AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

40 2/18 215-972 GSA

Vol.41—No.75
4–16–76
PAGES
16133–16438

federal register

FRIDAY, APRIL 16, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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

List of Public Laws

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

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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federal register
Area Code 202 Phone 523–5240

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Title 3—The President

PROCLAMATION 4433

National Defense Transportation Day and National Transportation Week, 1976

By the President of the United States of America

A Proclamation

The economic prosperity of the United States and the maintenance of our national defense depend in large measure on our ability to move goods and people.

The Nation's transportation network is one of our greatest physical assets. We have more than 25,000 miles of inland waterways, 200,000 miles of railroad, four million miles of streets and highways, and 12,500 airports.

As we look to the future, our transportation systems must meet the changing needs and demands of our society. We need to continue the decentralization of authority and increase the flexibility needed by State and local governments to meet their transportation problems. The Federal government must establish economic and regulatory policies which will promote increased efficiency and healthy competition, foster new technologies and energy conservation, and provide lower cost service to the consumer and shipper.

In recognition of the importance of our transportation system, the Congress has requested the President to proclaim annually the third Friday in May as National Defense Transportation Day, and the week in which that Friday falls as National Transportation Week (71 Stat. 30; 36 U.S.C. 160; 76 Stat. 69; 36 U.S.C. 166).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, May 21, 1976, as National Defense Transportation Day, and the week beginning May 16, 1976, as National Transportation Week.

I urge the Governors of our States and other appropriate officials, organizations concerned with transportation, and the people of the United States to join with the Department of Transportation in observing this week.

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

Gerald R. Ford

[FR Doc.76-11298 Filed 4-15-76;11:37 am]

rules and regulations

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.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 400—DEFINITIONS

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Addition of Part, Miscellaneous Amendment

The Standard on Allocation of Business Unit General and Administrative (G&A) Expenses to Final Cost Objectives being published today is one of a series being promulgated by the Cost Accounting Standards Board (CASB) pursuant to section 719 of the Defense Production Act of 1950, as amended (P.L. 91-379, 50 U.S.C. App. 2168), which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

Preliminary work on the development of this Standard was based in part on the "Report on The Feasibility of Applying Uniform Cost-Accounting Standards to Negotiated Defense Contracts," which cited the allocation of G&A expenses as one of the most frequently encountered problems in the area of allocation of indirect cost. Another basis for the early work in this area was the absence of a requirement in procurement agency regulations dealing specifically with the allocation of business unit G&A expenses. Up to now, practices related to the allocation of G&A expenses have been covered by general provisions dealing with allocability and indirect costs. These provisions do not include criteria for the selection of allocation practices in given circumstances. The Board undertook research with the view that a Cost Accounting Standard on this subject should increase the likelihood of achieving objectivity in the allocation of G&A expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

Early research included an extensive review of available literature including decisions of contract appeals boards and courts. A preliminary analysis of accounting for the allocation of G&A expenses was made and significant issues were identified. A research questionnaire based on these issues was distributed on July 28, 1972; it was designed to solicit a sample of existing practices used for the allocation of G&A expenses and the reasons supporting existing practices. Responses were obtained from 65 sources.

After evaluation of the responses to the questionnaire, the Board developed a preliminary research draft of the Standard which was widely distributed, on December 13, 1973, to obtain informal comment and to ascertain the cost impact of adoption of the Standard as proposed. The Board's further consideration of the issues related to the allocation of G&A expenses has been enhanced by almost 100 responses to this preliminary proposal.

A proposed Standard was published in the FEDERAL REGISTER of September 24, 1974, (39 FR 34300). After reviewing the responses to that publication, the Board revised its proposal. As part of its research in preparing the revised proposal, the Board surveyed, as described below, a number of companies who use a cost of sales base to allocate G&A expenses. The revised proposal was published in the FEDERAL REGISTER of September 9, 1975, (40 FR 41801). As part of the comments with the September 9, 1975 publication, the Board stated that it was particularly interested in receiving comments on the alternative methods for the proposed requirement for the transition from a cost of sales base for allocation of the G&A expense pool to use of a cost input base. Respondents were specifically asked to comment on the administrative cost and effort entailed by each of the alternatives and to indicate their preference between the alternatives. The Board supplemented both FEDERAL REGISTER publications by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who had expressed an interest in the work of the Board.

The Board received a total of 136 responses to both FEDERAL REGISTER publications; 65 to the September 24, 1974 proposal and 71 to the September 9, 1975 proposal. Responses were received from individual companies, Government agencies, professional associations, industry associations, public accounting firms, universities and others. The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been furnished. The comments furnished by organizations and individuals have resulted in a number of changes in the Standard.

The comments below summarize the issues discussed by respondents in connection with both proposed Standards. They incorporate the still relevant portions of the comments which accompanied the September 24, 1974 publication. The comments also explain the major changes which have been made to the prior proposals.

1. SELECTION OF AN ALLOCATION BASE FOR THE G&A EXPENSE POOL

Allocation Relationship. Commentators expressed the view that the choice of an allocation relationship between the G&A expense pool and final cost objectives is arbitrary; particularly, the selection of any single allocation base is arbitrary. Commentators also took the position that the G&A expense pool cannot be allocated on a demonstrable beneficial or causal relationship, that G&A is not specifically relatable to all costs, nor does it bear any relationship to cost objectives or any particular final cost objectives. Other commentators stated that the selection of the cost input base must be based on the assumption that G&A is caused by cost input. The commentators with reference to the Martin-Marietta case, ASBCA 14159, March 16, 1971, noted that the decision in that case rejected this position.

While some commentators on the September 9, 1975 publication supported the choice of cost input, others agreed with the views expressed above. The Board has concluded that the expenses in the G&A expense pool are the expenses of the general management and administration of a business unit as a whole; that the allocation base chosen should be one which measures the total activity of the business unit during a cost accounting period and not just some part of total activity, and that a cost input base accomplishes this objective.

Cost of Sales Survey. Shortly after the initial FEDERAL REGISTER publication, the Board surveyed segments of a number of companies who use a cost of sales base to allocate G&A expenses. The survey was designed to compare the results of using a cost of sales base with the results of using a cost input base to allocate these expenses. Responses were received from 91 segments. The results of the survey established that in the case of individual segments the use of a cost of sales base as compared with a cost input base can result in a significant difference in the G&A rate and in the allocations of G&A expenses to final cost objectives. For example, one of the segments in the survey had a G&A rate based on cost of sales of 8.0 percent. When that segment used a total cost input rate, its G&A rate for the same period was 10.4 percent or a 30 percent difference. A change to a total cost input rate would have resulted in substantially different allocations of G&A expense to that segment's final cost objectives.

Some commentators were critical of the Board's using a single year as the

basis for the survey. These commentators noted that there could be isolated instances where the use of a cost of sales base would not produce equitable results. However, they noted that over time a cost of sales base will give equitable costing results.

For a cost of sales base to provide an equitable allocation consistent with that of an allocation to the total activity of a business unit during a cost accounting period, a contractor's mix of work between Government and commercial, types of contracts and the level of G&A expenses would have to remain constant over many periods. In this regard, the cost of sales survey demonstrated that in any given period, one period being selected, the use of a cost of sales base can result in significant differences in the allocation of G&A expenses to final cost objectives as compared with the results obtained using a cost input base.

Cost of Sales Base. A number of commentators suggested that the use of cost of sales as a measurement of the allocation base for the G&A expense pool should be permitted. Commentators asserted that this base has long been used for the allocation of the G&A expense pool and is consistent with generally accepted accounting principles and the concept of period costs. The Board's position is that the measurement of a cost of sales base is representative, in part, of the productive activities of prior periods and is subject to fluctuations which can distort the allocation of G&A expenses to activities of the current period. Although the measurement of cost of sales is based on a recorded date of sale, that is not necessarily an index of the activities of a period.

Under current regulations as interpreted by the Armed Services Board of Contract Appeals, the use of a cost of sales base will not result in an equitable allocation of G&A expenses where there are significant changes in the mix of business or significant changes in the beginning and ending inventory balances. The Board has considered the existence of these past disputes and cases involving the use of a cost of sales allocation base. In given circumstances, due to the definition and accounting for sales under various types of contracts, the cost of similar types of productive activities may be treated differently in terms of the measurement of a cost of sales allocation base. The use of a cost of sales base can result in unwarranted shifting of costs between different types of final cost objectives. Therefore, the Board has concluded that the use of a cost of sales base is inappropriate for establishing the proper cost of final cost objectives within a cost accounting period.

Cost Input Base. Commentators took the position that the use of a cost input base would violate generally accepted accounting principles used for financial accounting purposes because G&A expenses are most commonly viewed as a period cost and not allocated to production nor inventoried. The use of a cost input base would result in inventorying G&A expenses for contract costing purposes. Further, commentators asserted that there is no beneficial or casual relationship between the G&A expense pool and cost input, cost objectives or specific final cost objectives.

The logical extension of this argument is that these expenses should not be allocable to Government contracts. If no beneficial or casual relationship can be established then there should be no recovery, because for a cost to be attached to cost objectives some beneficial or casual relationship should exist.

There are a number of firms which inventory G&A expenses on Government contracts for financial disclosure purposes. Moreover, the IRS and the SEC have recognized that in some instances G&A expenses are being applied to the inventory of Government contracts, and the G&A expense pool allocation remains in the inventory of these contracts at the end of the accounting period. While the Standard does not require that G&A expense be inventoried for financial reporting purposes, the inventorying of G&A expenses on Government contracts has been an acceptable accounting procedure for financial reporting as well as for filing with the SEC. Under current IRS regulations, G&A expenses may be allocated to inventory.

The Standard being promulgated today is based on the concept of full-costing of final cost objectives. For Government contracting purposes, both direct and indirect costs, including G&A expenses, are allocable. Thus, for contract costing purposes, the concept of period expense is inapplicable. The Board has concluded that there is a beneficial or casual relationship between G&A expenses and all of the final cost objectives of a cost accounting period. Therefore, these costs are allocable to such final cost objectives.

Commentators also asserted that the Standard was unduly rigid because it permitted only one base for the allocation of the G&A expense pool. The Standard is not limited to the use of one allocation base; rather, the scope of the base, the measurement of total activity, is limited to cost input as this is the measure of the total activity of the business unit. The Standard provides that the measure of cost input best representing the total activity of the business unit during a cost accounting period is to be the one chosen as the base. The Standard includes criteria for determining the cost input base which will best measure total activity. The criteria are provided so that the allocation base for the G&A expense pool can be selected giving consideration to the differing circumstances of individual business units.

Commentators expressed a variety of views concerning the criteria for the selection of a cost input allocation base. Some commentators noted that the criteria included the necessary guidance and means for selecting the base. Others expressed concern that the criteria for selection of a particular cost input base were not clear and could lead to disputes. Some commentators expressed the view that the inclusion of value-added and single-element allocation bases was redundant. Also, a contractor should be required to demonstrate that the use of a total cost input would not result in an appropriate allocation before the use of one of the other bases was permitted. Other commentators stated that explicit inclusion of direct labor hours and direct dollars serves to clarify the Standard. Commentators suggested that the selection criteria should be modified to remove any bias favoring a total cost input base.

The Board has recognized the merit of the numerous comments and suggestions received during the research process. The Standard has been modified to clarify the criteria for the selection of an allocation base in a particular circumstance.

Under the Standard, only a cost input base may be used. Three cost input bases have been provided and criteria have been established for selection of the appropriate base. The individual circumstances of a given business unit must be analyzed, and the cost input base that best represents the total activity of that business unit would be the base selected. The Board's research indicates that generally total cost input, because it is a broad measure of all of the work done and includes all of the costs allocable to the contracts of the period, will be a measure that is representative of the total activity of the cost accounting period.

In this context the term "total activity" refers to the production of goods and services during a cost accounting period. This scope of activity is selected in light of the fact that the purpose of this Standard is to provide guidelines for the allocation of expense to all of the work of a given cost accounting period.

Commentators questioned whether other indirect costs not part of cost of goods sold, such as unallowables and nonoperating expenses, should be part of the measurement of cost input. These commentators took the position that such costs should not be part of cost input. Commentators pointed out that there could be an inconsistency in the cost input bases used by various contractors depending on whether costs such as selling costs or IR&D and B&P costs were included in the G&A pool or excluded from the G&A pool and included as part of the cost input base. Commentators also questioned whether costs such as service center costs and intersegment transfers should be included in the cost input base for the allocation of the G&A expense pool.

The cost input base has been selected as the measure of the total activity of the work performed during the cost accounting period. Therefore, it is appropriate that the costs of all activities, functions, materials, services, etc., allocable to final cost objectives during a cost accounting period be included in the total cost input base for that period. This relationship is based on the scope of the G&A expenses which represent the cost of the general management and admin-

istration of the business unit as a whole. For example, where a total cost input base has been selected, all significant costs other than the costs included in the G&A expense pool should be included in the base. The Board is aware that there can be a difference in the allocation bases used depending upon the treatment of selling costs and IR&D and B&P costs. This result occurs from the Board's accommodation of existing practices for accounting for selling costs and IR&D and B&P costs within the structure of this Standard. The Board has specifically required the inclusion of these costs in the cost input base in paragraph 410.50(f). The illustrations concerning the accounting for these indirect costs as part of a cost input base have been revised to clarify the required treatment.

Commentators suggested that minor variations from the specific bases presented should be allowed. The Board points out that the Standard requires that the allocation base selected should include all significant elements of cost input necessary to represent the total activity. If in a given circumstance, the exclusion of a particular item does not invalidate the chosen base's representation of total activity, this is acceptable under the Standard. The Board notes that these are the kinds of decisions which involve consideration of the individual circumstances of a business unit; accordingly, the Standard provides the opportunity for the exercise of judgment in these situations.

Commentators noted the Standard lacks an explicit consistency requirement for the use of the cost input base selected. It was pointed out that allocation bases once selected are then used for considerable periods of time, usually as long as the underlying economic circumstances do not change. In this situation the selected base would remain representative of the total activity of the business unit. The Board does not intend to change this practice. In fact, the Board notes that in concert with Cost Accounting Standard 401, the selection of the allocation base for the G&A expense pool should provide the basis for allocation of that pool until such time as the basic economic circumstances change. The Standard has been modified to require that the base selected should be one that measures activity of a typical cost accounting period.

Commentators were uncertain as to the relationship of cost input to the purchase of raw materials inventory and to Cost Accounting Standard (CAS) 404—Capitalization of Tangible Assets. To help clarify the relationship of this Standard to the purchase of raw material inventories and to CAS 404, an illustration has been added. Cost input is basically a measure of the costs and expenses allocated to production of goods and services during a cost accounting period. The illustration has been revised to make clear that items purchased for raw material inventory which have not been committed or used in production during a cost accounting period would not be part of the cost input base for that cost accounting period. As to the acquisition costs of assets constructed or fabricated by a contractor, CAS 404 and the Standard must be read together. The requirements of CAS 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be allocated to the cost of the asset. CAS 404 also provides that the cost of constructed assets that are identical with or similar to the contractor's regular product shall include a full share of indirect costs—thus; the costs of these assets will be included in the cost input base.

2. A TRANSITION PROVISION

Some commentators suggested that to avoid disputes and inequities the Board should provide a specific method of transition for any contractor that is required to change from a cost of sales or sales base to a cost input base. In the September 9, 1975 publication, the Board proposed alternative transiton Methods X and Y as a means of avoiding potential disputes and minimizing the administrative cost of implementing the change from a cost of sales or sales base to a cost input base. Either of the proposed methods would have eliminated the major portion of potential equitable adjustments arising from compliance with the Standard.

Numerous comments regarding the equity, administrative complexity, and costs of both X and Y were received. Some commentators asserted that Y was more equitable in that both CAS-covered and non-CAS covered work would be treated alike, on the basis on which the work was negotiated. Others felt X was more equitable in that there would be less impact on non-CAS covered work. Some commentators expressed the view that neither X nor Y was equitable in that both methods effectively repriced existing contracts by impacting, "squeezing down" the cost input rate on new contracts, and both methods would result in a deferral of recovery of G&A expenses.

While some commentators found one method less administratively complex than the other method, other commentators saw little difference in the administrative cost and effort required by either method. Most commentators expressed the view that either X or Y would require some additional administrative effort and the generation of data not currently produced.

A number of alternative transition methods were suggested including:

(1) An option to use either X or Y,

(2) An option to use X or Y or switch over immediately,

(3) Neither X nor Y, but use equitable price adjustment,

(4) The use of a combination method involving the actual cost of sales and cost input rates for a period and some type of suspense account to prevent an over-recovery of G&A expenses.

In addition, commentators proposed a number of variations of each of these basic alternatives. The Board is persuaded, after reviewing all of the comments received on transition methods, that a variation of one of those methods favored by many industry associations and several defense contractors offers substantial promise for avoiding potential disputes and for minimizing the impact of shifting from a cost of sales or sales base to a cost input base. This transition method is set forth in Section 410.50(e) and Appendix A of the Standard. Business units required by the Standard to change from their present allocation base to a cost input base are not required to use this transition method: rather, a business unit has the option of choosing this transition method or proceeding with an immediate changeover to a cost input base and seeking adjustment under the equitable adjustment provision of the contract clause.

Use of the optional transition method will, in the Board's opinion, avoid the need to use the equitable adjustment provision of the contract clause to reprice prime contracts and subcontracts of business units using this technique. The Board believes that this procedure is appropriate for this Cost Accounting Standard.

It is the Board's view, however, that for most Standards the impact of changes in cost accounting practices required by new Cost Accounting Standards will be accommodated by price adjustments for covered prime contracts and subcontracts through the equitable adjustment provisions of the contract clause.

For any business unit which chooses not to use the transition method set forth at Section 410.50(e) and Appendix A, the contractual provision requiring appropriate equitable adjustment of the prices of affected prime contracts and subcontracts will, of course, be implemented with consequent adjustment of the price of such contracts and subcontracts.

The optional transition method provided in 410.50(e) and Appendix A permits a business unit whose disclosed or established cost accounting practice was to use a cost of sales or sales base—and which is performing work on final cost objectives which came into existence prior to the date the business unit must first allocate its cost in compliance with the requirements of this Standard—to allocate the G&A expense pool to these cost objectives using a cost of sales or sales base. These final cost objectives often include:

(1) Government contracts which contain the CAS clause;

(2) Government contracts which do not contain the CAS clause;

(3) Contracts other than Government contracts, or customer orders awarded, prior to the date the business unit must first allocate its cost in compliance with the requirements of this Standard; and

(4) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its cost in compliance with this Standard and which are limited in time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders, are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its cost in compliance with the requirements of this Standard.

The business unit will allocate its G&A expense pool to those final cost objectives which arise on or after the date on which a business unit must first allocate costs in compliance with the requirements of this Standard using a cost input base calculated in compliance with 410.50(d).

A business unit will use the transition method until all pre-existing final cost objectives using the cost of sales or sales base are completed. At that time the business unit will be using and will continue to use a cost input base selected in accordance with the requirements of 410.50(d) to allocate the G&A expense pool to all CAS-covered contracts.

In order to prevent possible windfalls and to provide equity to both parties to the contracts, an inventory suspense account must be established. The amount of the inventory suspense account shall be the beginning inventory of contracts subject to the CAS clause of the cost accounting period in which a business unit must first allocate costs in accordance with the requirements of this Standard. The G&A expense allocation rate to be applied to the inventory cost account is the cost of sales rate for that first accounting period.

The cost account will be amortized in any cost accounting period subsequent to the last cost accounting period in which final cost objectives negotiated by using a cost of sales or sales base are still being performed and in which the amount of the ending inventory of contracts subject to the CAS clause for that cost accounting period is less than the amount of the inventory cost account. The G&A expense pool of that cost accounting period shall be reduced by the difference between the inventory cost account and the ending inventory of contracts subject to the CAS clause of that cost accounting period times the cost of sales rate applicable to the inventory cost account.

The Standard must be followed after the start of a contractor's next fiscal year after January 1, 1977. This long lead time provides both the Government and contractors an opportunity to prepare appropriate administrative procedures for using this transition method.

3. DEFINITION OF G&A EXPENSE

G&A Expense. Some commentators expressed the view that the definition was consistent with their current practice; others were concerned that the definition of G&A expense was narrower than those definitions currently in use, and the result might be excessive fragmentation of existing G&A expense pools to remove insignificant items.

Board research indicates that while accountants are in agreement about the general character of G&A expenses, practice has resulted in the cost of a variety of functions and expenses being included in the G&A expense pool. As a result, from the early stages of this project onward, the Board has seen a need to provide a definition of G&A expense in order to bring some uniformity to this area of accounting.

Commentators expressed concern about problems involving the classification of those persons and functions of top level management that are concerned with both the overall planning and administration of a business unit and the direction of a particular function. Some commentators suggested that top level management people could keep time records, and split their costs between the G&A expense pool and the administration of the function which they are directing. While this may be appropriate in some circumstances, the Board believes the determination of the content of the G&A expense pool and the identification and classification of expenses in a particular circumstance must be based on judgment giving consideration to the characteristics of the individual business units. Similarly, the distinction between those expenses which are other indirect costs, including manufacturing overhead and those which are G&A expenses must be based on the individual circumstances using the guidelines provided in the Standard and the definition.

The definition has been revised to provide guidance for making those decisions. The definition now requires that for an expense to be classified as G&A expense, it must be incurred for the management and administration of the business unit as a whole. Further, the definition specifically excludes from G&A expense those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

Commentators indicated concern and expressed some confusion regarding the interaction of the definition of G&A expense and the requirements of paragraph 410.40(d). Commentators were uncertain as to if and when expenses which do not meet the definition of G&A expenses contained in the Standard should be removed from the G&A expense pool. The Board has revised 410.40 (d) to clearly express the Board's intent that those expenses which do not meet the definition of a G&A expense and whose beneficial or causal relationship to business unit cost objectives is best measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period should be removed from the G&A expense pool.

Materiality. With respect to the questions about materiality, the Board has several times expressed its belief that the administration of Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. See, for example, the March 1973 "Statement Of Operating Policies, Procedures and Objectives." The Board has considered the comments concerning the potential problems that could arise without a clearer statement of materiality related to the composition of the G&A expense pool. The Board believes in this instance a significance test will be particularly useful and the Standard has been appropriately modified (410.50(c)).

Accounting for Specific Items of Expense in the G&A Expense Pool. Commentators also expressed concern about the treatment of specific items of expense that are sometimes found in the G&A expense pool. In particular, commentators expressed concern over the treatment of selling and marketing costs, independent research and development (IR&D) costs and bidding and proposal (B&P) costs. Commentators questioned whether under the Standard these costs were G&A expenses to be included in the G&A expense pool.

The Board recognizes that at the present time selling costs (marketing or selling costs) may constitute a significant amount of cost and are accounted for in a variety of ways. Some account for selling costs in a separate cost pool while others include selling costs as part of the G&A expense pool.

Contractors who have included selling costs in a cost pool separate and apart from the G&A expense pool may continue that practice or may change and include selling costs in their G&A expense pool. Further, contractors who will have to change the allocation base used for the G&A expense pool and who have in the past included selling costs as part of the G&A expense pool may account for selling costs by establishing a separate cost pool for the selling costs and using the allocation base they previously used for their G&A expense pool. Where selling costs are accounted for in a cost pool separate and apart from the G&A expense pool and are allocated using a different allocation base, they shall become part of the cost input base used to allocate the G&A expense pool. Also, the Board notes that the current ASPR provision related to the accounting for IR&D and B&P cost requires that generally the allocation of these costs shall be on the same basis as the contractor's allocation of his G&A expense pool, although these expenses are not termed G&A expenses. Under the provisions of this Standard, business units which have included IR&D and B&P costs in their G&A expense pool may continue to do so. Those business units which choose to use the optional transition method in 410.50(e) and in which the IR&D and B&P costs remain in the G&A expense pool will account for these costs as follows:

(a) During the transition period, those business units which were using a cost of sales or sales base will continue to use that base to allocate the G&A expense pool to final cost objectives which were in existence as of the date the business unit must first allocate its costs in accordance with the requirements of this Cost Accounting Standard.

(b) During the transition period and subsequent to that time, the G&A expense pool would be allocated to new contracts subject to the CAS clause using a cost input base as required by 410.50 (d).

As a result of the current ASPR provision, a business unit which is required under this proposed Standard to change the allocation base used for its G&A expense pool could, because of the ASPR requirements, also be required to change the allocation base for IR&D and B&P. For those contractors who include IR&D and B&P in their G&A expense pool, this change in the business unit's method of accounting for IR&D and B&P costs, however, would be subject to the transition provision of the proposed Standard, and would only affect allocation of these costs to contracts awarded on or after the date on which a business unit must first allocate its costs in accordance with the requirements of this Standard.

Commentators expressed the view that since IR&D, B&P costs, and selling cost could become part of the allocation base for the G&A expense pool it might lead to the concept that these costs are final cost objectives themselves and should receive an individual allocation of G&A expense. As was stated in the Prefatory Comments to the September 9, 1975 publication, the Board is currently working on projects involving IR&D, B&P and selling costs. The Board at this time does not require changing the accounting for these costs. However, where these expenses are treated separately and apart from the G&A expense pool they shall become part of the allocation base used to allocate the G&A expense pool to final cost objectives and are not to be treated as individual cost objectives in and of themselves.

The illustrations concerning the accounting for costs which are removed from the G&A expense pool and the accounting for IR&D and B&P costs and selling costs have been clarified in response to comments received.

Expenses Transferred from the G&A Expense Pool. Commentators expressed the view that those items which will be taken out of the G&A expense pool and transferred to the benefiting segment for which they were incurred, are not really G&A expenses of the segment but are G&A-type expenses. These expenses come out of the pool and are transferred in what might be described as a purification of the G&A expense pool before it is allocated. The Board agrees with this position, but does not believe an amendment of the Standard is necessary.

4. USE OF MEMORANDUM RECORDS

Some commentators urged that the Standard specifically permit the use of memorandum records for the allocation of G&A expenses to final cost objectives. The Board notes that even in the absence of this Standard, many contractors now use memorandum records to perform the allocation of G&A expenses for purposes of Government contracts, because in their formal records they do not make an allocation of G&A expenses to contracts or they do so on a diffrent basis. The Board sees no need to disturb the practice of using memorandum records for the allocation of G&A expenses to final cost objectives.

5. ALLOCATION OF HOME OFFICE EXPENSES TO FINAL COST OBJECTIVES

Commentators expressed concern about the handling of home office expenses which are received by a segment as residual expenses under CAS 403 or as a lump sum which is not designated as a particular type explicitly that individual handling of various types of home office expenses would be required only where a separate allocation of expenses is received from a home office, and where the amount of the allocated expense is significant.

Other commentators suggested that in given circumstances a different allocation base than the allocation base used for the allocation of home office expense to the segment may be appropriate for the allocation of home office expense to final cost objectives of the segment. The Standard does not require that the same base be used for the allocation of home office expenses to final cost objectives of the segment as was used for the allocation of home office expenses to the segment. The Standard requires establishment of a beneficial or causal relationship between the cost objectives and the expense wherever separate and significant allocations of home office expenses are received by a segment. It may be appropriate to use a different allocation base for the allocation of home office expenses received by a segment than the allocation base used to allocate home office expenses to the segment.

A number of commentators stated that allocations of home office expenses, either in total or part, are the type of expenses which should be accounted for as period expenses and should not be inventoried nor should these allocations be part of a cost input base for the allocation of the G&A expense pool as they are not part of the activity being managed. The Standard provides that certain allocations of home office expenses are always to be included in the G&A expense pool. Allocations of certain other types of home office expenses, where they are separately received and significant in amount, may or may not be included in the segment's G&A expense pool. The Standard provides that these costs shall be allocated to cost objectives of the segment based on the beneficial or causal relationship between the cost objectives and the expense. As such, where a beneficial or causal relationship between these expenses and cost objectives of the segment can be established, these expenses shall be included in cost objectives other than the segment's G&A expense pool. Where a beneficial or causal relationship for the expenses is not identifiable with other cost objectives of the segment then the expense would be included in the G&A expense pool.

The total cost of a final cost objective is made up of a variety of costs and expenses incurred in different manners and at different times. The functions and services represented by the allocation of home office expense is recognized, for contracting purposes, as part of the total cost of final cost objectives. As such, these costs are not unlike the other costs incurred in the effort to produce the final cost objectives. These costs shall become part of the appropriate cost input base selected to allocate the G&A expense pool. The illustrations have been revised to clarify that a segment must receive the home office expenses as a separate allocation if the requirements of 410.50(g)(2) are to be applicable.

