*					

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 23 OF 24 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
ALBA'S MEAT MARKET	9643						
MRS EDITH ONDILLA	9644						
SHAFFER'S ABATTOIR INC	9645						
YOST QUALITY MEATS	9646						
MATSON'S HOME DRESSED MEATS	9647						
BRUAW'S MEAT MARKET	9658						
JOSEPH VENEZIA DRESSED BEEF	9666						
BALDERSTON BROS	9670						
PRINCI'S HOME DRESSED MEATS	9673						
NEAL FIERRO MARKET	9674						
CRISSMAN INC	9679						
COMICK BROS MEAT PACKERS INC	9682						
PAINTER'S MEAT PRODUCTS	9683						
KECK'S MEAT PLANT	9684						
FETTEROLF'S MEAT MARKET	9685						
MARK BOWMAN	9686						
LEE BIXLER	9687						
BOYER'S MEATS	9688						
KOLB'S MEAT MARKET	9689						
PLEASANT UNITY PACKING COMPANY INC	9692						
CARL VENEZIA	9693						
PAUL H SCHNECK	9695						
ROBERT L BINGMAN	9696						
SMITH'S MEATS	9697						
HOLLAND BROS MEAT	9701						
ALFERY'S SAUSAGE COMPANY INC #2	9702						
SPRINGFIELD MEAT COMPANY	9704						
WILMER BARINGER	9706						
HAGERS MEAT MARKET	9707						
HANSON'S FREEZER MEATS	9711						
COFFARO CUSTOM BUTCHERING	9712						
COLUMBUS PACKING COMPANY	9713						
THOMA'S MEAT MARKET	9714						
DAVE FINE MEAT PACKER INC	9715						
LOUTSION PACKING COMPANY	9716						
LEE GASHEL & SONS INC	9717						
AMERICAN FOODS INC	9718						
STEALE 84 PACKING COMPANY	9719						
SMITH'S FROZEN FOOD	9720						
HEINNICKEL FARMS INC	9725						
WALTER'S MEATS	9726						
HILLCREST PACKING COMPANY	9747						
LEMMENEY BUTCHER SHOP INC	9755						
ROYAL SWAN FOODS INC	9758						
REHRIG'S QUALITY MEATS INC	9759						
FRANK O GILBERT & SON	9762						
HEINTZELMAN'S MEAT MARKET	9763						
DELBERT E HAYDT	9765						
WILLIAM MULITSCH	9766						
JOHN J ELNITSKI	9767						
WALTER JURCIAK	9770						
ALBERT CARUTH	9776						
HOWARD W DARLING	9777						
LEONA MEATS	9784						
J & B MEAT PLANT	9785						
WILLIAM STEPNIAK	9786						
MUSSERS INC	9788						
YOUNDT BROS	9789						
C H THOMAS SONS INC	9790						
AMOS STOLTZFUS	9792						
LOCUSTDALE PACKING COMPANY	9799						
ALLEN I ROHRBERGER	9800						
PEIZNER BROTHERS INC	9808						
ROBZEN'S INC	9809						
HOCH'S FARMS & MARKETS INC	9810						
TWIN PINE FARM	9814						
WINTER GARDENS	9815						
J A MARGLE ROAD & SONS	9816						

ESTABLISHMENTS SLAUGHTERING HUMANELY — PAGE 24 OF 24 PAGES

NAME OF ESTABLISHMENT	EST. NO.	CATTLE	CALVES	SHEEP	GOATS	SWINE	EQUINE
POTTEIGER MEATS	9817						
THE COUNTRY BUTCHER SHOP	9819						
HERWITZ PACKING COMPANY	9821						
LAUDERMILCH MEATS	9823						
PHARES A LONGNECKER & SONS INC	9827						
CLOVER MEAT PACKERS INC	9828						
N S TROUTMAN & SONS	9832						
MIKE LEVCHIK	9834						
GLENN J BEASTON	9835						
NORMAN ZIMMERMAN & SON	9836						
HENRY S ZIMMERMAN	9837						
GEORGE E GARNER	9838						
GLENN E HENRY	9841						
FRANCIS BONANNO PACKING COMPANY	9842						
HUGHEY (BOBBY) WEYANOT III	9843						
PENNSYLVANIA STATE UNIV MEATS LABORATORY	9844						
CHARLES YOUNDT & SONS	9846						
FENTONS MEATS	9847						
OLEJNYK BROTHERS	9848						
PALACE MARKET INC	9880						
KERN COUNTY SHERIFF	9891						
CALIFORNIA STATE UNIV FRESNO MEAT LABORATORY	9892						
CAVALIER EXPORT COMPANY	E 9910						
COMMITTEE ON MASONIC HOMES	9913						
MCGUIRE MEATS	9915						
DONALD M SEIDLE	9921						
NEWPORT PACKING COMPANY	9926						
METZGER MEAT	9927						
A WENTZELL'S MEAT MARKET	9941						
SCHALLER'S SLAUGHTERHOUSE	9955						
NASER PACKING COMPANY	9958						
ECCOMUNITY FARMS INC	9961						
JOHN M BONHAM & SONS	9971						
AMOS BAWELL & SONS	9974						

Done at Washington, D.C., on August 17, 1977.

ROBERT ANGELOTTI,
Administrator, Food Safety and Quality Service.

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federal register

FRIDAY, AUGUST 26, 1977
PART VII



DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT MONITORING REPORT FOR FERTILIZERS

January–May, 1977

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS

January–May 1977

United States exports of nitrogen containing fertilizers during the months of January, February, March, April and May 1977, totaled 438,086 content tons. This represents a decrease of 9.1 percent in the export trade in these commodities from the comparable period of 1976, when 482,005 content tons were exported.

Imports of nitrogen containing fertilizers during the January through May period increased 67 percent over the import level of the comparable five months in 1976. Total U.S. imports of nitrogen containing fertilizers during January through May 1977 amounted to 970,679 content tons. This compares with imports during January through May 1976, of 579,434 content tons.

Ammonium phosphate was the nitrogen containing fertilizer material exported in the largest quantity during the five months considered in this report. In the January through May period, 1,270,783 short tons of ammonium phosphate were shipped abroad. This was an increase of 256,149 short tons, or slightly more than 25 percent, above the 1,014,634 short tons of ammonium phosphate exported during the first five months of 1976. Exports of anhydrous ammonia during the first five months of 1977, also exceeded the export level for the same period in 1976. This year, 137,226 short tons of anhydrous ammonia were exported during January through May, an increase of 12,911 short tons, or slightly more than 10 percent above the comparable five months' exports in 1976, of 124,315 short tons. Exports of all the other nitrogen containing fertilizer commodities under monitoring declined from 1976 levels. The 1977 ammonium nitrate exports of 5,849 short tons through May were 13 percent less than the 6,609 short tons shipped abroad during January through May 1976. Urea exports of 125,578 short tons for the first five months of this year, were 51 percent below the 1976 level of 256,748 short tons. Exports of mixed fertilizers totaling 87,360 short tons fell 28 percent from the previous year's level of 121,845 short tons; while ammonium sulfate exports of 138,253 short tons during the first five months of this year were 51.5 percent lower than the 285,419 short tons shipped abroad during January through May 1976.

Of the nitrogen containing fertilizer materials imported, the commodity obtained in the greatest quantity during the five months of January through May, 1977, was urea. A total of 840,123 short tons of this commodity was imported this year, an increase of 231 percent over the 253,645 short tons of urea imported during the same five months of 1976. This exceptionally large increase in urea imports may have resulted from orders placed by apprehensive buyers during the cold spell of December and January, when severe cutbacks in the production of ammonia were anticipated as the result of natural gas curtailments. Because the severe cold spell did not last beyond February, and new ammonia plant production has offset last winter's curtailed output, imports of urea may decrease to more historic levels in forthcoming months. Anhydrous ammonia was the nitrogen containing fertilizer imported in the second largest quantity in the January through May period. The 477,322 short tons of anhydrous ammonia imported during these five months represented a 152,836 short ton increase over the 324,486 short tons imported during the same five months a year earlier.

At the end of May, 1977, contracts for the export of nitrogen containing fertilizer materials through the end of 1977 were slightly less than the quantity committed for export at the end of May, 1976. In May 1977, total export contracts for nitrogenous fertilizers for the remainder of the calendar year were 151,759 content tons. In May 1976, export contracts for the rest of 1976 totaled 188,151 content tons. However, by the end of December 1977, actual total exports will undoubtedly exceed the 151,759 content tons now under contract, as spot sales, which have always constituted a large part of the export trade in these commodities, are not reflected in this contract figure.

Despite some production losses in January and February due to severe winter weather and natural gas curtailment, production during March, April and May was sufficiently above the previous year's level to raise total production of nitrogen containing fertilizer materials during the January–May period covered by this report to slightly over the total for the same five month interval a year earlier. Anhydrous ammonia production was 6,949 short tons during the first five months of 1977, whereas during the same period of 1976 it had totaled 6,863 short tons. Urea production was nearly identical in both 1976 and 1977: 1,720 short tons the first five months of this year; 1,702 short tons in 1976. During the first five months of 1977, there was a 10 percent increase in the output of ammonium nitrate over the preceding year: 3,262 short tons were produced in January–May 1977, compared to production of 2,972 short tons in the like period a year earlier. During the first five months of 1977, ammonium phosphate production also increased 13 percent over the comparable period of 1976, reaching 4,067 short tons compared to the 1976 output of 3,577 short tons.

At the end of the reporting period, it was evident that there would be an adequate world supply of nitrogen containing fertilizers during the crop year ending June 30, 1977, and based on current projections, for the next two or three crop years. About 3 million tons of new anhydrous ammonia capacity is scheduled to become operational in 1977, and, in 1978, another 2.8 million tons of capacity is scheduled to come on-line. World consumption of nitrogen for the 1976 crop year is estimated to have totaled 46.5 million tons of nutrient. While world consumption is expected to increase by about 7 percent in the coming year, production should increase by about 9 percent.

Producers' prices for anhydrous ammonia were reduced from December's level of $180–$190 per ton, to January's $120–$140 per ton, to bring the producers' prices more in line with actual transaction prices and thereby reduce severe discounting. Throughout the remaining months covered in this report, the posted producers' prices for nitrogen containing fertilizer materials remained stable. Actually, transaction prices increased slightly over the five month period. Some of this increase occurred because of fears generated by the mid-winter cold spell that natural gas curtailments, with a consequent loss of ammonia production, would persist. However, as this threat proved short-lived, transaction price increases were minor and temporary, and were never reflected in the posted producers' prices.

Tables of exports, imports, inventories, domestic production and prices follow: [1]

[1] World supply and demand data are not available on a monthly basis. More extensive data on world supply and demand than that contained herein will be included in the Semi-Annual Report to Congress on operations of the Office of Export Administration covering the period ending with the third quarter of 1977.

TABLE 1
U. S. Trade in Nitrogen Fertilizer, January 1975 - May 1977
Export Contracts for June 1977 - December 1977
In Content Tons

	EXPORTS										CONTRACTS			
	Jan-Jun 1975	Jul-Dec 1975	Jan-Jun 1976	Jul-Dec 1976	Jan-May 1977	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977	Jun 1977	Jul-Sep 1977	Oct-Dec 1977	Jan-Mar 1978
Imports														
Nitrogenous Fertilizers In Content Tons 1/	709,546	540,412	683,661	723,325	970,679	155,154	126,381	185,814	266,099	237,231				
Exports														
Nitrogenous Fertilizers In Content Tons	601,858	595,605	585,709	699,543	438,086	101,494	94,672	80,909	59,863	101,148	103,108	30,653	8,968	8,830

1/ Includes Nitrogen Solution, Nitrogenous Fert, and Ammonium Nitrate Limestone, not listed in subsequent tables.

Source: Office of Export Administration and Bureau of the Census.

TABLE 2
--U.S. Exports of Fertilizers Containing Nitrogen, January 1975 - May 1977
--Export Contracts for June 1977 - December 1977
(in short tons)

EXPORTS

Commodity	Jan-Jun 1975	Jul-Dec 1975	Jan-Jun 1976	Jul-Dec 1976	Jan-May 1977	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977
Anhydrous Ammonia 1/	200,936	99,492	173,918	262,952	137,226	37,453	30,212	764	21,192	47,605
Urea	272,457	234,653	295,871	235,924	125,578	17,134	27,303	48,379	18,851	13,911
Ammonium Nitrate	14,189	31,847	8,068	4,035	5,849	428	363	248	1,289	3,521
Ammonium Sulfate	288,242	426,800	325,156	318,413	138,253	7,960	26,894	10,554	52,730	40,115
Ammonium Phosphate	1,167,979	1518,388	1,202,697	1,620,207	1,270,783	328,109	272,811	313,078	116,000	240,785
Mixed Fertilizer	245,059	79,257	138,918	103,175	87,360	16,128	19,023	21,291	10,477	20,441

CONTRACTS

Commodity	Jun 1977	Jul-Sep 1977	Oct-Dec 1977	Jan-Mar 1978
Anhydrous Ammonia 1/	16,500	--	--	--
Urea	32,929	856	300	--
Ammonium Nitrate	2,044	--	--	--
Ammonium Sulfate	63,823	21,423	--	--
Ammonium Phosphate	313,664	139,176	49,608	49,608
Mixed Fertilizer	26,778	7,580	--	--

1/ Also includes non-fertilizer grades of anhydrous ammonia.

Source: Office of Export Administration and Bureau of the Census.

TABLE 3

U.S. Imports of Fertilizers Containing Nitrogen January 1975 - May 1977
(in Short Tons)

Commodity	Jan-Jun 1975	Jul-Dec 1975	Jan-Jun 1976	Jul-Dec 1976	Jan-May 1977	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977
Anhydrous Ammonia	415,936	391,003	375,758	353,895	477,322	72,603	72,634	111,932	108,001	112,152
Urea	434,525	216,677	307,925	533,702	840,123	154,904	120,263	228,311	183,333	153,312
Ammonium Nitrate	140,960	103,912	191,523	120,005	146,566	24,214	28,568	36,732	76,083	46,269
Ammonium Sulfate	139,903	78,679	341,646	224,660	201,626	23,460	47,608	42,281	54,035	34,242
Ammonium Nitrate Limestone	55,858	9,890	12,225	16,648	44,145	100	-0-	-0-	31,102	12,943
Ammonium Phosphate	141,100	161,860	177,809	171,555	206,889	23,340	39,439	56,893	49,283	37,935

Source: Bureau of the Census

TABLE 4

U.S. Production of Fertilizers Containing Nitrogen, July 1974 - May 1977
(1,000 Short Tons)

Commodity	Jul-Jun 1974-75	Jul-Jun 1975-76	%Change 76/75	Jul-Dec 1976	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977
Anhydrous Ammonia	15,944	16,442	3.1	8,182	1,104	1,149	1,530	1,617	1,549
Urea	3,645	3,822	4.9	1,872	247	299	385	384	405
Ammonium Nitrate	7,464	7,003	-6.2	3,599	549	557	725	707	724
Ammonium Sulfate [1/]	2,505	2,463	-13	1,085	183,310	191,307	215,625	N/A	N/A
Ammonium Phosphate [3/]	9,695	8,255	18.5	4,780	750	710	842	887	878

1/ Includes coke oven byproduct
3/ Gross Weight

N/A Not available
Source: Bureau of the Census

TABLE 5
U.S. Producers' Inventories of Fertilizer Materials Containing Nitrogen
(short tons)

Commodity	Jan 1976	Jan 1977	Feb 1976	Feb 1977	Mar 1976	Mar 1977	Apr 1976	Apr 1977	May 1976	May 1977
Anhydrous Ammonia	2,365,861	2,365,751	2,516,176	2,332,419	2,352,604	2,296,174	1,513,056	1,243,752	1,478,808	1,106,565
Urea	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ammonium Nitrate	391,409	383,714	363,639	303,206	279,878	164,968	169,411	117,307	105,625	127,496
Ammonium Sulfate	406,511	301,182	389,600	262,151	1/	216,168	1/	N/A	1/	N/A
Ammonium Phosphate	327,948	196,904	327,701	209,759	320,782	118,702	199,261	129,247	241,545	201,023

1/ Inventory data withheld by Bureau of the Census to avoid disclosing figures for individual companies.
N/A Not available

Source: Bureau of the Census

TABLE 6
U.S. Producers' Prices of Nitrogen Containing Fertilizer Materials
(In $ Per Short Ton)

Commodity	Oct.24 1973	Jan '75 1/ Low	Jan '75 1/ High	Jan '76 Low	Jan '76 High	Jan '77 Low-High	Feb '77 Low-High	Mar '77 Low-High	Apr '77 Low-High	May '77 Low-High
Anhydrous Ammonia	65	190	210	120	140	120-140	120-140	120-140	120-140	120-140
Urea	72	160	175	130	140	160-175	160-175	160-175	160-175	160-175
Ammonium Nitrate	62	91	115	91	115	91-115	91-115	91-115	91-115	91-115
Ammonium Phosphate	75	145	165	135	135	110-125	110-125	110-125	110-125	110-125

1/ Fertilizer prices prior to decontrol by Cost of Living Council on Nov. 19, 1973

Source: Column 1 - Cost of Living Council
Columns 2 through 7 Chemical Marketing Reporter

TABLE 7
Export Prices of Selected Fertilizers
May (In $ Per Short Ton)

Commodity	High	Low	Average
Ammonia			
Shipments	135	78	87
Remain.Contracts	67	67	67
Urea			
Shipments	138	90	119
Remain.Contracts	122	72	87
Diammonium Phosphate			
Shipments	465	111	116
Remain.Contracts	228	104	126

Source: Office of Export Administration

TABLE 8
Exports by Commodity and Area of Destination, January through May 1977, and Anticipated Exports by Commodity and Area of Destination, June 1977-March 1978

Commodity and Area of Destination 1/	EXPORTS					CONTRACTS			
	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977	June 1977	Jul-Sep 1977	Oct-Dec 1977	Jan-Mar 1978
In Content Tons									
Nitrogen (N)									
Western Hemisphere	33,691	39,156	35,715	33,688	62,390	35,044	10,814	--	--
Western Europe	32,690	24,411	25,921	14,725	20,450	40,153	7,260	8,968	8,968
Communist Areas in Europe	--	--	--	--	--	--	--	--	--
Asia	27,204	22,901	17,696	9,874	16,621	22,345	12,669	--	--
Australia and Oceania	668	2,991	1,035	772	92	32	--	--	--
Africa	7,177	5,213	713	176	2,159	1,177	3,924	--	--
In Short Tons									
Ammonia 2/									
Western Hemisphere	15,278	18,252	366	5,034	30,933	--	--	--	--
Western Europe	16,248	5,442	100	15,998	16,476	16,000	--	--	--
Communist Areas in Europe	--	--	--	--	--	--	--	--	--
Asia	18	163	17	10	56	--	--	--	--
Australia and Oceania	74	23	2	--	84	--	--	--	--
Africa	5,835	6,332	279	150	56	--	--	--	--
Exported to Developing Countries	55.3%	77.3%	52.4%	1.4%	58.2%				
Urea									
Western Hemisphere	17,120	5,522	26,738	2,484	4,349	3,575	856	300	
Western Europe	--	--	12	--	62	--	--	--	--
Asia	14	21,781	21,629	16,367	9,474	29,354	--	--	--
Africa	--	--	--	--	--	--	--	--	--
Australia and Oceania	--	--	--	--	26				
Exported to Developing Countries	62.0%	79.8%	81.2%	88.8%	77.9%				
Ammonium Nitrate									
Western Hemisphere	428	287	238	942	3,500	2,792	--	--	--
Western Europe	--	--	--	--	--	--	--	--	--
Asia	--	--	--	115	21	57	--	--	--
Australia and Oceania	--	76	--	76	--	95	--	--	--
Africa	--	--	--	156	--	--	--	--	--
Exported to Developing Countries	31.0%	63.9%	0.0%	34.2%	6.1%				