6. ALLOCATION OF G&A EXPENSES TO SPECIAL CONTRACTS

Commenators suggested that the special allocation provision be stated in terms of class of contracts or types of situations. If the G&A expense pool meets the requirements of the Standard, the existence of a need for special allocation to a class of contracts or type of situation would indicate that the allocation base being used is not representative of the total activity of the business unit during a typical cost accounting period. The Standard is designed to provide consistent accounting treatment for all contracts, except for a particular contract or other final cost objective which is an exception to a business unit's normal operation.

The cost input allocation base for G&A expense is a broad measure which is normally representative of the total activity of a business unit during a cost accounting period. Thus, for a given final cost objective to qualify for special treatment, the difference in its beneficial or causal relationship to G&A expense as compared with the relationship of other final cost objectives to G&A expenses should be one which is apparent and capable of being supported. The provision of the Standard calls for the exercise of judgment; nonetheless, the Board believes a materiality criterion based on a measure of significantly different benefits is proper for use in evaluating and establishing a separate and exceptional allocation to a given final cost objective.

7. MISCELLANEOUS

Some commentators stated that the Standard should provide for the allocation of G&A expenses to intermediate cost objectives, such as service centers and other overhead pools. Their position was based on the concept that in various types of full-cost responsibility accounting systems, all costs are allocated to cost objectives for more accurate costing and control purposes. A few commentators stated that for certain management expenses within the G&A expense pool they are able to determine a discrete beneficial or causal relationship between these expenses and the cost objectives of the business unit. Therefore, these expenses are allocated on a separate allocation base to the cost objectives of the business unit.

Where a beneficial or causal relationship between certain management expenses and business unit cost objectives

can be determined using an allocation base other than the base used for the G&A expense pool, then by definition, these management expenses are not G&A expenses and should be excluded from the G&A pool. Where a beneficial or causal relationship other than one based on a broad measure of total activity can be determined, generally the resulting allocation represents improved contract costing. However, for those expenses which are in the G&A expense pool, the Board's research indicates that the beneficial or causal relationship between these expenses and business unit activities of a cost accounting period is such that if they are allocated to intermediate cost objectives the allocation to final cost objectives could be significantly distorted.

Some commentators took the position that G&A expenses should not be allocated to stock or product inventory items. Other commentators suggested that the cost input of stock or product inventory items should be included in the G&A allocation base only in the cost accounting period when these items are used. The Board has taken the position that work on stock or product inventory items represents part of the productive activity of the business unit for a cost accounting period, and therefore, these items should receive an allocation of G&A expenses.

The Board has recognized the administrative difficulties that can arise as a result of inventorying G&A expenses on these items for contract costing purposes and at the same time complying with requirements of generally accepted accounting principles for financial reporting. The Board has concluded that a practical solution to this circumstance is provided by the accounting treatments set forth in the Standard. A contractor can include G&A expense with the inventory cost of these items for contract costing purposes and provide his own procedure for complying with generally accepted accounting principles. Alternatively, contractors who do not include G&A expenses in the inventory cost of these items in order to conform with generally accepted accounting principles, are permitted to apply G&A expenses using the G&A rate of the period in which the items are issued.

In either situation, the cost of stock or product inventory items is to be included in the computation of the allocation base in the year produced. The Board believes this procedure will provide the appropriate determination of the G&A rate for each year, and the difference in the G&A rate applicable to final cost objectives by using the G&A rate of the year in which the items are issued rather than manufactured will not be significant.

The illustration dealing with the timing of inclusion of stock or product inventory cost input in the allocation base has been revised to make clear that stock or product inventory items cost input is to be included in the year in which the cost input is incurred.

Commentators suggested that a transition provision be provided for other types of changes, e.g., changing from a value-added cost input base to a total cost input base, or removing an item of expense from the G&A expense pool, required for compliance with the Standard. The Board recognizes that a variety of changes may occur as individual business units take action necessary to comply with the Standard. The Board believes that the equitable adjustment provision of the CAS contract clause provides the best means of handling the variety of changes which may take place.

Commentators suggested that some type of exemption threshold for this Standard should be adopted. It was suggested that the threshold could be based on either total sales to the Government by a business unit or corporate entity or Government business stated as a percentage of total business. The Board is currently studying the question of whether an exemption from its regulation could be appropriately based on the proportion of total business which a contractor does with the Government. Pending the results of that study, the Board does not believe that a percentage-of-sales exemption in individual Standards is appropriate.

Cost-Benefit. Section 719(g) 50 U.S.C. App. 2168(g), as amended provides "In promulgating such standards and major rules and regulations for the implementation of such standards, the Board shall take into account, and shall report to the Congress in the transmittal required by Section 719(h)(3) hereof, the probable costs of implementation, including inflationary effects, if any, compared to the probable benefits, including advantages and improvements in the pricing, administration and settlement of contracts."

In a draft of the proposed Standard that was distributed for comment, the Board specifically requested commentators to provide data on the administrative costs of compliance with that proposal. In the second publication of the proposed Standard, the Board made the same request for data to indicate the administrative costs of compliance with Alternative X or Alternative Y. Of the 165 comments received, only two comments on the draft proposal and one comment on the second publication provided quantitative data. Many comments received indicated that there would be some administrative costs incurred in complying with this Standard. As indicated above, a number of the potential administrative problems described in the comments have been reduced or eliminated by changes to the Standard being promulgated today. Moreover, the practices of many contractors already conform with all or some of the provisions of this Standard.

Commentators indicated that part of the increased administrative cost is attributed to the transition to a cost input allocation base for those business units currently using a cost of sales allocation base. Another part of the increased administrative cost for these same business units is attributed to the accounting for the G&A expense allocated to ending inventory. The Board recognizes that these administrative costs will arise in some cases.

Among the benefits which the Board believes will be derived from use of this Standard No. 410 are a more equitable treatment of all costs incurred during a period, in terms of the G&A expense pool allocation to final cost objectives; improved measurement of the cost of final cost objectives; a reduction in disputes through the establishment of criteria for evaluation and selection of the allocation base for the G&A expense pool; increase in the likelihood of achieving objectivity in the allocation of G&A expenses to final cost objectives; and an increase in comparability of cost data among contractors in similar circumstances.

The Board concludes that the costs anticipated for administrative compliance with this Standard when reasonably managed in light of the purposes to be served are outweighed by the probable benefits expected to be derived from its use.

As required by section 719(g) 50 U.S.C. App. 2168(g), as amended, the Board has evaluated the potential inflationary effect of this Standard. The Board has concluded that any inflationary effect of this Standard will be insignificant.

Effective Date. The availability of the transition method to contractors who choose to use it requires especial care in complying with the effective date and application provisions of the Standard. The following comments are offered to illustrate those provisions. The comments assume that the contractor has a January 1 fiscal year; contractors with different fiscal years would of course apply the requirements of the Standard using different dates appropriate to their own fiscal year. For those contractors using a cost of sales base, having a fiscal year beginning on January 1, and electing to use the transition method provided in Appendix A, all contracts entered into prior to January 1, 1978, would be accounted for using the contractor's cost of sales base in accordance with the cost accounting practice previously disclosed or established. Contracts entered on or after January 1, 1978, should be accounted for using a cost input base in accordance with the requirement of Section 410.50(d). The transition period would begin January 1, 1978, and continue until all contracts entered into prior to January 1, 1978 are completed. This situation is illustrated in Appendix A, Illustration 1.

Under certain circumstances, a contractor who has been using a cost of sales base must be presumed, during the time between the effective date of this Standard and the date when it becomes applicable to him, to have elected to use the transition method provided in Section 410.50(e). These circumstances arise when (1) the contractor proposes to receive an award of a contract priced by

use of a cost of sales base for the entire contract and (2) the period of performance specified or anticipated for the contract extends beyond the date when the Standard becomes applicable to the contractor. Contracting agencies should take appropriate action to advise the contractor that consistent with the concepts of Part 401, Cost Accounting Standard—Consistency in Estimating, Accumulating and Reporting Costs, his decision to price the proposal entirely by use of a cost of sales base is deemed an election to operate under the transition method prescribed in Section 410.50(e) when this Standard becomes applicable to him.

Those contractors using a cost of sales base, having a January 1 fiscal year, and electing to proceed with a complete change-over to a cost input base on January 1, 1978, would have to be careful to comply with Standard 401 in making proposals for those contracts which will span part or all of the period October 1, 1976, through December 31, 1977, and cost accounting periods beginning January 1, 1978, and thereafter. The proposal should indicate that the cost of sales base will be followed until the date when the requirements of this Standard must be followed; at that later time, the practice required by this Standard, a cost input base, should be proposed to be used as the contractor's practice for the remaining life of the contract.

To illustrate, assume a contractor having a January 1 fiscal year currently allocates G&A expense using a cost of sales base. When the contractor makes a proposal for a contract which will be entered into after October 1, 1976, and prior to January 1, 1978, his proposal must recognize that his G&A expense pool will be allocated by using a cost of sales base from the date of the contract through December 31, 1977, and by using a cost input base thereafter.

The Board expects that this Standard will become effective on October 1, 1976.

There is also being published today an amendment to Part 400, Definitions, to incorporate in that part terms defined in § 410.30(a) of this Cost Accounting Standard.

(84 Stat. 796, Sec. 103 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

1. Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) * * *

Cost input. The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

* * * * *

General and Administrative (G&A) expense. Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

2. Part 410 is added to read as follows:

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Sec.
410.10 General applicability.
410.20 Purpose.
410.30 Definitions.
410.40 Fundamental requirement.
410.50 Techniques for application.
410.60 Illustrations.
410.70 Exemptions.
410.80 Effective date.
Appendix A—Transition from a cost of sales or sales base to a cost input base.

AUTHORITY: 84 Stat. 796, sec. 103, 50 U.S.C. App. 2168.

§ 410.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 410.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of business unit general and administrative (G&A) expenses to business unit final cost objectives based on their beneficial or causal relationship. These expenses represent the cost of the management and administration of the business unit as a whole. The Standard also provides criteria for the allocation of home office expenses received by a segment to the cost objectives of that segment. This Standard will increase the likelihood of achieving objectivity in the allocation of expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

§ 410.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Cost input.* The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(4) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation systems, is one of the final accumulation points.

(6) *General and Administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(7) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 410.40 Fundamental requirement.

(a) Business unit G&A expenses shall be grouped in a separate indirect cost pool which shall be allocated only to final cost objectives.

(b) (1) The G&A expense pool of a business unit for a cost accounting period shall be allocated to final cost objectives of that cost accounting period by means of a cost input base representing the total activity of the business unit except as provided in paragraph (b)(2) of this section. The cost input base selected shall be the one which best represents the total activity of a typical cost accounting period.

(2) The allocation of the G&A expense pool to any particular final cost objectives which receive benefits significantly different from the benefits accruing to other final cost objectives shall be determined by special allocation, (410.50(j)).

(c) Home office expenses received by a segment shall be allocated to segment cost objectives as required by 410.50(g).

(d) (1) Except as provided in (d)(2) below, any costs which do not satisfy

the definition of G&A expenses in this Standard, but which have been classified by a business unit as G&A expenses, can remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base.

(2) Independent Research and Development costs and Bidding and Proposal costs shall be treated pursuant to provisions of existing laws, regulations and other controlling factors.

§ 410.50 Techniques for application.

(a) G&A expenses of a segment incurred by another segment shall be removed from the incurring segment's G&A expense pool. They shall be allocated to the segment for which the expenses were incurred on the basis of the beneficial or causal relationship between the expenses incurred and all benefiting or causing segments. If the expenses are incurred for two or more segments, they shall be allocated using an allocation base common to all such segments.

(b) The G&A expense pool may be combined with other expenses for allocation to final cost objectives provided that:

(1) The allocation base used for the combined pool is appropriate both for the allocation of the G&A expense pool under this Standard and for the allocation of the other expenses; and

(2) Provision is made to identify the components and total of the G&A expense pool separately from the other expenses in the combined pool.

(c) Expenses which are not G&A expenses and are insignificant in amount may be included in the G&A expense pool for allocation to final cost objectives.

(d) The cost input base used to allocate the G&A expense pool shall include all significant elements of that cost input which represent the total activity of the business unit. The cost input base selected to represent the total activity of a business unit during a cost accounting period may be: (1) total cost input, (2) value-added cost input, or (3) single element cost input. The determination of which cost input base best respresents the total activity of a business unit must be judged on the basis of the circumstances of each business unit.

(1) A total cost input base is generally acceptable as an appropriate measure of the total activity of a business unit.

(2) Value-added cost input shall be used as an allocation base where inclusion of material and subcontract costs would significantly distort the allocation of the G&A expense pool in relation to the benefits received, and where costs other han direct labor are significant measures of total activity. A value-added cost input base is total cost input less material and subcontract costs.

(3) A single element cost input base, e.g., direct labor hours or direct labor dollars, which represents the total activity of a business unit may be used to allocate the G&A expense pool where it produces equitable results. A single element base may not produce equitable results where other measures of activity are also significant in relation to total activity. A single element base is inappropriate where it is an insignificant part of the total cost of some of the final cost objectives.

(e) Where, prior to the effective date of this Standard, a business unit's disclosed or established cost accounting practice was to use a cost of sales or sales base, that business unit may use the transition method set out in Appendix A hereof.

(f) Cost input shall include those expenses which by operation of this Standard are excluded from the G&A expense pool and are not part of a combined pool of G&A expenses and other expenses allocated using the same allocation base.

(g) (1) Allocations of the home office expenses of (i) line management of particular segments or groups of segments, (ii) residual expenses, and (iii) directly allocated expenses related to the management and administration of the receiving segment as a whole shall be included in the receiving segment's C&A expense pool.

(2) Any separate allocation of the expenses of home office (i) centralized service functions, (ii) staff management of specific activities of segments, and (iii) central payments or accruals, which is received by a segment shall be allocated to the segment cost objectives in proportion to the beneficial or causal relationship between the cost objectives and the expense if such allocation is significant in amount. Where a beneficial or causal relationship for the expense is not identifiable with segment cost objectives, the expense may be included in the G&A expense pool.

(h) Where a segment performs home office functions and also performs as an operating segment having a responsibility for final cost objectives, the expense of the home office functions shall be segregated. These expenses shall be allocated to all benefiting or causing segments, including the segment performing the home office functions, pursuant to disclosed or established accounting practices for the allocation of home office expenses to segments.

(i) For purposes of allocating the G&A expense pool, items produced or worked on for stock or product inventory shall be accounted for as final cost objectives in accordance with the following paragraphs:

(1) Where items are produced or worked on for stock or product inventory in a given cost accounting period, the cost input to such items in that period shall be included only once in the computation of the G&A expense allocation base and in the computation of the G&A expense allocation rate for that period and shall not be included in the computation of the base or rate for any other cost accounting period.

(2) A portion of the G&A expense pool shall be allocated to items produced or worked on for stock or product inventory in the cost accounting period or periods in which such items are produced at the rates determined for such periods except as provided in (3) below.

(3) Where the contractor does not include G&A expense in inventory as part of the cost of stock or product inventory items, the G&A rate of the cost accounting period in which such items are issued to final cost objectives may be used to determine the G&A expenses applicable to issues of stock or product inventory items.

(j) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from G&A expense than would be reflected by the allocation of such expenses using a base determined pursuant to paragraph (d) of this section, the business unit shall account for this particular final cost objective by a special allocation from the G&A expense pool to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any such final cost objective shall be excluded from the G&A expense pool required by section 410.40(a), and the particular final cost objective's cost input data shall be excluded from the base used to allocate this pool.

§ 410.60 Illustrations.

(a) Business Unit A has been including the cost of scientific computer operations in its G&A expense pool. The scientific computer is used predominately for research and development, rather than for the management and administration of the business unit as a whole. The costs of the scientific computer operation do not satify the Standard's definition of G&A expense; however, they may remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(b) Segment B performs a budgeting function, the cost of which is included in its G&A expense pool. This function includes the preparation of budgets for another segment. The cost of preparing the budgets for the other segment should be removed from B's G&A expense pool and transferred to the other segment.

(c) (1) Business Unit C has a personnel function which is divided into two parts (i) a vice president of personnel who establishes personnel policy and overall guidance, and (ii) a personnel department which handles hirings, testing, evaluations, etc. The expense of the vice president is included in the G&A expense pool. The expense of the personnel department is allocated to the other indirect cost pools based on the beneficial or causal relationship between that expense and the indirect cost pools. This procedure is in compliance with the requirements of this Standard.

(2) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C wishes to continue to include selling costs in its G&A expense pool. Under the provisions of this Standard, Business Unit C may continue to include selling costs in its G&A pool, and these costs will be allocated over a

cost input base selected in accordance with the provisions of 410.50(d).

(3) Business Unit C has included IR&D and B&P costs in its G&A expense pool. C has used a cost of sales base to allocate its G&A expense pool. As of January 1, 1978 (assumed for purposes of this illustration), the date on which C must first allocate its G&A expense pool in accordance with the requirements of this Standard, C has among its final cost objectives several cost reimbursement contracts and fixed price contracts subject to the CAS clause [referred to as the pre-existing contracts]. If C chooses to use the transition method in 410.50(e):

(i) C shall allocate IR&D and B&P costs during the transition period (from January 1, 1978, to and including the cost accounting period during which the pre-existing contracts are completed), to the pre-existing contracts as part of its G&A expense pool using a cost of sales base pursuant to 410.50(e) and Appendix A.

(ii) During the transition period such costs, as part of the G&A expense pool, shall be allocated to new cost reimbursement contracts and new fixed price contracts subject to the CAS clause using a cost input base as required by 410.50 (d) and (e) and Appendix A.

(iii) Beginning with the cost accounting period after the transition period the IR&D and B&P costs as part of the G&A expense pool shall be allocated to all final cost objectives using a cost input base as required by 410.50(d). If C chooses not to use the transition method in 410.50(e), the contractual provision requiring appropriate equitable adjustment of the prices of affected prime contracts and subcontracts will be implemented.

(4) Business Unit C has accounted for and allocated IR&D and B&P costs in a cost pool separate and apart from the G&A expense pool, C may continue to account for these costs in a separate cost pool under the provision of this Standard. If C is to use a total cost input base, these costs when accounted for and allocated in a cost pool separate and apart from the G&A expense pool will become part of the total cost input base used by C to allocate the G&A expense pool.

(5) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C has used a cost of sales base to allocate the G&A expense pool. Business Unit C desires to continue to allocate selling costs using the costs of sales base. Under the provisions of this Standard, Business Unit C would account for selling costs as a cost pool separate and apart from the G&A expense pool, and continue to allocate these costs over a cost of sales base. If C uses a total cost input base to allocate the G&A expense pool, the selling costs will become part of the total cost input base.

(d) (1) Business Unit D has accounted for selling costs in a cost pool separate and apart from its G&A expense pool and has allocated these costs using a cost of sales base. Under the provisions of this Standard, Business Unit D may continue to account for those costs in a separate pool and allocate them using a cost of sales base. Business Unit D has a total cost input base to allocate its G&A expense pool. The selling costs will become part of the cost input base used by Business Unit D to allocate the G&A expense pool.

(2) During a cost accounting period, Business Unit D buys $2,000,000 of raw materials. At the end of that cost accounting period, $500,000 of raw materials inventory have not been charged out to contracts or other cost objectives. The $500,000 of raw materials are not part of the total cost input base for the cost accounting period, because they have not been charged to the production of goods and services during that period. If all of the $2,000,000 worth of raw material had been charged to cost objectives during the cost accounting period, the cost input base for the allocation of the G&A expense pool would include the entire $2,000,000.

(3) Business Unit D manufactures a variety of testing devices. During a cost accounting period, Business Unit D acquires and uses a small building, constructs a small production facility using its own resources, and keeps for its own use one unit of a testing device that it manufactures and sells to its customers. The acquisition cost of the building is not part of the total cost input base; however, the depreciation taken on the building would be part of the total cost input base. The costs of construction of the small production facility are not part of the total cost input base. The requirements of Cost Accounting Standard 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be capitalized as part of the cost of the production facility. If there are G&A expenses material in amount and identified with the constructed asset, these G&A expenses would be removed from the G&A expense pool prior to the allocation of this pool to final cost objectives. The cost of the testing device shall be part of the total cost input base per the requirements of Cost Accounting Standard 404 which provides that the costs of constructed assets identical with the contractor's regular product shall include a full share of indirect cost.

(e) (1) Business Unit E produces Item Z for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items for costing or financial reporting purposes. A production run of these items occurred during Cost Accounting Period 1. A number of the units produced were not issued during Period 1 and are issued in Period 2. However, those units produced in Period 1 shall be included in the cost input of that period for calculating the G&A expense allocation base and shall not be included in the cost input of Period 2.

(2) Business Unit E should apply the G&A expense rate of Period 1 to those units of Item Z issued during Period 1 and may apply the rate of Period 2 to the units issued in Period 2.

(3) If the practice of Business Unit E is to include G&A expense as part of the cost of stock or product inventory, the inventory cost of all units of Item Z produced in Period 1 and remaining in inventory at the end of Period 1, should include G&A expense using the G&A rate of Period 1.

(f) (1) Business Unit F produced Item X for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items. A production run of these items was started, finished, and placed into inventory in a single cost accounting period. These items are issued during the next cost accounting period.

(2) The cost of items produced for stock or product inventory should be included in the G&A base in the same year they are produced. The cost of such items is not to be included in the G&A base on the basis of when they are issued to final cost objectives. Therefore, the time of issuance of these items from inventory to a final cost objective is irrelevant in computing the G&A base.

(g) The normal productive activity of Business Unit G includes the construction of base operating facilities for others. G uses a total cost input base to allocate G&A expense to final cost objectives. As part of a contract to construct an operating facility, G agrees to acquire a large group of trucks and other mobile equipment to equip the base operating facility. G does not usually supply such equipment. The cost of the equipment constitutes a significant part of the contract cost. A special G&A allocation to this contract shall be agreed to by the parties if they agree that in the circumstances the contract as a whole receives substantially less benefit from the G&A expense pool than that which would be represented by a cost allocation based on inclusion of the contract cost in the total cost input base.

(h) (1) The home office of Segment H separately allocates to benefiting or causing segments significant home office expenses of (i) staff management functions relative to manufacturing, (ii) staff management functions relative to engineering, (iii) central payment of health insurance costs and (iv) residual expenses. H receives these expenses as separate allocations. H maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead and (iii) engineering overhead; all home office expenses allocated to H are included in H's G&A expense pool.

(2) This accounting practice of H does not comply with section 410.50(g)(2). Home office residual expenses should be in the G&A expense pool, and the expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The health insurance costs should be allocated in proportion to the beneficial and causal relationship between these costs and H's cost objectives.

§ 410.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 410.80 Effective date.

(a) The effective date of this Standard is [Reserved].

(b) This Standard shall be followed by each contractor after the start of his next fiscal year beginning after January 1, 1977.

APPENDIX A

TRANSITION FROM A COST OF SALES OR SALES BASE TO A COST INPUT BASE

A business unit may use the method described below for transition from the use of a cost of sales or sales base to a cost input base.

(1) Calculate the cost of sales or sales base in accordance with the cost accounting practice disclosed or established prior to the date established by Section 410.80(b) of this Cost Accounting Standard.

(2) Calculate the G&A expense allocation rate using the base determined in paragraph (1) above and use that rate to allocate from the G&A expense pool to the final cost objectives which were in existence prior to the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(3) Calculate a cost input base in compliance with § 410.50(d) above.

(4) Calculate the G&A expense rate using the base determined in paragraph (3) above and use that rate to allocate from the G&A expense pool to those final cost objectives which arise under contracts entered into on or after the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(5) The calculations set forth in paragraphs (1)–(4) above shall be performed for each cost accounting period during which final cost objectives described in (2) are being performed.

(6) The business unit shall establish an inventory suspense account. The amount of the inventory account shall be equal to the beginning inventory of contracts subject to the CAS clause of the cost accounting period in which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(7) In any cost accounting period, after the cost accounting periods described in (5) above, if the ending inventory of contracts subject to the CAS clause is less than the balance of the inventory suspense account, the business unit shall calculate two G&A expense allocaiton rates, one to allocate G&A expenses to contracts subject to the CAS clause and one applicable to other work.

(a) The G&A expense pool shall be divided in the proportion which the cost input of the G&A expense allocation base of the contracts subject to the CAS clause bears to the total of the cost input allocation base, selected in accordance with § 410.50(d), for the cost accounting period.

(b) The G&A expenses applicable to contracts subject to the CAS clause shall be reduced by an amount determined by multiplying the difference between the balance of the inventory suspense account and the ending inventory of contracts subject to the CAS clause by the cost of sales rate, as determined under (1) above, of the cost accounting period in which a business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(8) In any cost accounting period in which such a reduction is made, the balance of the inventory suspense account shall be reduced to be equal to the ending inventory of contracts subject to the CAS clause of that cost accounting period.

* * * * *

The following illustrates how a business unit would use this transition method.

1. Business Unit R has been using a cost of sales base to allocate its G&A expense pool to final cost objectives. Business Unit R uses a calendar year as its cost accounting period. On October 1, 1976 (assumed for purposes of this illustration) Cost Accounting Standard 410 becomes effective. On October 2, 1976, Business Unit R receives a three-year contract containing the Cost Accounting Standards clause. As a result, Business Unit R must comply with the requirements of the Standard in the cost accounting period beginning in January, 1978.

As of January 3, 1978, Business Unit R has the following contracts:

(1) Contract I—A four-year contract awarded in January, 1975.

(2) Contract II—A three-year contract which was negotiated in March, 1976, and was awarded on October 2, 1976.

(3) Contract III—A four-year contract awarded on January 2, 1978.

If Business Unit R chooses to use the transition method provided in § 410.50(e), it will allocate the G&A expense pool to these contracts as follows:

(a) Contract I—Since Contract I was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in 410.50(e).

(b) Contract II—Since this contract was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in § 410.50(e).

(c) Contract III—Since this contract was awarded after January 1, 1978, the G&A expense pool shall be allocated to this contract using a cost input base.

Having chosen to use § 410.50(e), Business Unit R will use the transition method of allocating the G&A expense pool to final cost objectives until all contracts awarded prior to January 1, 1978, are completed (1979 if the contracts are completed on schedule). Beginning with the cost accounting period subsequent to that time, 1980, Business Unit R will use a cost input base to allocate the G&A expense pool to all cost objectives. Business Unit R will also carry forward an inventory suspense account in accordance with the requirements of this Standard.

2.A Business Unit N is first required to allocate its costs in accordance with the requirements of CAS 410 during the fiscal year beginning January 1, 1978. Business Unit N has used a cost of sales base to allocate its G&A expense pool.

During the years 1978, 1979, 1980, Business Unit N reported the following data:

		Contracts prior to Jan. 1, 1978			Contracts after Jan. 1, 1978		
	Total	Non-CAS work	CAS-fixed price work	CAS-cost contracts	Non-CAS work	CAS-fixed price work	CAS-cost contracts
Year 1978:							
Beginning inventory	$500	300	200	0	0	0	0
Cost input	+3000	400	600	700	500	500	300
Total	3500	700	800	700	500	500	300
Cost of sales	−3000	600	550	700	450	400	300
Ending inventory	500	100	250	0	50	100	0
Year 1979:							
Beginning inventory	500	100	250	0	50	100	0
Cost input	+3000	400	600	700	500	500	300
Total	3500	500	850	700	550	600	300
Cost of sales	−2500	450	650	700	150	250	300
Ending inventory	1000	50	200	0	400	350	0
Year 1980:							
Beginning inventory	1000	50	200	0	400	350	0
Cost input	+3000	400	600	700	500	500	300
Total	4000	450	800	700	900	850	300
Cost of sales	−3250	450	800	700	450	550	300
Ending inventory	750	0	0	0	450	300	0

NOTES

Operating data is in thousands of dollars.
G. & A. expense $375,000 in accordance with the requirements of this standard.

Work existing prior to January 1, 1978 may include:

(1) Government contracts which contain the CAS clause;

(2) Government contracts which do not contain the CAS clause;

(3) Contracts other than Government contracts or customer orders; and

(4) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited in time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its costs in compliance with the requirements of this Standard.