TABLE 8 Continued
Exports and Anticipated Exports, by Commodity and Area of Destination, January-May 1977, and Anticipated Exports by Commodity and Area of Destination June 1977-May 1978

Commodity and Area of Destination 1/	EXPORTS					CONTRACTS			
	Jan 1977	Feb 1977	Mar 1977	Apr 1977	May 1977	Jun 1977	Jul-Sep 1977	Oct-Dec 1977	Jan-Mar 1978
Mixed Fertilizer									
Western Hemisphere	5,189	9,800	19,894	8,678	16,739	12,283	3,110	--	--
Western Europe	164	763	1,197	1,675	394	--	--	--	--
Asia	10,686	8,450	185	103	3,239	14,495	4,470	--	--
Australia and Oceania	88	10	9	14	69	--	--	--	--
Africa	1	--	--	--	--	--	--	--	--
%Exported to Developing Countries	69.6%	69.5%	31.9%	8.6%	33.1%				
Ammonium Sulfate									
Western Hemisphere	7,960	26,894	8,675	49,644	40,155	63,823	21,423	--	--
Western Europe	--	--	--	--	--	--	--	--	--
Asia	--	--	19	--	--	--	--	--	--
Australia and Oceania	--	--	15	--	--	--	--	--	--
Africa	--	--	--	--	--	--	--	--	--
%Exported to Developing Countries	94.4%	99.1%	91.4%	79.7%	98.8%				
Diammonium Phosphate and Other Ammonium Phosphate									
Western Hemisphere	59,401	80,631	101,681	91,640	127,900	96,273	30,528	--	
Western Europe	108,565	111,370	144,081	7,354	35,262	151,782	40,784	49,608	49,608
Asia	143,313	64,186	43,258	12,819	65,750	36,817	67,241	--	--
Australia and Oceania	3,333	16,543	5,781	4,187	--	--	--	--	--
Africa	13,408	81	2,721	--	11,873	6,614	22,046	--	--
%Exported to Developing Countries	57.1%	52.0%	46.5%	36.6%	66.1%				

1/ The data in this table with respect to "Contracts" is based on information obtained from exporters by the Office of Export Administration subject to the confidentiality provisions of the Export Administration Act of 1969, as amended. In a number of instances only one exporter is involved in exports of a stated commodity to a particular country. Therefore, the publication of the data by country of destination could effectively reveal information required to be held confidential. Accordingly, in order to maintain the confidentiality of the information supplied by exporters, this data is published by the area of destination.

2/ Includes non-fertilizer grades of anhydrous ammonia.

Source: Office of Export Administration, Bureau of the Census

S. STANLEY KATZ,
Acting Assistant Secretary
for Domestic and International Business.

[FR Doc.77-24722 Filed 8-25-77;8:45 am]

federal register

FRIDAY, AUGUST 26, 1977

PART VIII



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Kentucky	KY77-1102
North Carolina	NC77-1109

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77-1085	July 22, 1977.
Connecticut:	
CT77-5001	Jan. 8, 1977.
Delaware:	
CT77-5001	Do.
DE77-3042	Apr. 1, 1977.
Illinois:	
IL77-5038	Apr. 8, 1977.
Indiana:	
IL77-5038	Do.
Iowa:	
IA76-4172; IA76-4175	Oct. 15, 1976.
IA77-4090; IA77-4091; IA 77-4092; IA77-4093; IA 77-4094; IA77-4095; IA 77-4096.	May 6, 1977.
IA77-4099; IA77-4100	May 13, 1977.
Maine:	
CT77-5001	Jan. 8, 1977.
Maryland:	
CT77-5001	Do.
Massachusetts:	
CT77-5001	Do.
Michigan:	
IL77-5038	Apr. 8, 1977.
Minnesota:	
IL77-5038	Do.
Mississippi:	
MS77-1078	June 17, 1977.
Nebraska:	
NE77-4067	Mar. 18, 1977.
NE77-4115; NE77-4135	July 1, 1977.
New Hampshire:	
CT77-5001	Jan. 8, 1977.
New Mexico:	
NM77-4116	June 17, 1977.
New Jersey:	
CT77-5001	Jan. 8, 1977.
NJ77-3079	June 17, 1977.
New York:	
CT77-5001	Jan. 8, 1977.
IL77-5038	Apr. 8, 1977.
Ohio:	
IL77-5038	Do.
OH77-2061	Apr. 15, 1977.
OH77-2086	May 20, 1977.
Oklahoma:	
OK77-4150	July 1, 1977.
OK77-4163; OK77-4165; OK77-4167.	July 15, 1977.
Pennsylvania:	
CT77-5001	Jan. 8, 1977.
IL77-5038	Apr. 8, 1977.
PA77-3023	Jan. 28, 1977.
PA77-3029; PA77-3030; PA 77-3033.	Feb. 18, 1977.
PA77-3032	Mar. 25, 1977.
PA77-3031; PA77-3043	Apr. 8, 1977.
PA77-3028; PA77-3034	Apr. 15, 1977.
PA77-3049	Apr. 22, 1977.
PA77-3050; PA77-3054; PA 77-3056; PA77-3057.	May 13, 1977.
PA77-3059	May 20, 1977.
PA77-3100	July 15, 1977.
PA77-3102; PA77-3103; PA 77-3104.	July 22, 1977.
Rhode Island:	
CT77-5001	Jan. 8, 1977.
West Virginia:	
WV77-3101	July 22, 1977.
Wisconsin:	
IL77-5038	Apr. 8, 1977.
WI77-2102	July 15, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia:
AR-4038 (GA77-1103); AR-4038 (GA77-1104); AR-4038 (GA77-1111). Sept. 27, 1977.

Kentucky:
KY77-1010 (KY77-1108); KY77-1011 (KY77-1110). Feb. 11, 1977.
KY77-1058 (KY77-1106); KY77-1059 (KY77-1105). May 13, 1977.
KY77-1088 (KY77-1107) ... July 1, 1977.

Nebraska:
NE77-4021 (NE77-4308) ... Feb. 11, 1977.

Ohio:
OH77-2079 and OH77-2081 (OH77-2131). May 13, 1977.

Pennsylvania:
PA77-3016 (PA77-3107) ... Jan. 28, 1977.

Wisconsin:
WI77-2042 (WI77-2126) ... Apr. 8, 1977.

Signed at Washington, D.C., this 19th day of August 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: KENTUCKY
COUNTIES: KNOX, LAUREL, McCREARY, PULASKI, ROCKCASTLE, WAYNE, & WHITLEY
DECISION NO.: KY77-1102
DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boilermakers	$10.80	.75	1.00		.02
Bricklayers	7.50				
Carpenters	6.75				
Electricians	8.16				
Glaziers	9.50				
Ironworkers - structural, reinforcing & ornamental	6.87				
Laborers:					
Unskilled	4.30				
Mason tenders	6.05				
Air tool operators	5.77				
Millwrights	10.50	.30	.30		
Painters	7.28				
Plumbers & Pipefitters	9.21				
Roofers	4.88				
Sheet metal workers	7.05				
Tile setters	7.93				
Welders - rate for craft					
POWER EQUIPMENT OPERATORS:					
Air compressor	7.51	.35	.35		.05
Backhoe	7.60				
Bulldozer	8.00				
Crane	7.55				
Front end loader	9.20	.30	.30		.05

NEW DECISION

STATE: North Carolina
COUNTY: Mecklenburg
DECISION NO.: NC77-1109
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction (includes single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.03				
Bricklayers	5.74				
Carpenters	4.88				
Cement masons	4.61				
Dry wall hanger	5.00				
Electricians	5.14				
Insulation installer	3.57				
Laborers:					
Laborers	3.00				
Mason enders	3.69				
Mortar mixers	3.77				
Pipelayers	4.11				
Painters,	4.21				
Painters, spray	4.47				
Plumbers & pipefitters	5.66				
Roofers	5.31				
Sheet metal workers	4.52				
Soft floor layers	4.50				
Tile setters	5.00				
Truck Drivers	3.82				
POWER EQUIPMENT OPERATORS:					
Asphalt paver	4.50				
Backhoe	4.00				
Bulldozer	4.00				
Front end loader	4.00				
Grader	4.00				
Roller	4.08				
Scraper	4.30				
Screed	4.20				
Tractor	3.85				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # AL77-1085 - Mod. #1 (42 FR-37715 - July 22, 1977) Mobile County, Alabama					
Change:					
Sheet Metal Workers	10.73	.50	.55		.04

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT77-5001 - Mod. #1 (42 FR 999 - January 8, 1977) Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island.					
CHANGE:					
Drill Boats:					
Engineers	$10.07	.50	.43	b	
Blasters	10.20	.50	.43	b	
Firemen	9.69	.50	.43	b	
Drillers, welders or machinists	10.08	.50	.43	b	
Oilers	9.49	.50	.43	b	

FOOTNOTE:

b. 8 Paid Holidays: A through F, plus Washington's Birthday and Veterans' Day; 6 1/2 days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #DE77-3042 - Mod. #5 (42 FR-17756 - April 1, 1977) State of Delaware					
Change:					
Soft Floor Layers:					
New Castle & Kent Counties	$9.70	1.29	.74		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		*H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL77-5038 - Mod. #2 (42 FR 18802 - April 8, 1977) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin.					
CHANGE:					
Drill Boats:					
Engineers	$10.07	.50	.43	c	
Blasters	10.20	.50	.43	c	
Firemen	9.69	.50	.43	c	
Drillers, Welders or Machinists	10.08	.50	.43	c	
Oilers	9.49	.50	.43	c	

FOOTNOTE:

c. 8 Paid Holidays: A through F plus Washington's Birthday and Veterans' Day; 6 1/2 days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation, as set forth above, are to receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA76-4175- Mod. # 4 (41 FR 45811- Oct. 15,1976) Woodbury County (City of Sioux City and abutting municipalities), Iowa					
Change:					
Electrician	$11.21	.40	3%+.50		1%
Laborers:					
Group 1	7.435	.66	.365	.50	
Group 2	7.585	.66	.365	.50	
Painters:					
Group 1	8.88	.77	.45		
Group 2	9.38	.77	.45		
Plumbers and Steamfitters	10.62	.74	.55		.10
Roofers:					
Roofer	8.71				
Kettlemen	8.47				
Decision #IA 76-4172- Mod. # 4 (41 FR 45802- Oct. 15,1976) Scott County, Iowa					
Change:					
Building Construction:					
Asbestos Workers	$11.55	.40	.60		.10
Carpenters:					
Millwright	12.00	.45	.85		.20
Elevator Constructors	10.87	.495	.32	4%+a	.02
Laborers:					
Group 1	9.17	.40	.60		.035
Group 2	9.42	.40	.60		.035
Group 3	9.67	.40	.60		.035
Painters:					
Brush, rollers	9.77	.45	.70		.12
Spray, structural steel	10.02	.45	.70		.12
Sheetmetal Workers	10.66	.45	.44		.10
Heavy and Highway:					
Carpenters	10.53	.45	.70		.04

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4090-Mod. # 1 (42 FR 23348- May 6,1977) Cerro Gordo County (City of Mason City), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Bricklayers & Stonemasons	$ 9.44		.50		
Cement Masons	9.84				
Electricians	11.19	.45	3%		3/4%
Laborers:					
Group 1	7.39	.30	.40		
Group 2	7.64	.30	.40		
Group 3	7.89	.30	.40		
Painters:					
Brush	8.50		.50		
Tapers	8.60		.50		
Spray	9.00		.50		
Plasterers	9.00				
Plumbers & Steamfitters	10 30	.65	.55		.04
Heavy and Highway:					
Carpenters & Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4091- Mod. # 1					
(42 FR 23351- May 6,1977)					
Dubuque County (City of Dubuque and abutting municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Asbestos Workers	$11.55	.40	.60		.10
Bricklayers & Stonemasons	9.56	.45	.25		
Carpenters:					
Carpenters	9.49		.37		
Millwright	9.99		.37		
Piledrivermen	9.89		.37		
Electricians	10.90	.35	3%+.35		1%
Laborers:					
Group 1	7.88	.30	.20		
Group 2	7.98	.30	.20		
Group 3	8.13	.30	.20		
Lathers	10.00				
Marble Setters	9.31	.45	.25		
Painters:					
Brush or roller epoxy; Paperhanging; Tapers	8.40		.30		
High work and steel; spraying	8.95		.30		
Sheetmetal Workers	10.51	.45	.44		.10
Terrazzo Workers	9.31	.45	.25		
Tilesetters	9.31	.45	.25		
Heavy and Highway:					
Carpenters and Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4092- Mod. # 1					
(42 FR 23354- May 6, 1977)					
Johnson County (City of Iowa City and abutting municipalities), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Asbestos Workers	$11.55	.40	.60		.10
Bricklayers & Stonemasons	11.62		.55		
Sheetmetal Workers	11.39		.55		.01
Heavy and Highway:					
Carpenters and Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			
Decision #IA77-4093- Mod. # 1					
(42 FR 23357- May 6,1977)					
Linn county, Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Asbestos Workers	$11.55	.40	.60		.10
Bricklayers & Stonemasons	11.62		.55		
Laborers:					
Group 1	8.185	.30	.67		
Group 2	8.535	.30	.67		
Group 3	8.535	.30	.67		
Sheetmetal Workers	11.39		.55		.01
Heavy and Highway:					
Carpenters and Piledrivermen	8.13		.45		
Cement Masons	8.13		.45		

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4094- Mod. # 1					
(42 FR 23360- May 6,1977)					
Polk County, Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Boilermakers	$11.30	.85	1.00		.02
Line Construction:					
Group 1	9.32	.45	7%	b	3%
Group 2	6.06	.45	7%	b	3%
Group 3	6.24	.45	7%	b	3%
Group 4	7.46	.45	7%	b	3%
Group 5	5.13	.45	7%	b	3%
Painters:					
Group 1	10.11		.40		.03
Group 2	10.61		.40		.03
Group 3	10.36		.40		.03
Group 4	11.21		.40		.03
Plumbers and Steamfitters	11.55	.55	.75		.10
Sheetmetal Workers	12.40	.50	.66		.07
Heavy and Highway:					
Carpenters & Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #IA77-4095- Mod. # 1					
(42 FR 23363- May 6,1977)					
Story County (City of Ames and abutting municipalities)					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Boilermaker	$11.30	.85	1.00		.02
Carpenters:					
Carpenters; Piledrivermen	9.45		.50		
Millwright	9.80		.50		
Line Construction:					
Group 1	9.32	.45	7%	b	3%
Group 2	6.06	.45	7%	b	3%
Group 3	6.24	.45	7%	b	3%
Group 4	7.46	.45	7%	b	3%
Group 5	5.13	.45	7%	b	3%
Painters:					
Group 1	10.11		.40		.03
Group 2	10.36		.40		.03
Group 3	10.61		.40		.03
Group 4	11.21		.40		.03
Plumbers and Steamfitters	11.55	.55	.75		.10
Sheetmetal Workers	12.40	.50	.66		.07
Heavy and Highway:					
Carpenters & Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # IAVT-4096- Mod. # 2 (42 FR 23360- May 6,1977) Webster County (City of Fort Dodge), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction					
Electricians	$10.80	.40	3%		1%
Laborers:					
Group 1	5.95		.30		
Group 2	6.15		.30		
Group 3	6.20		.30		
Roofers	6.40				
Decision #IAVT-4099- Mod. # 1 (42 FR 24607-May 13,1977) Clinton County (City of Clinton and abutting municipalities)					
Change:					
Building, Water Treatment Plants & Sewage Dispodal Plants Construction					
Asbestos Workers	$11.55	.40	.60		.10
Carpenters:					
Carpenters	9.40	.45	.70		.04
Piledriver	9.80	.45	.70		.04
Millwright	12.00	.45	.85		.20
Marble Setters	10.55	.35	.50		
Painters:					
Brush	9.77	.45	.70		.12
Spray, Structural steel	10.02	.45	.70		.12
Sheetmetal Workers	10.66	.45	.69		.10
Softfloor Layers	9.40	.45	.70		
Heavy and Highway:					
Other heavy and highway construction:					
Carpenters & Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

	Basic hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # IAVT-4100- Mod. # 1 (42 FR 24609- May 13,1977) Des Moines County (City of Burlington & abutting municipalities & Burlington Ordnance Plant), Iowa					
Change:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Asbestos Workers	$11.55	.40	.60		.10
Carpenters:					
Carpenters	9.98	.60	.85		.04
Millwrights & Piledrivermen	10.66	.60	.85		.04
Electricians	11.64	.40	3%		3/4%
Painters:					
Group 1	8.95		.25		
Group 2	9.05		.25		
Group 3	9.45		.25		
Group 4	9.65		.25		
Group 5	9.95		.25		
Plumbers and Steamfitters	11.05	.40	1.15		.05
Roofers	9.20				
Sheetmetal Workers	10.41	.45	.44		.10
Heavy and Highway:					
Carpenters and Piledrivermen	8.13	.45			
Cement Masons	8.13	.45			

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS77-1078 - Mod. # 1 (42 FR-31044 - June 17, 1977) Lowndes County (excluding Columbia Lock and Dam and Tennessee Tombigbee Project) Mississippi					
Change:					
Roofers	3.50				
Add:					
Ironworkers, reinforcing	9.25	.60	.815		.06
Decision # NE77-4115- Mod. # 2 (42 FR 34145- July 1,1977) Douglas, Sarpy, and Otoe Counties, Nebraska					
Changes:					
Steamfitters	$11.99	.60	.75		.15
Residential Rehabilitation	10.20	.60	.75		.15
Decision # NE77-4135 Mod.- # 1 (42 FR 34201- July 1,1977) Lancaster County, Nebraska					
Changes:					
Painters:					
Brush	$7.95	.45	.30		
Spray, steel, swing stage	8.45	.45	.30		
Paperhangers, taper	8.20	.45	.30		
Decision # NE77-4067- Mod. # 1 (42 FR 15272- March 18,1977) Cedar, Cuming, Pierce, Stanton, and Wayne Counties, Nebraska					
Change:					
Electricians	$6.50				

MODIFICATIONS P. 14

DECISION NO. NM77-4116 - Mod. #5
(42 FR 31094 - June 17, 1977)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

CHANGE DESCRIPTION OF WORK TO READ "Building and Heavy Construction (Heavy construction consists of modifications, addition, alterations or repairs on railroad construction projects, drainage project, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects (exclusive of distribution lines and appurtenances and filtration plants earth dams (over 1 million yards), concrete dams, dikes, levees, revetments,channels, channel cutoffs, intakes,dredging projects, jetties, breakwaters, docks, harbors, excavation and disposals by contract or overburden and the excavation and loading of all material from which the overburden has been removed, open-pit strip mining, viaducts, pedestrian tunnels, piers, abutments and clearing and grubbing, incidental to such heavy construction projects (exclusive of such work in connection with highway, building and light construction projects), subways, tunnels, shafts, missile silos and missile projects. (Except buildings underground), hydro-electric power plant projects and power plant facilities in their entirety (exclusive of steam plants), electric transmission lines, and including the operation, maintenance and repair of all land and floating plant, equipment, vehicles and other facilities used in connection with and serving the aforementioned work and services incidental to such projects (also, including Residential construction in Santa Fe, Bernalillo, Rio Arriba, Taos, Sandoval and Valencia Counties)."