Business Unit N may allocate the G&A expense pool as follows:

[In dollars]

	Year 1978	Year 1979	Year 1980
1. G. & A. expense pool	375	375	375
Cost of sales rate	375/3,000= .125	375/2,500= .15	375/3,250= .115
Cost input rate	375/3,000= .125	375/3,000= .125	375/3,000= .125
2. G. & A. allocations:			
Prior contracts:			
Non-CAS work	600×0.125= 75.00	450×0.15 = 67.50	450×0.115= 51.75
CAS-fixed price work	550×0.125= 68.75	650×0.15 = 97.50	800×0.115= 92.00
CAS-cost contracts	700×0.125= 87.50	700×0.15 =105.00	700×0.115= 80.50
After contracts:			
Non-CAS work	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-fixed price work	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-cost contracts	300×0.125= 37.50	300×0.125= 37.50	300×0.125= 37.50
	393.75	432.50	386.75
3. Inventory suspense account [1]	200		
G. & A. rate applicable	.125		

[1] Beginning inventory of contracts subject to the CAS clause, January 1978.

2.B In cost accounting period 1982, Business Unit N has an ending inventory of contracts subject to the CAS clause of $100,000. This is the first cost accounting period after the transition in which the amount of the ending inventory is less than the amount of the inventory suspense account. During this cost accounting period, Business Unit N had G&A expenses of $410,000 and cost input of $3,500,000, $1,500,000 applicable to contracts subject to the CAS clause and $2,000,000 applicable to other work.

Business Unit N would compute its G&A expense allocation rate applicable to contracts subject to the CAS clause as follows:

(1) Amount of inventory suspense account	$200,000
Amount of ending inventory	100,000
Difference	100,000
G. & A. rate applicable (see A above)	×0.125
Adjustment to G. & A. expense applicable to contracts subject to the CAS clause	12,500
(2) G. & A. expense pool	410,000
G. & A. expenses applicable to contracts subject to the CAS clause ($1,500,000/$3,500,000 ×$410,000)	175,890
G. & A. expenses applicable to other work	234,110
(3) G. & A. expenses applicable to contracts subject to the CAS clause	175,890
Adjustment to G. & A. expenses applicable to contracts subject to the CAS clause	—12,500
G. & A. expenses allocable to contracts subject to the CAS clause	163,390
(4) G. & A. expense allocation rate applicable to contracts subject to the CAS clause for cost accounting period 1982 —$163,390/$1,500,000=0.109.	

The amount of the inventory suspense account would be reduced to $100,000.

[FR Doc.76-11137 Filed 4-15-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Director of International Programs to the Assistant Secretary, Program Development and Budget, is excepted under Schedule C.

Effective April 16, 1976 § 213.3312(a)(20) is added as set out below:

§ 213.3312 Department of the Interior.

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

(20) One Director of International Programs to the Assistant Secretary, Program Development and Budget.

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

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

[FR Doc.76-10982 Filed 4-15-76;8:45 am]

PART 213—EXCEPTED SERVICE

Veterans Administration; Correction

In the FEDERAL REGISTER of March 12, 1976, (FR Doc. 76-6734), appearing on page 10609, one position of Confidential Assistant to the Administrator was revoked in error.

Section 213.3327(a)(6) should read as follows:

§ 213.3327 Veterans Administration.

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

(6) Three Confidential Assistants to the Administrator.

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

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

[FR Doc.76-10983 Filed 4-15-76;8:45 am]

Title 9—Animals and Animal Products

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

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Area Quarantined

This amendment excludes Burlington County in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded area, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded area.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

In § 76.2, paragraph (e)(1) relating to the State of New Jersey is amended to read:

§ 76.2 [Amended]

* * * * * *

(e) * * *

(1) *New Jersey.* All of Camden and Gloucester Counties.

* * * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28424, 28477, 38 FR 19141.)

Effective date. The foregoing amendment shall become effective April 13, 1976.

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

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

Done at Washington, D.C., this 13th day of April, 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services.

[FR Doc.76-11006 Filed 4-15-76;8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts

within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1975 ed.), as amended January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346), May 8, 1975 (40 FR 20065), July 1, 1975 (40 FR 27643), September 23, 1975 (40 FR 43717), October 7, 1975 (40 FR 46300), November 20, 1975 (40 F 53991), and January 21, 1976 (41 FR 3074), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective list therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

* * * * *

Newburg, New York (when served from Parsippany, New Jersey).

* * * * *

SEVEN HOURS

* * * * *

Newburg, New York (served from Oneida, New York).

* * * * *

(64 Stat. 561; 7 U.S.C. 2260).

Effective date. The foregoing amendment shall become effective April 16, 1976.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of April, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-11005 Filed 4-15-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 3, Amendment 8]

PART 122—BUSINESS LOANS

Guaranteed Loans—Notification of Default

The Small Business Administration is amending its business loan regulations to modify the requirement for notification to SBA by participating lenders regarding borrower default on loans made under the individually guaranteed loan procedures and to clarify the definition of "default." This amendment will accommodate a decision of the Comptroller General, dated February 19, 1976, B-181432. The amendment supplements the revision in Amendment 7 to Part 122 applicable to the notification of default procedure for loans under the simplified blanket guaranty agreement, published March 11, 1976, 41 F.R. 10415.

This Amendment 8 also revises the previous rule to provide that SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan under a Guaranty Agreement, with accrued interest, in the event the borrower has defaulted for not less than 60 days (rather than 90 days as formerly). In lieu of the prior requirement that SBA receive written notification within 20 days of uncured default, the revised provision will require notification within 45 or 90 days of default. The guaranty on a loan shall terminate if notification is not received within 90 days. If notification is not received within 45 days the lender will not be paid by SBA for accrued interest from the date of default to the date of notification. The amendment also prescribes the only methods whereby late receipt or nonreceipt of written notification of default shall be excused.

Since this amendment is less restrictive than the regulation it replaces, and will be beneficial to loan participants without imposing any additional burden on small business borrowers, it is not necessary or appropriate to invite public comment prior to its adoption. Furthermore, because of the above decision of the Comptroller General it is appropriate for this amendment to be effective February 19, 1976. However, any comments on this amendment may be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416. Until such time as further changes are made on the basis of the comments thus received, or otherwise, sec. 122.10(a)(1) as set forth hereinafter shall remain in effect.

Effective date. Amendment 8 to Revision 3 of Part 122 is made effective February 19, 1976.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634, Part 122 of Chapter I of Title 13 of the Code of Federal Regulations is amended, effective February 19, 1976, by revising paragraph 122.10(a)(1) thereof to read as follows:

§ 122.10 Guaranteed loans.

(a) *Individually guaranteed loans.* (1) Individually guaranteed loans are loans made by a lender to small business concerns under a Guaranty Agreement between SBA and the lender on SBA Form 597 which is applicable only to a specific loan to an identified small business concern. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of the loan to the identified borrower, together with accrued interest, in the event the borrower has defaulted for not less than 60 days. Written notification of any uncured default on any guaranteed loan hereunder must be received by SBA within 45 days after such default. (Default as used in this subparagraph means nonpayment of principal or interest on the due date.) Late receipt or nonreceipt of such required notice will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the forty-fifth day after the original date of the uncured default.

(i) Where the lender fails to give SBA written notification within 45 days of an uncured default but SBA receives written notification within 90 days of said uncured default, the lender shall not be entitled to receive and SBA shall not pay to the lender accrued interest on the guaranteed portion of unpaid principal of the loan from the date of default by the borrower to the date of notice of default by the lender to SBA.

(ii) The guaranty of any loan shall be terminated if written notification of default is not received by SBA within 90 days after uncured default by the borrower. Late receipt or nonreceipt of such required notice will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day, prior to the ninetieth day after the original date of the uncured default.

(iii) The only acceptable evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service.

(iv) The only acceptable evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the notification shall be deemed to have been filed late.

(v) The lender shall be responsible to establish and to retain evidence of delivery of the required written notification to SBA.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Effective date: February 19, 1976.

Dated: April 6, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-11104 Filed 4-15-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-951, Amdt. 8]

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING REQUIRED

Expansion of Designated Domestic Passenger Flights Reported on CAB Form 438

Correction

In FR Doc. 76-8960, appearing at page 13332 in the issue of Tuesday, March 30, 1976, make the following change: on

page 13332 in the second column, the second and third lines should be transferred to the end of the second paragraph in the first column.

Title 20—Employee Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

PART 741—AFFIRMATIVE ACTION OBLIGATION OF CONTRACTORS AND SUBCONTRACTORS

Redesignation

Regulations formerly appearing in 20 CFR Part 741 are transferred to 41 CFR Chapter 60 and redesignated as Part 60–741 published elsewhere in this issue of that Chapter. Accordingly, Subchapter C of Chapter VI of Title 20 is hereby vacated. This redesignation shall become effective May 17, 1976.

Signed at Washington, D.C., this 9th day of April 1976.

ROBERT C. CHASE,
Deputy Assistant Secretary for Employment Standards.

LAWRENCE Z. LORBER,
Director, OFCCP.

[FR Doc.76–11093 Filed 4–15–76;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. FI–1036]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the Borough of Lavallette, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Lavallette, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the Community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Lavallette. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 340379C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Roman J. Birchler, Borough Hall, Lavallette, New Jersey 08735.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Lavallette Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Lavallette map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: March 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–11046 Filed 4–15–76;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Demonstrations and Special Events; Permit Requirements

Correction

In FR Doc. 76–8889 appearing in the issue for Monday, March 29, 1976, on page 12881, in the left hand column, in paragraph 25, the sentence which reads as follows: "Because "special events" constitute "expressive volve the communication or expression of views or grievances, any reasonable limitation is proper." should be corrected to read as follows:

"Because special events do not by definition involve the communication or expression of views or grievances, any reasonable limitation is proper."

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Appeal to Court and Civil Action; Correction

Federal Register Document 75–35246, published beginning at page 756 in the issue dated Monday, January 5, 1976, is corrected by inserting matter which was inadvertently omitted. On page 761 (41 FR 761) in the first sentence of paragraph (a) of section 2.145 after the word "proceeding," the following wording is inserted: "or any party to an application to register as a concurrent user, hereinafter referred to as inter parties proceedings,".

Dated: April 5, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: April 9, 1976.

B. ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76–11083 Filed 4–15–76;8:45 am]

Title 41—Public Contracts and Property Management

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

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

Redesignation

On June 11, 1974, the Department of Labor published regulations (39 F.R. 20566) implementing section 503 of the Rehabilitation Act of 1973, Public Law 93–112, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. Although the regulations were effective on the date of publication, interested persons were encouraged to submit comments. Those comments have been reviewed and analyzed.

On December 7, 1974, the President signed Public Law 93–516, which amends Public Law 93–112. On August 29, 1975, the Department of Labor published proposed amendments (40 F.R. 39887) to 20 CFR Part 741 to incorporate the 1974 amendments to the Act, to make the regulations consistent with the Act, and to incorporate some of the suggestions submitted concerning the regulations published on June 11, 1974.

The purpose of the amendments published today is to incorporate the 1974

amendments to the Act into the regulations to make the regulations consistent with those amendments, and to incorporate some of the suggestions submitted by representatives of the concerned public during the comment period which ended on October 14, 1975. These amendments to the existing regulations are also necessary to improve administration and enforcement of the Act, and to give contractors more specific and detailed information regarding the extent of their obligation. The more significant amendments are as follows:

1. The definition of handicapped individual has been amended consistent with the amended definition in the Act, and the reference to the source of rehabilitation has been omitted. Under that definition, a handicap is any impairment which substantially limits one or more of a person's major life activities.

2. A definition of "substantially limited" is added to clarify the meaning of that phrase for the purposes of these regulations.

3. A definition of qualified handicapped individual is added to assure that persons who are protected under the Act are those qualified to work rather than those who qualify solely to meet the definition of handicapped.

4. The affirmative action clause is revised to eliminate the three-part structure based upon contract amount and/or length of performance, so that the same clause will be utilized in all covered contracts. Contractors have commented that the existing clause is confusing and imprecise, and creates confusion as to which portions are applicable to which subcontracts. The obligation to prepare an affirmative action program is removed from the contract clause and transferred to a separate section. The requirement for the submission of an annual report has been deleted. The recordkeeping requirement has been transferred to a separate section and the time for preserving records has been reduced to one year. Many comments pointed out that requiring maintenance of records for three years increased the contractor's recordkeeping burden without any apparent benefit to the program.

5. A new section is added obligating all non-exempt contractors holding contracts of $50,000 or more with 50 or more employees to prepare and maintain at their places of business the affirmative action program. The dollar amount is reduced from $500,000 to $50,000 to make the amount consistent with the Office of Federal Contract Compliance Program's Revised Order No. 4 (41 CFR Part 60–2) since most contractors indicated that the programs, while separate, were prepared together, using much common data. The proposed requirement for disseminating a summary of the affirmative action program to applicants and employees has been deleted. It is considered sufficient to require that the affirmative action program be available for inspection by applicants and employees (see section 60–741.5(b)). Many comments pointed out that it was difficult to determine which individuals were entitled to affirmative action. A new section 60–741.5(c) has been added to make clear to whom the affirmative action obligation runs.

6. The affirmative action policy section has been expanded to include more detailed explanation of the steps contractors may take to fulfill their affirmative action obligation. While no goals and timetables or utilization analyses are required, recruitment, outreach, internal administration and other duties similar to those required in OFCCP's Order No. 4 are added. The existing section which requires the Assistant Secretary to issue criteria for good faith efforts has been revoked. Provisions have been added which require that all job qualification requirements must be job-related and all information obtained from medical examinations or preemployment inquiries into an applicants physical or mental condition must be used in accordance with job-related standards. The provisions in the proposal requiring written standards for every job and detailed recordkeeping of each employment transaction involving a handicapped individual have been deleted as being unnecessarily burdensome and unworkable for many contractors. Contractors will be required to conduct a review of all job qualification requirements to ensure that they are job-related, however, and will have the burden of proving job-relatedness when those qualification requirements become an issue in specific cases.

7. Because the new definition of handicapped individuals no longer relies on a connection with rehabilitation facilities under Title I and III of the Act, the certification section has been deleted. Complainants before the Department of Labor need submit only a signed statement of their impairment. However, if there is any reason to question that statement, complainants may be required to provide additional information. This section also permits contractors to require applicants or employees to document their claims of disability, and permits physical examinations at the contractor's expense. Any documentation required must be based Guides to the Evaluation of Permanent on the American Medical Association Impairment.

8. The accommodation section has been amended to delete the requirement that contractors provide in the affirmative action program some examples of accommodations which may be necessary. The comments pointed out that it is very difficult for contractors to know in advance what accommodations may be required for specific employees. In addition, the accommodation section has been amended to delete the reference to "resulting personnel problems" as a factor to be considered in assessing whether an accommodation is required. This language was found confusing and misleading.

9. The provision requiring contractor certification, which was to have been inserted in all contracts after January 1, 1976, has been revoked.

10. The evaluation section authorizes investigations by the Director of OFCCP to determine compliance as well as evaluations of agency performance.

11. In view of the foregoing amendment regarding investigations, the Department will require compliance agencies to conduct investigations from time-to-time at the request of the Director to ensure that contractors in the agencies' assigned industries are fully cognizant of their obligations under the Act and this Part, and to report to the Director any information which comes to their attention that contractors are not in compliance therewith. Other modifications in the hearing procedures are made consistent with this amendment.

12. There is a new provision that contracts with sheltered workshops may not be deemed affirmative action unless the contractor uses the sheltered workshops as a source of trainees for its own workforce. The remaining amendments are primarily explanatory or correct inconsistencies in terminology or structure.

In view of the fact that responsibility for enforcement of section 503 of the Rehabilitation Act of 1973 has been placed in the Office of Federal Contract Compliance Programs and all other OFCCP regulations are contained in Title 41 CFR, Chapter 60, for administrative convenience and clarity the regulations governing the affirmative action obligations of contractors and subcontractors for handicapped workers formerly found in 20 CFR Part 741 are redesignated as Part 60–741 of 41 CFR and are revised as follows:

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

Sec.
60–741.1 Purpose and application.
60–741.2 Definitions.
60–741.3 Coverage and waivers.
60–741.4 Affirmative action clause.
60–741.5 Applicability of the affirmative action program requirement.
60–741.6 Affirmative action policy, practices and requirements.
60–741.7 Determination of handicap.
60–741.8 Listing of employment openings.
60–741.9 Labor unions and recruiting and training agencies.

Subpart B—General Enforcement and Compliance Procedure

60–741.20 Subcontracts.
60–741.21 Adaptation of language.
60–741.22 Incorporation by reference.
60–741.23 Incorporation by operation of the Act and agency regulations.
60–741.26 Complaint procedures.
60–741.27 Noncompliance with the affirmative action clause.
60–741.28 Actions for noncompliance.
60–741.29 Formal hearings.
60–741.30 Notification of agencies.
60–741.31 Contractor ineligibility list.
60–741.32 Disputed matters related to the affirmative action program.

Subpart C—Ancillary Matters

60–741.50 Reinstatement of ineligible contractors and subcontractors.
60–741.51 Intimidation and interference.
60–741.52 Recordkeeping.
60–741.53 Access to records of employment.
60–741.54 Rulings and interpretations.

Appendix A—Guidelines on the application of the definition "Handicapped Individual".
Appendix B
Appendix C

AUTHORITY: Sec. 503, Pub. Law 93-1112, 87 Stat. 393 (20 U.S.C. 793), as amended by Sec. 111, Pub. Law 93-516, 88 Stat. 1619 (29 U.S.C. 706) and Executive Order 11758.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 60-741.1 Purpose and application.

The purpose of the regulations in this Part is to assure compliance with section 503 of the Rehabilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this Part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for $2,500 or more. Compliance of a contractor with the provisions of this Part will not necessarily determine its compliance with the requirements of section 504 of the Rehabilitation Act of 1973 and compliance with section 504 will not necessarily determine compliance with section 503 and the regulations in this Part.

§ 60-741.2 Definitions.

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

"Affirmative action clause" means the contract provisions set forth in § 60-741.3.

"Agency" means any contracting and/or compliance agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Compliance agency" means any agency which the Director requests to conduct investigations and such other responsibilities in connection with the administration of the Act as the Director may request, as appropriate, including the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this Part and to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this Part.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Government" means the government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally-assisted contracts.

"Handicapped individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment or (3) is regarded as having such an impairment. For purposes of this Part, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of a handicap. (See Note A attached for guidelines on the applications of this definition.)

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership or joint venture, unincorporated association, state or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of Subpart B of this Part, includes any person who has held a contract subject to the Act.

"Qualified handicapped individual" means a handicapped individual as defined in § 60-741.2 who is capable of performing a particular job, with reasonable accommodation to his or her handicap.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (b) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the Act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of Subpart B of this Part, any person who has held a subcontract subject to the Act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

§ 60-741.3 Coverage and waivers.

(a) General—(1) Transactions for less than $2,500. Contracts and subcontracts for less than $2,500 are not covered by the Act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than $2,500. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is $2,500 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with state or local governments. The requirements of the affirmative action clause in any contract or subcontract with a state or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of

the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) Waivers—(1) Specific contracts and classes of contracts.

The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of section 503 of the Act.

(2) National security. Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination the head of the agency will notify the Director in writing within 30 days.

(c) Withdrawal of waiver. When a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–741.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

§ 60–741.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60–741.5 of this Part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding government contracts shall update their affirmative action programs within 120 days of the effective date of this Part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) (1) The contractor shall invite all applicants and employees who believe themselves covered by the Act and who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and the regulations in this Part. If an applicant or employee so identifies himself or herself the contractor should also seek the advice of the applicant or employee regarding proper placement and appropriate accommodation. (An acceptable form for such an invitation is set forth in Note B attached.)

(2) Nothing in this section shall preclude an employee from informing a contractor at any future time of his or her desire to benefit under the program.

(3) Nothing in this section shall relieve a contractor of its obligation to take affirmative action with respect to those applicants or employees of whose handicap the contractor has actual knowledge: *Provided*, that the contractor is not obligated to search the medical files of any applicant or employee to determine the existence of a handicap.

(4) Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

(d) The full affirmative action program shall be available for inspection to any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

§ 60–741.6 Affirmative action policy, practices and procedures.

(a) *General requirements.* Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this Part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the government. (Note C attached is an example of an appropriate set of proce-

dures. The procedures in Note C are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.* (1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations; and

(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

(e) *Compensation.* In offering employment or promotions to handicapped individuals, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and external dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.

(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) The contractor should enlist the assistance and support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, state education agencies, labor organizations and organizations of or for handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of numerous national organizations serving the handicapped, many of which have state or local affiliates, is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(5) The contractor should engage in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) The contractor should establish meaningful contacts with appropriate social service agencies, organizations of and for handicapped individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(7) The contractor should review employment records to determine the availability of promotable and transferable qualified known handicapped individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(8) The contractor should include handicapped workers when employees are pictured in consumer, promotional or help wanted advertising.

(9) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(10) The contractor should take positive steps to attract qualified handicapped persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for handicapped individuals described in subsection (f)(4).

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with handicapped persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of handicapped workers in company publications.

(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(10) When employees are featured in employee handbooks or similar publications for employees, include handicapped employees.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60–741.51.

(2) Identify problem areas in conjunction with line management and known handicapped employees, in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known handicapped employees have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and enforcement agencies.

(5) Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the handicapped.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known handicapped employees.

(i) *Development and execution of affirmative action programs.* (1) Job qualification requirements reviewed pursuant to subsection (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified handicapped persons on the personnel relations staff.

(6) Handicapped employees should be made available for participation in career days, youth motivation programs, and related activities in their communities.

(7) Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

(8) An effort should be made to participate in workstudy programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals.

(9) The contractor should use all available resources to continue or establish on the job training programs.

(j) *Sheltered workshops.* Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified handicapped individual" as defined in § 60–741.2.

§ 60–741.7 Determination of handicap.

(a) Any handicapped individual filing a complaint with the Director under this Part shall submit with his or her complaint a signed statement specifying the handicapping impairment or situation (see Section 60–741.2 definition of "handicapped individual"). If the Director determines that further documentation is necessary, he or she may require the complainant to provide additional information.

(b) Any contractor requiring a determination of an applicant's or employee's handicap may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(c) Any determination of handicap required pursuant to paragraph (b) of this section must meet the requirements of § 60–741.5(c) and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.

(d) All medical documentation required under this section shall be based upon the American Medical Association Guides to the Evaluation of Permanent Impairment, provided that the Guides shall be used only to determine the existence of impairment without regard to the degree of impairment.

§ 60–741.8 Listing of employment openings.

Contractors should request state employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.

§ 60–741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this Part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the agency, or to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60–741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60–741.3 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60–741.22.

§ 60–741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60–741.3) as shall be appropriate to identify properly the parties and their undertakings.

§ 60–741.22 Incorporation by reference.

The affirmative action clause and the regulations contained in this Part may be incorporated by reference in all contracts and subcontracts.

§ 60–741.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this Part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not there is a written contract between the agency and the contractor.

§ 60–741.24 Duties of agencies.

(a) General responsibility. Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this Part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this Part, and to take such actions for noncompliance as set forth in § 60–741.31 as may be ordered by the Director.

(b) Designation of agency official. The head of each agency, or his or her designee, shall identify and submit to the Director the name, address and telephone niumber of the official within the agency who is primarily responsible for implementation of this program within the agency.

§ 60–741.25 Evaluations by the Director.

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of section 503 of the Rehabilitation Act of 1973 are being effectively carried out.

§ 60–741.26 Complaint Procedures.

(a) Place and time of filing. Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Director alleging a violation of the Act or the regulations in this Part. Such complaint must be filed within 180 days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

(b) Referral to contractor. When a complaint is filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the Department of Labor or the designated agency will proceed as provided in this section.

(c) Contents of complaints. Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a signed statement that the individual is handicapped or has a history of a handicap or other documentation of impairment or was regarded by the contractor as having an impairment, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known federal agency with which the employer has contracted.

(d) Incomplete information. Where a complaint contains incomplete information, the Director or the agency designated by the Director for investigation of the complaint shall seek the needed information from the complainant. If the information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

(e) Investigations. The Department of Labor or the designated agency shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) Responsibilities of agencies. Agencies shall conduct investigations of complaints in accordance with specific requests of the Director.

(g) Resolution of matters. (1) If the complaint investigation shows no violation of the Act or regulations in this Part, or if the agency or the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this Part, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this Part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Director or the agency, the contractor may be considered in compliance on condition that the commitments are kept. Where the matter has been referred to an agency for investigation and resolution, the contractor and the complainant shall be advised that the resolution is subject to review by the Director and may be disapproved if it is determined that such resolution is not sufficient to achieve compliance.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this Part, (and the complaint has not been resolved by informal means) the Director, or the agency with the approval of the Director, shall afford the contractor an opportunity for a hearing in accordance with § 60–741.29.

§ 60–741.27 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60–741.29 by the agency, the Director, prime contractor, or subcontractor. Any such noncompliance shall be reported in writing to the Director by the agency as soon as practicable after it is identified.

§ 60–741.28 Actions for noncompliance.

(a) General. In every case where any complaint investigation indicates the existenee of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60–741.26 (g)(2). Where the apparent violation is not resolved by informal means, the Director or the agency shall proceed in accordance with the enforcement procedures contained in this Part.

(b) Judicial enforcement. In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60–741.4 including appropriate injunctive relief.

(c) Withholding progress payments. With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the government prime contractor and the federal government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) Termination. A contract or subcontract may be cancelled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) Debarment. A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 60–741.29 Formal hearings.

(a) Hearing opportunity. An opportunity for a formal hearing shall be af-

forded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the agency or Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director, or an agency upon prior notification to the Director, proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcontract or withholding of progress payments; or

(3) The Director, or an agency with the approval of the Director, proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) Hearing practice and procedure. (1) Hearings conducted by the Office of Federal Contract Compliance Programs under this Part shall be governed by the rules of practice and procedure contained in 41 CFR Part 60–30 except that the Director shall perform all the duties and functions assigned to the Secretary by that Part.

(2) The practice and procedure for hearings conducted by agencies shall be consistent with the requirements of this section.

(A) Written notices of proposed action for noncompliance, signed by the appropriate agency official, shall be sent to the last known address of the prime contractor or subcontractor by certified mail, return receipt requested. If the contractor does not receive such notice, a copy of such notice shall be published in the FEDERAL REGISTER. The notice shall contain a precise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the action for noncompliance, an enumeration of the actions being requested, and a citation of the provisions pursuant to which the requested action may be taken. The prime contractor or subcontractor shall be afforded at least 14 days from receipt of the notice of proposed action for noncompliance in which to file an answer to the notice and a request for a hearing with the agency and the contractor shall be so informed in the notice. The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless the prime contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. The hearing request shall be included as a separate paragraph of the answer.

(B) Reasonable notice of the hearing shall be sent by certified mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the time, place, and nature of the hearing and a statement of the legal authority pursuant to which the hearing is to be held. Hearings shall be before a hearing officer designated by or at the direction of the agency head. Each party shall have the right to counsel or other representative, a fair opportunity to present evidence and argument, and to cross-examine. Whenever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Whenever a hearing is held on a complaint under § 60–741.27 any person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his or her proposed findings and conclusions upon the basis of the record.

(C) If, at the end of the 14-day period referred to in this section, no answer including a hearing request has been filed or the answer does not raise issues of fact or law, the agency head may cancel or terminate or cause to be canceled or terminated, or withhold progress payments with respect to any one or more contracts or subcontracts, or parts thereof, held by the prime contractor or subcontractor complained against, or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until the contractor or subcontractor has satisfied the Director that it has established and will carry out personnel and employment policies and practices in compliance with the provisions of the Act, affirmative action clause, and the regulations.

(D) When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision whether action for noncompliance will be taken against the contractor or subcontractor. No decision by the head of the agency, or his or her representative, shall be final without the prior approval of the Director. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

§ 60–741.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60–741.24(b)(1) to any contractor subject to such action without prior approval of the Director.

§ 60–741.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this Part and the Act.

§ 60–741.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this Part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this Part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

Subpart C—Ancillary Matters

§ 60–741.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§ 60–741.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the agency or the Director against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 60–741.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than one year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or agency or by this Part and shall furnish such information in the form required by the Director or agency or by the Director deems necessary for the administration of the Act and regulations issued under this Part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60–741.5(b) constitutes noncompliance with the contractor's or subcontractor's obligations under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 60–741.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant

thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 60–741.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 741 shall be made by the Secretary or his or her designee.