DECISION #NJ77-3079 - Mod. #1 (42 FR 31080 - June 17, 1977) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Air Conditioning & refrigeration Mechanics:					
Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	8.35	.065	.31	r	.04
Asbestos Workers:					
Zone 1	12.17	.80	.90		
Zone 2	11.60	.80	.90		.025
Zone 4	12.29	.55	1.00		.03
Zone 5	12.22	.80	.90		.06
Bricklayers, stone masons, marble masons, cement masons, plasterers, tile layers and terrazzo workers:					
Zone 4	10.55	.65	1.00		.03
Zone 5	11.495		.605		
Dockbuilders and piledrivermen:					
Zone 2	11.45	1.40	1.78	.76	.02
Electricians and cable splicers:					
Zone 1	11.70	6%	3%+1.35		.01
Zone 2	13.20	6%	3%+.40		.13
Zone 3	11.90	6%	3%+.45		.05
Zone 4	11.80	6%	3%+.30		.04
Zone 5	11.41	6%	3%+.35		.02

DECISION #NJ77-3079 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers-structural, ornamental & reinforcing					
Zone 2	12.25	.84	1.36		
Zone 3	12.40	.84	1.36		.03
Lathers:					
Zone 1	10.90	.15	.40		.02
Line construction:					
Zone 1					
Linemen, cable splicers & equipment operators	11.70	6%	3%+1.35		1/2 of 1%
Groundmen	9.75	6%	3%+1.35		1/2 of 1%
Zone 2					
Linemen, cable splicers & equipment operators	13.20	6%	3%+.40		1/2 of 1%
Groundmen	10.55	6%	3%+.40		1/2 of 1%
Zone 3					
Linemen	11.90	6%	3%+.45		1/2 of 1%
Groundmen & winch operators	9.50	6%	3%+.45		1/2 of 1%
Zone 4					
Linemen	11.80	6%	3%+.30		1/2 of 1%
Line digger truck drivers	7.33	6%	3%+.30		1/2 of 1%
Groundmen	8.48	6%	3%+.30		1/2 of 1%
Zone 5					
Linemen, equipment operators, technicians & certified linemen welders	11.75	.25	3%+.60		1/2 of 1%
Truck drivers	8.33	.25	3%+.60		1/2 of 1%
Groundmen	7.74	.25	3%+.60		1/2 of 1%
Painters:					
Zone 4					
New Construction:					
Brush or roller, paper-hanging & vinyl wall covering	11.00	.65	.65		.05
Work on all structural steel and iron, steeples, stacks, tanks, flagpoles, all swing work & window jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous					

MODIFICATIONS P. 17

DECISION #NJ77-3079 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (CONT'D)					
materials (ie., creosote, epoxy, acid, pitchmastic and urethanes	12.00	.65	.65		.05
Repaint Construction:					
Brush or roller, paperhanging, vinyl wall covering	8.40	.65	.65		.05
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous materials (ie. creosote, epoxy, acid, pitchmastic & urethanes	9.40	.65	.65		.05
Plumbers & Pipefitters:					
Zone 3	12.09	1.04	.90		.20
Zone 4	12.09	1.04	.90		.20
Zone 5	12.09	1.04	.90		.20
Zone 6	12.09	1.04	.90		.20
Power Equipment Operators:					
Group 1	15.31	7%	15%	f	3%
Group 2	13.49	7%	15%	f	3%
Group 3	12.61	7%	15%	f	3%
Group 4	12.50	7%	15%	f	3%
Group 5	12.27	7%	15%	f	3%
Group 6	11.78	7%	15%	f	3%
Group 7	11.49	7%	15%	f	3%
Group 8	11.32	7%	15%	f	3%
Group 9	11.27	7%	15%	f	3%
Group 10	11.15	7%	15%	f	3%
Group 11	11.10	7%	15%	f	3%
Group 12	10.86	7%	15%	f	3%
Group 13	10.46	7%	15%	f	3%
Group 14	10.29	7%	15%	f	3%
Group 15	9.95	7%	15%	f	3%

Additional 50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground; additional 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet or over above ground level

MODIFICATIONS P. 18

DECISION #NJ77-3079 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Steel erection:					
Group 1	17.12	7%	15%	f	3%
Group 2	15.31	7%	15%	f	3%
Group 3	14.40	7%	15%	f	3%
Group 4	13.66	7%	15%	f	3%
Group 5	11.88	7%	15%	f	3%
Group 6	11.49	7%	15%	f	3%
Group 7	11.34	7%	15%	f	3%
Group 8	10.97	7%	15%	f	3%
Group 9	10.41	7%	15%	f	3%
Add:					
Power Equipment Operators:					
Group 9 - Field Engineer: Party Chief	11.27	7%	15%	f	3%
Group 15 - Field Engineer: transit/instrument man	9.95	7%	15%	f	3%
Group 16 - Field Engineer - rodman/ chainman	7.97	7%	15%	f	3%

DECISION NO. OH77-2061 - Mod. #1 (42 FR 20047 - April 15, 1977) Medina County, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians	$7.25	.47	3%		.2%

DECISION NO. OH77-2086 - Mod. #1 (42 FR 26095 - May 20, 1977) Belmont, Monroe, & Noble Counties, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Belmont & Monroe Cos.	7.63	.50	.60		.02
Noble Co.	5.60	.40	.70		.02

DECISION NO. OK77-4150 - Mod. #3 (42 FR 34228 - July 1, 1977) Comanche County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
PLUMBERS-PIPEFITTERS	$10.97	.60	.85		.10

DECISION NO. OK77-4163 - Mod. #3 (42 FR 36784 - July 15, 1977) Garfield County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS:					
Carpenters	$8.35		.25		.05
Millwrights-Piledrivermen	9.50	.45	.45		.09

DECISION NO. OK77-4165 - Mod. #2 (42 FR 36769 - July 15, 1977) Wagoner County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS (ZONE III):					
Cable splicers	$10.90	.46	3%+.40	.30	.07

DECISION NO. OK77-4167 - Mod. #2 (42 FR 36773 - July 15, 1977) Pittsburg County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Cable splicers	$10.90	.46	3%+.40	.30	.07

MODIFICATIONS P. 21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3023 - Mod. # 5 (42 FR 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania					
Change:					
Piledrivermen	$10.55	5.5%	10%		

MODIFICATIONS P. 22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA77-3028 - Mod. #5 (42 FR 20098 - April 15, 1977) Adams & York Counties, Pa.					
Change:					
Asbestos Workers	$10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Sheet Metal Workers	10.05	1.39	1.18		.05
DECISION #PA77-3029 - Mod. # 6 (42 FR 10263 - February 18, 1977) Berks County, Pennsylvania					
Change:					
Asbestos Workers	10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Roofers:					
Albany, Maxstamy and Widsor:					
Composition and Slate	11.53	.15	.80		
Sheet Metal Workers	10.05	1.39	1.18		.05
DECISION NO.PA77-3030 - Mod. #5 (42 FR 10266 - February 18, 1977) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
Change:					
Asbestos Workers	10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Sheet Metal Workers	10.05	1.39	1.18		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3031 - Mod. #7 (42 FR 18339 - April 8, 1977) Lebanon County, Pennsylvania					
Change:					
Sheet Metal Workers	$10.05	1.39	1.18		.05
DECISION #PA77-3032 - Mod. #6 (42 FR 16373 - March 25, 1977) Lycoming County, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
DECISION #PA77-3033 - Mod. #5 (42 FR 10268 - February 18, 1977) Northampton County, Pennsylvania					
Change:					
Asbestos Workers	10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Roofers, Composition, Slate & Tile	11.53	.15	.80		
Sheet Metal Workers	10.05	1.39	1.18		.05
Add:					
Soft Floor Layers	8.55	.44	.72	.45	
DECISION #PA77-3034 - Mod. # 6 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
Asbestos Workers	10.91	.52	.90		.01
Electricians: North Union, East Union, West Mahony, (excluding Frackville Borough), Mahony, Delano, Kline, Rush, Ryan, Blythe, Schuylkill, Walker Rahn, East Brunswick and West Penn. Twps.	10.77	.55	3%+.25	f	g

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3043 - Mod. # 4 (42 FR 18783 - April 8, 1977) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania					
Change:					
Boilermakers	$13.10	.75	1.00		.02
Bricklayers & Stonemasons Zone 5	10.52	.60	.40		
Cement Masons Zone 2	10.52	.60	.40		
Electricians Zone 2	10.77	.55	3%+.25	a	b
Marble Setters Zone 3	10.52	.60	.40		
Plasterers Zone 5	10.52	.60	.40		
Plumbers Zone 1	11.49	.40	.75		.04
Tile Setters Zone 3	10.52	.55	.30		
DECISION NO. PA77-3049 - Mod. #5 (42 FR 21043 - April 22, 1977) Northumberland County, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
DECISION #PA77-3050 - Mod. #4 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
Pipefitters	11.04	.65	.95		.04

DECISION #PA77-3054 - Mod. #4 (42 FR 24677 - May 13, 1977) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians					
Zone 4	$12.35	3%	3%+2%		½%
Laborers:					
Zone 2					
Class 1	8.08	.77	.66		
Class 2	8.155	.77	.66		
Class 3	8.18	.77	.66		
Class 4	8.23	.77	.66		
Class 5	8.33	.77	.66		
Class 6	8.58	.77	.66		
Class 7	8.63	.77	.66		
Landscape:					
Zone III					
Class I	7.48	8%	6.5%		3.5%
Painters:					
Zone 1					
Commercial					
Brush	9.04	.75	.45		.12
Spray	9.54	.75	.45		.12
Industrial					
Brush	10.04	.75	.45		.12
Spray	10.54	.75	.45		.12
Omit:					
Painters:					
Zone 1					
Roller (Classification Only)	10.45	.65	.45		.12

DECISION #PA77-3056 - Mod. #3 (42 FR 24698 - May 13, 1977) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Roofers:					
Remainder of County:					
Composition & Slate	11.53	.15	.80		
Composition & Slate Helpers	7.21	.15	.80		
Sheet Metal Workers	10.05	1.39	1.18		.05
Truck Drivers	8.45	f	g	h	
Footnotes:					
f. Employer Contributes $72.20 per month to Health & Welfare Fund.					
g. Employer Contributes $52.01 per month to a Pension Fund.					
Add:					
Soft Floor Layers	8.55	.72	.45		
DECISION #PA77-3057 - Mod. # 3 (42 FR 24700 - May 13, 1977) Sullivan County, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
DECISION #PA77-3059 - Mod. #3 (42 FR 26176 - May 20, 1977) Luzerne County, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
Electricians:					
Hazleton:					
Commercial	10.77	.55	3%+.25	a	b
Lathers:					
Remainder of County	11.78		.35		.01
Plumbers & Steamfitters					
Pittston	11.04	.65	.95		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3100 - Mod. # 2 (42 FR 36775 - July 15, 1977) Columbia, Montour & Snyder Counties, Pennsylvania					
Change:					
Boilermakers	$13.10	.75	1.00		.02
Asbestos Workers Zone II	10.91	.52	.90		.01
Electricians Zone II	10.77	.55	3%+.25	"	.12
Modification #1, dated, July 15, 1977, in 42 FR 36775, to read Columbia, Montour and Snyder Counties					
DECISION #PA77-3103 - Mod. #1 (42 FR 37759 - July 22, 1977) Bradford, Tioga & Union Counties, Pennsylvania					
Change:					
Boilermakers	13.10	.75	1.00		.02
Bricklayers & Stonemasons	9.75	.65	.50		.015
Electricians Zone III	10.65	.50	3%+.50	.50	.10
Plumbers & Steamfitters Zone II	11.49	.40	.75		.04
Roofers: Composition & Kettleman	9.65	.85	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA77-3102 - Mod. # 2 (42 FR 37754 - July 22, 1977) Clinton, Centre, Huntingdon, Mifflin & Centre Counties, Pennsylvania					
Change:					
Asbestos Workers Zone 2	$10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Sheet Metal Workers Zone 2	10.05	1.39	1.18		.05
Painters: Zone 2					
Commercial					
Brush & Roller	9.04	.75	.45		.12
Spray	9.54	.75	.45		.12
Industrial					
Brush, Steel & Tank	10.04	.75	.45		.12
Spray	10.54	.75	.45		.12
DECISION #PA77-3104 - Mod. # 1 (42 FR - 37762 - July 22, 1977) Lancaster County, Pennsylvania					
Change:					
Asbestos Workers	10.91	.52	.90		.01
Boilermakers	13.10	.75	1.00		.02
Marble Setters	8.20	.45	.45		
Sheet Metal Workers	10.05	1.39	1.18		.05
Terrazzo Workers	8.20	.45	.45		
Tile Setters	8.20	.45	.45		

DECISION #WV77-3101 - Mod. #1
(42 FR-37773 - July 22, 1977)
State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas, & Preston

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, Stone Masons, Marble Masons, Terrazzo Workers, & Tile Layers:					
Area 5					
Bricklayers & Stone Masons	$11.84	.30	.30		
Marble Masons, Terrazzo Workers, & Tile Layers	10.75	.30	.30		
Glaziers:					
Area 1	9.93				
Lathers:					
Area 2	10.75		.20		.01
Painters:					
AREA 6					
New Construction:					
Brush	9.56		.30		.01
Roller	9.82		.30		.01
Spray & blast	10.58		.30		.01
Pot-men	10.58		.30		.01
Commercial Repaint:					
Brush	8.14		.30		.01
Roller	8.42		.30		.01
Paperhanger	9.56		.30		.01
Drywall	10.01		.30		.01
Spray, pot-men	10.58		.30		.01
Paper & vinyl hangers	9.56		.30		.01
Open structural steel	9.91		.30		.01
Drywall pointers & tapers	10.01		.30		.01
Liquid tile brush	10.33		.30		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30' high	10.51		.30		.01
Hydrojet, steam cleaning & glove work	10.58		.30		.01
Operating mechanical taping machines	11.01		.30		.01

DECISION #WV77-3101 - Mod. #1 (cont'd)

	REPAINT	NEW				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:						
AREA 7						
Air Compressor Operator	$7.56	8.38	.55			.02
Brush Painting	7.56	8.38	.55			.02
Roller, Dry-Wall Pointers & Tapers, Dipping & Mitten Work & Spray	7.92	8.70	.55			.02
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & Boatswain Chair, Window Jack Work	8.67	9.23	.55			.02
Brush Painters on Bridges, Nadele Bean, Cable Work, Power Tool Work, Brush & Flame Cleaning	9.10	9.61	.55			.02
Operating Mechanical Taping Machines	9.32	9.97	.55			.02
Sand Blasters	9.43	9.94	.55			.02
All Stacks, Vent Pipe, Flag Poles in excess of 30' high, all Towers Water Towers, Elevated Towers, Electrical Switch Yards, Transformer Banks & Television Towers	10.49	10.89	.55			.02
Vinyl hangers & Paper hangers (with tools)	7.91	8.70	.55			.02

DECISION #WV77-3101 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers & Pipefitters:					
Area 8					
Zone 1	$10.88	.60	1.40		.02
Zone 2	11.08	.60	1.40		.02
Zone 3	11.28	.60	1.40		.02
Zone 4	11.53	.60	1.40		.02
Omit:					
Marble masons helpers, Terrazzo worker Helper, & Tile layers helpers:					
Cabell, Lincoln, Mason, Mingo, & Wayne Counties	7.93	.30	.30		
Add:					
Marble, Terrazzo, & Tile Finishers:					
Statewide except for the Counties of Berkeley, Brooke, Cabell, Hancock, Jefferson, Lincoln, Mason (that portion south of the Kanawha River), Morgan, Nicholas, & Preston:					
Finishers	8.75	.65			
Terrazzo floor grinders	8.90	.65			
Terrazzo base grinding machine	9.00	.65			
Cabell, Lincoln, Mason (that portion south of the Kanawha River), & Wayne Counties	7.93	.30	.30		

DECISION NO. WI77-2102 - Mod. #2	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(42 FR 36781 - July 15, 1977)					
Statewide, Wisconsin					
Change:					
DESCRIPTION OF WORK: Highway and Airport Runway and Taxiway Construction (does not include bridges over navigable water; tunnels; buildings in highway rest areas; and railroad construction)					

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTY: CHATHAM (ZONE IV)
DECISION NO.: GA77-1103 DATE: DATE OF PUBLICATION
Supersedes Decision No. AR-4038, dated September 27, 1974, in 39 FR 34984.
DESCRIPTION OF WORK: Highway Construction(does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which includes building structures; railroad construction; and paving associated with building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 4.75				
Concrete finishers/cement masons	4.69				
Form setters	3.75				
Laborers:					
Asphalt rakers	3.61				
Unskilled	3.00				
Truck drivers	3.85				
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.59				
Asphalt paving machine (Asphalt screed, Asphalt spreader)	4.00				
Backhoe	4.85				
Bulldozer	4.20				
Crane, derrick, dragline	4.74				
Front end loader	4.45				
Motor grader	4.95				
Oiler - greaser	3.42				
Roller	3.94				

SUPERSEDEAS DECISION

STATE: GEORGIA
DECISION NO.: GA77-1104 DATE: DATE OF PUBLICATION
Supersedes Decision No. AR-4038, dated September 27, 1974, in 39 FR 34984.
COUNTIES: Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield (ZONE I)
DESCRIPTION OF WORK: Highway Construction (does not include airport taxiways and runways; bridges over navigable waters; tunnels; rest areas which includes building structures; railroad construction; and paving associated with building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 4.38				
Cement masons	4.18				
Form setters	4.38				
Ironworkers - reinforcing	5.00				
Laborers:					
Air tool, chain saw & power saw operators	3.25				
Asphalt rakers	3.57				
Drill operators	3.76				
Pipelayers	3.75				
Unskilled	3.07				
Truck drivers	3.08				
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.20				
Asphalt paving machine (Asphalt screed, Asphalt spreader)	4.28				
Backhoe	4.05				
Bulldozer	4.32				
Crane, derrick, dragline	4.78				
Front end loader	4.31				
Mechanic	3.96				
Motor grader (patrol)	4.86				
Oiler - greaser	3.60				
Pans - scraper	4.91				
Roller	4.06				
Shovel	4.43				
Tractor	3.54				

SUPERSEDEAS DECISION

STATE: GEORGIA
DECISION NO.: GA77-1111 DATE: DATE OF PUBLICATION
Supersedes Decision No. AR-4038, dated September 27, 1974, in 39 FR 34984.
COUNTIES: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Charlton, Chattahoochee, Clarke, Clay, Clayton, Clinch, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Fayette, Glascock, Glynn, Grady, Greene, Hancock, Harris, Heard, Henry, Houston, Irwin, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Peach, Pierce, Pike, Pulaski, Putnam, Quitman, Randolph, Richmond, Rockdale, Schley, Screven, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Troup, Turner, Twiggs, Upson, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, Wilkinson, Worth (ZONE II)
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which includes building structures; railroad construction; and paving associated with building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 4.37				
Concrete finishers	3.98				
Form setters	3.00				
Ironworkers - reinforcing	4.85				
Laborers:					
Asphalt rakers	3.55				
Pipelayers	2.92				
Sign erectors, guardrail post driving operators, auger-boom operators, striping machine operators	3.00				
Unskilled	2.78				
Truck drivers	2.98				
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. GA77-1111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Aggregate spreader, stone spreader	$ 3.35				
Asphalt distributor	3.37				
Asphalt paving machine	3.65				
Batching plant scaleman	3.50				
Bulldozer	3.68				
Concrete paving machine	3.65				
Crane, derrick, dragline	4.76				
Front end loader	3.50				
Mechanic	4.11				
Motor grader (patrol)	3.95				
Oiler - greaser	3.00				
Piledriver	4.00				
Roller	3.50				
Scraper - pan	3.64				
Tractor (farm type)	2.94				

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: BOYD
DECISION NO.: KY77-1105 DATE: DATE OF PUBLICATION
Supersedes Decision No. KY77-1059, dated May 13, 1977, in 42 FR 24615.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.05	.50	.70		.03
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS & STONE MASONS	11.43				
CARPENTERS	9.72	.40	.50		.03
CEMENT MASONS	11.12		.60		
ELECTRICIANS:					
Wiremen	11.02	.50	3% + .52	1.02	.04
Cable splicers	11.57	.50	3% + .52	1.02	.04
ELEVATOR CONSTRUCTORS:					
Mechanics	10.945	.545	.35	4%+a+b	.02
Helpers	7.66	.545	.35	4%+a+b	.02
Probationary helpers	5.47				
GLAZIERS	10.00		.50		
IRONWORKERS - Structural, Ornamental & Reinforcing	11.27	.90	1.05		.01
LATHERS	10.925		.10		
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen	11.08	.45	3% + .52	1.02	¼ of 1%
Cable splicers	12.19	.45	3% + .52	1.02	¼ of 1%
Groundmen	8.86	.45	3% + .52	1.02	¼ of 1%
Mechanical equipment operators	11.08	.45	3% + .52	1.02	¼ of 1%
MILLWRIGHTS	10.79	.40	.37		.03
PAINTERS:					
Brush & paperhanging	8.18		.40		
Roller, drywall, & taping	8.34		.40		
Spray	8.70		.40		
Steamcleaning	8.92		.40		
Mittens or rags	9.23		.40		
Sandblasting	9.39		.40		
Drywall machine operator	9.60		.40		
PILEDRIVERMEN	10.01	.40	.50		.03
PLASTERERS	11.12		.60		

DECISION NO. KY77-1105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
Area 1 - within a 5 mile radius of 17th St. and Winchester Ave., Ashland	$10.42	.60	.85	1.00+d	
Area 2 - over 5 miles and within a 15 mile radius of 17th St. and Winchester Ave., Ashland	10.62	.60	.85	1.00+d	
Area 3 - over 15 miles and within a 30 mile radius of 17th St. and Winchester Ave., Ashland	10.82	.60	.85	1.00+d	
Area 4 - over a 30 mile radius of 17th and Winchester Ave., Ashland	10.92	.60	.85	1.00+d	
ROOFERS:					
New construction	10.45		.40		
Re-roofing	7.00		.40		
SHEET METAL WORKERS	11.05	.86	.55		.05
SOFT FLOOR LAYERS	9.72	.40	.50		.03
SPRINKLER FITTERS	11.65	.65	.95		.08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. KY77-1105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 7.86	.35	.47		
Group 2	8.01	.35	.47		
Group 3	8.03	.35	.47		
Group 4	8.06	.35	.47		
Group 5	8.11	.35	.47		
Group 6	8.36	.35	.47		
Group 7	8.56	.35	.47		
Group 8	9.06	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - Laborers, carpenter tenders, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles;
Group 2 - Hod carriers, mortar men, cement finisher tenders, lather and plaster tenders;
Group 3 - Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of a Ttester;
Group 4 - Deck hand and scow men;
Group 5 - Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators, handling of all creosote material, signal men, and asphalt rakers;
Group 6 - Rock and powder men;
Group 7 - Sand hog or muckers, and tunnel miners
Group 8 - Caisson workers

DECISION NO. KY77-1105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class A	$10.45	.40	.45		.05
Class B	8.01	.40	.45		.05
Class C	7.34	.40	.45		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard mower boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or back hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$ 9.08	e	f		
Group 2	9.18	e	f		
Group 3	9.33	e	f		
Group 4	9.38	e	f		
Group 5	9.43	e	f		
Group 6	9.48	e	f		
Group 7	9.73	e	f		

CLASSIFICATIONS DEFINITIONS

Group 1 - Warehousemen, yardmen, truck helpers, pickups, station wagons, panel trucks, flat-body material trucks (straight jobs), greasers, washers, tiremen, dump trucks (up to 5 cu. yds.);
Group 2 - Tank trucks (straight);
Group 3 - Dump trucks (5 cu. yds. or over), semi-dump trucks, semi-trailers (whether flat,rack or pole and hauled or pushed by trucks or tractors), agitator or mixer trucks (up to 5 cu. yds.), tank trucks (semi);
Group 4 - Lowboy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck cranes, monirail trucks;
Group 5 - Material checkers & receivers, mechanics helpers;
Group 6 - Agitator or mixer trucks (5 cu. yds. and over);
Group 7 - Tri-axle dump trucks, hydraulic lifts, tailgate trucks, farm type tractors, ross carriers, athey wagons or similar equipment, A-frame, hydro-lifts, dual purpose trucks, end dumpsters, mechanics.

DECISION NO. KY77-1105

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Two Paid Holidays: Independence Day and Christmas Day.

e. Employer contributes $82.33 per month per employee employed 30 days or more.

f. Employer contributes $52.00 per month per employee employed 30 days or more.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTIES: HARDIN, JEFFERSON MEADE

DECISION NO.: KY77-1106 DATE: DATE OF PUBLICATION

Supersedes Decision No. KY77-1058, dated May 13, 1977, in 42 FR 24612

DESCRIPTION OF WORK: Building Construction (does not include single family houses and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.66	.50	1.00		
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS & STONE MASONS	9.83	.40	.40		
CARPENTERS	9.95	.45	.45		.05
CEMENT MASONS	9.28	.60	.30		
ELECTRICIANS	11.60	.50	3% + .40		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.00	.545	.35	1/64a+b	.02
Helpers	7.70	.545	.35	1/64a+b	.02
Probationary helpers	5.50				
GLAZIERS	8.90	.35	.45		
IRONWORKERS:					
Structural, ornamental, reinforcing, riggers, fence erecters, sheeters, machinery movers, and conveyormen	10.95	.90	1.15		.06
LATHERS	10.79		.20		.01
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen, line truck operators, & hole diggers	11.60	.50	3% + .40		½ of 1%
MARBLE MASONS	9.70	.40	.40		
MARBLE FINISHERS	8.60				
MILLWRIGHTS	11.05	.45	.65		.02
PAINTERS:					
AREA 1 - 35 mile radius from the Jefferson County Courthouse, Louisville, Ky.:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	8.62	.35	.20		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning, sandblasting, exterior stage work and window jack work over 50' in height	8.97	.35	.20		.03
Spray	9.07	.35	.20		.03

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DECISION NO. KY77-1106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS - AREA 1 (Cont'd)					
REPAINT WORK:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	$ 8.08	.35	.20		.03
Spray	8.53	.35	.20		.03
AREA 2 - over a 35 mile radius from the Jefferson County Courthouse, Louisville, Ky.:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	8.97	.35	.20		.03
Steeple jack work, boatswain chairs, safety-belt work, steamcleaning, sandblasting, exterior stage work and window jack over 50' in height	9.32	.35	.20		.03
Spray	9.42	.35	.20		.03
REPAINT WORK:					
Brush, roller, drywall painting, taping & finishing, and paperhanging	8.43	.35	.20		.03
Spray	8.88	.35	.20		.03
PILEDRIVERMEN	10.20	.45	.45		.05
PLASTERERS	10.35				
PLUMBERS & PIPEFITTERS:					
AREA 1 - Jefferson County:					
Plumbers	11.15	.60	.90	.77	.10
Pipefitters	12.24	.64	1.15		.09
AREA 2 - Hardin (northern portion of county up to but not including Elizabethtown) and Meade Counties:					
Plumbers	11.60	.60	.90	.77	.10
Pipefitters	12.69	.64	1.15		.09
AREA 3 - Hardin (remainder of county) County:					
Plumbers	11.85	.60	.90	.77	.10
Pipefitters	12.94	.64	1.15		.09

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	$ 7.85	.60	.25		
Slab, tile & precast concrete slab	8.25	.60	.25		
SHEET METAL WORKERS	11.26	1.09	1.05		.14
SOFT FLOOR LAYERS	9.95	.45	.45		.05
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS	9.70	.40	.40		
TERRAZZO FINISHERS	8.60				
TILE LAYERS	9.70	.40	.40		
TILE FINISHERS	8.60				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. KY77-1106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 7.43	.35	.47		
Group 2	7.63	.35	.47		
Group 3	7.78	.35	.47		
Group 4	7.93	.35	.47		
Group 5	8.63	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - General laborers, mobile sweepers;

Group 2 - Power driven Georgia buggy, chain saw, vibrator operator, mesh handler, power tools (air, diesel, electric, gasoline), wagon drill, pipelayer, wall man, chip & bush hammer, concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker;

Group 3 - Air track driller, mason tender, side rail setter (metal), stackman;

Group 4 - Powderman, introflax burning rod, gunnite nozzle man operator, sewer & tunnel laborers (free air), sand hog or mucker (free air);

Group 5 - Holeman drilled, piers, augured caissons, sand miner (tunnel free air), caisson workers.

DECISION NO. KY77-1106

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$10.45	.40	.45		.05
Class B	8.01	.40	.45		.05
Class C	7.34	.40	.45		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumporete, Koss carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY77-1106

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.61	d	e	f	
Group 2	7.51	d	e	f	
Group 3	7.44	d	e	f	
Group 4	7.33	d	e	f	
Group 5	7.21	d	e	f	

CLASSIFICATIONS DEFINITIONS

Group 1 - Winch trucks, A-frame when used to transport building materials, Euclids and other heavy earth moving equipment, lowboys;

Group 2 - Truck mechanics, concrete mixer trucks (all types, hauling only on the job site);

Group 3 - Trucks over 3 tons, semi-trailer tandem axle or pole trailers and dumps, farm tractor when used to pull building material or equipment;

Group 4 - Trucks 3 tons and under, mechanic helper;

Group 5 - Truck helper, warehousemen.

DECISION NO. KY77-1106

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $21.00 per week per employee whose name appears on the payroll and has been employed a minimum of 20 work days within any 90 consecutive day period.

e. Employer contributes $20.00 per week per employee whose name appears on the payroll and has been employed a minimum of 20 work days within any 90 consecutive day period.

f. Employee who has been regularly employed on a project for one year and who has worked a minimum of 1200 hours during the year shall receive vacation and pay equal to 40 hours.

STATE: KENTUCKY

COUNTIES: BOONE, CAMPBELL, KENTON, PENDLETON

DECISION NO.: KY77-1107

DATE: DATE OF PUBLICATION

Supersedes Decision No. KY77-1088, dated July 1, 1977, in 42 FR 34192.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.46	.75	.85		.02
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS & STONE MASONS	12.095	.55	.35		.02
CARPENTERS	11.40	.60	.65		.075
CEMENT MASONS	11.43	.75	.70		.15
ELECTRICIANS	11.85	.70	3% + .40		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.15	.545	.35	4%+a+b	.02
Helpers	7.805	.545	.35	4%+a+b	.02
Probationary helpers	5.575				
GLAZIERS	10.10		.35		.005
IRONWORKERS:					
Structural & Ornamental	11.48	.90	1.05		.03
Reinforcing	10.63	.90	1.85		.02
LATHERS	12.52		.25		.025
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen & Machine operators	11.30	.70	3% + .40		½ of 1%
Groundmen	8.48	.70	3% + .40		½ of 1%
MARBLE SETTERS	10.985	.55	.35		
MARBLE SETTER FINISHERS	10.035				
MILLWRIGHTS	11.64	.50	.85		.10
PAINTERS:					
Brush, roller, taping, paperhanging, wall covering, washing	11.25		.25		
Steamcleaning	11.40		.25		
Spray	11.65		.25		
Drywall machine operators	11.75		.25		
Sandblasting & waterblasting	12.05		.25		
PILEDRIVERMEN	11.40	.60	.65		.075
PIPEFITTERS	12.20	.90	1.225		.08
PLASTERERS	12.195		.50		.02

DECISION NO. KY77-1107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & GAS FITTERS	$12.07	.75	1.05		.05
RESILIENT FLOOR LAYERS	8.70	.60	.65		.05
ROOFERS	12.32		.85		.01
SHEET METAL WORKERS	12.035	.90	.81		.04
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS	10.935	.55	.35		
TERRAZZO FINISHERS	9.985				
TILE SETTERS	10.935	.55	.35		
TILE FINISHERS	9.935				

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. KY77-1107

LABORERS - Boone, Campbell, & Kenton Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A	$10.00	.60	.50		.05
Group B	10.10	.60	.50		.05
Group C	10.15	.60	.50		.05
Group D	10.20	.60	.50		.05
Group E	10.35	.60	.50		.05
Group F	10.50	.60	.50		.05
Group G	10.75	.60	.50		.05

CLASSIFICATIONS DEFINITIONS

Group A - Common laborers, cement mason tenders, hand operated mechanical mule, mechanical sweeper, signal man;

Group B - Bottom man, pipe layers;

Group C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanicas mule, concrete pump hose man, vibrator man;

Group D - Plaster tender, mason tender, stone mason tender, bottom jackhammer man;

Group E - Plaster mixer pump operator;

Group F - Tunnel laborer;

Group G - Gunnite nozzle operator.

DECISION NO. KY77-1107

LABORERS - Pendleton County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.85	.35	.47		
Group 2	7.05	.35	.47		
Group 3	7.20	.35	.47		
Group 4	7.25	.35	.47		
Group 5	7.35	.35	.47		
Group 6	7.45	.35	.47		
Group 7	8.05	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - Construction laborers, carpenter tenders, landscapers, roofers' helpers, sheeting and shoring;

Group 2 - Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker, all types of tampers, bush & chipping hammers, motorbug opers.;

Group 3 - Mason tenders, plaster tenders, bug operators;

Group 4 - Gunnite nozzle men, powderman helpers, fork lift, pumpmen;

Group 5 - Gunnite nozzle machine, powdermen & blasters, tunnels & cofferdams;

Group 6 - Miners - tunnels or cofferdams;

Group 7 - Caisson holes (6' and over including tools), sand hogs (pressured air).

DECISION NO. KY77-1107

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$11.11	.46	1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, tulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plants, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

DECISION NO. KY77-1107

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and regular scheduled work days immediately preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: FAYETTE
DECISION NO.: KY77-1108 DATE: DATE OF PUBLICATION
Supersedes Decision No. KY77-1010, dated February 11, 1977, in 42 FR 8940.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.66	.50	1.00		
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS & STONE MASONS	9.605	.35	.50		
CARPENTERS	10.45	.45	.30		
CEMENT MASONS	10.55				
ELECTRICIANS	11.60	.45	3% + .50		.0025
ELEVATOR CONSTRUCTORS:					
Mechanics	11.00	.545	.35	4%+a+b	.02
Helpers	7.70	.545	.35	4%+a+b	.02
Probationary helpers	5.50				
GLAZIERS	9.50				
IRONWORKERS - Structural, Ornamental & Reinforcing	10.95	.90	1.15		.06
LATHERS	9.74		.10		
LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen & equipment operators	11.70	.45	3%		½ of 1%
Cable splicers	11.95	.45	3%		½ of 1%
Groundman truck driver with winch	9.95	.45	3%		½ of 1%
Groundman-truck driver	9.36	.45	3%		½ of 1%
MARBLE SETTERS	8.95	.35	.50		
MARBLE FINISHERS	7.95				
MILLWRIGHTS	10.95	.45	.30		
PAINTERS:					
Brush, drywall finishers, paperhangers	9.25				
Steeple jack work, window jack work, work in enclosed buildings over 35' in height above permanent working floor area, steam cleaning, sandblasting	9.75				
Spray	10.00				
Shift brush	10.50				
PILEDRIVERMEN	10.95	.45	.30		
PLASTERERS	9.65				
PLUMBERS & PIPEFITTERS	10.95	.35	.70		.02
ROOFERS	7.00	.40			
SHEET METAL WORKERS	11.26	1.09	1.05		.14

DECISION NO. KY77-1108

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS	$10.45	.45	.30		
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS	8.95	.35	.50		
TERRAZZO FINISHERS	7.95				
TILE SETTERS	8.95	.35	.50		
TILE FINISHERS	7.95				
TRUCK DRIVERS:					
3 tons and under;	6.87	d	e		
Over 3 tons, semi-trailers or pole trailers, dump trucks, tandem axle, farm tractors when used to pull building materials or equipment;	6.98	d	e		
Truck mechanics, concrete mixer trucks (all types, hauling only on job sites);	7.05	d	e		
Greasers, tire changers, mechanic helpers;	6.87	d	e		
Euclids and other heavy moving equipment, lowboy winch truck when used to transport building materials.	7.15	d	e		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. KY77-1108

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 6.85	.35	.47		
Group 2	7.05	.35	.47		
Group 3	7.20	.35	.47		
Group 4	7.25	.35	.47		
Group 5	7.35	.35	.47		
Group 6	7.45	.35	.47		
Group 7	8.05	.35	.47		

CLASSIFICATIONS DEFINITIONS

Group 1 - Construction laborers, carpenter tenders, landscapers, roofers' helpers, sheeting and shoring;

Group 2 - Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker, all types of tampers, bush & chipping hammers, motorbug opers.;

Group 3 - Mason tenders, plaster tenders, bug operators;

Group 4 - Gunnite nozzle men, powderman helpers, fork lift, pumpmen;

Group 5 - Gunnite nozzle machine, powdermen & blasters, tunnels & cofferdams;

Group 6 - Miners - tunnels or cofferdams;

Group 7 - Caisson holes (6' and over including tools), sand hogs (pressured air).