Effective date. The regulations in this Part shall become effective on May 17, 1976.

Signed at Washington, D.C. this 9th day of April, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

R. C. CHASE,
Deputy Assistant Secretary for Employment Standards.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

APPENDIX A—GUIDELINES ON THE APPLICATION OF THE DEFINITION "HANDICAPPED INDIVIDUAL"

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, selfcare, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase *"substantially limits"* means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing, retaining or advancing in employment would be considered substantially limited.

"has a record of such an impairment" means that an individual may be completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that previous impairment may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored, those who have had heart attacks or cancer often experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers, or supervisors who have an effect on the individual securing, retaining or advancing in employment.

APPENDIX B

This employer is a government contractor subject to section 503 of the Rehabilitation Act of 1973, which requires government contractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidental, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

APPENDIX C

The following is a set of procedures which contractors may use to meet the requirements of § 60–741.6(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (i) the identification of each promotion for which the handicapped employee was considered, and (ii) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.

[FR Doc.76–11094 Filed 4–15–76;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Adding the State of Texas to Appendices A, B, C, and D

Part 801 is amended by adding the 1975 amendments to the Voting Rights Act of 1965 to § 801.101 and by adding the State of Texas to Appendices A, B, C, and D. These amendments appear below in English and Spanish.

(Secs. 7, 9, 79 Stat. 440; 42 U.S.C. 1973e, 1973g)

Effective date: April 16, 1976.

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

PART 801—VOTING RIGHTS PROGRAM

(1) § 801.101 is amended as set out below:

§ 801.101 Definitions.

In this part:

(a) "Act" means the Voting Rights Act of 1965, Public Law 89–110, as amended by Public Law 94–73, August 6, 1975.

* * * * *

(2) Appendix A is amended by adding Texas under the heading "Dates, Times; and Places for Filing" and the Texas Voting Rights Act Application under "Forms of Application".

APPENDIX A

* * * * *

DATES, TIMES, AND PLACES FOR FILING

* * * * *

TEXAS

County. Place for filing. Beginning date.
[Dates, times, and places to be designated.]

FORMS OF APPLICATION

* * * * *

TEXAS

Front

Form approved
OMB No. 50R0592

Voting Rights Act Application

The information requested below is for the purpose of determining whether you are eligible to vote. If you are found eligible to vote, your name will be certified to appropriate state officials for addition to the official voting lists. The solicitation of this information for this purpose is authorized by the Voting Rights Act of 1965, as amended. While you are not required to respond, your cooperation is needed if you wish to be found eligible to vote.

Instructions to the Applicant: Please fill out this side of this form. If you need help in answering any question, the Examiner will help you.

1. Name: _____
(First) (Middle) (Last)
Maiden surname if married woman: _____
2. Sex: _____
3. Permanent residence address: _____
_____
(Street and Apt. No., if any, or Route No. or location (Not P.O. Box))
_____
(City) (ZIP code)
4. Election Precinct (if known): _____
5. Mailing address if different from above:
_____
(Street or P.O. box)
_____
(City)

(State) (ZIP code)

6. Birthplace: City _____ or county _____ State _____ or foreign country _____
7. Birth date: Month ___ Day ___ Year ___
If naturalized, give court of naturalization or its location: _____
8. Former registration: If now registered in another Texas County: _____

(Name of county)

Last residence address: _____

(Street and apt. No., if any)

(City) (State) (ZIP code)

The disclosure of social security number and telephone number is voluntary. Failure to state either or both numbers will NOT result in your application being deficient. The numbers will be used only to maintain the accuracy and integrity of the registration records.

Social Security Number _____ Telephone Number _____

Any willful false statement on this application is a Federal crime punishable by fine or imprisonment.

STOP HERE.
TAKE THE FORM TO THE EXAMINER.

I do solemnly swear (or affirm) that I, the applicant, am 18 years of age or over, or will be 18 years of age or older within 60 days after applying for registration, and am a citizen of the United States, hold legal residence in this county, have met all legal requirements, and I understand that the giving of false information to procure the registration of a voter is a felony.

Signature (or mark) of applicant ___

Signature of agent* _____

*Agent must be a registered voter, and must be only: (Circle one applicable) Husband—Wife—Mother—Father—Son—Daughter

Sworn to (or affirmed) and subscribed to me this date _____

Examiner _____

United States Civil Service Commission
CSC FORM 805-T
April 1976

Back

Do not write on this side—For use by examiner

Additional Information Items

Texas law states that a person convicted of a felony and not subsequently pardoned, and a person adjudicated a lunatic or idiot and not subsequently adjudicated competent, are not qualified to vote. Therefore, the following questions must be asked.

A. Have you ever been convicted of a felony:
☐ Yes ☐ No
If applicant answers yes, name the crime _____
Where and when convicted _____
Was the conviction for a disqualifying crime:
☐ Yes ☐ No
If a disqualifying crime, has applicant been pardoned with restoration of his right to vote:
☐ Yes ☐ No
If so pardoned, how and when _____

B. Have you ever been declared to be an idiot or a lunatic by a court:
☐ Yes ☐ No
If applicant answers yes, has he subsequently been declared legally sane or competent by a court:
☐ Yes ☐ No
If yes, when and by what court _____

Certificate of eligibility issued—No. _____
Notice of ineligibility issued—No. _____

(3) Appendix B is amended by the addition of the qualifications required for listing on an eligibility in Texas.

APPENDIX B

* * * * *

TEXAS

A person is qualified to be listed as an eligible voter in elections in the State of Texas if he has all the following qualifications at the time he applies for listing and if he takes the required oath or affirmation.

(1) He will be 18 years of age within 60 days after applying for registration.

(2) He is a citizen of the United States.

(3) He is a resident of the State of Texas.

(4) He has not been convicted of a felony, or if so convicted, he has been subsequently restored to full citizenship and suffrage or pardoned.

(5) He has not been declared an idiot or a lunatic by a court, or if so declared, he has been subsequently declared legally sane or competent by a court.

(6) He is not otherwise registered or listed as eligible to vote in the county in which he applies for listing.

(4) Appendix C is amended by the addition of the address of the Examiner (State Supervisor) in Texas.

APPENDIX C

* * * * *

TEXAS

Examiner (State Supervisor), U.S. Civil Service Commission, Room A-425, Federal Building, 727 East Durango, San Antonio, Texas 78206.

(5) Appendix D is amended by the addition of the bases for loss of eligibility to vote and removal from an eligibility list in Texas.

APPENDIX D

* * * * *

TEXAS

A person loses his eligibility to vote in elections in the State of Texas if:

(1) He is no longer a citizen of the United States;

(2) He is no longer a resident of the State of Texas;

(3) He dies;

(4) He is convicted of a felony;

(5) He is adjudged by a court of being mentally incompetent; or

(6) He has a change of name through marriage or judgment of a court, and fails to present his registration certificate to the registrar with a signed request that his name be changed on the registration records.

A person loses his eligibility to vote in elections of the county, municipality, or other political subdivision only, if he is no longer a resident of the subdivision on the day of the election. Loss of eligibility to vote in an election of a county, municipality, or other subdivision does not result in loss of eligibility in any other elections.

TEXAS

Forma Aprobada OMB No. 50R0592

Solicitud Para Ejercer El Derecho Del Voto

La información que se le pide a continuació es con el objeto de determinar si usted es elegible para votar. Si se encuentra que usted es elegible, su nombre será certificado para que los oficiales apropiados del Estado lo agreguen a las listas oficiales para la votación. La autorización para solicitar la siguiente información está basada en el Acta del Derecho de Votar, enmendada. No se le exige que responda a las preguntas que se le harán a continuación, pero su cooperación es necesaria si usted desea que se le clasifique elegible para voter.

Instrucciones para el solicitante: Haga el favor de llenar los espacios en blanco con la información que se le pide. Si necesita ayuda para contestar alguna pregunta, el examinador le ayudara.

1. Nombre _____
(Primer nombre)
(Segundo nombre)
(Apellido)
Si es casada escriba equi su apellido de soltera _____
2. Sexo Masculino: ☐ Femenino: ☐
3. Direccion permanente: _____
(Calle y no. de su apartamento, calle rural o localida (no caja postal)
Ciudad _____ Zip code _____
4. Lugar donde votara: (si lo sabe) _____
5. Direccion postal si es diferente de la mencionada arriba:
Calle o Apartado Postal _____
Ciudad _____ Estado _____ Zip code__
6. Lugar de nacimiento:
Ciudad _____ o Condado _____
Estado _____ o Pais_____
7. Fecha de nacimiento:
Mes _____ Dia _____ Ano_____
Si usted es Americano naturalizado, de el nombre de la corte o la localidad donde se naturalizo: _____
8. Registracion previa: Si Ud. esta actualmente registrado en otro condado de Texas, de el nombre de ese condado _____

Cual fué su última dirección: _____

(Ciudad) (Estado) (Zip code)

Es voluntario declarar su número de Seguro Social y su número de teléfono. Si Ud. prefiere declarar sólo uno de esos números o ninguno de los dos, está bien, eso *NO* será motivo para que su solicitud se considere incompleta. Esos números solo servirán para mantener la exactitud y la integridad de los archivos de éste registro.

Número de Seguro Social _____
Número de su teléfono _____

Si usted, sabiéndolo, da información falsa en esta solicitud, está cometiendo un crimen Federal que puede ser castigado con una multa o con encarcenlamiento.

PARE AQUI.

LLEVE ESTA FORMA AL EXAMINADOR.

Solemnemente juro (o afirmo) que yo, el solicitante, soy de 18 años de edad o mayor, o que cumpliré 18 años dentro de 60 días después de la fecha en que he presentado esta solicitud, y que soy ciudadano de los Estados Unidos, mantengo residencia legal en este Condado, he llenado todos los requisitos legales y entiendo que el hecho de dar información falsa con el objeto de que se me registre para la votación es un crimen.

Firma (o marca) del solicitante_____
Firma del agente*_____

*El agente debe estar registrado para votar y debe ser: (Encierre en un círculo la palabra correspondiente)

Esposo—Madre—Padre—Hijo—Hija
Jurado (o afirmado) y firmado en mi presencia en esta fecha: _____
Examinador _____
Comisión del Servicio Civil de los Estados Unidos
CSC Form 805–T
abril 1976

INFORMACION ADICIONAL

La ley del Estado de Texas dice que una persona que ha sido convicta por haber cometido un crimen y que no ha sido perdonada, o una persona que ha sido declarada lunática o idiota y por lo tanto no se le considera competente, no está calificada para votar. Por esta razón las siguientes preguntas deben ser contestadas.

A. Ha sido Ud. alguna vez convicto por haber cometido un crimen:
Si ☐ No ☐
Si su respuesta es sí, diga cual fué el crimen _____
Dónde y cuando fué usted convicto_____
Fué esta convicción por un crimen que lo descalifica para votar?
Si ☐ No ☐
Si su respuesta a la pregunta anterior es afirmativa, ha sido usted perdonado y se le ha devuelto su derecho de votar?
Si ☐ No ☐
Si ha sido perdonado, dónde y cuándo?___
B. Ha sido usted declarado por una corte idiota o lunático?
Si ☐ No ☐
Si su respuesta es sí, fué usted despues declarado por una corte sano o competente?
Si ☐ No ☐
Si su respuesta es si, diga cuando y en cual corte_____
_____
Número del certificado de elegible_____
Número del certificado de inelegible_____

APÉNDICE B

Este apéndice enumera las calificaciones que re requiren para sercolocado en una lista de personas elegibles para votar.

TEXAS

Una persona es considerada calificada para ser puesta en la lista de elegibles para votar en el Estado de Texas si llena los siguientes requisitos al momento de hacer su solicitud y si presta juramento (o afirmación) que se requiere.

(1) Deberá cumplir 18 años de edad dentro de 60 días despues de haber hecho la solicitud.

(2) Debe ser ciudadano de los Estados Unidos.

(3) Debe ser residente del Estado de Texas.

(4) No ha sido convicto por un crimen, o si fué convicto alguna vez, se le han desde entonces restaurado sus derechos de ciudadanía y sufragio o ha sido perdonado.

(5) No ha sido declarado por la corte come idiota o lunático, y si lo fué, ha side despues declarado legalmente sano o competente por una corte.

(6) No está registrado para votar en ningún otro lugar de este Condado.

APÉNDICE D

Este apéndice enumera las razones por las cuales puede usted perder el derecho a votar o por las cuales se le puede quitar de la lista de elegibles para votar.

TEXAS

Una persona pierde su derecho a votar en las elecciones en el Estado de Texas si:

(1) Ha dejado de ser ciudadano de los Estados Unidos;

(2) Ha dejado de ser un residente del Estado de Texas;

(3) Ha fallecido;

(4) Ha sido convicto por haber cometido un crimen;

(5) Ha sido declarado en la corte de ser mentalmente incompetente;

(6) Ha cambiado de nombre por razones de matrimonio o por otros procedimientos legales en una corte y ha fallado de presentar el certificado correspondiente al encargado, dicho certificado debe ser acompañado de una petición firmada pidiendo que su nombre sea cambiado en los archivos de registro para votar.

Una persona pierde su derecho a votar en las elecciones del condado, la municipalidad o cualquier otra sub-división política solamente, si esa persona ha dejado de ser residente de ese lugar el día de la elección. La pérdida de su elegibilidad para votar en una elección de un condado, municipalidad o cualquier otra subdivisión política no resulta en la pérdida del derecho a votar en otras elecciones.

Autoridad: Los requisitos, enumerados en esta Parte 801 emitidos bajo las secciones 7, 9, 79, Stat. 440; 42 U.S.C. 1973e, 1973g.

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

[FR Doc.76–10981 Filed 4–15–76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Regulations Affecting Maritime Carriers and Related Activities

On July 29, 1975, the Interstate Commerce Commission (ICC), in Ex Parte 261, In the Matter of Tariffs Containing Joint Rates and Through Routes for the Transportation of Property between Points in the United States and Points in Foreign Countries, promulgated final rules governing the filing of joint rates and international through route tariffs. While these regulations generally affected shipping in the foreign trade of the United States, they were without the approval of the Federal Maritime Commission or of the President of the United States as required by section 19(2) of the Merchant Marine Act of 1920 (46 U.S.C. section 876, 41 Stat. 995). Moreover, these rules would also have had a deleterious effect upon new developments in transportation in foreign commerce and involved unustified and burdensome regulations in international trade. Accordingly, the Commission, pursuant to the authority granted it in section 19(2) of the Merchant Marine Act of 1920, declared the ICC's Ex Parte 261 rules to be invalid (46 C.F.R. § 506.9, 40 F.R. 43720).

Subsequently, the ICC postponed the effective date of its rules for reconsideration and on February 9, 1976, served a Supplemental Report in Ex Parte 261 which, inter alia, removed the impediments contained in the original rules. Therefore, pursuant to section 19(2) of the Merchant Marine Act, 1920, the rules of the Interstate Commerce Commission served on February 9, 1976, in Ex Parte 261 have been approved by the Commission.

Accordingly, § 530.9 of 46 C.F.R. is hereby revoked.

By the Commission.

§ 530.9 [Amended]

Section 530.9 is removed.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–11100 Filed 4–15–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20626; FCC 76–237]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Adjudicatory Re-Regulation Proposals

Correction

In FR Doc. 76–10097 appearing in the issue for Thursday, April 8, 1976, on page 14871, in the third column, the section heading which reads as follows: "§ 1.115 Application for review of action taken pursuant to delegated athority" should read as follows: "§ 1.115 Application for review of action taken pursuant to delegated authority."

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

[Amendment 2]

PART 728—WHEAT

1977 National Wheat Allotment

On March 9, 1976, a notice of proposed rule making regarding determinations with respect to the 1977 national allotment for wheat was published in the FEDERAL REGISTER (41 F.R. 10069). Interested persons were invited to submit written data, views and recommendations regarding the determinations. The comments and recommendations received have been duly considered.

A new 7 C.F.R. § 728.4b is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, to determine and proclaim the 1977 national allotment for wheat.

Pursuant to section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, the Secretary is required to proclaim a national wheat acreage allotment not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. Such allotment shall be the number of acres he determines on the basis of the estimated national average yield for the crop for which the determination is being made will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines

that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

The determination in § 728.4b of the 1977 national wheat allotment is based on the estimated yield and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government.

Part 728 is amended by adding a new § 728.4b to read as follows:

§ 728.4b 1977 national wheat allotment.

Based on an estimated national yield of 32.0 bushels per acre and estimated total utilization (less imports) for the 1977–78 marketing year of 1,990 million bushels, the 1977 national wheat allotment is determined to be 62.2 million acres and a national allotment of that amount is hereby proclaimed. The estimated total utilization (less estimated imports of 1 million bushels) is based on estimated domestic use of 766 million bushels and estimated exports of 1,225 million bushels. Since carryover stocks at the end of the marketing year will be adequate but not excessive, no adjustment in the allotment for the purpose of increasing or decreasing carryover stocks was determined to be necessary.

(Sec. 379c, 87 Stat. 227, 7 U.S.C. § 1379c)

Effective date: This amendment shall be effective April 15, 1976.

Signed at Washington, D.C. on April 9, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-11004 Filed 4-15-76;8:45 am]

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

[Valencia Orange Regulation 529]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 16–22, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.829 Valencia Orange Regulation 529.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, 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 Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges has not been determined because of the limited shipments and sales this early in the season. Prices f.o.b. averaged $2.61 per carton on a reported sales volume of 32 cars last week as compared with $2.68 per carton on a sales volume of 22 cars the previous week. Track and rolling supplies at five cars were up one car from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 16, 1976, through April 22, 1976, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 75,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 14, 1976.

G. H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-11162 Filed 4-15-76;8:45 am]

[Lemon Regulation 35]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period April 18–24, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.335 Lemon Regulation 35.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recom-

mendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is excellent early this week but is expected to decline greatly as the Easter holiday approaches.

Average f.o.b. price was $6.56 per carton the week ended April 10, 1976, compared to $6.42 per carton the previous week. Track and rolling supplies at 145 cars were up 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 13, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 18, 1976, through April 24, 1976, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 15, 1976.

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

[FR Doc.76-11295 Filed 4-15-76;11:24 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 427.1]

PART 1807—TITLE CLEARANCE AND LOAN CLOSING

Settlement Statement

Section 1807.1(j) of Part 1807, Title 7, Code of Federal Regulations (31 FR 14123; 31 FR 20367; 40 FR 26257) is amended to show that Form FmHA 440–59 will be used as a statement of closing costs for certain loan and credit sales; (HUD–1) to change the title of the form to "Settlement Statement," and to change the cross-reference from § 1808.2(e) to § 1901.406(c). As amended § 1807.1(j) reads as follows:

§ 1807.1 General.

* * * * *

(j) *Settlement Statement.* Form FmHA 440.59 (HUD–1), "Settlement Statement," will be used as the statement of closing costs for all loans and credit sales subject to the provisions of § 1901.406(c) of this Chapter.

* * * * *

AUTHORITY: (7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the sec. of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. sec. for Rural Development, 7 CFR 2.70).

Effective date. This amendment is effective April 16, 1976.

Dated: March 3, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-10997 Filed 4-15-76;8:45 am]

[FmHA Instruction 440.6]

PART 1808—TRUTH-IN-LENDING—DISCLOSURE STATEMENTS AND NOTICE OF RIGHT TO RESCIND—REAL ESTATE SETTLEMENT PROCEDURES ACT

Deletion

Part 1808, "Truth in Lending—Disclosure Statements and Notice of Right to Rescind—Real Estate Settlement Procedures Act," is deleted from Chapter XVIII, Title 7 Code of Federal Regulations. The provisions of this subpart have been superseded by and partially incorporated into a new Subpart I of Part 1901 of this chapter.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10, Pub. L. 93–357, 88 Stat. 392; delegation of authority by the sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. sec. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764; 33 FR 9850.

Effective date. This deletion is effective April 16, 1976.

Dated: March 24, 1976.

JOSEPH R. HANSON,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-10998 Filed 4-15-76;8:45 am]

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Truth in Lending—Real Estate Settlement Procedures

Part 1801 of Chapter XVIII, Title 7, Code of Federal Regulations is revised and redesignated as Subpart I of new Part 1901, (§§ 1901.401–1901.450).

The revisions are as follows:

A. A revision has been made deleting the requirements that Form FmHA 440–58, "Disclosure Statement for Loans Subject to the Real Estate Settlement Procedures Act," be used in transactions subject to the Truth in Lending Act.

B. A revision has been made deleting advance disclosure requirements.

C. The requirement of distributing the informational booklet, "Settlement Costs," has been deleted.

D. Regulations concerning the use of the settlement statement form have been revised and clarified.

E. The regulation requiring the disclosure of previous selling price of existing real property has been deleted.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These regulations, however, are not published for proposed rulemaking because the revision incorporates amendments that have been made to HUD's regulation X under the Real Estate Settlement Procedures Act amendments of 1975, and for that reason notice and public comment is unnecessary.

A new Part 1901, consisting of Subpart I, is added to 7 CFR Chapter XVIII as follows:

Subparts A–H [Reserved]

Subpart I—Truth in Lending—Real Estate Settlement Procedures

Sec.
1901.401 Truth in lending.
1901.402–1901.405 [Reserved].
1901.406 Real Estate settlement procedures.
1901.407–1901.450 [Reserved].

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 7 CF 2.23; delegation of au-

thority by the Asst. Sec. for Rural Development 7 CFR 2.70.

Subpart I—Truth in Lending—Real Estate Settlement Procedures

§ 1901.401 Truth in lending.

(a) *General.* This section provides instructions for compliance with the Truth in Lending Act and Regulations Z of the Federal Reserve System to assure that individuals are informed of:

(1) The cost of credit, and

(2) Their right to rescind certain real estate transactions within a period of 3 business days following the date of completion of the transaction or disclosure of the information hereinafter specified, whichever is later.

(b) *Scope.* This section applies to all natural persons (individuals) who apply for loans, assumptions, or credit sales except applicants who are corporations, associations, cooperatives, public bodies, partnerships, or other organizations; applicants for Rural Rental Housing (RRH) loans; or applicants involved in credit transactions primarily for agricultural purposes including real property transactions in which the amount financed exceeds $$25,000.

(c) *Disclosure*—(1) *Loans and Assumptions.* Disclosure of the amount of loan or assumption, amount of finance charge (interest and any mortgage or loan insurance charge), other charges included in the loan or assumption, annual percentage rate of finance charge, number, amounts, and due dates of periodic payments, description of required or retained security instruments and security property, and rescission rights where applicable, is required.

(2) *Credit sales.* Disclosure of sale price, cash downpayment, finance charge, amount financed, annual percentage rate of finance charge, number, amounts, and due dates of periodic payments, description of security instruments and property, and rescission rights where applicable, is required.

(d) *Required forms.*—(1) *Disclosure statement.* Form FmHA 440-41, "Disclosure Statement for Loans Secured by Real Estate," or Form FmHA 440-41A, "Disclosure Statement for Loans Not Secured by Real Estate," will be used, as appropriate, to give required information in loan and assumption cases, as indicated in the form and the Forms Manual Insert (FMI).

(2) *Credit Sale Disclosure Statement.* Form FmHA 440-42, "Credit Sale Disclosure Statement," will be used to give required information in credit sale cases, as indicated in the form and the FMI.

(3) *Notice of Right to Rescind.* Form FmHA 440-43, "Notice of Right to Rescind," will be used in loan, assumption, and credit sale cases in which a mortgage or other lien is taken or retained on the real property on which the borrower resides or expects to reside. Form FmHA 440-43 will not be used, however, when a first mortgage or other first lien is taken or retained as security in the purchase or construction of the borrower's residence. This form also will be used in all Delaware and Pennsylvania cases in which the promissory note contains a confession of judgment provision. Two copies of Form FmHA 440-43 will be delivered or mailed to the persons as indicated in the form and the FMI.

(e) *Method of computing finance charges.* The interest charges to be reported on Forms FmHA 440-41, FmHA 440-41A, FmHA 440-42 for Emergency and Operating loans will be the interest computed for use on Form FmHA 441-1, "Promissory Note." See the FMI for Form FmHA 441-41 for instructions on computing interest charges to be inserted on Forms FmHA 440-41, FmHA 440-41A, and FmHA 440-42.

§§ 1901.402–405 [Reserved]

§ 1901.406 Real estate settlement procedures.

(a) *General.* This section provides the instructions for compliance with the Real Estate Settlement Procedures Act (RESPA), as amended Regulation X of the Department of Housing and Urban Development, and administrative regulations of the Farmers Home Administration (FmHA). The purpose of Form FmHA 440-59 (HUD-1), "Settlement Statement," prescribed by RESPA is to provide a uniform settlement statement.

(b) *Scope.* (1) This section applies to all loans and credit sales (502 Rural Housing, 1-4 family RRH, 1-4 family Labor Housing, farm tracts of less than 25 acres) whether made to an individual or organization, which meet the following requirements:

(i) The proceeds of the loan are used in whole or in part to finance the purchase of the property to be mortgaged by the borrower, and transfer of title.

(ii) The loan or credit sale is secured by a first lien covering real estate on which is located a structure designed principally for the occupancy of from 1-4 families, or on which a structure designed principally for the occupancy of from 1-4 families is to be constructed using proceeds of the loan.

(2) Exempt transactions include:

(i) Loans for repairs, improvements, or refinancing if the proceeds are not used to finance the purchase of the property.

(ii) Loans to finance the purchase or transfer of a vacant lot if no proceeds of the loan are to be used for the construction of a 1-4 family residential structure.

(iii) Loans to finance the construction of 1-4 family structure if the lot is already owned by borrower.

(iv) Assumptions or transfers.

(c) *Settlement statement.* For all loans or credit sales described in paragraph (b) of this section, Form FmHA 440-59 (HUD-1) will be completed as indicated in the form and FMI by the designated attorney or escrow agent as a settlement statement. A copy will be given or mailed to both the borrower and seller as soon as practicable after closing. The designated attorney or escrow agent will certify to FmHA that he or she delivered or mailed a copy of Form FmHA 440-59 (HUD-1) to the buyer and seller as appropriate.

§§ 1901.401–1901.450 [Reserved]

Effective date: This revision is effective on April 16, 1976.

Dated: April 2, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-10999 Filed 4-15-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

MISCELLANEOUS AMENDMENTS

TRANSFER OF LAOS FROM COUNTRY GROUP V TO COUNTRY GROUP Y

The regulations are revised to transfer Laos from Country Group V to Country Group Y. As a result of this revision exports to Laos are subject to the same provisions and conditions as exports to other destinations in Country Group Y. Shipments of commodities removed from general license because of this change may be exported under previous applicable general license provisions up to and including May 10, 1976, *provided* the commodities, pursuant to actual orders export, on deck, on lighter, or laden aboard an exporting carrier prior to 12:01 a.m., April 23, 1976.

Outstanding validated licenses and reexport authorizations issued by the Department of Commerce for shipments to Laos remain valid. District Offices, however, may no longer take action on requests for amendment or extension of these licenses (see § 372.11(g)(3)(i)) of the Export Administration Regulations.

Effective date of action: April 9, 1976.

Accordingly, the Export Administration Regulation's (15 CFR Parts 370, 373, 374, and 375) are amended as set forth below.

REVISION OF GENERAL LICENSE GATS: U.S. REGISTERED AIRCRAFT ON TEMPORARY SOJOURN

Under the provisions of General License GATS an operating civil aircraft of U.S. registry may depart under its own power for a temporary sojourn abroad subject to certain conditions. One of these conditions has been the requirement that the aircraft be operated only by a U.S. licensed pilot while abroad, except on demonstration flights. These provisions have been revised to clearly indicate that such aircraft may also be operated within a foreign country by a pilot currently licensed by that country.

Effective date of action: April 9, 1976.

Accordingly, Part 371 of the Export Administration Regulations (15 CFR Part 371) is amended by revising § 371.19 (b)(1)(iii) as set forth below.

REVISION OF VALUE LIMITATION FOR SHIPMENTS OF PARTS UNDER SERVICE SUPPLY PROCEDURE

Exports or reexports of parts of Country Group Q, W, or Y under the Service

Supply Procedure that are identified by the code letter "A" on the Commodity Control List have heretofore been limited in value to shipments of not more than $4,000. This value limitation has been relaxed to permit such shipments in amounts up to $6,600.

Effective date of action: April 9, 1976.