DECISION NO. KY77-1108

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$10.45	.40	.45		.05
Class B	8.01	.40	.45		.05
Class C	7.34	.40	.45		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY77-1108

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $13.50 per week per employee employed 20 work days within a 90 consecutive day perior.

e. Employer contributes $14.00 per week per employee employed 20 work days within a 90 consecutive day period.

SUPERSEDEAS DECISION

STATE: KENTUCKY COUNTY: McCRACKEN
DECISION NO.: KY77-1110 DATE: DATE OF PUBLICATION
Supersedes Decision No. KY77-1011, dated February 11, 1977, in 42 FR 8944.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.50	.45	.40		.03
BOILERMAKERS	10.80	.75	1.00		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS	9.30				
CARPENTERS	8.80	.45	.25		
CEMENT MASONS	7.80	.80	.35		
ELECTRICIANS:					
Wiremen	10.75	.40	3%		½ of 1%
Cable splicers	11.00	.40	3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.00	.545	.35	4%+a+b	.02
Helpers	7.70	.545	.35	4%+a+b	.02
Probationary helpers	5.50				
GLAZIERS	10.105	.48	.50		.25
IRONWORKERS - Structural, Ornamental & Reinforcing	9.90	.45	.65		.02
LATHERS	7.16		.20		.01
LEAD BURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen & equipment operators	10.70	.45	3%		½ of 1%
Cable splicers	10.95	.45	3%		½ of 1%
Groundmen truck drivers	8.02	.45	3%		½ of 1%
Groundmen	7.73	.45	3%		½ of 1%
PAINTERS:					
Brush & roller	7.10	.40			
Sandblast & power tools	8.00	.40			
Steeple jack work	9.95	.40			
Free Fall Premium Rate: 0 to 80' + 50¢ over base rate of work classification 80' to 120' + 75¢ over base rate of work classification Over 120' + $1.00 over base rate of work classification					
PILEDRIVERMEN & MILLWRIGHTS	9.15	.45	.25		

DECISION NO. KY77-1110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 8.51			.75	.01
PLUMBERS & PIPEFITTERS	10.60	.60	.65	.50	.08
ROOFERS	8.20		.10		.03
SHEET METAL WORKERS	11.26	1.09	1.05		.14
SOFT FLOOR LAYERS	8.80	.45	.25		
SPRINKLER FITTERS	11.65	.65	.95		.08
TRUCK DRIVERS:					
Trucks up to but not including 5 tons, such as station wagons, autos, pick-up trucks, dump trucks, flat beds and stake bodies;	7.25		.55		
Trucks 5 tons and over, including special equipment such as Euclids, winch trucks, Dempster dumpsters, crawler-type trucks, tandem dump trucks, mechanics, all ready-mix trucks, tractor trailers, low boys, distributor trucks, water tank trucks, fork lifts;	7.90		.55		
Greasers, tire changers, materials checkers	7.85		.55		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. KY77-1110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 6.03	.35	.47		
Group 2	6.23	.35	.47		
Group 3	6.53	.35	.47		

LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and crib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY77-1110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class A	$10.45	.40	.45		.05
Class B	8.01	.40	.45		.05
Class C	7.34	.40	.45		.05

CLASSIFICATIONS DEFINITIONS

Class A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine, hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction), all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Roes carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader;

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper.

DECISION NO. KY77-1110

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Nine Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day, provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and regular scheduled work days immediately preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Cass, Douglas, Sarpy, Washington and that portion of Saunders County East of Highway #109

DECISION NUMBER: NE77-4208

DATE: Date of Publication

Supersedes Decision No. NE77-4021 dated February 11.1977 in 42 FR 8946

DESCRIPTION OF WORK: Heavy in all, but Washington County and Highway Construction (excluding bridges across navigables waterways)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$9.11	.50	.40	.60	.05
Piledrivermen	9.235	.50	.40	.60	.05
CEMENT FINISHERS	9.28	.50	.40		
IRONWORKERS: Reinforcing and Structural	8.88	.50	.55	1.00	
LABORERS:					
Common Laborer	6.20	.35	.30	.15	.05
Towboat and Dredge Deckhands	6.30	.35	.30	.15	.05
Form Setter Helpers	6.40	.35	.30	.15	.05
Rakers and Screedmen on Asphalt work; Mortar Mixers; Chain Saw Operator	6.38	.35	.30	.15	.05
Pipelayers; Concrete Saw Operator	6.45	.35	.30	.15	.05
Form Setters and Precast Manhole Setter, Inlet Builders and Manhole Setters	6.83	.35	.30	.15	.05
LINE CONSTRUCTION:					
Linemen	9.51	.45	1%		1/2%
Cable Splicers	9.91	.45	1%		1/2%
Truck Driver	6.87	.45	1%		1/2%
Equipment Operator	8.94	.45	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.17	.45	1%		1/2%
(Inexperienced) 2nd 6 months	4.67	.45	1%		1/2%
Thereafter	6.20	.45	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group: 1	7.37	.50	.40		
Group: 2	7.45	.50	.40		
Group: 3	7.85	.50	.40		
Group: 4	8.23	.50	.40		
Group: 5	9.11	.50	.40		
Group: 6	9.33	.50	.40		
Group: 7	9.50	.50	.40		
Group: 8	9.67	.50	.40		

DECISION NO. NE77-4208 Page 2

CLASSIFICATION DEFINITIONS

Group: 1 - Oilers; Greasers; Mechanic's Helper; Spread Oiler (less than one year experience)

Group: 2 - Oiler Driver

Group: 3 - Tractor under 35 HP; Air Compressors; Pump-welding machine; Spray machine; Form Trenchers; Belt Machine

Group: 4 - Concrete Mixer; Concrete Pumps; Hydro-Hammer

Group: 5 -Spreader Oiler (after one year experience in classification)

Group: 6 - Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Trenchcavator; Forklift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller

Group: 7 - Blade (petrol); Scraper

Group: 8 - Hoist, 2 Drums; Trenching Machine; Paving Mixer; Piledriver; Heavy duty Mechanic; Welder; Shovel; Dragline; Clamshell; Orange Peel; Backhoe; Derrick; Crane; Locomotive; Firemen on Boiler; Laydown Machine; Two Drum Winch Truck; side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland type Backfiller; Self-Propelled Spreader Vibrator; Slip Form Paver.

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group: 1 - Single Axle, Tack and Spreader Truck	$6.93	.50	.40		
Group: 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks	6.99	.50	.40		
Group: 3 - Three-Axle Tandem	7.04	.50	.40		
Group: 4 - Lowboys-Tractor Trailer, Water Pulls	7.12	.50	.40		
Group: 5 - Tandem Dump with Auxiliary End Dump Trailer	7.17	.50	.40		
Group: 6 - Lumber Carrier	7.29	.50	.40		

STATE: OHIO
DECISION NUMBER: OH77-2131
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision Nos.: OH77-2079, dated May 13, 1977, in 42 FR 24652 & OH77-2081, dated May 13, 1977, in 42 FR 24661
DESCRIPTION OF WORK: Building Construction (Does not include family homes & garden type apartments up to and including 4 stories)
*ADAMS, BROWN, BUTLER, CLARK, CLERMONT, CLINTON, DARKE, FAYETTE, FRANKLIN, GREENE, HAMILTON, HIGHLAND, LAWRENCE, LICKING, MADISON, MIAMI, MONTGOMERY, MUSKINGUM, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, SHELBY, & WARREN

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Brown, Butler (excluding Middletown & vic.), Clermont, Hamilton, Highland, & Warren (excluding Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	$11.46	.75	.85		.02
Butler (Middletown & vic.), Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos.	11.07	.75	1.00		.02
Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, & Ross Cos.	12.67	.45	.85		.02
Lawrence, Pike, & Scioto Cos.	11.05	.50	.70		.03
BOILERMAKERS:					
Darke & Shelby Cos.	13.10	.70	1.00		.03
Remaining Cos.	9.40	.75	1.00	1.40	.02
BRICKLAYERS; Caulkers; Cleaners; Marble setters; Pointers; Stonemasons; Terrazzo workers; & Tile setters:					
Adams & Scioto Cos.:					
Bricklayers; Caulkers; Cleaners; Marble setters; Pointers; & Stonemasons	9.90				
Brown, Butler, Clermont, Hamilton, Preble (Twps. of Dixon, Israel, Lanier, Somers, & Gratis), & & Warren Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	12.095	.55	.35		.02
Marble setters	10.985	.55	.35		
Terrazzo workers & Tile setters	10.935	.55	.35		
Clark Co.	10.60				
Clinton & Highland Cos.	8.50				
Darke, Miami, & Shelby Cos.	10.35	.75	.25		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette, Pike, & Ross Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	$11.35				
Franklin, Madison, & Pickaway Cos.:					
Bricklayers; Stonemasons	10.64	.80	.80		.02
Rubble work	10.24	.40	.80		.01
Marble setters; Terrazzo workers; & Tile setters	10.65				
Greene, Montgomery, & Preble (Rem. of Co.) Cos.:					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	10.35	.75	.75		.02
Marble setters; Terrazzo workers; & Tile setters	9.16	.75	.25		
Lawrence Co.	10.70		.50		.05
Licking & Muskingum Cos.	10.33	.60	.50		.02
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Adams, Fayette, Highland, Lawrence, Pike, Ross, & Scioto Cos.:					
Carpenters; Soft floor layers	10.17	.50	.75		.03
Piledrivermen	10.46	.50	.75		.03
Millwrights	10.79	.40	.37		.03
Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos.:					
Carpenters; Piledrivermen	11.40	.60	.65		.075
Millwrights	11.64	.50	.85		.10
Soft floor layers	8.70	.60	.65		.05
Clark, Franklin, Licking, Madison, Muskingum, & Pickaway Cos.:					
Carpenters	9.80	.50	.70		.02
Millwrights	10.92	.40	.70		.02
Piledrivermen	10.10	.50	.70		.02
Soft floor layers	9.40	.50	.70		.02
Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.:					
Carpenters; Piledrivermen	10.35	.65	1.00		.05
Millwrights	10.16	.65	1.00		
Soft floor layers	9.30	.65	.70		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Adams, Pike, & Scioto Cos.	$11.02		.60		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.	11.43	.75	.70		.15
Clark Co.	10.60				
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	9.78	.50	.60		.07
Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, & Ross Cos.	9.90	.50	.20		.03
Lawrence Co.	9.00				
ELECTRICIANS:					
Adams, Pike (S. part), & Scioto Cos.	10.75	.50	3%+.50	1.02	.04
Brown, Clermont & Hamilton Cos.:					
Up to & incl. 18 mi. radius from Hamilton Co. Court House	11.85	.70	3%+.40		.5%
18 to 21 mi. radius from Hamilton Co. Court House	12.15	.70	3%+.40		.5%
21 to 25 mi. radius from Hamilton Co. Court House	12.25	.70	3%+.40		.5%
Over 25 mi. radius from Hamilton Co. Court House	12.40	.70	3%+.40		.5%
Butler & Warren (City of Lebanon & South) Cos.:					
Electricians	11.40	.40	3%+.65		½%
Cable splicers	11.90	.40	3%+.65		½%
Clark, & Madison (Twps. of Paint, Pike, Somerford, Stokes, & Union) Cos.	10.44	.45	3%+.75		.04
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (North part excluding city of Lebanon) Cos.:					
Electrical communications installers within 11 mi. radius of 3rd & Main Street, Dayton	11.43	.50	3%+1.00		.5%
Electrical communications installers beyond 11 mi. radius of 3rd & Main Street, Dayton	11.66	.50	3%+1.00		.5%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette, Highland, Pickaway (S. part), Pike (N. part), & Ross Cos.	$10.95	.29	3%		.02
Franklin, Madison (E. portion), Pickaway (N. & central portions) Cos.	11.46	.40	3%+.87		.03
Lawrence Co.	11.02	.50	3%+.50	1.00	.04
Licking Co.	10.90	.28	3%+.60		.03
Muskingum Co.	10.45	.28	3%+.60		.03
Shelby Co.	10.94	.32	3%+.37		.04
ELEVATOR CONSTRUCTORS:					
Adams, Brown, Butler, Clermont, Clinton, Darke, Hamilton, Highland, Miami, Preble, & Warren Cos.:					
Elevator constructors	11.15	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
Clark, Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, Ross, & Shelby Cos.:					
Elevator constructors	11.16	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
Greene & Montgomery Cos.:					
Elevator constructors	10.635	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
Lawrence, Pike, & Scioto Cos.:					
Elevator constructors	10.945	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams Co.	10.00		.50		
Brown, Butler (Hamilton & Vic.), Clermont, Clinton, Hamilton, Highland (Part), & Warren (Lebanon & South) Cos.	10.10		.35		.005

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Butler (excluding Hamilton & Vic.), Clark, Darke, Fayette, Highland (Part), Miami, Montgomery, Preble, Shelby, & Warren (North of Lebanon) Cos.	$9.88		.50		.01
Franklin, Licking, Madison, Muskingum, Pickaway, Pike, & Ross Cos.	10.52		.57		.005
Lawrence & Scioto Cos.	10.00		.50		
IRONWORKERS:					
Adams (Part), Lawrence, Pike (Part), & Scioto Cos.:					
To 10 mi. from Union Hall in Ashland, Kentucky	11.27	.90	1.05		.01
10 to 15 mi. from Union Hall in Ashland, Kentucky	11.42	.90	1.05		.01
15 to 20 mi. from Union Hall in Ashland, Kentucky	11.52	.90	1.05		.01
20 mi. & over from Union Hall in Ashland, Kentucky	11.62	.90	1.05		.01
Adams (Part), Brown, Butler (S. ½ of Co.), Clermont, Hamilton & Warren (S. ½ of Co.) Cos.:					
Ornamental; Structural	11.48	.90	1.05		.03
Reinforcing	10.63	.90	1.85		.02
Butler (N. ½ of Co.), Clark (W 3/4), Clinton, Darke, Fayette (Part), Greene, Highland (W 4/5), Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.:					
Within 15 mi. radius of Local Union #290 office	10.96	.90	1.25		.04
Beyond 15 mi. radius of Local Union #290 office	11.11	.90	1.25		.04
Clark (E. ¼), Fayette (Part), Highland (E. 1/5), Muskingum, Pike (Part), & Ross Cos.	11.10	.90	1.55		.05
Franklin Co.	10.85	.90	1.55		.05
Licking, Madison, & Pickaway Cos.	11.00	.90	1.55		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Adams, Brown, Pike, & Scioto Cos.	9.315		.10		
Butler, Clinton, Darke, Fayette, Greene, Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos.	11.04		.20		.01
Clark, Franklin, Licking, Madison, Muskingum, Pickaway, & Ross Cos.	10.65		.10		.01
Clermont, Hamilton, Highland, & Warren (S. ½) Cos.	12.52		.25		.025
Lawrence Co.	10.925		.10		
LEADBURNERS	10.75	.40		c	.01
LINE CONSTRUCTION:					
Adams, Lawrence, Pike (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union), & Scioto Cos.:					
Linemen; Operators: All mechanized equipment	11.08	.45	3%+.50	1.00	½%
Cable splicers; Linemen welder	12.19	.45	3%+.50	1.00	½%
Groundmen	8.86	.45	3%+.50	1.00	½%
Brown, Clermont, & Hamilton Cos.:					
Linemen up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati	11.85	.70	3%+.40		½%
Linemen over 18 to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati	12.15	.70	3%+.40		½%
Linemen over 21 to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati	12.25	.70	3%+.40		½%
Linemen over 25 mi. radius from Hamilton Co. Court House, Cincinnati	12.40	.70	3%+.40		½%
Butler & Warren (Twps. of Deerfield, Hamilton, Harlem, Massie, Salem, Turtle Creek, Union & Washington) Cos.:					
Inside city limits of Middletown & Hamilton:					
Equipment ops.; Linemen	11.40	.40	3%+.65		½%

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Outside & west of Interstate Hwy #75:					
Equipment ops.; Linemen	$11.75	.40	3%+.65		½%
Outside & east of Interstate Hwy #75:					
Equipment ops.; Linemen	11.95	.40	3%+.65		½%
Clark Co.:					
Cable splicers; Linemen	9.11	.35	3%		.25%
Equipment ops.:					
0 to ½ yr.	5.49	.35	3%		.25%
½ to 1 yr.	6.54	.35	3%		.25%
1 yr. or more	7.66	.35	3%		.25%
Groundmen or truck drivers:					
0 to 1 yr.	4.47	.35	3%		.25%
1 yr. or more	5.27	.35	3%		.25%
Clinton, Darke, Greene, Miami, Montgomery, Preble, Warren (Twps. of Wayne, Clear Creek & Franklin) Cos.:					
Electrical communications installers within 11 mi. radius of 3rd & Main Street, Dayton	11.43	.50	3%+1.00		.5%
Electrical communications installers beyond 11 mi. radius of 3rd & Main Street, Dayton	11.66	.50	3%+1.00		.5%
Fayette, Highland, Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), Pike (excluding Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), & Ross Cos.:					
Equipment ops.; Linemen	10.95	.28	3%		½%
Truck drivers	6.47	.28	3%		½%
Groundman	6.17	.28	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Franklin Co.:					
Cable splicers; Linemen	$9.88	.35	3%		½%
Equipment operators:					
0 to ½ yr.	6.30	.35	3%		½%
½ to 1 yr.	7.52	.35	3%		½%
1 yr. or more	8.81	.35	3%		½%
Groundmen or truck drivers:					
0 to 1 yr.	5.13	.35	3%		½%
1 yr. or more	6.06	.35	3%		½%
Licking Co.:					
Cable splicers	12.46	.50	3%		½%
Equipment ops.; Linemen	11.73	.50	3%		½%
Groundman; Truck drivers:					
Over 1 yr.	9.31	.50	3%		½%
0 - 1 yr.	8.32	.50	3%		½%
Madison Co. (Twps. of Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant), & Pickaway Co. (Twps. of Darby, Circleville, Harrison, Jackson, Madison, Monroe, Muhlenberg, Scioto, Walnut, & Washington):					
Cable splicers; Equipment ops.; Linemen	12.41	.35	3%		½%
Groundmen:					
0 to 6 mos.	5.92	.35	3%		½%
After 6 mos.	6.30	.35	3%		½%
After 12 mos.	6.72	.35	3%		½%
After 18 mos.	7.11	.35	3%		½%
Muskingum Co.:					
Cable splicer; Equipment ops.; & Linemen	10.98	.35	3%		½%
Groundmen:					
0 to 6 mos.	5.92	.35	3%		½%
After 6 mos.	6.30	.35	3%		½%
After 12 mos.	6.72	.35	3%		½%
After 18 mos.	7.11	.35	3%		½%