Accordingly, § 373.7(i)(4) of the Export Administration Regulations (15 CFR Part 373) is revised as set forth below.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. In Supplement No. 1 to Part 370, Country Group Y is revised to read: Albania, Bulgaria, Czechoslovakia, Estonia, German Democratic Republic (including East Berlin), Hungary, Laos, Latvia, Lithuania, Outer Mongolia, People's Republic of China (excluding Republic of China (Taiwan) (Formosa)), and Union of Soviet Socialist Republics.

PART 371—GENERAL LICENSES

2. 15 CFR 371.19(b)(1)(iii) is revised to read as follows:

§ 371.19 General license GATS: aircraft on temporary sojourn.

* * * * * *

(b) *U.S. Registered Aircraft.* (1) A U.S. operating civil aircraft may depart from the United States under its own power for any destination, except Country Group S, W, Y, or Z, provided that: * * *

(iii) The aircraft is to be operated while abroad by a U.S. licensed pilot, except that during domestic flights within a foreign country, the aircraft may be operated by a pilot currently licensed by that foreign country.

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

3. Section 373.3(a)(2) is revised to read:

§ 373.3 Distribution license.

* * * * *

(a) *Eligible Countries.* * * *

* * * * *

(2) All countries in Country Group V, except Algeria, Iraq, Sudan, Syria, Egypt, Yemen (Aden), Yemen (Sanaa).

* * * * *

4. 15 CFR 373.7(i)(4) is revised as follows:

§ 373.7 Service Supply (SL) Procedure.

* * * * *

(i) *Special Provisions for Country Groups Q, W, and Y.* * * *

(4) *Restriction on parts to be exported.* Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country Group Q, W, or Y if the value of the parts included in a shipment is more than $6,600. Requests for exceptions to this restriction will be considered under the provisions of § 373.7(i).

* * * * *

PART 374—REEXPORTS

5. Paragraph (c)(1)(ii) of 15 CFR 374.3 is revised as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(c) *Documentation Requirements.*

(1) * * *

(ii) The following destinations in Country Group V: Liechtenstein; Singapore; South Africa, Republic of; South-West Africa (Namibia); Sweden; Switzerland; and Yugoslavia.

* * * * *

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

6. Section 385.2 is amended by revising the third sentence as follows:

§ 385.2 Country Groups Q, W, and Y;[1] U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

* * * Accordingly, and in compliance with other Sections of the Export Administration Act of 1969, the Department conducts a continuous review of commodities and technology to assure that prior approval is required for the export or reexport of U.S.-origin commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, Estonia, German Democratic Republic, Hungary, Laos, Latvia, Lithuania, Poland, People's Republic of China, and Romania. * * *

PART 386—EXPORT CLEARANCE

7. Section 386.6(d)(2)(i)(*b*) and the statement quoted in (d)(3) are revised to read:

§ 386.6 Destination control statements.

* * * * *

(d) *Statements.* * * *

(2) *Statement 2.* * * *

(i) * * *

(*b*) The following shall be entered in the last space:

any destination except Soviet Bloc,[2] Laos, the People's Republic of China, North Korea, North Vietnam, South Vietnam, Cambodia, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

* * * * *

(3) *Statement 3.*

United States law prohibits disposition of these commodities to the Soviet Bloc,[1] Laos, the People's Republic of China, North Korea, North Vietnam, South Vietnam, Cambodia, Cuba, or Southern Rhodesia, unless authorized by the United States.

[1] As used in the destination control statement, the term, "Soviet Bloc" means all countries in Country Group Y, except Laos and the People's Republic of China. Neither Poland, Romania, nor Yugoslavia, are Y countries.

[2] As used in the destination control statement, the term "Soviet Bloc" means all countries in Country Group Y, except Laos and the People's Republic of China. Neither Poland, Romania, nor Yugoslavia are Y countries.

[1] See Supplement 1 to Part 370 for listing of Country Groups.

* * * * *

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.76-11136 Filed 4-15-76;8:45 am]

PART 389—APPEALS

Correction of Erroneous Notice Regarding Revision of Appeals Procedure

The FEDERAL REGISTER of September 30, 1974, FR Doc. 74-22675 (39 FR 35132) announced a revision of Part 389 of Subchapter B (15 CFR Part 389). The revision, relating to certain appeals procedures under the Export Administration Regulations, substituted a new Part 389 in order to reflect regulation changes made by Export Administration Bulletin No. 125 issued September 25, 1974. The FEDERAL REGISTER notice as actually issued on September 30, 1974, however, inadvertently failed to accurately reflect the changes made effective by Bulletin No. 125. Further, this Part 389 was codified incorrectly in the Code of Federal Regulations.

This notice publishes correctly the appeals procedure for all appeals under the Export Administration Act covered by Part 389. This procedure became effective September 25, 1974, and is still in effect. To the extent that other publications of Part 389 conflict with the following, this notice will control.

Accordingly, notice is hereby given that, effective as of September 25, 1974, the heading for Part 389 was revised to read as set forth above, and Part 389 was revised to read as follows:

§ 389.1 General Provisions.

(a) *Purpose.* This Part 389 sets forth the procedures applicable to appeals to the Assistant Secretary for Domestic and International Business of the U.S. Department of Commerce.

(b) *Definitions.* For purposes of this Part 389:

(1) *"Regulation"* means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in an Export Administration Bulletin that is applicable generally to all persons or to a class of persons.

(2) *"Administrative action"* means any action, including a return without action of a license application, taken by the U.S. Department of Commerce under the Export Administration Act or by a duly authorized employee thereof under a regulation with respect to a particular person.

(3) *"Appeal"* means a request for relief, as provided for in § 389.2, from the provisions of any regulation or administrative action (excluding denial or probation orders, civil penalties or other sanctions[1]).

(4) *"Appellant"* means a person filing an appeal.

[1] See §§ 388.4, 388.11, 388.13, and 388.15 for the appeals procedure regarding administrative sanctions.

(c) *Grounds for Appeal.* Any person may appeal to the Assistant Secretary for Domestic and International Business any regulation or administrative action (excluding denial or probation orders, civil penalties or other sanctions) taken by the U.S. Department of Commerce under the Export Administration Act or delegated authority relating thereto, where such regulation or administrative action works an exceptional and unreasonable hardship upon him, or improperly discriminates against him. However, problems of an over-all nature, affecting exporters as a group, will not be considered within this procedure, but may be referred to advisory committees as provided in § 390.1.

§ 389.2 Procedure for filing appeals.

(a) *Where and when to file.* An appeal under this Part must be received by the Office of the Assistant Secretary for Domestic and International Business, U.S. Department of Commerce, Washington, D.C. 20230, no later than 45 days after the date of the formal notice of the administrative action. An appeal for relief from a regulation may be submitted at any time.

(b) *Content of appeal.* Each appeal submitted under this Part must be in writing and contain a complete statement of all the facts and circumstances related to the application and a full and precise statement of why the appellant believes his appeal should be granted. Accompanying the appeal should be such additional evidence as the appellant feels would support his position on the appeal. The appeal must cite the case number, if any, assigned by the Office of Export Administration to the original application or request, and the accompanied by a new original copy of the application or request on the appropriate form. If the appeal relates to an application that was rejected in part, the new original copy of the application should cover only the rejected portion. If the appellant anticipates that his appeal of a regulation will result in a licensing action, he should include appropriate application forms with his appeal.

§ 389.3 Decisions.

All appeals under this Part will be considered and decided by the Assistant Secretary for Domestic and International Business within a reasonable time after they are received in satisfactory form. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision by the Assistant Secretary on an appeal shall be final and will be issued to the appellant in writing. In reaching his decision, the Assistant Secretary may consult wtih representatives of government agencies and business groups as he deems appropriate.

Effective date of action: September 25, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.76-11126 Filed 4-15-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

PROPOSED NEW AND REVISED SAFETY STANDARDS RELATING TO EXPLOSIVES

Public Hearing

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725 (1970)) authorizing the Secretary of the Interior to develop, revise, and promulgate health and safety standards for metal and nonmetal mining and milling operations subject to the Act, there was published in Part III of the FEDERAL REGISTER for September 25, 1975 (40 FR 44272–44285), a notice of proposed rulemaking setting forth proposed amendments to Parts 55, 56, and 57 of Title 30 of the Code of Federal Regulations by revising certain existing standards and adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and revising and adding new mandatory standards relating to fire prevention and control; air quality, ventilation, radiation, and physical agents; explosives; loading, hauling, dumping; travelways and escapeways; man hoisting; and gassy mines. The proposed health and safety standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee authorized to be established under section 7 of the Act (30 U.S.C. 726 (1970)) and established in accordance with section 9 of the Federal Advisory Committee Act (5 U.S.C. Appendix I (Supp. III 1973)).

The notice of proposed rulemaking provided that each standard which is to be a mandatory standard is designated by the word "Manatory" which appears at the beginning of the subsection in which the standard was prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard was preceded by the words "Manatory" and the letters "MNMSAC" this manner "Mandatory. MNMSAC.—"

The notice of proposed rulemaking provided further that subject to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725(e) (1970)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d) (1970)) on or before the last day of the period of time fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee could file with the Secretary of the Interior written objections thereto stating the grounds for such objections and request a public hearing, subject to the Administrative Procedure Act (5 U.S.C. 553–557 (1970)), on such objections. Also, the notice advised interested persons that a mandatory standard which is recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee is not subject to public hearing.

Interested persons were afforded a period of time until November 6, 1975 within which to submit written data, views, arguments, and objections including a request for public hearing on the proposals to the Administrator, Mining Enforcement and Safety Administration. The period of time for comment was subsequently extended to and including December 5, 1975, by a notice published in the FEDERAL REGISTER for November 4, 1975 (40 FR 51202).

Following the publication of the notice of proposed rulemaking numerous persons and organizations representing a broad interest of metal and nonmetal open pit mines; sand, gravel, and crushed stone operations; and underground mines timely submitted written comments and objections. Requests for public hearing were requested on practically every proposed mandatory health and safety standard that was designated as a mandatory standard by the Secretary of the Interior and which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee. At the request of interested parties and in order to provide a reasonable opportunity for interested persons to prepare, attend, and participate in public hearings, the proposed mandatory health and safety standards subject to hearing have been divided or grouped and separate hearings will be held at staggered time intervals for each group of standards. This notice concerns the public hearing for the first group of mandatory standards—the proposed new and revised safety standards relating to explosives. Subsequent notices will be published in the FEDERAL REGISTER advising interested persons of the time and location for future public hearings on the remaining health and safety standards subject to public hearing.

In accordance with subsections (c) and (e) of section 6 of the Act and as stated in the notice of proposed rulemaking (40 FR 44272), proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings. Objections were filed and hearings were requested by the Institute of Makers of Explosives on the proposed new definition of the term "Nonelectric delay blasting cap" as used in Parts 55, 56, and 57, and proposed mandatory safety standards 55.9–63, 56.9–63, and 57.9–63 which required that blast holes be cleaned before charging is begun. The National Crushed Stone Association also requested a hearing on its objections concerning proposed mandatory safety standards 55.9–63, 56.9–63, and 57–9–63 and on the proposed new definition of the term "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as used in Parts 55, 56, and 57. These proposals were recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee and so designated as Advisory Committee recommendations by the letters "MNMSAC" preceding each proposal. Since interested persons were advised by the notice of proposed rulemaking that all proposals identified by the designation "MNMSAC" are not subject to public hearings, hearings will not be held on these proposals. However, the objections filed by the Institute of Makers of Explosives and the National Crushed Stone Association and all other written comments and objections received on these proposals will be given thorough and careful consideration.

In response to the comments and objections filed by the American Mining Congress, the Institute of Makers of Explosives, the National Limestone Institute, and the National Crushed Stone Association, the proposed revision to the definition of the term "American Table of Distances" as used in Parts 55, 56, and 57 is withdrawn. In addition, the proposed new definition for the term "Inhabited building" as used in Parts 55, 56, and 57 is also withdrawn in view of the comments and objections received from the American Mining Congress, the Institute of Makers of Explosives, the National Crushed Stone Association, the Colorado United Mine Operators, Morrison-Knudson Company, Inc., and the Portland Cement Association.

The comments, objections, the grounds for objections, and recommended changes to the proposed mandatory standards relating to explosives and upon which the hearing will be held are set forth below.

In response to comments received, objections filed and grounds stated for the objections, MESA will recommend and offer evidence in support of revising cer-

tain proposed definitions and standards. The recommendations to be made by MESA are set forth following the statements of objections. Interested persons may submit relevant evidence, comments, and suggestions at the hearing on the recommendations which will be made by MESA.

I. PROPOSED REVISION TO THE DEFINITION OF THE TERM "BLASTING AGENTS"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that the present definition of blasting agent be retained pending further review of section 6—Explosives.

"Parts 170–189 of Title 49 of the Code of Federal Regulations, which would be incorporated by reference in this proposed standard, contains all of the regulations of the Hazardous Materials Regulation Board of the Department of Transportation—*over 700 pages*. It includes regulations for all types of hazardous material totally unrelated to explosives and even includes the rulemaking procedures for the Board. Inclusion of this vast volume of material in a definition will cause tremendous confusion to mine operators, and undoubtedly within MESA itself.

"The existing definition (see 30 CFR, 57.2 'Definitions') clearly defines 'blasting agent' as, *inter alia*, 'any material consisting of a mixture of a fuel and oxidizer which * * * (b) Is not classed as an explosive by the Department of Transportation * * *'. The additional wording in the proposed revision adds nothing but confusion and uncertainty."

B. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"Blasting Agents—This definition is very confusing. In the general objections which are included earlier in this letter, I have noted that this definition is clouded by the incorporation by reference of 775 pages of a Federal publication as part of the definition. This complex attempt to define a simple phrase, *which was previously defined in 44 words* in explanatory note 3 of the American Table of Distance for Storage of Explosives, NFPA 1971, is an unreasonable and burdensome example of bureaucratic requirements which do not lend anything to the stated purpose of the actions taken."

C. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The proposed definition is apparently based upon the definition contained in NFPA No. 495 (1973 Ed., p. 495–7). We are informed that the NFPA definition is under revision in view of the definition enacted by the Congress is 18 U.S.C. § 841(e), and that DOT and OSHA are giving serious consideration to adoption of a definition similar to the one enacted by the Congress. IME has followed the Congressional wording in its suggested Code, its Glossary and other publications of its Safety Library, since it is also the definition incorporated in BATF regulations (26 CFR § 181.11). It is the source of the definition in note 3 to the American Table of Distances.

"We are cognizant of the arguments in support of the proviso that a blasting agent shall be a mixture 'in which none of the ingredients is classified [defined] as an explosive.' We are also cognizant of the arguments in support of the contention that a test of sensitivity to a No. 8 test cap [or No. 8 cap], when 'mixed or packaged for shipment or use' should be sufficient to support blasting agent classification. In view of these diverse views, and the importance to safety of non-conflicting regulations, we believe a public hearing to be essential. From it uniformity could result, including a suggestion to the Congress if appropriate. The definition and classification of an explosive material as a blasting agent should remain the same from mix plant, through transportation and storage, to use.

"Since most of the several definitions for blasting agent refer to a 'No. 8 Test Cap [Detonator,]' we believe its composition should be specified and incorporated in whatever definition is finally agreed upon, as follows:

" 'A number 8 Test Blasting Cap is one containing 2 grams of a mixture of 80 per cent mercury fulminate and 20 per cent potassium chlorate, or a blasting cap of equivalent strength.'

"However, the Number 8 Test Cap is no longer readily available. We suggest that a No. 8 Cap or Electric Blasting be substituted for the cap test. Indeed, this has been recently proposed by the Bureau of Mines in its draft IC 8179. It is in fact stronger, and thus would make the test for a blasting agent more stringent. It should be defined:

" 'A Number 8 Cap is one containing 0.40–0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03'', to a specific gravity of not less than 1.4 g/cc, and primed with standard weights of primer depending upon the manufacturer.'

"Finally, all suggested definitions incorporate the words 'not otherwise defined as an explosive.' Who does the defining must be spelled out. For example, BATF or DOT."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition for "Blasting agent." MESA will recommend that the definition of "Blasting agents" read as follows:

"Blasting Agents" means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise classified as an explosive by the Department of Transportation in 49 CFR, Section 173.53, Section 173.88 and Section 173.100, revised as of October 1, 1975, and which is made a part hereof, provided that the finished product, as mixed for use or shipment, cannot be initiated by a No. 8 detonator when unconfined. Title 49 CFR is available for inspection at each Metal and Nonmetal Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

II. PROPOSED REVISION TO THE DEFINITION FOR THE TERM "BLASTING CAP"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"We object to limiting the definition of this common term widely used in the mining industry. Limiting this term to a cap initiated by a safety fuse and by adding the definition of electrical blasting cap (item 11) [see item IX below] may only add confusion within the industry and may in effect be counterproductive to safety. Blasting caps can be extremely harmful to the general public and intensive safety campaigns have been under way for many years. Most of the advertising literature and other references include both the fuse type and electrically detonated devices under the general term 'blasting cap'. We recommend that the present definition be retained. It is further recommended that the definition and standards recognize the distinct characteristics of the exploding bridge wire initiator."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The proposed definition might mean to some that 'blasting cap' and 'detonator' are practically snyonyms. We suggest that a more descriptive and informative definition is:

"A metallic capsule containing an initiating explosive and a base charge, open at the upper end to accept a section of safety fuse and used for initiating the primer or main charge. Also referred to as: fuse, cap, regular, or ordinary cap.' "

C. The grounds stated for the objections filed by *Reynolds Industries Incorporated* are as follows:

"Add[:] * * * Exception, detonators classified by the Bureau of Explosive and DOT office of hazardous materials as 'Fuze Detonator Class "C" Explosives' (EBW's)."

III. PROPOSED REVISION OF THE DEFINITION FOR THE TERM "BLASTING CIRCUIT"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are a follows:

"We recommend that the present definition be retained to be consistent with the recommendations of other definitions."

IV. PROPOSED NEW DEFINITION FOR THE TERM "BOOSTER"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"We recommend that the present definitions for 'primer' or 'booster" be retained to distinguish this unit of explosives from that of 'capped primer'. The term booster is not used in any of

the standards promulgated. In addition, see our comments on #18 [see item XII below], definition of 'primer.'"

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The proposed definition is overly restrictive, *i.e.:* to a 'charged hole' and somewhat misleading by the use of the word 'perpetuating.' We suggest the following as a better definition:

" 'An explosive charge, usually of high strength and high detonation velocity, used to increase the efficiency of the initiation system of the main charge.' "

V. PROPOSED REVISION TO THE DEFINITION FOR THE TERM "CAPPED FUSE"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The present definition of 'capped fuse' should be retained for consistency with our other comments."

VI. PROPOSED NEW DEFINITION FOR THE TERM "CHARGED HOLE"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"This definition should be omitted.

"There is considerable difference in the degree of 'hazard' when a blast hole is loaded with explosives containing: (1) an electric blasting cap; (2) a fuse cap; (3) a nonelectric delay blasting cap; or (4) detonating cord. The degree of hazard varies considerably between the first and the other three. This definition and standards relating to loading or charging of holes should all be reconsidered so that the degree of potential hazard in blasting materials and practices can be more clearly recognized."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"It is noted that in Section 55.2 there are several typographical errors. The definition should be revised to read 'any hole containing a detonator'. As now written it would be overly restrictive of other safe operations. See e.g.: 55.6–103. etc."

MESA Recommendation: The proposed definition should be changed to correct a typographical error. Delete the word "on" and in lieu thereof insert the word "or" so that the definition reads as follows:

" 'Charged hole' means any hole containing explosives, or blasting agents with a primer."

VII. PROPOSED REVISED DEFINITION FOR THE TERM "DETONATOR"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that this definition be retained as promulgated."

B. The objections and grounds stated for the objection filed by *Reynolds Industries Incorporated* are as follows:

"Add [:] * * * Exception, detonators classified by the Bureau of Explosives and DOT office of hazardous materials as 'Fuze Detonator Class "C" Explosives' (EBW's); and

"[Add :] * * * a definition of EBW's Fuze Detonator Class "C" Explosive (EBW's).

"Fuze Detonator Class "C" (EBW's) shall contain no Class A or B explosives and are excluded from the restrictions placed on electric blasting caps and detonators containing Class A and B explosives."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition for "Detonator". MESA will recommend the definition of "Detonator" read as follows:

" 'Detonator' means any device containing a detonating charge that is used to initiate an explosive and includes but is not limited to blasting caps, electric blasting caps and non-electric instantaneous or delay blasting caps."

VIII. THE PROPOSED REVISED DEFINITION FOR THE TERM "DETONATING CORD"

A. The grounds stated for the objection filed by the *American Mining Congress* are as follows:

"The word 'full' should be omitted."

"The word 'full' is not needed for normal definition of detonating cord."

B. The grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"We do not see any material change from the old definition. We propose the following as more descriptive:

" 'A flexible cord containing a center core of high explosive and used to detonate other explosives.' "

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition of "Detonating cord." MESA will recommend the definition of "Detonating cord" read as follows:

" 'Detonating cord' means a flexible cord containing a solid core of high explosives."

IX. PROPOSED REVISION OF THE DEFINITION FOR THE TERM "ELECTRIC BLASTING CAP"

A. The grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The present definition should be retained to be consistent with our recommendations on other definitions. Revision is unnecessary (if our other recommendations are followed) since the existing definition of 'electric blasting cap' includes the definition of 'blasting cap', which, as currently defined, 'means a detonator * * *' "

X. PROPOSED REVISION OF THE DEFINITION FOR THE TERM "EXPLOSIVE"

A. The grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that the present definition be retained.

"We object to the incorporation by reference of 49 CFR, Part 170–189, as being confusing and excessively voluminous as we pointed out in our comments on Item #2 [see Item I above], the definition of 'blasting agent'.

"We further object to the proposal of such a far-reaching change in definition without even a word of explanation. Over fifty existing standards use the term 'explosive' and literally hundreds of existing standards are affected by its definition. Any change should not be made cavalierly. MESA should have fully explained a compelling necessity for the change in the notice, particularly since 700 pages of another agency's regulations would be incorporated by reference. Since this was not done, we request a hearing on the issue of whether the proposed change is in fact necessary. In our view the change will cause unnecessary confusion and adversely affect the ability of those charged with compliance to understand the standards."

B. The grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"We object to this proposed definition for the same reason as our objection for the definition of blasting agents, that is, incorporation by reference using 775 pages of massive Federal publication. In this case a 43 word definition was previously considered sufficient as definition under this standard."

C. The grounds stated for the objections filed by *Reynolds Industries Incorporated* are as follows:

"Add[:] * * * Fuze, Detonators Class "C" (EBW's) explosives shall contain no Class A or B explosives as defined in Federal Regulations, Title 49. (This definition may be included in "D" Section 55.6 Miscellaneous.)"

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition of "Explosive." MESA will recommend the definition of "Explosive" read as follows:

" 'Explosive' means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture or device that is classified as an explosive by the Department of Transportation in 49 CFR, Section 173.53, Section 173.88, and Section 173.-100, revised as of October 1, 1975, and which is made a part hereof. Title 49 CFR is available for inspection at each Metal and Nonmetal Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402."

XI. PROPOSED NEW DEFINITION FOR THE TERM "MAGAZINE"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"This proposed definition should be deleted. It is far too simplistic to meet the 'needs' of existing standards and will cause enormous confusion, enforcement problems and derogate compliance with the standards. For example, existing standard 57.6–20 already defines what a *central* storage magazine on the surface shall be to be considered suitable. However, explosives are also 'stored' *temporarily* in other 'magazines' in close proximity to where they will be used (see 57.6–27 and 57.6–29). What criteria will an inspector use to determine 'suitability', other than that contained in existing standards?"

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition of "Magazine." MESA will recommend the definition of "Magazine" read as follows:

" 'Magazine' means a facility for the storage of explosives, blasting agents, or detonators."

XII. PROPOSED REVISION FOR THE TERM "PRIMER"

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The present definition of 'primer' or 'booster' should be retained to be consistent with our other recommendations."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"Since new Sections 55.6–97, 56.6–97, and 57.7–97 require that 'Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow,' and to avoid confusion with certain types of 'boosters' which are manufactured with a short section of detonating cord, we believe a better definition to be:

" 'An assembly consisting of a cartridge or container of explosives and a detonator or a length of detonating cord which is inserted or attached at point and time of use. It is used to initiate the main explosive charge.' "

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition of "Primer". MESA will recommend the definition of "Primer" read as follows:

"Primer" means a unit, package, or cartridge of explosives used to initiate other explosives or blasting agents, and which contains

(1) A detonator, or

(2) Detonating cord which assembled with the unit, package, or cartridge of explosives at the time of use.

XIII. PROPOSED REVISION FOR THE TERM "WATER GEL" OR "SLURRY"

A. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"We believe that a more inclusive definition would be:

" 'Slurries and water gels. These comprise a wide variety of materials used for blasting. As manufactured they have varying degrees of sensitivity to initiation. They usually contain substantial proportions of water and ammonium nitrate some of which is in solution in the water. Some water gels are sensitized by a material classified as explosive. Some contain no ingredient classified as an explosive but may be sensitized with metals such as aluminum or with other fuels. Under the regulations of the U.S. Department of Transportation, water gels may be classified as Explosives Class A, Explosives Class B, or Oxidizing Materials.' "

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition of "Water gel" or "Slurry." MESA will recommend the definition of "Water gel" or "Slurry" read as follows:

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water.

XIV. PROPOSED MANDATORY STANDARDS 55.6–250, 56.6–250 AND 57.6–250 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The words 'matches' and 'lighters' should be omitted from this proposed standard.

"As proposed, the standard is unnecessary and, in fact, unenforceable without a physical search for matches or lighters of each employee passing by an explosive or blasting agent magazine, or anyone working in the vicinity of blasting operations."

B. The objections and grounds stated for the objections filed by the *National Limestone Institute* are as follows:

"MESA currently has regulations covering smoking and open flames—see Standards 55/56/57.4–1 and 55/56/57.4–2. The prohibitions existing in these standards against smoking and using an open flame in certain areas and the requirement that signs warning against smoking and open flames be posted where hazards exist, in our opinion, offers more than adequate protection to the miners. However, to prohibit matches and lighters within 50 feet of these areas would, short of search and seizure, be impossible to enforce. In view of this we urge that this standard be deleted."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–250 read as follows:

Smoking and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

XV. PROPOSED MANDATORY STANDARDS 55.6–7, 56.6–7, AND 57.6–7 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"For clarity and to be consistent with the definition of 'explosives', the standard should be changed to the following:

" '57.6–7 Mandatory. Explosives, *including* detonators and related materials, such as safety fuse and detonating cord, shall be: * * *, etc.' "

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The six (6) feet limitation seems out of line with accepted practice. We suggest the following:

" '(d) Stacked not more than eight (8) feet high, but not more than six (6) feet high if not palletized.' "

C. The objections and grounds stated for the objections filed by the *National Limestone Institute* are as follows:

"We fail to see how storing explosives, detonators, and related materials according to brand and grade would increase the safety of such storage and urge that this provision be deleted."

XVI. PROPOSED MANDATORY STANDARDS 55.6–11, 56.6–11, AND 57.6–11 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The word 'securely' should be omitted.

"Partially used boxes of explosives can be closed but not as 'securely' as an unopened box. As proposed, the standard would be subject to a variety of interpretations and resulting confusion without increasing safety. Also some magazines are equipped with trays or racks for storage of explosives which have been removed from their *original* containers. This is a perfectly safe practice but would apparently be prohibited by the proposal."

B. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"This Standard is not clearly written. What does 'securely closed' mean? By existing regulations, the magazine is supposed to be secure so it seems redundant to keep each package secure. The following wording is suggested:

" 'Mandatory—Containers of free running explosives shall be kept closed to avoid spillage during storage in magazine'."

C. The objections and grounds stated for the objections filed by *NL Industries* are as follows:

"One container of explosives is usually kept available (unsealed or open) in a magazine for miscellaneous use when a full case of explosives is not required. Does this container have to be resealed after each removal of a few explosives? What is the purpose of this regulation if the required records are kept and the

magazines properly locked and supervised?"

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6-11 read as follows:

Containers of explosives, blasting agents and detonators shall be closed while being stored.

XVII. PROPOSED MANDATORY STANDARDS 55.6-48, 56.6-48 AND 57.6-48 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"Recommend that the standard be changed to 'Explosives, *other than* blasting agents, shall be transported * * * etc.'