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pickaway (Twps. of Deer Creek, Perry, Pickaway, Salt Creek, & Wayne), Pike (N. part), & Ross Cos.:					
Equipment ops.; & Linemen	$10.95	.28	3%		½%
Truck drivers	6.47	.28	3%		½%
Groundmen	6.17	.28	3%		½%
Shelby Co.:					
Linemen	11.68	.45	3%		½%
Groundmen; Truck drivers	7.57	.45	3%		½%
Equipment operators	10.51	.45	3%		½%
MARBLE SETTERS' HELPERS; TERRAZZO WORKERS' HELPERS; TILE SETTERS' HELPERS:					
Adams, Brown, Butler, Clermont, Fayette, Hamilton, Highland, Lawrence, Pike, Ross, Scioto, & Warren Cos.:					
Marble setters' helpers	10.035				
Marble sanders; Polishers; Stockmen; Waxers; & Sawyers	10.20				
Terrazzo workers' helpers; & grinders	9.985				
Terrazzo base grinders (While operating base grinding machine)	10.405				
Tile setters' helpers	9.935				
Clark, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	8.34				
Franklin, Madison, & Pickaway Cos.:					
Marble setters' helpers; Terrazzo workers' helpers; & Tile setters' helpers	8.50				
Terrazzo base grinders	8.85				
Terrazzo floor grinders	8.65				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Adams, Highland, Pike, & Scioto Cos.:					
Brush; Paperhangers; Tapers; Wall covering, washing; Exterior buildings under 40'	$11.00		.40		
Rollers; Floor sanding; Power tools	11.25		.40		
Sandblasting; Steamcleaning; Hazardous material; & Burning	12.00		.40		
Brown, Clermont, & Hamilton Cos.:					
Commercial:					
Brush	11.25		.25		
Spray	11.65		.25		
Industrial:					
Brush	11.40		.25		
Spray	11.80		.25		
Butler & Warren Cos.:					
Commercial:					
Brush	10.08				
Spray	10.58				
Industrial:					
Brush	10.23				
Spray	10.73				
Clark Co.:					
Brush; Paperhangers (Tools furnished)	7.80	.10	.25		
Swing stage	8.15	.10	.25		
Spray	8.50	.10	.25		
Structural steel	8.35	.10	.25		
Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.:					
Brush; Roller	11.05	.40	.40		.02
Scaffolds; Structural steel; & swing stage	11.45	.40	.40		.02
Sandblasting; Spray; & Steam-cleaning	11.55	.40	.40		.02
Paperhangers	11.30	.40	.40		.02
Spackling & finishing; & Taping	11.05	.40	.40		.02
Steeple jack work	11.80	.40	.40		.02

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette, Franklin, Madison, & Pickaway Cos.:					
Brush; Paperhangers; Rollers; & Wall washing	9.99	.55	.55		.02
Spray	10.49	.55	.55		.02
Structural steel; & Swing stage	10.29	.55	.55		.02
Sandblasting; Steamcleaning; & Water tanks	10.69	.55	.55		.02
Drywall tapers & finishers	10.39	.55	.55		.02
Lawrence Co.:					
Brush; Roller	7.65				
Drywall taping; & Structural steel	8.50				
Spray	9.00				
Paperhangers; & Wall washing	8.15				
Licking & Muskingum Cos.:					
Brush; & Paperhangers	7.50				
Structural steel	8.00				
Spray	7.95				
Smoke stacks; Tanks; & Water towers	8.00				
Ross Co.:					
Brush; Roller; & Taping	9.00				
Structural steel	9.25				
Sandblast; & Spray	9.75				
Shelby Co.:					
Brush; Roller; Drywall taping	8.15	.73	.50		.03
Wallcovering; Swing stage; Safety belts; Spiders; Cherry pickers - brush or rollers	8.40	.73	.50		.03
Spray; Sandblasting; Steam-cleaning; Hitts; High pressure water cleaning; & blow down	8.65	.73	.50		.03
Stilts & automatic drywall tools	8.90	.73	.50		.03
Petroleum storage tanks (over 30' high) brush, rollers	8.55	.73	.50		.03
Structural steel (open skeleton) - brush or rollers	8.45	.73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	9.65	.73	.50		.03

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Adams, Lawrence (except Twps. of Fayette, Union, & Rome), Pike, & Scioto Cos.	$11.02		.60		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.	12.195		.50		.02
Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	11.25				
Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, & Ross Cos.	9.94	.50	.30		.02
Lawrence Co. (Twps. of Fayette, Union, & Rome)	10.70		.50		.05
PLUMBERS; Steamfitters:					
Adams, Highland, Lawrence, Pike, & Scioto Cos.:					
Within 10 mi. radius of Portsmouth	11.67	.55	.75		
10 - 20 mi. radius of Portsmouth	11.92	.55	.75		
20 - 35 mi. radius of Portsmouth	12.02	.55	.75		
Over 35 mi. radius of Portsmouth	12.27	.55	.75		
Brown, Clermont, Hamilton, & Warren (N. of Rte #63 excl. Lebanon & S. Lebanon) Cos.:					
Plumbers; Gas fitters	12.07	.75	1.05		.05
Pipefitters; Steamfitters	12.20	.90	1.225		.08
Butler Co. (N. ½)	12.05	.60	1.00		.05
Butler (S. ½) & Warren (S. of Rte #63 incl. Lebanon & S. Lebanon) Cos.	11.82	.65	1.10		.02
Clark, Greene (Twps. of Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), & Madison (W. of Rte #38 incl. city of London) Cos.	11.41	.58	.80		.04

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clinton, Darke, Fayette, Greene (excl. Twps. of Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), Miami, Montgomery, & Preble Cos.	$11.81	.55	.70		.03
Shelby Co.	12.00	.50	.75		.05
Franklin, Licking, Madison (E. of Rte #38 not incl. city of London), Pickaway, & Ross Cos.	12.32	.55	.80		.05
Muskingum Co.	10.93	.35	.50		.08
ROOFERS:					
Adams, Lawrence, Muskingum, Pike, & Scioto Cos.	10.45		.40		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.:					
Roofers	12.32		.85		.01
Pitch	12.92		.85		.01
Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.:					
Slate, tile, & asbestos	10.72	.80	.50		
Composition, damp & waterproof workers	10.50	.80	.30		
Fayette, Franklin, Licking, Madison, Pickaway, & Ross Cos.	11.195	.60	.65		.01
SHEET METAL WORKERS:					
Adams, Fayette, Franklin, Lawrence, Licking, Madison, Muskingum, Pickaway, Pike, Ross, & Scioto Cos.	10.82	.45+d	1.05		.10
Brown, Clermont, Hamilton, & Highland Cos.	12.035	.90	.81		.04
Butler, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren Cos.	10.95	.55+d	.84		.15
SPRINKLER FITTERS	12.30	.65	.95		.08

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. 3% of gross earnings to SASMI

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Clark Co.:					
Laborers general; Carpenters' tenders; Waterboy; Flagman; & Signalman	$7.60	.55	.40		.05
Plasterers' tenders; Mason tenders; Mortar mixers; Air & machine driven tool ops.; Jackhammer; Barko & chain saw; Sewer pipe layer; Bottom man; Wagon drill; Hand spikers; Asphalt raker & tamper; Power concrete & buggies; Gunnite machine op. & nozzle man	7.85	.55	.40		.05
Miners & muckers for tunnel & caisson; Powder man & blaster	8.10	.55	.40		.05
Fayette, Franklin, Madison, & Pickaway Cos.:					
Common laborers; Carpenter tenders; Pouring of all concrete; Cleaning debris; Cleaning of all material; General clean up; Landscape; Sod layers; Salamander; Flagmen; Wire mesh handlers or setters; Loading & unloading all trucks; Handling & conveying all material; Washing of all windows; A man on bucket pouring concrete; Conveyer belt	8.09	.55	.40		.05
Brick tender; Stone mason tender; Plasterers' tenders; Mortar mixers & Operator; Cement mason tender; All scaffold builders (swinging scaffolds); Jack hammer op.; Air or electrical pneumatic tool op.; Power driven tools; Power buggy ops.; Power wheelbarrow ops.; Asphalt &					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
blacktop rakers; Wall wrecker & bar man on demolition; Sand & vacuum cleaning; Gunite nozzle man; Wagon & churn drill ops.; Concrete saw op. & brush feeders on pulverizers; Pipelayers; Bottom man; Laser gun, Burners; Sandblasting of concrete; Vibrator man; Signal man; Caisson bottom man; & Forklift op.	8.29	.55	.40		.05
Darke, Greene, Miami, Montgomery, & Preble Cos.:					
Unskilled	8.44	.55	.40		.05
All machine & Power driven tools; Power buggies; Vibrators; Chipping hammers, & railroad spikers by hand; Swinging scaffold over 15'	8.59	.55	.40		.05
Jackhammer; Air drill; Sand blaster; Sewer pipe layers; Man-hole builders, & Bottom men	8.64	.55	.40		.05
Caisson work; Scaffold with power tools	8.69	.55	.40		.05
Torch man on wrecking	8.74	.55	.40		.05
Caisson work with jackhammer	8.89	.55	.40		.05
Gunnite op.; Wagon drill op.; & blaster-powder man	8.94	.55	.40		.05
Tenders to bricklayers & masons	9.07	.55	.40		.05
Tenders to lathers & plasterers	9.11	.55	.40		.05
Adams, Highland, Lawrence, Pike, & Scioto Cos.:					
Common laborers; Signalmen	7.77	.65	.55		.10
Sheeting & Shoring men	7.87	.65	.55		.10
Bottom men; Carpenters' tenders; Mason tenders; Mortar mixers; Plasterers' tenders; & Sewer pipe layers	7.92	.65	.55		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
Air & machine driven tool op.; Asphalt rakers & smoothers; Burning & cutting torches; Chain saws; & Powered concrete buggies; Hand spikers	$8.02	.65	.55		.10
Gunnite machine op.; Gunnite nozzlemen; Powdermen & blasters	8.34	.65	.55		.10
Licking Co.:					
Brick tender; Stonemason tender; Plasterer tender; Mortar mixer & operator; Cement mason tender; All scaffold builders; Swinging scaffolds; Jackhammer ops.; Air or electrical pneumatic tool ops.; Power driven tools; Power buggy ops.; Fork lift ops.; Power wheelborrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolitions; Gunite nozzle man; Wagon & churn drill ops.; Concrete saw ops.; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man	8.19	.55	.40		.05
Common laborers; Carpenter tender; Pouring of all concrete; Cleaning of all material; General clean-up incl. vacuum cleaning; Landscape; Sod layers; All portable heaters; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; Water pumps up to & incl. 4" intake	7.97	.55	.40		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
Muskingum Co.:					
Planters (landscape); Tree trimmers; Plumbers' helpers; Carpenters' tenders; Building & construction laborers	$8.27	.55	.40		.05
Air & machine driven tool ops.; Asphalt plant aggremeter ops.; Asphalt plant mixer men; Brick slingers; Car pushers & tunnel laborers; Caulkers; yarners & Wrenchmen; Cement handlers; Concrete puddlers (behind mixers); Curb cutters & setters; Hand spikers ops.; Jackhammer ops.; Muckers; Mason tenders; Mortar mixers; Pipe layers; Proportioning plant ops.; Pump men (under 4"); Road form setters; Sewer bottom men; Stone mason tenders; Sheeting & shoring men; Vibrator op.; Plasterers' tenders; Cutting with burning torches; Dumpmen (batch trucks)	8.37	.55	.40		.05
Brick droppers; Lock tenders; Powdermen or blasters	8.52	.55	.40		.05
Ross Co.:					
Brick tenders; Stonemasons' tenders; Plasterers' tenders; Mortar mixer & ops.; Cement masons' tenders; All scaffold builders (Swinging scaffolds), Jackhammer ops.; Air or electrical pneumatic tool ops.; Power driven tools; Power buggy ops.; Fork lift ops.; Power wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar men on demolition; Sandblasting; Welders on demolition; Gunite					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
nozzle man; Wagon & churn drill ops.; Concrete saw ops.; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man; Carpenter tenders	$8.26	.55	.40		.05
Common laborers; Pouring of all concrete; Cleaning debris; Clean-up incl. vacuum cleaning; Landscape; Sod layers; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; All water pumps up to & incl. 3" intake	8.06	.55	.40		.05
Butler & Warren Cos.:					
Common laborers	9.34	.55	.40		.05
Asphalt rakers; Tampers; Smoothers hand air pump; Hand air tamper chisel; Vibrator power tamper op.	9.44	.55	.40		.05
Gunnite operators; Sandblaster; Concrete pumps & hose men	9.69	.55	.40		.05
Mason tenders; Mortar mixers; & scaffold builders	9.67	.55	.40		.05
Brown, Clermont, Clinton, & Hamilton Cos.:					
GROUP 1	10.00	.60	.30		.05
GROUP 2	10.10	.60	.30		.05
GROUP 3	10.15	.60	.30		.05
GROUP 4	10.20	.60	.30		.05
GROUP 5	10.35	.60	.30		.05
GROUP 6	10.50	.60	.30		.05
GROUP 7	10.75	.60	.30		.05
GROUP 8	8.77	.55	.40		.05
GROUP 9	8.92	.55	.40		.05

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LABORERS (CONT'D):
GROUP 1: Common laborers; Cement masons' helpers; Hand operated mechanical mule; Mechanical sweeper; Signal man
GROUP 2: Bottom man; Pipelayer
GROUP 3: Burning torch operator; Jackhammer; Mechanical & air tamper operator; Mechanical concrete buggies; Power operated mechanical mule; Concrete pump hose man; Vibrator man
GROUP 4: Plasterers' tender; Mason tender; Stone mason tender; Bottom jackhammer man
GROUP 5: Plaster mixer pump operator
GROUP 6: Tunnel laborer
GROUP 7: Gunnite nozzle operator
GROUP 8: Demolition Construction - Wrecking laborers
GROUP 9: Demolition Construction - Jackhammer man; Burner; & wall man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shelby Co.:					
Building laborers; Laser beam; Power wheelbarrow or Power buggy	$7.85	.55	.40		.05
Vibrators; Spikers by hand (Railroad); Cement finishers' helpers	8.00	.55	.40		.05
All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tampers; Torch man; Tunnel	8.00	.55	.40		.05
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & Wagon drill helper	8.15	.55	.40		.05
Blaster-Powder man; Gunite ops.; Muckers & miners (tunnel & caisson) free air; Sandblasters; & Wagon drill/operator	8.35	.55	.40		.05

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$11.11	.46	1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.11

CLASSIFICATION DEFINITIONS

GROUP A: A-frame; Air compressor on steel erection; All rotary drills used on caisson work for foundations & sub-structure work; Boiler operator or compressor operator (when compressor or boiler is mounted on crane, piggyback op.); Boom trucks; Cableways; Cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes; Derricks; Draglines; Elevating grader or Euclid loader; Floating equipment; Cradalls; Helicopter op. hoisting building materials; Helicopter winch operator hoisting builders material; Hoes; Hoisting engines (2 or more drums); Lift slab or panel jack operators; Locomotives; Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps w/boom; Panelboard (all types on site); Piledriver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Tower derricks; Trench machines (over 24" wide)

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats

GROUP C: Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (1 drum); House elevators; Man lift; Power boilers (over 15 lbs. pressure); Pump op. installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D: Compressors on building construction; Conveyors (building material); Gunite machines; Mixers (cap. more than 1 bag); Mixers (1 bag cap. side 1 loaders); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder op.

GROUP E: Back fillers & tampers; Batch plant; Bar & joint installing machine; Bullfloats; Burlap & curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractor (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over 3" discharge); Hydro seeders; Self-propelled power spreaders; Self-propelled sub-grader; Tire repairman; Tractors pulling sheep foot roller or grader; Vibratory compactors (with integral power)

GROUP F: Oiler; Helper; Signalman; Light plant operator; Power driven heaters (oil fired); Power boilers (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge)

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams, Brown, Highland, Lawrence (W. of Coal Grove & W. of St. Rte #75), Pike, Ross, & Scioto Cos.: Jeep; Station wagons; Pickups; Fuel trucks; Dumps to & incl. 2 tons; Bus drivers (incl. all equipment used for hauling men & materials)	$8.22	$16.50a			
Dumps over 2 tons; Tandems; Semi-tractor; Lowboys; Fork lifts (incl. mason tending work); Euclids	9.14	16.50a			
Butler Co. (N. ½): Tandem axle trucks; Tandem axle dump trucks; Winch trucks; Fork lifts; Truck warehouse men	8.59	23.00b	25.00a		
Single axle trucks; Jeeps; Pickups	8.44	23.00b	25.00a		
Euclid trucks; Mechanics	8.89	23.00b	25.00a		
Lowboys & drags	8.85	23.00b	25.00a		
Semi combination & combination of hauling units	8.69	23.00b	25.00a		
Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.: Straight flat & dump truck; Winch truck	6.03	19.00a	8.00a	c	
Fayette, Franklin, Madison, & Pickaway Cos.: Dump & straight	8.46	17.00a			
Tandem & semi-farm tractor	8.56	17.00a			
Lowboy	8.66	17.00a			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
Lawrence Co. (E. of Ohio St. Rte #75):					
Truck helpers; Pickups; Station wagons; Panel trucks; Yardmen; Warehousemen; Flatbody material truck (straight job); Greasers; Washers; Tiremen; Gas pump attendants; Dump trucks (up to 5 cubic yards)	$9.15	$82.33d	$52.00d	$1.00	
Tank trucks (straight)	9.25	82.33d	52.00d	1.00	
Dump trucks (5 cubic yds. & over); Semi-dump trucks; Semi-trailers (whether flat, rack or pole & hauled or pushed by truck or tractors); Agitator or mixer trucks (up to 5 cubic yds.); Tank truck (semi)	9.40	82.33d	52.00d	1.00	
Low boy trailers; Winch trucks; Fork trucks; Distributor trucks (front end & back end); Truck crane; Monirail truck	9.45	82.33d	52.00d	1.00	
Material checker & receiver	9.50	82.33d	52.00d	1.00	
Agitator or mixer truck (5 cubic yards & over)	9.55	82.33d	52.00d	1.00	
Mechanic's helper	9.50	82.33d	52.00d	1.00	
Mechanic	9.80	82.33d	52.00d	1.00	
Tri-axle dump trucks; Hydraulic lift tailgate truck & farm type tractors; End dumpsters; Turna-rockers; Ross carriers; Athey wagon or similar equipment; A-frame; Hydrolift; Dual purpose trucks	9.80	82.33d	52.00d	1.00	

FOOTNOTES:

a. per week per employee
b. per week per employee providing employee has been on payroll at least 30 days
c. 1 yr's employment - 1 wk's paid vacation; 7 yrs' employment - 2 wks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period.
d. per month per employee

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bucks, Chester Delaware, Montgomery & Philadelphia

DECISION NO.: PA77-3107

DATE: Date of Publication

Supersedes Decision No.: PA77-3016 dated January 28, 1977 in 42 FR 5632

DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to & including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	$12.22	.80	.90		.06
ZONE 2	11.10	.70	.75		.025
BOILERMAKER	13.10	.75	1.00		.02
BRICKLAYERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	8.75	.89	.50		.03
All other work:					
ZONE 1	10.88	1.10	1.00		.02
ZONE 2	10.46	.62	1.50		.01
ZONE 3	10.96	.95	1.07		.02

AREA COVERED BY ASBESTOS WORKERS

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia and Remainder of Bucks County

ZONE 2 - Bridgeton, Durham, Lower Makefield, Middletown Falls, Morristown, New Hope, Newton, Morkamison, Plumstead Riegelsville, Solebury, Tullytown, Tinicum, Upper Makefield and Yardley Townships in Bucks County

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Bucks, Chester, Philadelphia Counties, Radnor and Haverford Township in Delaware County, Lower Marion, Abington, Upper Moreland and Cheltenham Townships in Montgomery COunty

ZONE 2 - Remainder of Delaware County

ZONE 3 - Remainder of Montgomery County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, or any existing structure of not more than four (4) stories which is intended for predominently resident use	8.77	1.88	1.30		.12
All other work	10.12	2.13	1.30		.12
CEMENT MASONS:					
Rehabilitation work on residential structures to include demolition, on any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	9.00	1.19	1.55		
All other work:					
ZONE 1	10.00	1.74	1.55		
ZONE 2	8.70	.58	.42		
ZONE 3	9.69		.50		

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bucks, Delaware and Philadelphia Counties, Remainder of Chester County and Remainder of Montgomery County

ZONE 2 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

ZONE 3 - Pennsburg and Pottstown Townships in Montgomery County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL FINISHERS:					
Rehabilitation work on residential structures to include demolition, repair and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use	8.75	.89	.50		.03
All other work	9.75	.94	.75	.85	.03
ELECTRICIANS:					
Rehabilitation work on residential structures to include demolition, repair and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	12.02	.72	.48		.24
ZONE 2	11.20	.50	.40		.17
ZONE 3	11.34	.50	.37		.06
ELECTRICIANS					
ZONE 1					
Commercial	12.59		3%+.76		2%
Residential up to and including 4 stories	11.77	6%	3%+.71		2%
ZONE 2					
Commercial	12.20	4.4%	1%+2.6%		1.5%
Residential up to and including 3 stories	10.57	3.4%	1%+2.6%		1.5%
ZONE 3					
Commercial	12.34	4.4%	1%+3.5%		1/2 of 1%
Residential up to and including 3 stories	8.725	4.4%	1%+3%		1/2 of 1%
ZONE 4					
Commercial	10.64	9½%	7%		1/4 of 1%
ZONE 5					
Commercial	10.49	.73	3%		.03
ZONE 6					
Commercial	11.20	6%	3%+1.00		.02
ZONE 7					
Commercial	10.90	.35	3%+.80		.02
ZONE 8					
Commercial	12.80	6%	1%+.40		.13

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AREA COVERED BY ELECTRICIANS ZONES

ZONE 1

Bucks County - starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad bridge to Route 09113, north 09113 to Route 152, north along RDute 152 to the Humeville Road, east on Humeville Road to Route 344, north on Route 344 to the junction of Spurs 201 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 232, north on TR 532 to Tr 113, north on TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Borough of New Hope is excluded.

starting at the Delaware River and proceeding southwest along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09064, northwest on 09064 to U.S. Highway 611 south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041 southwest on 09041 to the Montgomery County line.

Delaware County - that portion east of a line following State Highway 320 from Montgomery County to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road, along Powell Road to State Highway 420 and continuing in a straight line to the Delaware River.

Montgomery County - that portion southeast of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309), south on the Bethlehem Pike to the Penllyn Pike, southwest on the Penllyn and Blue Bell Pikes to the Wissahickon Creek, southeast on the Wissahickon Creek to the Butler Pike to North Lane near Conshohocken Borough southwest onNorth Lane to Schuylkill River and continuing southeast in a line to the SPring Hill Road and southwest on the Spring Mill Road to Delaware County.

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Philadelphia County — In its entirety.

ZONE 2

Bucks County - Hilltown and New Britain Townships in their entirety; that portion of Telford Borough northeast of County Line Road (Main Street) and bounded by West Rockhill and Hilltown Township; that portion of Dublin Borough west of State Highway 313, and that portion of Doylestown and Warrington Townships and Doylestown Borough northwest of a line following U.S. Highway 611 south from Route 01064 to the spur of Route 270, and proceeding northeast along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, southwest on 09041 to the Montgomery County Line.

Chester County - East Coventry, East Vincent, West Vincent, East Pikeland, West Pikeland, Uwchlan, Upper Uwchlan, East Brandywine, Schuylkill and Charlestown Townships in their entirety, and that portion of Caln, East Caln, West Whiteland, East Whiteland, Tredyffrin, Willstown, Easttown Townships and the Borough of Downingtown north of U. S. Highway 30.

Delaware County - That portion of Radnor Township north of U.S. Highway 30 and west of State Highway 320.

Norristown, Montgomery County - That portion northwest of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309) south on Bethlehem Pike to the Penllyn Pike, southwest on the Penllyn and BLue Bell Pikes to Wissahickon Creek, southeast on the Wissahickon Creek to the Butler Pike, southwest on the Butler Pike,to North Lane near Conshohocken Borough, southeast on North Lane to the Schuylkill River and continuing southeast in a line to the Spring Mill Road, southwest on the Spring Mill Road to Delaware County; but excluding Upper Hanover, Douglas, Upper Pottogrove, West Pottogrove Townships and also excluding that portion of the

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Borough of Pottstown north and west of a line drawn northeast on Keim Street from the Schuylkill River to the Reading Railroad northwest on the railroad to Madison Street, to High Street, east on High Street to Green Street, north on Green Street and northeast on Hintzer Street to the Lower Pottsgrove Township Line, along this township line and the borough line northwest to Adams Street and the Beehive Road, northeast on the Beehive Road to the Township Line at Mervine Street in the State of Pennsylvania.

ZONE 3

Chester County - That portion south of U.S. Highway 30 and north and west of U. S. Highway 1

Delaware County - That portion south of U.S. Highway 30 and north of that part of U.S. Highway 1 between U.S. Highway 202 and the Chester County Line, and east of that part of U.S. Highway 202 between U.S. Highway 1 and the Delaware Line, and west of a line extending from Montgomery County along State Route 320 to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road; along Powell Road to State Highway 420; along 420 and continuing in a straight line to the Delaware River in the State of Pennsylvania.

ZONE 4

Chester County - Oxford, Avondale and Kenneth Square Twps.

ZONE 5

Chester County - West Clan, West Brandywine, Honey Brook, Wallace, West Nantmeal, East Nantmeal, Warwick, South Coventry, Valley Twps. and Coatesville.

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Montgomery County - West Pottsgrove, Upper Pottsgrove, Douglas Twps. Pottstown.

ZONE 6
Bucks County - Plumstead, Bedminster, Tinicum, Nockomixon, Bridgeton and Durham Townships in their entireties, and that portion of Haycock and Springfield Townships east of a line following State Highway 412, from Northampton County south to Route 09071 to State Highway 212, along highway 212 to Route 09068, and along 09068 to State Highway 313. Also included is that portion of Bublin Borough east of State Highway 313.

ZONE 7
Bucks County - East Rock Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships West of a line following State Highway 212 from Northampton County South to Route 09071 along 09071 to State Highway 212, along Highway 212 to Route 09068 and along 09068 to State Highway 313

Montgomery County - Upper Hanover in its entirety

ZONE 8
Bucks County - That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152 to the Hulmeville Rd., east on the Hulmeville to Route 344, north on Route 344 to the junction of Spurs 281 and 252 continue north on Spur 252 and Route 09028, west on 09028 to Route 152, north on 152 to TR 532, north on TR 532 to TR 113, north on TR 113 to TR 232 as Anchor Inn northeast on TR 232 and continue northeast along Route 659 to Route 09060, West on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Boroughs of New Hope and Bristoe are included.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.47	.745	.56	4%+a+b	.025
Elevator Constructors Helpers	8.73	.745	.56	4%+a+b	.025
Elevator Constructors Helpers (Prob.)	6.235				
GLAZIERS					
ZONE 1	10.53	.50	.30		.01
ZONE 2	8.89	.40	.30		.01

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Delaware and Philadelphia Counties, Remainder of Bucks, Chester and Montgomery Counties

ZONE 2 - Milford, West Rockville, Rickland, E. Rockville, Haycock, Durham, Springfield, Richlandtown, Sgoherton, Nockamixon Townships in Bucks County, Warwock, S. Coventry, E. Coventry, N. Coventry, Spring City and Royersford Townships in Chester County, Pottstown, Lower Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greeland, Upper Hanover, New Hanover, Douglas, Marlboro Twps. in Mongtomery County

IRONWORKERS:					
Rehabilitation work on residential structures to include demolition, repair and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	10.67	2.05			.04
All other work					
ZONE 1	10.36	.79	1.11		.05
ZONE 2	10.53	.79	1.11		.05
ZONE 3					
Structural & Ornamental	12.32	.84	1.36		.04
Reinforcing	12.07	.84	1.61		.01

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AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Bucks County

ZONE 2 - Chester County

ZONE 3 - Delaware, Montgomery and Philadelphia Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Rehabilitation work on residential structures to include demolition, repair and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use:					
CLASS I	6.95	.90	.65		
CLASS II	7.05	.90	.65		
CLASS III	7.10	.90	.65		
CLASS IV	7.25	.90	.65		
CLASS V	7.35	.90	.65		
CLASS VI	6.89	.90	.65		

CLASSIFICATIONS DEFINITIONS

CLASS I - Stripping & dismantling concretef orm work, loading, carrying 7 handling of all reinforced steel 7 steel mesh, handling lumbor and other building materials, operating jackhammers, paving breakers 7 all other pheumatic tools, building scaffolds, raking, shoveling 7 tamping of asphalt, spading & concretepit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard workers

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
All other work					
CLASS I	8.50	.90	.65		
CLASS II	8.60	.90	.65		
CLASS III	8.65	.90	.65		
CLASS IV	8.80	.90	.65		
CLASS V	8.90	.90	.65		
CLASS VI	8.44	.90	.65		

CLASSIFICATIONS DEFINITIONS

CLASS I - Stripping & dismantling concretef orm work, loading, carrying 7 handling of all reinforced steel 7 steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers 7 all other pheumatic tools, building scaffolds, raking, shoveling 7 tamping of asphalt, spading & concretepit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard workers

LANDSCAPE LABORERS:					
CLASS I	7.00	.95	.65	c	
CLASS II	7.50	.95	.65	c	

CLASSIFICATIONS DEFINITIONS

CLASS I - Landscape Laborers

CLASS II - Farm tractor driver, hydroseeder nozzle man and mulcher nozzle man

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
ZONE 1	8.61	.225	.10		
ZONE 2	9.15	.50	.15		.01
ZONE 3	7.69	.40	.25		
ZONE 4	7.75	.25	.25		.02

AREA COVERED BY LATHERS ZONES

ZONE 1 - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE 2 - Coatesville & lower part of CHester COunty

ZONE 3 - Milford, Trumbersville, Richland, Quakertown, Springfield, Durham, Riegelsville, Bridgetown, Nockamixon, Tinicum, Plumstead, Dublin, Bedminister, Haycock, East ROckhill, Perkasie, Sellersville, West Rockhill Townships in Bucks County

ZONE 4 - Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Townships in Bucks County

LEAD BURNERS	10.75	.40	.25	d	.01
LINE CONSTRUCTION					
Linemen	13.76	.40	3%		1%
Groundmen	8.22	.40	3%		1%
Winch truck operator	9.60	.40	3%		1%
MARBLE SETTERS	10.20	.87	.97		
MILLWRIGHTS	10.62	2.13	1.30		.12
PAINTERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	8.00	.825	.40		.06
All other work:					
ZONE 1					
Brush	9.295	.825	.40	.40	.06
Spray, steel & swing	9.545	.825	.40	.40	.06
Roller	9.295	.825	.40	.40	.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2					
Commercial, brush	9.73	.75	.90		
Commercial, spray	10.23	.75	.90		
ZONE 3					
Brush	8.95	.70	.55		
Steel and spray	10.00	.70	.55		
Roller	8.95	.70	.55		
ZONE 4					
Brush	9.99	.85	.85	.90	
Steel	10.71	.85	.85	.90	

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bucks & Philadelphia Counties: Randnor, Haverford, Newton, Maple, Springfield, Upper Darby, Barby, Ridley, Tinicum & Yeondon Townships in Delaware County, Cheltenahm, Abington, Upper and Lower Moreland, Springfield Whitemarsh, Plymouth, Upper Dubling, Horsham, WHitpain, Upper and Lower Gwynodd, Lower Marion, Upper SOuthampton, Lower Southampton Townships in Montgomery County

ZONE 2 - Chester County and Remainder of Delaware County

ZONE 3 - Pottstown, Pottsgrove, New Hanover and Douglas Townships in Montgomery County

ZONE 4 - Remainder of Montgomery County

PAPERHANGERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use	8.54	.55	.35		
PILEDRIVERMEN	10.77	2.13	1.30	g	.12
POINTERS, CAULKERS AND CLEANERS	10.00	.85	.60		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	8.825	.78			.01
All other work					
ZONE 1	9.47	.53			.01
ZONE 2	9.71		.53		.01
ZONE 3	8.97	.65			.01
ZONE 4	9.45				.01

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Bucks & Philadelphia Counties; remainder of Chester County, Remainder of Montgomery County

ZONE 2 - Pennsburg Township in Montgomery County

ZONE 3 - Longwood, Kennett Square, Avondale and Oxford Townships in Chester County

ZONE 4 - Delaware County

PLUMBERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, or any existing structures or not more than four (4) stories which is intended for predominently residential use:					
ZONE 1	11.24	.81	1.30		.14

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All other work:					
ZONE 1	12.84	.57	1.00		.11
ZONE 2	8.50	.485	.82		.035
ZONE 3	10.02	.57	.92		.08

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Delaware & Philadelphia Counties; Remainder of Bucks County: Tedyffrin, E. Whiteland, W. Whiteland, Easttown, E. Goshen, W. Goshen, W. Chester, E. Bradford, Westown, Birmingham, Twps. & Thornbury City Townships in CHester County, Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenham Townships in Montgomery County

ZONE 2 - Remainder of Chester & Montgomery County

ZONE 3 - Milford, Trumbaversville, West Rockhill, Sellerville, Perkasie, East Rockhill, Richland, Quackertown, Haycock, Nockamixon, Bridgeton, Durham, Riegelsville Townships in Bucks County

ROOFERS:					
Rehabilitation work on residential structures to include demolition, repair and alteration, or any existing structures or not more than four (4) stories which in intended for predominently residential use:					
ZONE 1					
Composition, damp and waterproofers	9.32	.65	.55		
Slate tile	8.10	1.00	.50		
All other work:					
ZONE 1					
Commercial					
Composition, damp & waterproofers	12.03	1.30	.82	e	
Roofers Assistant	5.50	1.30	.82	e	
Slate, tile and asbestos	10.75	1.00	.50		
Asphalt shingle	8.91	1.00	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: CONT'D					
ZONE 2					
Commercial					
Composition & state	8.35	.25	.25		
Helpers	4.63	.25	.25		
ZONE 3					
Commercial					
Composition roofers	9.70	.40	.50		
ZONE 4					
Commercial					
Composition, damp & waterproofing	10.60	.45	.25	f	
Slate, tile & asgeston	11.15	.45	.25	f	
Precast Slab	11.40	.45	.25	f	
ZONE 5					
Residential reroofers	9.32	.65	.55		
Residential reroofers helpers	3.75	.65			

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE 2 - Milford, Trumbbaversville, Richland, Quakertown, Strongfield, Durham, Reiglville Townships in Bucks County

ZONE 3 - Solesbury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown and Bistol Townships in Bucks County

ZONE 4 - Parksbury Township in Chester County

SHEET METAL WORKERS					
ZONE 1 (Commercial)	12.61	1.04	.65		.03
ZONE 2 (Residential)	7.15				

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AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Bucks, Chester, Delaware, Montgomery & Philadelphia Counties

ZONE 2 - Chester, Delaware, Montgomery Counties and Bucks County excluding the Townhsips of Falls, Buckingham, Newton, Upper and Lower Makefield, Solebury, Plumstead and Wrightstown

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Rehabilitation work on residential structures to include demolition, repair, and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use	7.58	1.58	1.30		.12
All other work	8.83	1.83	1.30		.12
SPRINKLER FITTERS					
ZONE 1	11.86	.65	.95		.08
ZONE 2	12.04	.60	.90		.10

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bucks, Chester, Delaware & Montgomery COunties

ZONE 2 - Philadelphia County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS					
ZONE 1	12.16	.80	1.45		.11

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Bucks, Delaware, Philadelphia Counties and Reainder of Montgomery County

STONE MASONS					
ZONE 1	11.47	.87	.97		
ZONE 2	10.26	1.07	.95		.01
ZONE 3	10.75	.95	.78		.01
ZONE 4	9.30	.77	.75		

AREA COVERED BY STONE MASONS ZONES

ZONE 1 - Delaware & Philadelphia Counties; Remainder of Bucks County

ZONE 2 - Montgomery County

ZONE 3 - Chester County

ZONE 4 - Bristol Township in Bucks County

TERRAZZO WORKERS	9.85	.87	.97		
TILE SETTERS					
Rehabilitation work on residential structures to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential	9.25	1.10	.90		.14
All other work	9.47	1.25	1.03		.13
WELDERS - rate prescribed for craft performing operation to which welding is incidental.					

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Paid Holidays (Where Applicalbe):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F- Christmas Day.

Footnotes:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: July 4th; Labor Day and Thanksgiving Day.

d. Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

e. Holidays: Election Day

f. Holidays: Labor Day and Election Day

g. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday & is available for work the days preceding & following the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	12.60	5.5%	9.5%	a	1.2%
CLASS II	12.34	5.5%	9.5%	a	1.2%
CLASS III	11.47	5.5%	9.5%	a	1.2%
CLASS IV	11.26	5.5%	9.5%	a	1.2%
CLASS V	10.95	5.5%	9.5%	a	1.2%
CLASS VI	10.78	5.5%	9.5%	a	1.2%
CLASS VII	10.27	5.5%	9.5%	a	1.2%
CLASS VIII	9.53	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

CLASS I - Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machines; Helicopters; machines similar to the above

CLASS II - Engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes; cableways; draglines; keystones, all types of shovels; derricks; trench shovels; trenching machines; pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhear cranes; building hoists - double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scraper; tower type crane operation, erecting, dismantling, jumping or jacking; drill self-contained (drillmaster type); fork lift (20 ft. and over), mortar patrols (fine grade), batch plant with mixer: Machines similar to the above

CLASS III - Conveyors (except building conveyors), building hoists (single drum), scrapers and tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with frontend overhead loaders and rubbertired loaders 2 c.y. up to & including 3 c.y., maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above

CLASS IV - Concrete breaking machines, rollers and machines similar to the above

CLASS V - All bulldozers under D-7, tractors including rubber-tired type with front and overhead loaders under 2 c.y., seaman pulverizing mixer, welders and maintenance engineers, tireman on power equipment, maintenance engineer (Power boat), and machines similar to the above

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CLASSIFICATIONS DEFINITIONS CONT'D

CLASS VI - Conveyors (building), welding machines, heaters, wellpoints, compre... farm tractors, form line graders, road finishing machines, pumps, power broom (self contained), seed spreader and machines similar to the above

CLASS VII - Fireman

CLASS VIII - Oilers and deck hand (personnel boats)

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	8.32	.6425	.625	a+b	
CLASS II	8.42	.6425	.625	a+b	
CLASS III	8.62	.6425	.625	a+b	

CLASSIFICATIONS DEFINITIONS

CLASS I - Warehouseman, checker, fork lift driver, stake body truck (single axle), 1½ ton and under vehicles

CLASS II - Truck driver over 1½ tons, dump trucks, tandem and batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

CLASS III - Euclid type, off-highway equipment - back or belly dump trucks and double - hitched equipment straddle (Boss) carrier, lowbed trailers

FOOTNOTES:

a. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thiry days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: Wisconsin — COUNTY: Statewide
DECISION NUMBER: WI77-2126 — DATE: Date of Publication
Supersedeas Decision No. WI77-2042, dated April 8, 1977 in 42 FR 18841
DESCRIPTION OF WORK: Heavy, Sewer, Tunnel & Water Construction.