"Because they are less sensitive, the safer characteristics of blasting agents should be recognized in the standards."

XVIII. PROPOSED MANDATORY STANDARDS 55.6-92, 56.6-92, AND 57.6-92 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that the phrase 'as recommended by the manufacturer or the Institute of Makers of Explosives,' be substituted for 'under the supervision or instructions of the explosives manufacturers'.

"To require the explosives manufacturer to supervise or issue instructions for each instance of explosives disposal could be extremely burdensome and could result in untoward delays, in effect causing unnecessary hazards."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"This provision might prevent the earliest disposition of deteriorated explosive materials. We suggest:

" 'Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the instructions of the explosives or blasting agent manufacturer or his designated agent.' "

C. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"The presently existing standard, 56.6-92 and 57.6-92, is adequate and already requires the safe destruction of damaged or deteriorated explosives. To revise it by adding that the supervision of the explosives manufacturer or instructions from him are required, places an unnecessary extra burden on the industry. Many states require licensing of blasters and these men are trained and capable of handling problems of damaged or deteriorated explosives. Degrees of hazard, as determined by the amounts and conditions of the explosives concerned require the application of judgment. In those cases which are more serious, those men, true to experience and training, have traditionally called for help from explosives manufacturers. While the explosives manufacturers have a well earned reputation in this area, it does not seem necessary to require their instructions or supervision in every case."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed standards. MESA will recommend standards 55/56/57.6-92 read as follows:

Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the instructions of the explosives or blasting agent manufacturer or its designated agent.

XIX. PROPOSED MANDATORY STANDARDS 55.6-97, 56.6-97, AND 57.6-97 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objection filed by the *American Mining Congress* are as follows:

"The present standard should be retained to be consistent with the definitions."

B. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"This is contrary to long standing practice in the crushed stone industry, particularly in underground operations. In underground operations, it makes more sense to make up primers in advance, above ground, than to make them up later at the blasting site, in possibly limited light. Moreover, even in surface operations primers are sometimes made up in advance, tagged and inventory controlled in a carefully monitored secure location. So long as orderly procedures are followed, and since the record in our industry does not indicate a safety problem in this area, NCSA opposes this proposed standard."

XX. PROPOSED MANDATORY STANDARDS 55.6-98, 56.6-98 AND 57.6-98 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"This standard, as recommended by the Advisory Committee, is all right, if the present definitions of 'Primer' and 'Capped Primer' are retained."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"It is recommended that subsection (a) of these sections be expanded:

" '(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge or within a suitable tunnel or cap well.' "

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed standards. MESA will recommend mandatory standards 55/56/57.6-98 read as follows:

Primers:

(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge or within a suitable tunnel or cap well.

(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with the explosive charge.

XXI. PROPOSED MANDATORY STANDARDS 55.6-101, 56.6-101, AND 57.6-101 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"Recommend retaining the present standard and definition of 'capped primer'. The proposed change is confusing and adds nothing to safe procedures."

XXII. PROPOSED MANDATORY STANDARDS 55.6-106, 56.6-106, AND 57.6-106 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The present standard should be made mandatory as follows:

"Faces and muck piles *shall* be examined for undetonated explosives after each blast and undetonated explosives found *shall* be disposed of safely.

"Attempting to dispose of explosives 'before any other work is done in the immediate vicinity of the explosives' could create additional hazards, such as exposing employees to loose ground, unstable muck piles, etc. The handling of misfired holes underground is covered by standard 57.6-177."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"This needs clarification. What work is permitted to dispose of such undetonated materials? What is meant by 'dispose of?' If Sections 6-92 remain as proposed, and apply, the entire mining operation would be halted for an undetermined period of time on each occasion that undetonated explosive materials were detected."

C. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"NCSA recommends substitution of the words 'by designated persons' for the words 'by competent persons' in the proposed standard. Our thinking is that the word competent is a most difficult word to define and, as such, could easily create misunderstanding and confusion concerning the proper compliance with this standard."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed stand-

ards. MESA will recommend mandatory standards 55/56/57.6–106 read as follows:

Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents and any undetonated explosives or blasting agents found shall be disposed of safely.

XXIII. PROPOSED MANDATORY STANDARDS 55.6–118, 56.6–118, AND 57.6–118 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The standard should be omitted, or retained as an advisory standard. This is good practice where the first holes to fire could cut off a fuse burning outside the hole with a resulting misfires and this standard could be invoked for the wrong reason. It is obvious that an actual violation of the standard cannot be observed."

B. The objections and grounds stated for the objections filed by the *National Limestone Institute* are as follows:

"It has been brought to our attention that this regulation would make secondary shooting, which is done quite frequently in underground mines, impossible. This being the case, we urge its deletion."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–118 read as follows:

When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole detonates.

XXIV. PROPOSED MANDATORY STANDARDS 55.6–121, 56.6–121, AND 57.6–121 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"This standard should be changed to the following:

" 'Completely wired rounds which are to be fired electrically, shall be tested with a blasting glavanometer or other instrument designed for testing blasting circuits before connections are made to the blasting line.'

"Testing of individual blasting caps is unduly burdensome without materially adding to safety, inasmuch as the entire circuit is to be tested."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The wording of subsection (a) could be interpreted to require stemming, which we believe is not intended. Moreover, in the event of pneumatic loading of ANFO the shunts should not be removed prior to loading. We therefore recommend:

" '(a) Electric blasting caps for continuity after explosives or blasting agents are charged, and prior to the addition of stemming, where stemming is used in the bore hole.' "

C. The objections and grounds stated for the objections filed by *Reynolds Industries Incorporated* are as follows:

"Add [:] * * * Fuze Detonator Class 'C' Explosive (EBW's)."

D. The objections and grounds stated for the objections filed by *FMC Corporation* are as follows:

"The wording of these standards is unclear as to their meaning and not worded in the best interest of safety."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–121 read as follows:

[Unchanged] When blasting electrically a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Each electric blasting cap for continuity if stemming is to be used. Tests shall be made after the electric blasting cap has been placed in the borehole and before the addition of stemming.

(b) Each electric blasting cap series for its resistance and continuity.

(c) [Unchanged] Blasting lines for circuit continuity.

(d) [Unchanged] Blasting circuits for resistance and continuity prior to connection to the power source.

XXV. PROPOSED MANDATORY STANDARDS 55.6–126, 56.6–126, AND 57.6–126 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that present standard 57.6–170 be retained and renumbered 57.6–126 for surface and underground.

"The proposed standard would introduce greater hazards in certain mines where, for example, mobile equipment with electric circuits, essential to the operation, are used within 50 feet of boreholes, or where ventilation to the blasting area would have to shut off. Standard 57.6–140 (proposed in Item #71) [see item XXVIII below] requires protection from stray currents."

B. The objections and grounds stated for the objections filed by the *Institute of Makers of Explosives* are as follows:

"We question the extension of the standard applicable to surface mining under Parts 55 and 56 to underground mining under Part 57. A requirement for a distance of 50 feet between blasting circuits and power circuits in underground drifts or levels may not be necessary in view of the earth barrier."

C. The objections and grounds stated for the objections filed by the *National Limestone Institute* are as follows:

"In many cases when operating in the evening or underground it is necessary to operate lighting units within 50 feet in order to insure proper visibility. We think it adivsable to amend this proposed rule in order to allow such lighting units to be brought within 25 feet of the bore holes provided that stray current tests are conducted and are within tolerance."

D. The objections and grounds stated for the objections filed by *Reynolds Industries Incorporated* are as follows:

"Add 'Exception Fuze Detonator Class "C" EBW's.'

"Add 'Exception Fuze Detonator Class "C" Explosive EBW's.' "

E. The objections and grounds stated for the objections filed by *FMC Corporation* are as follows:

"The wording of the standards is unclear as to their meaning and not worded in the best interest of safety."

F. The objections and grounds stated for the objections filed by the *National Crushed Stone Association* are as follows:

"We suggest that the 50 ft. limitation is too great a distance. In underground and in night operations, overhead lights must often be closer than 50 ft. in order that personnel loading the holes can see what they are doing. If stray current tests show that the area is free of stray currents, a limitation of 25 ft. distance is recommended, versus 50 ft.

"We also should point out that the proposed standard does not specify the frequency at which a stray current test should be conducted. Also, an initial investigation of stray current test procedures by one of our member companies indicates some areas of technical complexity in conducting these tests. We recommend that an acceptable method adaptable to various kinds of quarry operations should be investigated by the Federal Metal and Nonmetallic Mine Safety Advisory Committee before a requirement is promulgated requiring the industry to conduct stray current testing."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–126 read as follows:

Electrical circuits shall be deenergized:

(a) Within 25 feet of boreholes containing electric blasting caps which can be initiated by conventional power sources or extraneous electricity.

(b) Within 25 to 50 feet of boreholes containing electric blasting caps which can be initiated by conventional power sources or extraneous electricity unless stray current tests are conducted and the maximum stray current does not exceed 0.05 amperes through a one OHM resistor.

XXVI PROPOSED MANDATORY STANDARDS 55.6–138, 56.6–138, AND 57.6–138 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* as are follows:

" 'Blasting agents' should be deleted since they are already included under the

definition of 'explosives' contained in the preamble to section 6."

B. The objections and grounds for the objections filed by the *Institute of Makers of Explosives* are as follows:

"The principle involved in this proposed section is good but no procedure is suggested by reference or explanation to achieve the result. An IME 'Don't' ('Do's and Don'ts,' IME Safety Library Publication No. 4) reads as follows:

" 'DON'T load a borehole with explosives after springing (enlarging the hole with explosives) or upon completion of drilling without making certain that it is cool and that it does not contain any hot metal, or burning or smoldering material. Temperatures in excess of 150° F. are dangerous.' "

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend mandatory standards 55/56/57.6-138 read as follows:

Explosives or blasting agents shall not be loaded into drilled or sprung holes that could result in premature detonation from heat.

XXVII. PROPOSED MANDATORY STANDARDS 55.6–139, 56.6–139, AND 57.6–139 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds for the objections filed by the *American Mining Congress* are as follows:

"This standard should be omitted.

"The exposure of employees to 'dangerous concentrations' of all airborne contaminants is covered by mandatory standard 57.5–1 et seq.

"In surface mining the smoke and gasses dissipate as rapidly as the dust cloud. In underground mining, sprays, fogging devices, auxiliary ventilation, as well as manual wetting down are methods used to control airborne contaminants resulting from blasting. The proposed standard would imply that the blast area should be sampled for all possible contaminants after each blast. The blast area may be idle, however, for several hours or several shifts."

B. The objections and grounds for the objections filed by the *Institute of Makers of Explosives* are as follows:

"As in the previous objection, no procedure is suggested to determine when safe limits have been reached."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–139 read as follows:

Blasting areas shall not be reentered after firing until concentrations of smoke, dust, and fumes have been reduced to safe limits as required in Mandatory Standard 57.5–1.

XXVIII PROPOSED MANDATORY STANDARDS 55.6–140, 56.6–140, AND 57.6–140 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"It is recommended that this standard be changed to the following:

" 'Electric blasting caps and electric blasting circuits shall be protected from sources of static electricity and stray currents and from any extraneous electrical contact to avoid premature detonation.'

"Adequate protection is the goal of his standard whether it be by insulation, isolation, or by whatever means are suitable to the particular situation. Exploding bridge wire initiators are not subject to stray currents and static electricity. Standards should not stand in the way of technological progress."

B. The objections and grounds stated for the objections filed by *Reynolds Industries Incorporated* are as follows:

"Add 'Exception Fuze Detonator Class "C" EBW's.'

"ADD 'Exception Fuze Detonator Class "C" Explosive EBW's.' "

C. The objections filed and grounds stated for the objections filed by the *FMC Corporation* are as follows:

"The wording of the standards is unclear as to their meaning and not worded in the best interest of safety."

MESA Recommendation: At the hearing the Mining Enforcement and Safety Administration, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend mandatory standards 55/56/57.6–140 read as follows:

Blasting circuits and electric blasting caps (which are capable of being initiated by conventional power sources) shall be isolated from sources of extraneous electricity.

Interested persons may examine or obtain copies of all written data, views, arguments, and objections including requests for public hearing which have been filed by contacting Mr. Roland V. Wilson, Chief, Division of Safety, Metal and Nonmetal Mine Health and Safety, Mining Enforcement and Safety Administration, Room 717, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone no. AC 703–235–8647.

Notice is hereby given, in accordance with subsection (d) (1) of section 6 of the Act, that a public hearing will be conducted by an Administrative Law Judge appointed under 5 USC 3105 and designated by the Honorable Laurie K. Luoma, Chief Administrative Law Judge, Hearings Division, Office of Hearings and Appeals, Department of the Interior, Room 1124A, 4015 Wilson Boulevard, Arlington, Virginia 22203. The Administrative Law Judge presiding over the public hearing will receive evidence relevant and material to the issues raised by the objections which are set forth above. The Administrative Law Judge shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing including the powers provided in 5 U.S.C. 566(c) (1) through (7). The Administrative Law Judge will consider all objections and based upon the record will submit a recommended decision to the Secretary who will review the same and issue the final decision.

The public hearing will be held during the week of June 28 through July 2, 1976, beginning at 9:00 a.m. MT on Monday, June 28, 1976, and continuing each day thereafter until all objections subject to hearing have been heard. The hearing will be held in the Holiday Inn Airport, 1659 West North Temple (US 40 at Redwood Road), Salt Lake City, Utah 84116, telephone no. AC 801–533–9000.

Persons desiring to testify at the public hearing should notify the Honorable Laurie K. Luoma, Chief Administrative Law Judge by Tuesday, June 22, 1976. At the hearing any interested person may be heard.

KENT FRIZZELL,
Under Secretary of the Interior.

Dated: April 14, 1976.

[FR Doc.76-11166 Filed 4-15-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 38]

DISASTER ASSISTANCE FOR CRISIS COUNSELING AND TRAINING

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subchapter C, Chapter I of Title 42 Code of Federal Regulations by adding a new Part 38, entitled "Disaster Assistance For Crisis Counseling And Training."

The proposed regulations implement section 413 of Public Law 93–288, the Disaster Relief Act of 1974 (42 U.S.C. 5183) which authorizes the President, through the National Institute of Mental Health "to provide professional counseling services, including financial assistance to State or local agencies or private mental health organizations to provide such services or training of disaster workers, to victims of major disasters in order to relieve mental health problems caused or aggravated by such major disaster or its aftermath". The authority to promulgate regulations for the implementation of that statutory provision was delegated to the Secretary of Health, Education, and Welfare by the Secretary of Housing and Urban Development on March 7, 1975 (40 FR 10705).

As set forth in § 38.3 of the proposed regulations the assistance provided will be time-limited, employing short-term procedures to aid in the amelioration of mental health problems caused or aggravated by major disasters. The program is not intended to provide traditional long-term psychotherapy or

treatment. Persons with mental health problems requiring long-term treatment or which are not related to major disasters should be referred for treatment through other public or private resources.

The activities to be carried out under the proposed new part are subject to all applicable provisions of the Disaster Relief Act of 1974 and the implementing regulations, 24 CFR Part 2205, promulgated by the Administrator of the Federal Disaster Assistance Administration and are subject to the general policy guidance and coordination of the Administrator (§ 38.1(b) of the proposed regulations).

The proposed regulations have been developed with the assistance and cooperation of the Federal Disaster Assistance Administration, Department of Housing and Urban Development.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Director, National Institute of Mental Health, Parklawn Building, Room 17–99, 5600 Fishers Lane, Rockville, Maryland 20852, on or before May 17, 1976. Comments received will be available for public inspection at Room 17–99, Parklawn Building, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

It is proopsed to amend Subchapter C, Chapter I of Title 42 Code of Federal Regulations by adding a new part 38 to read as set forth below.

Dated: February 19, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: April 7, 1976.

MARJORIE LYNCH,
Acting Secretary.

PART 38—DISASTER ASSISTANCE FOR CRISIS COUNSELING AND TRAINING

Sec.
38.1 Purpose; coordination.
38.2 Definitions.
38.3 Assistance; procedures, limitations.
38.4 Contracts.
38.5 Grant assistance.
38.6 Nondiscrimination.
38.7 Nonliability.
38.8 Criminal and civil penalties.
38.9 Federal audits.

AUTHORITY: Sec. 413, Pub. L. 93–288. The Disaster Relief Act of 1974, 88 Stat. 157, 42 U.S.C. 5183.

38.1 Purpose; coordination.

(a) *Purpose.* This part establishes standards and procedures for the implementation of Section 413 of Pub. L. 93–288, the Disaster Relief Act of 1974 (42 U.S.C. 5183) which authorizes the provision, either directly or through financial assistance to State or local agencies or private mental health organizations, of:

(1) Professional counseling services to victims of a major disaster in order to relieve mental health problems caused or aggravated by such a major disaster of its aftermath; and

(2) Training of disaster workers to provide or assist in providing those professional counseling services.

(b) *Coordination.* The Secretary, acting through the National Institute of Mental Health, will, as provided in 24 CFR 2205.51, carry out Section 413 of the Act and this part in coordination with, and under the general policy guidance of, the Administrator of the Federal Disaster Assistance Administration. Contracts and grants awarded under this part are subject to all applicable provisions of the Act and the implementing regulations promulgated by the Administrator (24 CFR Part 2205).

§ 38.2 Definitions.

All terms not defined herein shall have the same meaning as given them in the Act. As used in this part:

(a) "Act" means the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.).

(b) "Administrator" means the Administrator, Federal Disaster Assistance Administration (FDAA), Department of Housing and Urban Development, and any other person to whom he delegates the authority.

(c) "Contractor" means any public agency or private mental health organization which, pursuant to this part, contracts with the Secretary to provide professional mental health crisis counseling services or to provide mental health training for disaster workers.

(d) "Crisis" means the existence of any life situation resulting from a major disaster or its aftermath which so effects the emotional and mental equilibrium of a disaster victim that professional mental health counseling services should be provided to help preclude possible damaging physical or psychological effects.

(e) "Disaster workers" means mental health specialists such as psychiatrists, psychologist, psychiatric nurses, social workers, or qualified agents thereof.

(f) "Federal Coordinating Officer" means the person appointed by the Administrator to coordinate Federal assistance in a major disaster.

(g) "Governor" means the chief executive of a State.

(h) "Grantee" means any public agency or private nonprofit mental health organization which, pursuant to this part, is awarded a grant for the purpose of providing professional mental health crisis counseling services or mental health training for disaster workers.

(i) "Major disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Act above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of the States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(j) "Regional Director" means a director of a regional office of the Federal Disaster Assistance Administration (FDAA).

(k) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(l) "State" means any of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, or the Trust Territory of the Pacific Islands.

(m) "State Coordinating Officer" means the person appointed by the Governor to act in cooperation with the appointed Federal Coordinating Officer.

(n) "Training" means the specific instruction which may be required to enable disaster workers to provide professional mental health crisis counseling to victims of a major disaster or its aftermath.

38.3 Assistance; procedures, limitations.

(a) *Application.* In order to obtain assistance under this part, the Governor or his State Coordinating Officer must, not later than 60 days following a major disaster declaration by the President, file with the appropriate Regional Director a request which includes:

(1) An estimate of the number of disaster victims who may need professional mental health crisis counseling services and of the number of disaster workers who may need training in the provision of such services;

(2) Identification of the geographical areas in which the need exists;

(3) An estimate of the period during which assistance under this part will be required and of the total funds which will be required to provide such assistance;

(4) A description of the types of mental health problems caused or aggravated by the major disaster or its aftermath; and

(5) Identification of the State and local agencies and private mental health organizations capable of providing professional mental health crisis counseling to disaster victims or training of disaster workers.

(b) *Review, approval.* The Secretary, upon notification by the Administrator of a State request for assistance under this part, will conduct a review to determine the extent to which such assistance is needed to supplement assistance programs provided by State and local governments and private organizations and, on the basis of that review, prepare and submit a recommendation and report for consideration by the Administrator. Upon approval by the Administrator and his advancement of funds for carrying out the approved assistance, the Secretary may, within the limits of the funds advanced, provide the approved services either directly or through a grant or contract.

(c) *Eligibility for services.* (1) In order to be eligible for the professional mental health crisis counseling services available under this part an individual must:

(i) Have been located within the designated major disaster area or have been a resident of such area at the time of the major disaster or its aftermath; and

(ii) Have a mental health problem which was caused or aggravated by the major disaster or its aftermath.

(2) Disaster workers who are available on short notice to provide professional mental health crisis counseling services in a major disaster area are eligible for training under this part.

(d) *Time limitation.* Contracts and grants awarded under this part will not continue beyond 180 days after the first day services are provided pursuant to such contracts and grants, except that upon the recommendation of the Secretary, the Regional Director may extend the 180 day period for up to 30 days and the Administrator may further extend that time period.

38.4 Contracts.

(a) *Eligibility.* Public agencies and private mental health organizations which are determined by the Secretary to be capable of providing the professional mental health crisis counseling services or mental health training of disaster workers needed as a result of a major disaster are eligible for the award of a contract under this part.

(b) *Use of local agencies.* Preference will be given to the extent feasible and practicable, to those agencies and organizations which are located or do business primarily in the area affected by the major disaster.

(c) *General Requirements.* Contracts under this part shall be entered into and carried out in accordance with the provisions of Chapters 1 and 3 of Title 41 of the Code of Federal Regulations and all other applicable laws and regulations.

(d) *Payments.* The Secretary shall from time to time make payments to the contractor of all or a portion of the contract award, either by way of reimbursement for expenses incurred or in advance for expenses to be incurred, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the services to be provided under the contract. All payments not expended by the contractor within the period of the contract shall be returned to the Secretary.

(e) *Reports.* Contractors shall submit the following reports to the Secretary:

(1) Progress reports, to be submitted at the end of the first 30 days of the contract period and every 30 days thereafter;

(2) A final report to be submitted within 60 days of the date upon which the contract terminates; and

(3) Such additional reports as the Secretary may prescribe including those which may be required to enable the Federal Coordinating Officer to carry out his functions.

38.5 Grant assistance

(a) *Eligibility.* Public agencies and private nonprofit mental health organizations which are determined by the Secretary to be capable of providing the professional mental health crisis counseling services or mental health training of disaster workers needed as a result of a major disaster are eligible for a grant award under this part.

(b) *Application.* (1) In order to receive a grant award under this part an eligible entity must submit an application in such form and at such time as the Secretary may prescribe.

(2) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regulations of this part, and the terms and conditions of any grant award.

(3) The application shall contain:

(i) A proposed plan for the provision of the services for which grant assistance is requested;

(ii) A proposed budget for the expenditure of the requested grant funds; and

(iii) Such other pertinent information and assurances as the Secretary may require.

(c) *Grant awards.* (1) Within the limits of the funds advanced by the Administrator, the Secretary may award grants to cover all or part of the cost of the project to those applicants whose projects will in his judgment best promote the purposes of section 413 of the Act and the regulations of this part. Preference will be given, to the extent feasible and practicable, to those public and private nonprofit agencies and organizations which are located or do business primarily in the area affected by the major disaster.

(2) A grant award under this part shall be in writing and shall specify the amount of the award, the period of support, and the approved budget for that period.

(3) A grant award shall not commit or obligate the United States in any way to make any additional, supplemental, continuation, or other grant award.

(4) Within the limits of the funds advanced by the Administrator, the amount of any grant award shall be determined by the Secretary on the basis of his estimate of the sum necessary to carry out the grant purpose.

(d) (1) *Applicability of 45 CFR Part 74.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

SUBPART

A—General.
B—Cash Depositories.
C—Bonding and Insurance.
D—Retention and Custodial Requirements for Records.
F—Grant-Related Income.
G—Matching and Cost Sharing.
K—Grant Payment Requirements.
L—Budget Revision Procedures.
M—Grant Closeout, Suspension, and Termination.
O—Property.
Q—Cost Principles.

(2) *Additional conditions.* The Secretary may at the time of any grant award impose such conditions as in his judgment are necessary to assure or protect advancement of the supported activity, the interests of the public health, or the conservation of grant funds.

(e) *Payment.* The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in accordance with the terms and conditions of the grant award.

(f) *Grantee accountability.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Secretary, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(g) *Expenditure of grant funds.* (1) Any funds awarded pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved budget, the regulations of this part, the terms and conditions of the grant award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(2) At the end of the period of support any unobligated grant funds remaining in the grant account must be refunded to the United States.

(h) *Reports.* Grantees shall submit the following reports to the Secretary:

(1) Quarterly progress reports, to be submitted within 30 days of the end of each quarterly period within the grant period;

(2) A final report to be submitted within 90 days of the date upon which the grant period ends; and

(3) Such additional reports as the Secretary may prescribe including those which may be required to enable the Federal Coordinating Officer to carry out his functions.

§ 38.6 Nondiscrimination.

Attention is called to the requirements of 24 CFR § 2205.13 relating to nondiscrimination on the grounds of race, religion, sex, color, age, economic status, or national origin in the provision of disaster assistance.

§ 38.7 Nonliability.

Attention is called to section 308 of the Act (42 U.S.C. 5148) which provides that the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.

§ 38.8 Criminal and civil penalties.

Attention is called to section 317 of the Act (42 U.S.C. 5157) which provides:

(a) Any individual who fraudulently or willfully misstates any fact in connection with a request for assistance under this Act shall be fined not more than $10,000 or imprisoned for not more than one year or both for each violation.

(b) Any individual who knowingly violates any order or regulation under this Act shall be subject to a civil penalty of not more than $5,000 for each violation.

(c) Whoever knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one half times the original principal amount of the loan or cash benefit.

§ 38.9 Federal audits.

The Secretary, the Administrator, and the Comptroller General of the United States, or their duly authorized representatives shall have access to any books, documents, papers, and records that pertain to Federal funds, equipment, and supplies received under this part for the purpose of audit and examination.

[FR Doc.76-11000 Filed 4-15-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

DOMESTIC CRUDE OIL PURCHASER'S MONTHLY REPORT

Proposed Form FEA-P124-M-O

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to issue the PHASE II implementation of Form FEA-P124-M-O, Domestic Crude Oil Purchaser's Monthly Report, with schedules and instructions. The purpose of this notice is to give firms which are required to file the form an opportunity to comment on the PHASE II reporting requirements of the proposed Form FEA-P124-M-O, its supporting schedules and instructions. Comments should be directed to specific items on the form, schedules or instructions, and should address the questions presented in the cover letter which was sent to purchasers under PHASE I. Comments should not be directed to substantive provisions of 10 CFR Part 212.

Form FEA–P124–M–O has 4 schedules, A through D: Schedule A has parts for "Company Identification" and for "Certification"; Schedule B provides for reporting a "Summary of Transactions"; Schedule C provides for reporting of "First Purchase Inventory Additions"; and Schedule D provides for reporting of "Other Inventory Additions and Reductions."

Interested persons are invited to submit comments with respect to the proposed Form FEA–P124–M–O, its supporting schedules and instructions, to the Office of Data Systems Support, The Federal Energy Administration, Attn: Jimmie L. Petersen, Code 2891, 2000 M Street, N.W., Room 7302, Washington, D.C. 20461 (202–254–5147). Comments should be identified on the outside envelope and on documents submitted to FEA, with the designation "Form FEA–P124–M–O." All comments received by April 23, 1976 and all relevant information will be considered by FEA.

Pursuant to § 7(i)(1)(c) of the Federal Energy Administration Act, the FEA is required to hold public hearings with respect to rulemaking proceedings if a proposed rule is likely to have a "substantial impact on the Nation's economy or large numbers of individuals or businesses * * *." The FEA has determined that inasmuch as the proposed Form FEA–P124–M–O does not change the substantive requirements of FEA price regulations, but is for the purpose of gathering information, the issuance of the new form does not constitute a rulemaking proceeding and, in event, will have no "substantial impact on the Nation's economy or large numbers of individuals or businesses." Accordingly, the FEA will only receive written comments and will not hold public hearings with respect to the proposed Form FEA–P124–M–O.

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

In consideration of the foregoing, proposed Form FEA–P124–M–O, with schedules, instructions and cover letter as set forth below, is issued for comments.

Issued in Washington, D.C., April 9, 1976.

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

FEA-P124-M-0 – 4 –

Approved by GAO
B181254(RØ364)
Expires 12/31/76

FEDERAL ENERGY ADMINISTRATION
Washington, D.C. 20461

DOMESTIC CRUDE OIL PURCHASER'S MONTHLY REPORT

This Report Is Mandatory Under Public Laws 93-275 and 93-159

Schedule A

PART I – Company Identification — Form No. 01

a. This report is for the period ☐☐☐☐ MO. YR.

b. ☐ Check here if this is an amended (revised) report. Leave blank if this is an original report.

c. EIN ☐☐☐☐☐☐☐☐☐

d. FEA Identification Number ☐☐☐☐☐☐☐☐☐☐☐☐

e. This report applies to:
(a) ☐ Parent and consolidated entities
(b) ☐ Unconsolidated entity

f. Firm Name

g. ☐ Check here if the name and/or address of firm changed since last report.

h. Street/Box/RFD

i. City

j. State ☐☐ (use 2 letter Postal Service Code)

k. Zip Code ☐☐☐☐☐

l. Contact Person

m. Title

n. Phone (☐☐☐)☐☐☐-☐☐☐☐ Ext. ☐☐☐

o. Name of Parent Firm

Part II – Certification

I certify that information submitted on and with this form is factually correct, complete, and in accordance with Federal Energy Administration Regulations (Title 10 Code of Federal Regulations) and instructions to Form P124-M-0, and that neither the firm, nor any of the entities for which it is reporting, has engaged in exchanges, purchase and sale arrangements, or any other transaction for the purpose, or with the effect of, distorting the results reported herein.

(Type name and title of the Chief Executive Officer of parent, or other authorized Executive Officer, and date signed.)

Name	Date of Submission	Signature
Title		

U.S. Code – Title 18, Section 1001, makes it a crime for any person knowingly and willingly to make any false, fictitious or fraudulent statements or representations to any department or agency of the United States, in any matter within the jurisdiction of that department or agency.

COMPANY DATA WILL BE TREATED AS CONFIDENTIAL AND PROPRIETARY TO THE EXTENT THAT IT IS ENTITLED TO SUCH TREATMENT UNDER SECTION 14 OF THE FEDERAL ENERGY ADMINISTRATION ACT OF 1974.

FEA-P124-M-0

FEDERAL ENERGY ADMINISTRATION
Washington, D.C. 20461
DOMESTIC CRUDE OIL PURCHASER'S MONTHLY REPORT
Schedule B – Summary of Transactions

a. ☐ Check here if this is an amended (revised) report. Leave blank if this is an original report.

b. FEA Identification Number ☐☐☐☐☐☐☐☐☐☐
EIN ☐☐☐☐☐☐☐☐

c. Reporting Period ☐☐☐☐ MM YY

d. Submission Date ☐☐☐☐☐☐ MM DD YY

e. Name of Reporting Firm

Form No. 02

Line No.	Transaction Code	Transaction Type		Category of Domestic Crude: Lower Tier Volume (BBLS)	Lower Tier Wghtd. Average Price (U.S. $)	Lower Tier Total Amount (U.S. $)	Upper Tier + + Volume (BBLS)	Upper Tier + + Wghtd. Average Price (U.S. $)	Upper Tier + + Total Amount (U.S. $)	Total Volume (BBLS)	Total Wghtd. Average Price (U.S. $)	Total Amount (U.S. $)
01	00	Beginning Inventory	f.									
02	10	First Purchases – Old	g.									
03	15	First Purchases – New	h.									
04	16	First Purchases – Stripper	i.									
05	20	Other Purchases	j.									
06	30	Net Other Additions	k.									
07	Total Additions		l.									
08	50	Sales	m.									
09	70	Burn to Stills	n.									
10	80	Net Other Reductions	o.									
11	Total Reduction		p.									
12	99	Ending Inventory	q.									

FEA-P124-M-0

FEDERAL ENERGY ADMINISTRATION
Washington, D.C. 20461
DOMESTIC CRUDE OIL PURCHASER'S MONTHLY REPORT
Schedule C – First Purchase Inventory Additions

a. ☐ Check here if this is an amended (revised) report. Leave blank if this is an original report.

b. FEA Identification Number ☐☐☐☐☐☐☐☐☐☐
EIN ☐☐☐☐☐☐☐☐

c. Reporting Period ☐☐☐☐ MM YY

d. Submission Date ☐☐☐☐☐☐ MM DD YY

e. Name of Reporting Firm

Form No. 3

Line No.	Transaction Code	f. Category of Domestic Oil: Lower Tier Old Volume (BBLS)	Lower Tier Old Wghtd Avg Price (U.S. $)	Lower Tier Old Total Amount (U.S. $)	Upper Tier New Volume (BBLS)	Upper Tier New Wghtd Avg Price (U.S. $)	Upper Tier New Total Amount (U.S. $)	Upper Tier Stripper Volume (BBLS)	Upper Tier Stripper Wghtd Avg Price (U.S. $)	Upper Tier Stripper Total Amount (U.S. $)	Total Volume (BBLS)	Total Wghtd Avg Price (U.S. $)	Total Amount (U.S. $)	Producer g. Purchaser FEA ID No	h. Purchaser Name	i. Base Code	j. Field No	k. Property Name	l. Lease No	m. Specific Gravity	n. Average Sulphur Content	o. BTU
0001	10																					
	10																					
	10																					
	10																					

FEA-P124-M-0

FEDERAL ENERGY ADMINISTRATION
Washington, D.C. 20461
DOMESTIC CRUDE OIL PURCHASER'S MONTHLY REPORT
Schedule D – Other Inventory Additions and Reductions

a. ☐ Check here if this is an amended (revised) report. Leave blank if this is an original report.

b. FEA Identification Number ☐☐☐☐☐☐☐☐☐
EIN ☐☐☐☐☐☐☐☐☐

c. Reporting Period ☐☐☐☐ MM YY

d. Submission Date ☐☐☐☐☐☐ MM DD YY

e. Name of Reporting Firm

Form No. 04

		Category of Domestic Crude Oil									Purchaser/Seller	
		Lower Tier			Upper Tier			Total				
Line No.	f. Transaction Code	Volume (BBLS)	Wghtd. Avg. Price (U.S.$)	Total Amount (U.S.$)	Volume (BBLS)	Wghtd. Avg. Price (U.S.$)	Total Amount (U.S.$)	Volume (BBLS)	Wghtd. Avg. Price (U.S.$)	Total Amount (U.S.$)	g. FEA ID No.	h. Name
0001												

TRANSACTION CODES

20 Other Purchases
31 Additions of Domestic Crude Oil Obtained Through Exch. for Domestic Crude Oil
32 Additions of Domestic Crude Oil Obtained Through Exch. of Foreign Crude Oil
33 Additions of Domestic Crude Oil Obtained Through Exchange of Product
34 Additions of Domestic Crude Oil Obtained Through Exchange of Feedstock
35 Additions of Domestic Crude Oil Obtained Through Matured Future Exchanges
41 Addition Adjustments for prior Month
42 Other Additions
50 Sales
51 Sales to Utilities
61 Reductions of Domestic Crude Oil Through Exch. for Domestic Crude Oil
62 Reductions of Domestic Crude Oil Through Exch. for Foreign Crude Oil
63 Reductions of Domestic Crude Oil Through Exch. for Product
64 Reductions of Domestic Crude Oil Through Exch. for Feedstock
65 Reductions of Domestic Crude Oil Through Matured Future Exchanges
70 Runs to Stills of Domestic Crude Oil
71 Consumption of Domestic Crude Oil Purchased at Lease Property
72 Domestic Crude Oil Used as Fuel for Refinery
73 Spills of Domestic Crude Oil
75 Prior Month Reduction Adjustment
80 Other Reductions

DEAR SIRS: The Federal Energy Administration is developing the reporting system to be used to monitor the weighted average first sale price of domestic crude oil and related information required by policy and compliance functions of the FEA. As part of this effort the FEA previously requested via telegram 1975 and January 1976 information on domestic crude oil first purchases and names of sellers of domestic crude oil from purchasers. A reporting form to collect the same information for all 40 months of the domestic crude oil price program has been developed that combines the additional data requirements to support the FEA compliance and policy guidance functions.

The purpose of this letter is twofold:

(1) To require that data identical to that supplied to the FEA in response to telegrams dated 2-2-76, 2-5-76 and 2-20-76 be provided for each month beginning with February 1976 using selected (non-shaded) portions of the attached preliminary form, Schedule A, Schedule B and Schedule D.

(2) To request that a thorough review and assessment be made of the degree of difficulty or burden placed on a company required to prepare and submit such a form in its entirety. Once your comments have been reviewed and the form revised as appropriate to address those comments, a complete reporting system will be implemented. The preliminary reporting form for your comment consists of four schedules (See Attachment A).

Schedule A—Company Identification
Schedule B—Summary of Transactions
Schedule C—First Purchase Inventory Additions
Schedule D—Other Inventory Additions and Reductions

The data already submitted to the FEA by purchasers of domestic crude oil consists of company identification and certification data (Schedule A), first purchase (Schedule B), and purchaser/seller identification for other than first purchases (Schedule D). Until implementation of the system only sellers (Names and Addresses) of domestic crude oil not previously identified in response to the telegram should be entered in Schedule D. Please note that these data elements are not shaded on the attached schedules. Beginning with data for February 1976, please furnish this information on a copy of this form to arrive not later than the last day of the month subsequent to the reporting month, February data due April 9, 1976.

Recognizing that if the proposed form was implemented it would be impractical for some companies to immediately begin reporting all the information shaded on the draft form, the FEA intends to phase the implementation over a reasonable period of time to insure that both the FEA and reporting companies have had an adequate opportunity to develop or modify systems to effectively generate and utilize the reported data. The FEA anticipates that the reporting requirements will become mandatory in the following sequence:

A. Submission of Summary Data:

Phase I—Submission of Line 02, 03 and 04 of Schedule B)—and purchaser/seller identification for other than first purchases (Schedule D, identify only those firms not previously reported in response to the telegram). February data due April 9, 1976.

B. After comments are reviewed and General Accounting Office clearance is obtained:

Phase II—Full submission of Schedule B—Summary of Transactions.
Phase III—Full submission of Schedule C—First Purchaser Inventory Additions.
Phase IV—Full submission of Schedule D—Other Inventory Additions and Reductions.

In our effort to ensure that the new reporting system meets FEA requirements without imposing an unreasonable burden on the reporting companies, we are requesting that you review and assess the draft reporting form thoroughly, and then provide your comments, including the following information regarding each schedule:

Whether the required data elements are available (and if not, when could they be, or what alternative is available).
The estimated cost to collect the required data elements on a regular basis.
The estimated cost of preparing the schedules on a regular basis.
The estimated Number of Transactions for each schedule your firms would submit on a monthly basis.
The degree of compliance burden of maintaining a unique identification code system for particular data elements such as lease number, property number and lease operator FEA identification number.

When FEA implements the entire reporting requirements it would prefer to receive reports each month via computer readable media. FEA will provide record layouts, keypunch instructions, coding and editing instructions, and any other criteria or information that would be necessary to enable and ADP organization to format the information in such a manner that the data could be entered directly into FEA computers. Your comments on the feasibility and burden of submitting to FEA via computer readable media is requested.

In order to expedite the development of this reporting system, the FEA would like to obtain your comments as quickly as possible. Therefore, your company may be contacted by an FEA representative to solicit any comments from your company prior to your written submission to the FEA. In any case, the FEA requests that any comments be returned

to the office named below. All comments received on or before April 21, 1976 will be considered.

We appreciate your assistance in the development of this reporting system; if you wish to contact the FEA directly regarding either your comments or any questions relating to the form, please contact Mr. Theodore Flood at (202) 254-8690.

Sincerely,

ALBERT H. LINDEN, Jr.,
Deputy Assistant Administrator for Data Services.

THE FEDERAL ENERGY ADMINISTRATION,
Office of Data Systems Support, Office of Data Services, Code 2891, 2000 M Street NW., Room 7302, Dashington, D.C. 20461, 202-254-5147
(Attention of Jimmie L. Petersen).

DOMESTIC CRUDE OIL PURCHASER,S REPORT, FEA-P124-M-O

Instructions

I. PURPOSE

Form FEA-P124-M-O provides the means by which firms report all information necessary to implement the pricing policy for domestic crude oil of Section 401 of the Energy Policy and Conservation Act. Specifically it will provide the data necessary for FEA to execute its role in monitoring and enforcing the weighted average first sale price ("composite price") of domestic crude oil and to make adjustments and sanctions as deemed necessary.

II. WHO MUST SUBMIT

A. Each purchaser who obtains ownership and holds the title of domestic crude oil, including firms making transfers between affiliated entities.

B. General Rules: The following rules apply for the purpose of determining who must submit Form FEA-P124-M-O.

1. The parent and the consolidated entities (if any) wihch the parent directly or indirectly controls, taken all together constitute the "firm" for the purpose of II.A. above.

2. If the "parent and consolidated entries" make all purchases, the Form FEA-P124-M-O is prepared by the parent for and on behalf of the entire consolidated group for purposes of submission to the FEA. "Parent and consolidated entities" means a parent and those firms, if any, directly or indirectly controlled of financial statements prepared in accordance with generally accepted accounting principles.

3. Unconsolidated Entity. In addition to preparing Form FEA-P124-M-O for and on behalf of the entire consolidated group, the parent must prepare a separate Form FEA-P124-M-O for and on behalf of each unconsolidated entity including an entity which is consolidated with an unconsolidated entity. An "unconsolidated entity" is any entity directly or indirectly controlled by a parent but not consolidated with the parent for purposes of financial statements prepared in accordance with generally accepted accounting principles. An "unconsolidated entity" includes any entity consolidated with that unconsolidated entity for purposes of financial statements prepared in accordance with generally accepted accounting principles.

III. WHERE TO SUBMIT

A purchaser of domestic crude oil must submit Form FEA-P124-M-O and its schedules as well as any attachment which may be required to: Domestic Crude Oil Price Program, 2000 M Street, N.W., Washington, D.C. 20036.

IV. WHEN TO SUBMIT

Each purchaser must submit their Form FEA-P124-M-O on or prior to the last working day of each month, commencing with the month of February 1976. Each report submitted will furnish information as to the month preceding the month in which the Form FEA-P124-M-O is required to be filed. This preceding month is referred to herein as the reporting period.

V. RECORDS MAINTENANCE REQUIREMENTS

Purchasers shall maintain in their files, for a period of 40 months, records supporting the data reported in their monthly submissions. These records shall be sufficiently complete to demonstrate the methodology, adjustments, and data used to calculate the various prices and quantity data. Such records shall be made available, on request, to the FEA Administrator or his designee.

VI. DEFINITIONS

A. *"Base production control level (BPCL),"* for a particular month for a particular property, means:

1. Prior to February 1, 1976:

a. If crude oil was produced and sold from that property in every month of 1972, the total number of barrels of domestic crude oil produced and sold from that property in the same month of 1972;

b. If domestic crude oil was not produced and sold from that property in every month of 1972, the total number of barrels of domestic crude oil produced and sold from the property in 1972, divided by 12;

2. Effective February 1, 1976, the total number of barrels of old crude oil produced and sold from the property during calendar year 1975, divided by 365, multiplied by the number of days in the particular month during 1975.

3. Notwithstanding the provisions of paragraph 2. above, effective February 1, 1976, a producer may elect, pursuant to the provisions of § 212.131(a)(1) of this Part, to use as a property's base production control level for a particular month the total number of barrels of crude oil produced and sold from the property during calendar year 1972, divided by 366, multiplied by the number of days in the particular month during 1972. The reporting firm may obtain the BPCL from the run ticket.

B. *"Booked cost"* means for the purposes of this reporting form, that reporting companies may use their historical method of accounting for purchased crude oil, provided that this method is consistently applied in each reporting period. Any adjustments to prior reporting months shall be made in the current reporting month and separately identified.

C. *"First sale"* means the first transfer for value by the producer or royalty owner. With respect to transfers between affiliated entities, the "first sale" shall be imputed to occur as if in arms-length transactions.

D. *"New crude oil"* means, with respect to a specific property:

1. Prior to February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less— a. The base production control level for that month, and less, b. The current cumulative deficiency;

2. Effective February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less— a. The property's base production control level for that month, and less, b. The current cumulative deficiency since February 1, 1976; and

3. Shall not in either period include any number of barrels not certified as new crude oil pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is explicitly required or permitted by FEA order, interpretation, or ruling.

E. *"Current cumulative deficiency"* means:

1. Prior to February 1, 1976, the total number of barrels by which production and sale of crude oil was less than the base production control level, for all months in which production and sale of crude oil was less than the BPCL subsequent to the first month in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency;

2. Effective February 1, 1976, the total number of barrels by which production and sale of crude oil has been less than the base production control level subsequent to the first month (after February 1, 1976) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month after February 1, 1976, which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the new cumulative deficiency.

F. *"Old crude oil"* means:

1. Prior to February 1, 1976, the total number of barrels of crude oil produced and sold from a property in a specific month, less the total number of barrels of new crude oil for that property in that month, and less the total number of barrels of released crude oil for that property in that month;

2. Effective February 1, 1976, the total number of barrels of crude oil produced and sold from a property in a specific month, less the total number of barrels of new crude oil for that property in that month.

G. *"Property"* means the right to produce domestic crude oil, which arises from a lease or from a fee interest.

H. *"Exchange of crude oil"*. In any exchange of domestic crude oil in which volume, price, quality, and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, volumes of domestic crude oil shall be deemed to have been transferred. Any volumes of domestic crude oil delivered pursuant to any such exchange or transaction shall be considered as having been transferred by the entity that has exchanged away or sold such volume, regardless of the volume of crude oil received or purchased by that firm in such an exchange or transaction.

I. *"Stripper well oil"* means production from a lease whose average production per well did not exceed ten barrels per day during any preceeding calendar year beginning after Dec. 31, 1972 (10 CFR 212.74(c)).

VII. GENERAL INSTRUCTIONS

All firms who submit the Form FEA-P124-M-O must complete Schedules A, B, C, and D in their entirety. Individual transactions will be represented on more than one schedule. For example, a first purchase of domestic crude oil will be included at summary level on Schedule B and reported at the detail level on Schedule C.

VIII. SPECIFIC INSTRUCTIONS

Schedule A—Company Identification

This report must be submitted by the parent company for all its subsidiaries separately.

Item a. (reporting period), enter the month and year of the reporting period, e.g., 0476. The reporting period is defined as the month of measurement; it may only be one calendar month and must begin with the first day of that month and continue through the last day of that month.

Item b. (check), check in the box if the report submitted is an amendment or a revision. If you are supplying an original report, leave the box blank. Individual items may be updated by reference to items a through e, form, and line number of the line item to be corrected.

Item c. (EIN number), enter the IRS employer identification number of the firm for which this form is being submitted.

Item d. (FEA identification number), must be included for the firm for which this report is being submitted.

Item e. (this report applies to:), check (a) if this report applies to the parent firm or to a consolidated entity. Check (b) if this report applies to an unconsolidated entity.

Item f. (name), enter the legal name of the firm for which this report is being submitted.

Item g. (check), enter a check if the name and/or address of the firm for which this report is being submitted has changed since the last report. If not, leave the box blank.

Item h. (street), enter the street, P.O. Box, or RFD of the executive office of the firm for which this report is being submitted.

Item i. (city), enter the city of the executive office of the firm for which this report is being submitted.

Item j. (state), enter the two letter postal service code listed below of the executive office of the firm for which this report is being submitted.

Alabama	AL	N. Hampshire	NH
Arizona	AZ	N. Jersey	NJ
Alaska	AK	N. Mexico	NM
Arkansas	AR	N. York	NY
California	CA	N. Carolina	NC
Colorado	CO	N. Dakota	ND
Connecticut	CT	Ohio	OH
Delaware	DE	Oklahoma	OK
D.C.	DC	Oregon	OR
Florida	FL	Pennsylvania	PA
Georgia	GA	Rhode Island	RI
Hawaii	HI	S. Carolina	SC
Idaho	ID	S. Dakota	SD
Illinois	IL	Tennessee	TN
Indiana	IN	Texas	TX
Iowa	IA	Utah	UT
Kansas	KS	Vermont	VT
Kentucky	KY	Virginia	VA
Louisiana	LA	Washington	WA
Maine	ME	W. Virginia	WV
Maryland	MD	Wisconsin	WI
Massachusetts	MA	Wyoming	WY
Michigan	MI	Offshore Alaska	OA
Minnesota	MN	Offshore East Coast	OE
Mississippi	MS	Offshore Gulf Coast	OG
Missouri	MO	Offshore Pacific	OP
Montana	MT		
Nebraska	NE		
Nevada	NV		

Item k. (zip code), enter the zip code of the executive office of the firm for which this report is being submitted.

Item l. (name of contact person), enter the name of a person whom FEA may contact concerning this form.

Item m. (title), enter the title of the contact person.

Item n. (telephone), enter the telephone number, including area code and extension number of the contact person.

Item o. (name of parent), if the firm submitting this form is the parent company, the same name must be entered. If the firm submitting this form is a subsidiary, enter the name of the parent.

Part II (certification), this schedule must be certified by the chief executive officer of the reporting firm, or such executive officer as authorized by the chief executive officer to sign for him for this purpose.

Schedule B—Summary of Transactions

This schedule requires a reconciliation of volume and price data submitted on Schedules C and D for all inventory additions and reductions of domestic crude oil. In addition to summarizing all first purchases, all additions, and all reductions, the beginning and ending inventories must be reported. The transactions on Schedules C and D are summarized for this schedule as follows:

The total of Transaction Codes 10, 15, and 16 (first purchases, old oil, first purchases, new oil, and first purchases, stripper, respectively) on Schedule B equals the total of Transaction Codes 10 on Schedule C.

Transaction Code 20 equals the total of all Transaction Codes 20 on Schedule D.

Transaction Code 30 equals the total of all the Transaction Codes 31 through 42 on Schedule D.

Transaction Code 50 equals the total of all the Transaction Codes 50 and Transaction Codes 51 on Schedule D.

Transaction Code 70 equals the total of all the Transaction Codes 70 on Schedule D.

Transaction Code 80 equals the total of all the Transaction Codes 61 through 65 and Transaction Codes 71 through 80 on Schedule D.

Item a. (check), check in the box if the report submitted is an amendment or a revision. If you are supplying an original report, leave the box blank. Individual items may be updated by reference to items a through e, form, and line number of the line item to be corrected.

Item b. (FEA identification number), must be included for the firm for which this report is being submitted.

Item c. (reporting period), enter the month and year of the reporting period, e.g., 0476. The reporting period is defined as the month of measurement; it may only be one calendar month and must begin with the first day of that month and continue through the last day of that month.

Item d. (submission date), enter the month, day and year that you are submitting this report, e.g., 042076.

Item e. (name of the reporting firm), enter the name of the firm for which this report is being submitted.

**Item f.* (beginning inventory), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for lower tier and upper tier crude oil as well as the total volume and weighted average price. The beginning inventory for the reporting period is defined as the amount of inventory on the first calendar day of the month.

Item g. (first purchases, old), enter the net volume in whole barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars rounded to the nearest dollar for all first purchases of old crude oil as well as the total volume and weighted average price for the reporting period.

Item h. (first purchases, new), enter the net volume in whole barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars rounded to the nearest dollar for all first purchases of new crude oil for the reporting period.

Item i. (first purchases, stripper), enter the net volume in whole barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars rounded to the nearest dollar for all first purchases of stripper well crude oil for the reporting period.

**Item j.* (other purchases), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for all other purchases of lower tier and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

**Item k.* (net other additions), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for the net of all other additions of lower tier and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

**Item l.* (total additions), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for the total of all additions for lower tier and upper tier crude oil as well as total volume and weighted average price for the reporting period.

**Item m.* (sales), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for all sales of old and new crude oil as well as the total volume and weighted average price for the reporting period.

**Item n.* (runs to stills), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for all runs to stills of lower tier and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

**Item o.* (net other reductions), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for the net of all other reductions of lower tier and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

**Item p.* (total reductions), enter the volume by barrels, the weighted average price, and the total amount in United States dollars and cents for the total reductions of lower tier and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

**Item p.* (ending inventory), enter the volume by barrels, the weighted average price and the total amount in United States dollars and cents for the ending inventory of lower tier and upper tier crude oil as well as total volume and weighted average price for the reporting period.

Schedule C—First Purchase Inventory Additions

This schedule is used to record all first purchases of domestic crude oil by a reporting firm. Each line represents a summary of transactions by lease number for a given reporting period. The original source documents for summarizing by lease are the individual run tickets. Reporting firms with automated processing capability should submit Schedule C data on IBM compatible magnetic tapes or other compatible media.

**Item a.* (check), check in the box if the report submitted is an amendment or a revision. If you are supplying an original report, leave the box blank. Individual items may be updated by reference to items a through e, form, and line number of the line item to be corrected.

**Item b.* (FEA identification number), must be included for the firm for which this report is being submitted.

**Item c.* (reporting period), enter the month and year of the reporting period, e.g.,

Footnotes at end of article.

0476. The reporting period is defined as the month of measurement; it may only be one calendar month and must begin with the first day of that month and continue through the last day of that month.

Item d. (submission date), enter the month, day and year that you are submitting this report, e.g., 042076.

Item e. (name of reporting firm), enter the name of the firm for which this report is being submitted.

Item f. (category of domestic crude oil), enter the volume in barrels, the weighted average price and the total amount in United States dollars and cents for old, new and stripper crude oil as well as the total volume weighted average price, and total dollar amount.

Item g. (producer FEA ID number), enter the FEA identification number of the producer from whom the crude oil was purchased.

Item h. (producer name), enter the name of the producer from whom the crude oil was purchased.

Item i. (state), enter the state code in which the producer's property is located.

Item j. (field number), enter the number of the oil field in which the producer's property is located. The number may be obtained from the FEA reference manual.**

Item k. (property name), enter the name of the producer's property.

Item l. (lease number), enter the specific lease number associated with the producer's property. This is the highest level to which detail first purchase transactions will be summarized.

Item m. (specific gravity), enter the specific gravity for all purchase transactions related to the given lease.

Item n. (average sulfur content), enter the average sulfur content for all purchases related to a given lease.

Item o. (BPCL), enter the base production control level for that lease for the reporting period.

Schedule D—Other Inventory Additions and Reductions

The purpose of this schedule is to record all additions and reductions to the crude oil inventory or a reporting firm other than first purchases (first purchases are shown separately on Schedule C). Each line represents a summary of transactions by purchaser/seller to the reporting firm for a given reporting period.

Item a. (check), check in the box if the report submitted is an amendment or a revision. If you are supplying an original report, leave the box blank. Individual items may be updated by reference to items a through e, form, and line number of the line item to be corrected.

Item b. (FEA identification number), must be included for the firm for which this report is being submitted.

Item c. (reporting period), enter the month and year of the reporting period, e.g., 0476. The reporting period is defined as the month of measurement; it may only be one calendar month and must begin with the first day of that month and continue through the last day of that month.

Item d. (submission date), enter the month, day and year that you are submitting this report, e.g., 042076.

Item e. (name of reporting firm), enter the name of the firm for which this report is being submitted.

Item f. (transaction code), enter the applicable transaction code (TC) from the bottom of the page for the types of transactions that occurred during the reporting period.

Item g. (FEA ID number), enter the FEA identification number of the purchaser/seller from whom or to whom the crude oil was purchased/sold. This entry must be made with every transaction.

Item h. (name), enter the name of the purchaser or seller. This entry must be made with every transaction.

NOTE: For the PHASE I reporting provide names and addresses of domestic crude oil sellers not previously identified in response to the telegram.

Transaction Codes:

TC 20 (other purchases), enter the volume by barrels, the weighted average price in U.S. dollars and cents and the total amount in United States dollars for all purchases other than first purchases of lower and upper tier crude oil as well as total volume and weighted average price for the reporting period.

TC 31 (additions of domestic crude oil obtained through exchange for domestic crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and cents and the total amount in United States dollars for all additions of lower and upper tier domestic crude oil obtained through exchange for domestic crude oil for the reporting period.

TC 32 (additions of domestic crude oil obtained through exchange of foreign crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and cents and the total amount in United States dollars for all additions of lower and upper tier domestic crude oil obtained through exchange of foreign crude oil as well as the total volume and weighted average price.

TC 33 (additions of domestic crude oil obtained through exchange of product), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all additions of lower and upper tier domestic crude oil obtained through exchange of product as well as the total volume and weighted average price for the reporting period.