BRICKLAYERS & STONEMASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, & SAWYER COUNTIES, BURNETTE County South of Hwy. 70 including the City of Grantburgh the Northern ½ of TREMPEALEAU County, and the Southern ½ of WASHBURN County	$ 9.75	.65	.25		.04
ZONE 2 - FOND DU LAC County	9.20	.65	.40		.02
ZONE 3 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAUPACA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North West panhandle	9.20	.65	.40		.02
ZONE 4 - GREEN, LAFAYETTE & ROCK Counties	10.33	.65	.30		.02
ZONE 5 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Counties and the remainder of TREMPEALEAU County	9.70	.40	.25		
ZONE 6 - WALWORTH County	11.05	.60	.60		.05
ZONE 7 - DANE, GRANT, IOWA & RICHLAND COUNTIES	9.40	.55	.60	.50	
ZONE 8 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA COUNTIES	10.69	1.07	.90	.56	
ZONE 9 - COLUMBIA & SAUK Counties	10.10	.65	.30		
ZONE 10 - KENOSHA & RACINE Counties	11.05	.60	.60		.05
ZONE 12 - ASHLAND, BAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT & WASHBURN Counties	10.06	.45	.45		.01
ZONE 13 - DODGE & JEFFERSON Counties	10.25	.55	.25		
ZONE 14 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the remainder of SHAWANO County	9.30	.65	.30		.04

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CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - ASHLAND & IRON Counties and the East ½ of BAYFIELD CO.					
Carpenters	7.94	.30	.25	.15	
Piledrivermen	8.14	.30	.25	.15	
ZONE 2 - BARRON, BURNETT, CHIPPEWA DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN Counties the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties, CLARK County, West of Hwy. 73 & TAYLOR Co. West of Hwy. 73 & North of Hwy. 64 to Hwy 13 to PRICE County line					
Carpenters	9.67	.45	.50		.03
Piledrivermen	10.07	.45	.50		.03
ZONE 3 - BROWN, CALUMET, DOOR, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTGAMIE, SHAWANO, WAUPACA, & WAUSHARA Counties & the South ½ of MARINETTE County					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03
ZONE 4 - GREEN & ROCK Counties & JEFFERSON County South of Hwy 30					
Carpenters	10.28	.50	.50		.07
Piledrivermen	10.43	.50	.50		.07
ZONE 5 - KENOSHA County					
Carpenters	10.10	.60	.85		.05
Piledrivermen	10.18	.60	.85		.05
ZONE 6 - LA CROSSE, MONROE & VERNON Counties, the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties & in JUNEAU County, West of County tract 80 & South of Hwy. 21					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03

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CARPENTERS & PILEDRIVERMEN CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 - CRAWFORD, COLUMBIANA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND & SAUK Counties and the remainder of ADAMS, JEFFERSON AND JUNEAU Counties					
Carpenters	9.77	.45	.50		.03
Piledrivermen	10.17	.45	.50		.03
ZONE 8 - FLORENCE County & the remainder of MARINETTE County					
Carpenters	9.24	.60	.60		.01
Piledrivermen	9.44	.60	.60		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	10.37	.80	.80	.51	.06
Piledrivermen	10.91	.80	.80	.51	.06
ZONE 10 - RACINE County East of Highway 75					
Carpenters	10.10	.60	.85		.05
Piledrivermen	10.18	.60	.85		.05
ZONE 11 - SHEBOYGAN County					
Carpenters	9.25	.75	.30		
Piledrivermen	10.29	.75	.30		
ZONE 12 - DOUGLAS County & the West ½ of BAYFIELD County					
Carpenters	9.45	.30	.40	.30	
Piledrivermen	9.45	.30	.40	.30	
ZONE 13 - WALWORTH County and RACINE County West of Hwy. 75					
Carpenters	10.28	.50	.50		.07
Piledrivermen	10.43	.50	.50		.07
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR Counties					
Carpenters	9.32	.45	.50		.03
Piledrivermen	9.72	.45	.50		.03

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CEMENT MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 -ASHLAND, BAYFIELD, DOUGLAS & IRON Counties & the North ½ of BURNETTE & WASHBURN Counties	9.24	.45	.45		
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSK, ST. CROIX, & SAWYER Counties and the remainder of BURNETTE & WASHBURN Counties	9.75	.65	.25		.04
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the Northwest panhandle of SHAWANO County	8.80	.65	.30		.04
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties & the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	9.29	.45	.25		.03
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAUPACA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	8.70	.65	.40		.02
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties & the Remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	9.18	.45	.25		
ZONE 7 - SHEBOYGAN COUNTY	8.70	.65	.40		.02
ZONE 8 - FOND DU LAC County	8.70	.65	.40		.02
ZONE 9 - DODGE & JEFFERSON Cos.	9.75	.55	.25		
ZONE 10 - COLUMBIA & SAUK Counties	9.35	.55	.40		
ZONE 11 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties	9.83	1.00	.80	.51	
ZONE 12 - DANE, GREEN, IOWA, LAYFAYETTE & ROCK Counties	9.50	.65	.65		
ZONE 13 - GRANT County	9.28				
ZONE 14 - WALWORTH County	9.76	.60	.60		.05
ZONE 15 - RACINE COUNTY	8.76	.40	.60	.50	
ZONE 16 - KENOSHA County	8.76	.40	.60	.50	

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ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHARA & WINNEBAGO Counties; All of CALUMET County except the Township of New Halstein; Berlin St. Marie and Seneca Townships in GREEN LAKE County, and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE County	$ 10.43	.60	3%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, ROSK & TAYLOR Cos. in BUFFALO Co. that portion North of Glencoe, Milton & Waumandee Twps, In BURNETTE Co., that portion South of Lincoln, Meenon, Rusk, Sand Lake and West Marchland Twps., in JACKSON County that portion North of Adams, Allison & Springfield Twps., All of PIERCE County except Eisenstein, Tifield and Lake Twps, All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Twps, In SAWYER County the Twps. of Dobe-water, Meadowrock, Metor & Weigo & South thereof, In TREMPEALEAU Co. the Twps of Burnside, Lincoln & Pigeon North thereof &; in WASHBURN CO. The Twps of Buck wood, Evergreen, Madge & Spooner & South thereof	10.92	4%	3%		.25%
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; In OCONTO County, that portion South of How, Leno, Mable Valley, Oconto & Spruce Twps.; & in Shawano County that portion South of Aniwa & Hutchins Twps.	10.93	.60	3%		1/8%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - FLORENCE & FOREST Cos. and that portion of MARINETTE County North of Ambest Athelstane & Silver Cliff Twps.	10.63	.40	1%		.50%
ZONE 5 - KENOSHA County	12.74	.51	3%	.25	.75%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. & the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	10.40	.55	1%		
ZONE 7 - WALWORTH County	10.70	.45	3%	7%	.50%
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAUK Counties & the remainder of GREEN LAKE & MARQUETTE Counties	9.95	.74	3%	7%	.75%
ZONE 9 - SHEBOYGAN County the remainder of CALUMET County and Schleswig Township in MANITOWOC County	9.19	.85	1%+.20	10%	1%
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON & the remainder of BURNETT, PRICE, SAWYER & WASHBURN COUNTIES	10.80	4%	3%	11%	3%
ZONE 11 - LANGLADE, LINCOLN, MARATHON, ONEIDA & VILAS Cos.; the remainder of SHAWANO Co. & all of MENOMINEE West of a line six miles West of Oconto County line	10.20	.45	1%	8%	1/8%
ZONE 12 - ADAMS PORTAGE & WOOD Counties	10.20	.45	1%	8%	1/8%
ZONE 13 - FOND DU LAC County	9.19	.85	1%+.20	10%	1.25%
ZONE 14 - GREEN, JEFFERSON LA FAYETTE, & ROCK Counties	10.70	.45	3%	7%	.50%
ZONE 15 - RACINE County	12.27	.55	3%		.75%
ZONE 16 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Cos.	11.13	.92	3%+.35	10%	1.25%
ZONE 17 - The remainder of MARINETTE, MENOMINEE & OCONTO Counties	10.93	.60	3%		1/8%
ZONE 18 - The remainder of MANITOWOC County	10.93	.60	3%		1/8%

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIR, PEPIN PIERCE, POLK, ST. CROIX & TREMPEALEAU Counties; the South-West ½ of BURNETT, RUSK & TAYLOR Counties; & the N. W. ½ of CLARK & JACKSON Counties	10.85	.75	.60		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, WASHBURN Counties; the remainder of BURNETT, RUSK & TAYLOR COUNTIES THE N. W. ½ of FOREST COUNTIES AND THE N. W. 1/3 of FLORENCE County	11.35	.30	.55		.02
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LAFAYETTE, LANGLADE, MARATHON, MARQUETTE, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOOD Counties; the remainder of CLARK FOREST, & JACKSON Counties; the West 2/3 of DODGE & SHAWANO Counties the West ½ of POND DU LAC Co. all of GREEN County except the South-East corner; all of JEFFERSON County except the extreme Eastern portion; the West 1/3 of OUTAGAMIE County; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK County & the North-West dorner of WALWORTH County including the town of Whitewater	10.22	.50	.25		.03

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 4 - BROWN, CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Counties; the remainder of DODGE, FLORENCE, POND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO Cos.; & the East ½ of WALWORTH	10.66	1.10	.80	1.15	.15
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	12.60	.65	.375		.10
LINE CONSTRUCTION					
Linemen	9.37	.35	5%		.5%
Equipment Operator	7.77	.35	5%		.5%
Truck Drivers with Boom, jigger, Tractor or 5th wheel	6.46	.35	5%		.5%
Groundman	5.88	.35	5%		.5%
Groundman 1st 6 months	5.09	.35	5%		.5%
Truck Drivers	6.16	.35	5%		.5%
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE COUNTIES The West 3/4 of FOREST County; In MARATHON Co. West of Hwy. 97 & South to Hwy. 153 & TAYLOR County North of Hwy. 64					
Brush	9.25				
Spray	9.75				
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	8.80			5%	
Spray	9.30			5%	
Steel	9.05			5%	

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	$ 7.95	.60			
Spray	8.35	.60			
ZONE 4 - FLORENCE Co. & the Northern ½ of MARINETTE Co.					
Brush	8.95			.75	
Steel	8.95			.75	
ZONE 5 - KENOSHA COUNTY					
Brush	9.025	.40	.40		
Steel	9.175	.40	.40		
Spray	9.77	.40	.40		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; & the remainder of MARATHON & TAYLOR COUNTIES					
Brush	8.43		.45		
Steel	8.70		.45		
Spray	9.12		.45		
ZONE 7 - WALWORTH County					
Brush	9.025	.40	.40		
Steel	9.175	.40	.40		
Spray	9.77	.40	.40		
ZONE 8 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE RICHLAND, ROCK & SAUK Counties					
Brush	9.29	.70	.30	.30	.01
Spray	10.04	.70	.30	.30	.01
ZONE 9 - MANITOWOC County & the South ½ of Calumet County					
Brush	7.55				
Spray and Steel	8.05				
ZONE 10 - The remainder of MARINETTE & FOREST Counties					
Brush	6.70			.45	
Spray	7.20			.45	
ZONE 11 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	9.45	.96	.80	.50	.02
Steel and Spray	9.80	.96	.80	.50	.02

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 12 - FOND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO Counties & the remainder of CALUMET COUNTY					
Brush & Steel	8.80	.70	.10		.03
Spray	9.30	.70	.10		.03
ZONE 13 - RACINE County					
Brush	9.20	.40	.60		.05
Steel	9.35	.40	.60		.05
Spray	9.95	.40	.60		.05
ZONE 14 - SHEBOYGAN County					
Brush & Steel	7.25	.40	.30	.30	
Spray	7.75	.40	.30	.30	
ZONE 15 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush	9.43	.30	.40		.08
Spray & Steel	9.93	.30	.40		.08
LABORERS					
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
OPEN CUT					
GROUP 1 - Yard & landscape laborer	9.20	.70	.80	.50	
GROUP 2 - Paving laborer	9.25	.70	.80	.50	
GROUP 3 - General laborer on surface, pipe layer tender, top man behind machine, kettle man, top man	9.37	.70	.80	.50	
GROUP 4 - Gunnite man on top, scaffold man, mud mixer	9.42	.70	.80	.50	
GROUP 5 - Mucker, form stripper, bottom digger miscellanious bottom man, welder on surface	9.59	.70	.80	.50	
GROUP 6 - Concrete manhole builder, caisson worker, miner pipelayers, caulker, joint man, pipe yarner, timber man, concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter, shoveler, concrete buster, jack hammer on rock driller	9.98	.70	.80	.50	

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	10.14	.70	.80	.50	
TUNNEL-FREE AIR					
GROUP 8 - Tower man, general laborer on surface	9.37	.70	.80	.50	
GROUP 9 - Saw man, top man	9.42	.70	.80	.50	
GROUP 10 - Form stripper, car pusher	9.59	.70	.80	.50	
GROUP 11 - Mucker, mucking machine,dinkey, welder on surface	9.69	.70	.80	.50	
GROUP 12 - Concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson workers, caulker, joint man, pipe yarner, bracerman, on gunnite, timber man, concrete brusher	9.98	.70	.80	.50	
GROUP 13 - Miner, mining machine welder in tunnel	10.08	.70	.80	.50	
GROUP 14 - Blaster	10.14	.70	.80	.50	
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on surface	9.69	.70	.80	50	
GROUP 16 - Lock tender on surface	10.00	.70	.80	.50	
GROUP 17 -Form stripper, car pusher	10.09	.70	.80	.50	
GROUP 18 - Mucker, mucking machine, dinkey	10.19	.70	.80	.50	
GROUP 19 - Lock tender in tunnel concrete buster, jack hammer, rock driller, caisson worker, pipe layer, caulker, joint man, pipe yarner, braceman, nozzle man on gunnite, timber man, concrete brusher	10.36	.70	.80	.50	
GROUP 20 - Miner, Mining machine welder in tunnel	10.46	.70	.80	.50	
GROUP 21 - Blaster	10.53	.70	.80	.50	

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - DANE COUNTY					
GROUP 1 - Laborer, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	8.50	.40	.35		.02
GROUP 2 - Machine & equipment op. sheeting, formsetting, patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker, luteman	8.70	.40	.35		.02
GROUP 3 - Pipelayer, miner, laser operator	9.05	.40	.35		.02
ZONE 3 - COLUMBIA, IOWA, SAUK, & the North ½ of JEFFERSON Counties					
Group 1 - Laborers, wellpoint installation wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	7.80	.40	.35		.02
GROUP 2 - Machine & Equipment op., sheeting, form setting, patch finisher, bottomman, joint sawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull-float, conduit worker, all power driven tools, mucker, car pusher raker, luteman	8.00	.40	.35		.02
GROUP 3 - Pipelayer, miner, laser operator	8.35	.40	.35		.02
ZONE 4 - BAYFIELD, BURNETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties					
GROUP 1 - Topman	8.50	.30	.30		

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 2 - Bracer builder, caulker bottomman	8.65	.30	.35		
GROUP 3 - Cement manhole, builder pipelayer, air or electric tool operator	8.75	.30	.35		
GROUP 4 - Blaster	8.95	.30	.35		
ZONE 5 - KENOSHA County					
GROUP 1 Topman	7.80	.40	.60	.60	
GROUP 2 - bracer, builder, caulker, pipelayer, bottomman, air or electric tool operator	8.15	.40	.60	.60	
GROUP 3 - Blaster, cement manhole builder	8.50	.40	.60	.60	
ZONE 6 - RACINE County					
GROUP 1 - Topman	7.80	.40	.60	.60	
GROUP 2 - Bracer Builder, caulker, pipelayer, bottomman, air or electric tool operator	8.15	.40	.60	.60	
GROUP 3 - Blaster, cement manhole builder	8.50	.40	.60	.60	
ZONE 7 - ASHLAND County					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	7.80	.40	.35		.02
GROUP 2 - Mach. & Equipment Ops., sheeting, formsetting, patch finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit wacker, all power driven tools, mucker, car pusher, raker and luteman	8.00	.40	.35		.02
GROUP 3 - Pipelayers, miners & laser operators	8.50	.40	.35		.02

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 8 - Remainder of State					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	7.80	.40	.35		.02
GROUP 2 - Mach. & Equipment Op., Sheeting, formsetting patch-finisher, bottomman, jointsawer, gunnite man, man builder, air or electric tool op., welder, torchman, blaster, caulker, bracer	8.00	.40	.35		.02
GROUP 3 - Pipelayer, laser op. Tunnel work, 15 additional	8.50	.40	.35		.02

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POWER EQUIPMENT OPERATORS
Heavy, Tunnel & Sewer
Construction

Area 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment oporator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

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POWER EQUIPMENT OPERATORS
Heavy, Tunnel & sewer
Construction

Area 2 - Remainder of Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.70	.75		.10
GROUP II	10.42	.70	.75		.10
GROUP III	10.12	.70	.75		.10
GROUP IV	10.02	.70	.75		.10
GROUP V	9.81	.70	.75		.10
GROUP VI	9.57	.70	.75		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

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MODIFICATION #1, WI77-2126

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP 1	8.34	27.50a	25.00a	c.35	
GROUP 2	8.49	27.50a	25.00a	c.35	
ZONE 2					
GROUP 1	8.34	123.04b	25.00a	c.35	
GROUP 2	8.49	123.04b	25.00a	c.35	
ZONE 3					
GROUP 1	8.34	119.16b	25.00a	c.35	
GROUP 2	8.49	119.16b	25.00a	c.35	

ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties
ZONE 2 - KENOSHA & RACINE Counties
ZONE 3 - Remainder of State

CLASSIFICATION IDENTIFICATION

GROUP 1 Truck Driver, 2 axle trucks - Mechanics helpers, truck
GROUP 2 Truck driver, 3 or more axle trucks - Euclid or dumpster type hauling units - Mechanic, truck

FOOTNOTES:
a. Per week per employee on payroll 30 days or longer.
b. Per month per employee on payroll 30 days or longer.
c. $.75 per hour vacation and $.10 per hour for holiday pay.

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