TC 34 (additions of domestic crude oil obtained through exchange of feedstock), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all additions of lower and upper tier domestic crude oil obtained through exchange of feedstock as well as the total volume and weighted average price for the reporting period.

TC 35 (additions of domestic crude oil obtained through matured future exchanges), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all additions of lower and upper tier domestic crude oil obtained through matured future exchanges as well as the total volume and weighted average price for the reporting period. Note: For the purposes of TC 35 and TC 65, "matured future exchange" means an exchange in which one side of the exchange (acceptance, TC 35 or delivery, TC 65) is contracted to occur at a future point in time at a specified volume and price. Future transactions in such exchanges should be reported only at the time when the contract matures.

TC 41 (addition adjustments for prior month), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all additional adjustments for the prior month for lower tier crude oil and upper tier crude oil as well as the total volume and weighted average price for the reporting period. Adjustments may be made for a period not greater than 60 days prior to the date of submission.

TC 42 (other additions), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all other additions of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period. Other additions must be explained by the reporting firm on a separate attachment of explanations.

TC 50 (sales), enter the volume by barrels, the weighted average price, and the total amount in United States dollars for all sales of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

TC 51 (sales to utilities), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all sales to utilities of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

TC 61 (reductions of domestic crude oil through exchange for domestic crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all lower and upper tier crude oil given up in exchange for domestic crude oil as well as the total volume and weighted average price for the reporting period.

TC 62 (reductions of domestic crude oil through exchange for foreign crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all lower and upper tier domestic crude oil given up in exchange for foreign crude oil as well as the total volume and weighted average price for the reporting period.

TC 63 (reductions of domestic crude oil through exchange for product), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all lower and upper tier reductions of domestic crude oil through exchange for product as well as the total volume and weighted average price for the reporting period.

TC 64 (reductions of domestic crude oil through exchange for feedstock), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all lower and upper tier reductions of domestic crude oil through exchange for feedstock as well as the total volume and weighted average price for the reporting period.

TC 65 (reductions of domestic crude oil through matured future exchanges), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all lower and upper tier domestic crude oil reductions through matured future exchanges as well as the total volume and weighted average price for the reporting period. (See note to TC 35.)

TC 70 (runs to stills of domestic crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and to stills of lower and upper tier crude oil as well as the total volume and weighted average for the reporting period.

TC 71 (consumption of domestic crude oil purchased at lease property), enter the volumes by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all consumption at lease property of purchased lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

TC 72 (domestic crude oil used as fuel for refinery), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all fuel for the refinery of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

TC 73 (spills of domestic crude oil), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all spills

Footnotes at end of article.

of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period.

TC 75 (prior month reduction adjustment), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all reduction adjustments for the prior month for lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period. Adjustments may be made for a period not greater than 60 days prior to the date of submission.

TC 80 (other reductions), enter the volume by barrels, the weighted average price in U.S. dollars and cents, and the total amount in United States dollars for all other reductions of lower and upper tier crude oil as well as the total volume and weighted average price for the reporting period. Other reductions must be explained by the reporting firm on a separate attachment of explanations.

FOOTNOTES

*For comemnt only.

**To be published by FEA.

[FR Doc.76-10951 Filed 4-15-76;9:28 am]

[10 CFR Part 212]

CLARIFICATIONS TO MANDATORY PETROLEUM PRICE REGULATIONS APPLICABLE TO DOMESTIC CRUDE OIL

Proposed Rulemaking and Public Hearing

I. Introduction. The Federal Energy Administration ("FEA") hereby gives notice of a proposed rulemaking and public hearing to consider clarification to certain technical aspects of the Mandatory Petroleum Price Regulations applicable to domestic crude oil (10 CFR Part 212, Subpart D). Depending on the nature of the information received in this proceeding, FEA will consider the adoption of retroactive amendments and the issuance of rulings, as well as the adoption of prospective amendments, to the extent that such actions may be appropriate in resolving these issues.

The implementation of the crude oil pricing policy of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163) has been undertaken by FEA in three stages, with a separate rulemaking proceeding to resolve the major policy issues associated with each stage: (1) the implementation, as required by the EPCA, of a maximum weighted average first sale price ("composite price") in February 1976 of $7.66 per barrel for all domestic crude oil (41 FR 4931, February 3, 1976); (2) adjustments, as permitted by the EPCA, to the composite price to take into account the effects of inflation and to provide additional production incentives (41 FR 15566, April 13, 1976); and, (3) in a notice of proposed rulemaking yet to be issued, further adjustments to the composite price, subject to Congressional review pursuant to the EPCA, to provide additional incentives for domestic crude oil production. FEA does not propose in this rulemaking proceeding to alter any of the major policy decisions reached in the three stages of implementing the EPCA crude oil pricing policies. However, a variety of subsidiary issues of a more technical nature have arisen in connection with the implementation of the EPCA, concerning the proper application of Subpart D to first sales of domestic crude oil, and this proceeding is intended to resolve as many of these issues as possible, at the outset of the 40-month crude oil price control program established by the EPCA. These issues include those related to the definitions of "property" and "posted price," whether a well is properly classified as an "oil well" for purposes of the stripper well lease rule, the partial rescission of Ruling 1975-15, including the issue whether a property's producing patterns have been "significantly altered" for purposes of the enhanced recovery rule applicable to unitized properties (10 CFR 212.75), and whether the certification of domestic crude oil sales presently required in 10 CFR 212.131 is adequate to enable crude oil purchasers to report on the Form FEA-P124-M-O, Domestic Crude Oil Purchaser's Monthly Report, notice of which is also issued today.

Public hearings on the issues enumerated above will be held in Washington, D.C. Public hearings will also be held in Dallas, Texas, and Denver, Colorado, in view of the large number of inquiries received from producers by the FEA Regional Offices in those cities (Regions VI and VIII).

This Notice sets forth FEA's tentative conclusions with respect to the issues which have come to its attention in connection with the Subpart D regulations and which are to be considered in this rulemaking proceeding. However, before any action is taken in these matters, comments are being solicited to aid FEA in resolving these issues in a way that best comports with the statutory objectives of the Energy Policy and Conservation Act (Pub. L. 94-163, "EPCA"). Accordingly, primary consideration will be given to interpretive rulings, and clarifying amendments (if needed), that are both administratively feasible and consistent with obtaining optimum production of crude oil in the United States. Moreover, comments should specifically identify the extent, if any, to which the tentative interpretations that follow do or do not conform to consistent and historical practice. Comments are also requested as to any other issues that may have arisen with respect to the application of the Subpart D regulations, even though they may not be specifically dealt with in this Notice.

II. Issues. A. The definition of "property".

The property concept is clearly the most fundamental aspect of the two tier pricing mechanism that was adopted by the Cost of Living Council under the Economic Stabilization Act on August 17, 1973 (38 FR 22536, August 22, 1973), carried forward by the FEO and FEA under the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159, "EPAA"), and significantly revised by FEA on February 1, 1976 pursuant to the EPCA (41 FR 4931, February 3, 1976).

For purposes of the two tier pricing mechanism under FEA regulations, the term "property" signifies the basic productive entity from which producers determine increases in production that qualify for treatment as upper tier crude oil. The property definition originated in the August 17, 1973 Cost of Living Council regulations and has remained substantially unchanged since that time:

"Property" is the right which arises from a lease or from a fee interest to produce domestic crude petroleum. (38 FR 22536 at 22538.)

In Ruling 1975-15 (40 FR 40832, September 4, 1975) FEA interpreted the property concept as

one that identifies the right to produce crude oil, whether that right arises from a lease or from a fee interest. While the FEA recognizes that various state and other federal regulatory authorities may, for other purposes, have monitored production levels on other bases (e.g., by physical boundaries or by producing formations or reservoirs), it is necessary that the price regulations embody a uniform concept, the parameters of which can be readily applied to all domestic production, regardless of varying state classifications. For this reason, FEA regulations utilize, as a reference, a property concept, based upon the right to produce crude oil, that can be readily identified for all producers (40 FR 40832).

The concept discussed in Ruling 1975-15 does not recognize separate properties where there is production from two or more reservoirs underlying a single surface lease unless there is a separate and distinct right to produce crude oil arising from separate lease or fee interests with respect to each reservoir. (See 40 FR 40832 at 40833.)

In connection with the many issues considered in the first stage rulemaking, FEA proposed for comment (41 FR 1564, January 8, 1976) an amended definition of property that, had it been adopted, would have recognized the existence of separate properties within the surface boundaries of a single lease or fee interest, where that interest encompassed separate and distinct producing reservoirs regardless whether there were separate and distinct rights to produce arising from separate and distinct lease or fee interests with respect to each reservoir. The term reservoir, although subject to various technical meanings, is used here to designate a separate and distinct producing formation not connected with any other producing formation.

After consideration of all the written and oral comments submitted in connection with the first stage proceeding, FEA determined that it was not possible at that time to evaluate with any degree of certainty the effect on the proportions of old, new, and stripper well lease crude oil that would result from such a change in the basic property concept. Accordingly, the reservoir concept was not added to the definition of "property" in the amendments adopted with the first stage of EPCA-implementing regulations, effective February 1, 1976 (41 FR 4931,

February 3, 1976). However, FEA indicated that a subsequent rulemaking proceeding would provide the opportunity to consider a proposal that production from newly-developed reservoirs on existing properties would qualify as upper tier crude oil, without regard to the BPCL that would otherwise be established for that property as a whole by production from other reservoirs subject to the same lease or fee interest. This opportunity will be afforded in the third stage of rulemaking proceedings to implement the EPCA.

Since the issuance of the February 1 amendments, FEA has received numerous inquiries and comments urging reconsideration of the proposal to revise the property concept so as to establish a separate property of each reservoir. FEA has considered these submissions carefully and it is possible that an appropriate clarification of the current property concept can be made at this time which may resolve many of the issues raised, and abate, the confusion that appears to exist among crude oil producers with respect to the property concept.

Accordingly, at the conclusion of this rulemaking FEA proposes to issue a ruling or to adopt amendments to clarify the application of the property concept, since the initiation of the price regulations. Before final action is taken FEA will receive written and oral comments in this proceeding directed to the tentative interpretation which is set forth in general terms below. Comments should identify the extent, if any, to which the proposed ruling set forth herein does or does not conform to consistent and historical industry practice. Moreover, comments should specifically address the extent, if any, to which the application of this interpretation would require a recalculation of the amounts of lower and upper tier crude oil produced and sold from the properties as thus delineated.

1. State-recognized productive units. Although the property concept is, in express terms, the right to produce crude oil arising from a lease or from a fee interest, FEA recognized in Ruling 1975–15 that the lease or fee interest does not in every instance suffice to describe the producing entity, and therefore may not be adequate to describe the property. Ruling 1975–15 stated that the creation of a unit serves to establish a "property" for purposes of FEA regulations, since such agreements usually result in charges in production patterns from the individual leases, which are subject to the agreement, and which tend to make lease-by-lease comparisons of production meaningless. Such agreements also result in a producing entity that is recognized for purposes of accounting and reporting to most state regulatory bodies.

Accordingly, when the right to produce crude oil, although arising from several lease or fee interests, is more correctly described by the unit, it is appropriate for FEA to recognize the same producing entity as the property for purposes of determining lower and upper tier quantities. Ruling 1975–15 was thus issued essentially to clarify the fact that, where changes in the scope of the right to produce crude oil occurred since 1972 (the period during which production and sale of crude oil is initially measured in order to determine whether production is currently sufficient to result in crude oil eligible to be sold at higher price levels than "old" crude oil), comparable productive units must nevertheless be compared to determine whether there has been a true increase in production.

FEA stated in Ruling 1975–15, that the property concept (defined as the right to produce crude oil arising from a lease or a fee interest) is intended to be one that is readily identifiable and uniformly applicable to all domestic production, regardless of varying state classifications of productive entities, which are made for various purposes. This explanation of the concept is also in accordance with the general philosophy behind the Cost of Living Council's Phase IV price regulations in which the property definition originated.

Because the Economic Stabilization Program was always intended to be a temporary program, the regulations adopted pursuant to that program were designed so as to achieve the price control regulatory objectives with minimal disruption to normal business practices. Thus, a definition of property was adopted to serve two basic purposes. First, the entity was intended to be one for which producers would in their normal course of business maintain production records so that new recordkeeping or data collection by the producers would not generally be necessary and audits for compliance purposes would be facilitated. Second, the entity was designed to serve as the basic building block for the incentive system which rewarded increased or new production from a property by classifying that production as new crude oil.

FEA has tentatively concluded that consistent with the original objectives of the Cost of Living Council regulatory program, in order to minimize the burden of compliance reporting on producers, to facilitate the ease of compliance audit activities, and to comport more perfectly with the two tier price incentive system, the pre-existing regulatory concepts, of state regulatory agencies and historical systems of production accounting that transcend the variations among state regulatory requirements ought to be afforded the maximum practicable significance under FEA regulations.

Broadly stated, then, the right to produce crude oil may be described in the first instance by a lease or fee interest, but is subject to the possible further modification if some other producing entity has been recognized by the applicable state authority, which describes a different right to produce.

For example, in Louisiana, where unitization may be compelled by the Commissioner of Conservation, the recognition by the state of producing entities is generally based upon factors other than merely surface boundaries. Such productive entities are called "units," although the term does not always denote the combination of separate lease or fee interests into the type of "unitization" described in Ruling 1975–15. It may, instead, indicate the recognition of the geological limits of a producing reservoir which lies entirely within the surface boundaries of a single lease. Such units may be formed in Louisiana as a result of a formal proceeding, and they then become separate producing entities recognized by the state. The balance of production from the non-unitized portion of the lease is then also recognized by the state as a producing entity. Accordingly, in Louisiana each state-recognized unit may therefore appropriately describe a property, with each lease upon which is reported non-unitized production also appropriately describing a separate property.

The regulatory authority for the state of Texas (the Railroad Commission of Texas) is not empowered to require compulsory unitization, but voluntary "units" are recognized by the Railroad Commission as a producing entity. Here again, the balance of production from non-unitized portions of leases is recognized on a lease basis and reported to the Railroad Commission as such.

Accordingly, for purposes of FEA price regulations, the property concept may appropriately recognize such producing entities, as recognized by state bodies, whether the entity is the least, some portion of the lease, or the unitization of parts of two or more leases.

FEA does not propose to recognize all producing entities which are recognized by state regulatory bodies as separate "properties," but intends to make specific determinations as to where such recognition is consistent with the objectives expressed above. In general, it is anticipated that such state-recognized production entities are appropriately afforded "property" status under FEA regulations where they comprehend more than one lease or fee interest, such as in the case of "units" of the type described in Ruling 1975–15. On the other hand, some states may recognize productive entities on essentially a well-by-well basis. The recognition of state regulatory productive units which consist of something less than the right to produce arising from a single lease or fee interest must, therefore, be closely analyzed inasmuch as these may generally be less likely to comport with FEA objectives. Thus, comments in this proceeding should specifically identify the nature of the state regulatory productive entity which might appropriately be deemed to designate a "property" for FEA purposes, with reference to the state statute or regulation which defines the productive entity or procedure whereby the productive entity is established, and the extent to which such productive entities constitute more than or less than the right to produce crude oil which arises from an individual lease or fee interest. Also, the extent to which such state recognized productive entities have been combined or further divided for purposes of internal accounting procedures should also be specified.

Finally, FEA audits of major producers and industry comment indicate that some producers which operate properties in more than one state have developed systems of production accounting that transcend the variations among state regulatory requirements. These producers indicate that they have consistently and historically accounted for production in a uniform manner among states but have nevertheless generally been able to take into account the various state regulatory requirements. FEA believes that to the extent that such historical accounting methods can be shown both to align very closely with the state recognized producing entities and to comport with the policies sought to be achieved under the two tier pricing system, they may also form an appropriate means of meeting the obectives of ready identifiability and uniform applicability which were set forth in Ruling 1975–15. Comments are also requested on the extent to which these systems of production accounting meet these obectives and standards by which FEA should allow such systems of production accounting to be used to determine properties.

2. Enhanced recovery units. In the amendments adopted February 1, FEA promulgated a new § 212.75, "Enhanced recovery projects on unit," to provide an incentive for producers to implement enhanced recovery projects on unitized properties. In this regard, FEA rescinded that part of Ruling 1975–15 that required that as of the time a unit agreement becomes effective, current total production and sale of crude oil from the unit must exceed the total base production control levels for all the participating lease or fee interests of the unit before any of the unit production qualifies as new crude oil. This partial rescission of Ruling 1975–15 permits but does not require lease-by-lease calculations of upper tier crude oil volumes for leases subject to unitization agreements to be continued even after the unitization agreement has become effective.

However, it is nevertheless clear that due to the eventual alteration of lease-by-lease producing patterns, production from the unit must at some point be treated as the aggregate of production from all the participating leases, in order to obtain a meaningful comparison of production levels. Accordingly, FEA determined that upon implementation of enhanced recovery techniques, or upon the significant alteration of producing patterns, a producer must treat the unit as the property if it has not already been treated as such. If the unit is an enhanced recovery property as defined in § 212.75, a unitized BPCL is calculated. Regardless whether or not the unit has been formed for enhanced recovery, the unit must be treated as the property from such time as there has been a significant alteration in producing patterns.

FEA again solicits comments on the appropriate manner for determining the point at which there has been a significan alteration in producing patterns. Comments should address the factors which are important in determining when the unit has been so altered as to render lease-by-lease determinations meaningless. FEA will analyze the comments in order to provide a definition that will be applicable to all units.

B. The definition of "posted price."

FEA price regulations employ historical crude oil posted prices as references for determining lower and upper tier ceiling prices. Lower tier ceiling prices are determined by reference to the highest posted price for the same grade of crude oil in the same or nearest field on May 15, 1973, plus $1.35 per barrel. Upper tier ceiling prices are determined by reference to the highest posted price for the same grade of crude oil in the same or nearest field on September 30, 1975, less $1.32 per barrel.

The definition of "posted price" was adopted by the Cost of Living Council in December 1973, and has remained substantially unchanged since that time:

"Posted price" means a written statement of crude petroleum prices circulated publicly among sellers and buyers of crude petroleum in a particular field in accordance with historic practices, and generally known by sellers and buyers within the field. (38 FR 33577 at 33578, December 6, 1973.)

Although FEA has issued no interpretive ruling with respect to this definition or any of its included terms, the posted price concept has served as the basis for determining lower tier ceiling prices for more than two years. Following publication of the February 1 amendments, however, a substantial number of inquiries have been received by FEA relative to the correct application of the posted price concept to the determination of upper tier ceiling prices. To a lesser extent, inquiries relative to the posted price for purposes of determining lower tier ceiling prices have also been received.

The principal issue in this regard relates to the use of the term "field" in the definition of posted price. Buyers and sellers alike have indicated that inasmuch as a field is not specifically defined, conflicting September 30, 1975 "highest posted prices" occur in many areas of the country. (This problem is apparently not as prevalent with respect to lower tier ceiling prices due to the relative uniformity of crude oil prices in May 1973.) For example, while some price bulletins refer specifically to named fields in which the particular price prevails, other types of bulletins specify a price for a particular grade of crude oil, which is produced over a large geographical area—perhaps even over an area of one or more states.

The problem is compounded where a single price bulletin has been issued for an area and grade of crude oil (without specifying particular fields), while a price bulletin was issued by a competing buyer offering a higher price, but specifically limited to certain named fields which do not include all the fields within the larger area referred to in the price bulletin offering a lower price. Moreover, both buyers and sellers have indicated that the existence of private offers to identified purchasers has in some instances made it unclear what the highest posted price was on May 15, 1973 or September 30, 1975. Accordingly, in this rulemaking FEA will clarify these issues, with regulatory amendments if appropriate, to indicate what the proper application of the posted price concept is. The following discussion indicates FEA's tentative interpretation of the posted price concept, subject to comment from interested parties.

With respect to whether or not an offer to purchase crude oil constitutes a posted price, the definition has always provided "that a posted price must be a *publicly circulated written offer* to purchase (emphasis added, 38 FR 33567 at 33578)." Thus, unless the offer in question is evidenced by a contemporaneous writing, it does not qualify as a posted price: verbal offers are not posted prices. Moreover, the definition explicitly requires that the written offer have been (1) circulated among, and (2) generally known by buyers and sellers of crude oil in the field. Therefore, even a written offer will not qualify as a posted price if directed only to certain identified sellers or to less than a significant proportion of the sellers in the field. Comments are sought as to the extent to which this manner of price offering is normal industry practice.

Price bulletins which specify only a geographical area and crude oil grade (e.g., "West Texas Sour") are presumed to be applicable to every field within the named area, unless a particular field is specifically excluded. However, the existence of a price bulletin stating a higher price for specifically named fields within the same area will, of course, supersede the area wide price bulletin, for the named fields only.

Moreover, posted prices used to establish lower tier ceiling prices, as well as posted prices for upper tier crude oil, do "not include premiums above posted prices which may have been paid for crude purchased on May 15, 1973 [or September 30, 1975] (38 FR 33577 at 33578)."

To the extent, if any, to which the interpretation set forth in this notice does not provide a basis upon which to establish lower or upper tier ceiling prices for any domestic field, interested parties are invited promptly to submit comments in this proceeding with respect to such disputed postings.

C. Applicability of the stripper well lease rule to condensate produced from gas wells.

Prior to February 1, 1976, § 210.32 provided an exemption from price and allocation regulations for the first sale of "crude oil, including condensates, produced from any stripper well lease. * * *" A stripper well lease was defined in § 210.32 as a

"property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

In Ruling 1974–28 (39 FR 44414, December 24, 1974), FEA held that the

stripper well lease exemption was inapplicable to condensate produced from gas wells. This issue was subsequently reconsidered in the context of a formal rulemaking proceeding, and on August 29, 1975, FEA determined that, in all respects except the applicability of the stripper well lease exemption to gas wells, Ruling 1974–28 remains interpretive of the price regulations since they were first promulgated. With respect to the treatment of gas-well condensate for purposes of the stripper well lease exemption, FEA concluded that because of the good faith treatment by producers of gas-well condensate as being eligible for treatment under the stripper well lease exemption prior to the issuance of Ruling 1974–28, FEA would not require gas well condensate to be excluded from the scope of the stripper well lease exemption until January 1, 1975, so that the impact of Ruling 1974–28 in this respect was made prospective only.

On February 1, 1976, the stripper well lease exemption was deleted from FEA price and allocation regulations pursuant to the deletion of the former exemption of the EPAA by section 401(b)(1) of the EPCA. However, FEA determined that in keeping with the congressional objectives embodied in the EPCA, crude oil produced from stripper well leases should qualify for treatment as upper tier crude oil. At that time the definition of a stripper well lease was modified to make it clear that only "crude oil (excluding condensate recovered in non-associated production)" is counted in determining whether the property qualifies as a stripper well lease.

Since the issuance of Ruling 1974–28, certain producers have indicated that some uncertainty exists as to the meaning of the term "gas-well condensate," inasmuch as different state classifications might result in wells having basically the same productive characteristics being classified as a gas well in one state and an oil well in another.

In the August 29 notice, FEA recognized this issue and stated:

In order further to eliminate any uncertainty that might have arisen from the [original] regulatory language, conforming amendments are made today, effective January 1, 1975, to the stripper well lease exemption in 10 CFR 210.32 to reflect that *the exemption extends only to crude oil and condensate recovered in associated production.* (Emphasis added.)

Thus, the qualification of a property as a stripper well lease is only prohibited to the extent that the property consists of wells having only non-associated production of natural gas and condensates. That is unless a well produces some crude oil, the well fails to qualify for inclusion as a producing well in the stripper well lease computations.

Therefore, if a well produces from an associated reservoir (i.e., a reservoir in which gas occurs in association with crude oil), that well may be included to determine if the property is a stripper well lease only if crude oil is produced from that well. If only condensate is produced, in association with the gas, the well may not be included to determine if the property is a stripper well lease. On the other hand, if a well is producing non-associated gas (i.e., free gas not in contact with crude oil in the reservoir), or only natural gas (even if from an associated gas reservoir), that well may not be included as a producing well because it does not produce crude oil.

To the extent that a single property includes wells of both types, only the wells that produce crude oil may be counted in calculating average daily production. The volumes of condensate produced from the non-associated gas wells are not properly included in the calculation of the property's average daily production.

Comments are requested on the extent to which these distinctions may be made with uniformity in various states.

D. Miscellaneous.

FEA also solicits comments in any other area of the price regulations applicable to domestic crude oil which might need clarification or amendment. In this regard, producers should address the extent, if any, to which the certification requirements of 10 CFR 212.131 impose an impractical burden on small producers. Some small producers have indicated that this is the case due to the nature of their relationships with their purchasers, where, for example, the purchaser (rather than the producer) may have access to the information needed to effect a valid certification. To the extent that this problem exists, comments should address alternative methods of certifying the information currently required under § 212.131.

Several first purchasers have indicated that the certification requirements of 10 CFR 212.131(a)(1) are unclear with respect to the alternative one-time certification provision in cases of production from stripper well leases. Base production control level does not have meaning for stripper well leases and FEA solicits alternatives to the monthly certification requirement for such properties.

In addition, several sellers of domestic crude oil have indicated that they do not maintain inventory records necessary to certify to the purchaser the amount of old crude oil included in the volume of crude oil sold to a purchaser pursuant to 10 CFR 212.131(a)(2). FEA solicits comments on the extent, if any, to which this is a problem and alternatives to permit accurate inventory accounting of crude oil sales.

Finally, FEA is issuing today a notice of a new domestic crude oil reporting system using the proposed Form FEA–P124–M–O "Domestic Crude Oil Purchaser's Monthly Report" and requests comments and suggestions from purchasers of domestic crude oil concerning any regulatory changes that may be needed to enhance the effectiveness of the information and to minimize the burden on respondents.

E. Written comment procedures.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GQ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Clarifications to Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil." Fifteen copies should be submitted. All comments received by Friday, April 30, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

F. *Public hearings.*

FEA has determined that in addition to holding a public hearing in this proceeding in Washington, D.C., public hearings will also be held in FEA Regions VI (Dallas, Texas) and VIII (Denver, Colorado).

1. *National hearings.* The Washington, D.C. hearing (the "National hearing") will be held beginning at 9:30 a.m., e.s.t., on Thursday, April 29, 1976, and will be continued, if necessary, on Friday, April 30, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C., 20461, in order to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the proposed clarifications issued today, or who is a representative of a group or class of persons that has an interest in today's proposed clarifications may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Wednesday, April 21, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "'Request Procedures" set forth below.

2. Regional hearings. The Dallas regional hearings will be held at 9:30 a.m., local time, Tuesday, April 27, 1976, at the location specified below, and will be continued, if necessary, on Wednesday, April 28, 1976. The Denver regional hearings will be held at 9:30 a.m., local time, Monday, April 26, 1976, at the location specified below, and will be continued, if necessary, on Tuesday, April 27, 1976. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set

forth below. Requests must be received before 4:30 p.m., local time, on Monday, April 19, 1976.

Region	Submit requests to testify to—	Hearing location
VI. Dallas, Tex.	FEA, 2626 West Mockingbird Lane.	Baker Hotel, 1400 Commerce St., Dallas, Tex.
VIII. Denver, Colo.	FEA, P.O. Box 26247, Belmar Branch, Lakewood, Colo. 80226.	Post Office Bldg., 1823 Stout St., Room 269, Denver, Colo.

3. Request procedures. The following request procedures are applicable to both the National and Regional Hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope "Clarifications to the Mandatory Petroleum Price Regulations Applicable to Domestic Crude Oil."

The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Tuesday, April 27, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Friday, April 23, 1976 and must, if feasible, submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 9:00 a.m., e.s.t., on Tuesday, April 27, 1976, for the National Hearing, and to the location of the hearing on the day the statement is scheduled to be presented, for the Regional hearings.

4. Hearing procedures. The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to ask a question at the National or Regional hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

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

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations as set forth above.

Issued in Washington, D.C., April 13, 1976.

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

[FR Doc.76-11047 Filed 4-13-76;12:57 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 456]

ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

Change of Dates for the New York City Hearings on Proposed Trade Regulation Rule

On April 2, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 FR 14194) Final Notice of proposed trade regulation rule proceedings concerning the Advertising of Ophthalmic Goods and Services. The notice included a schedule of dates and places of public hearings to be held in that proceeding.

As published in such Final Notice the date set for commencement of the hearings in New York City was July 12, 1976. This date has been changed to July 19, 1976; thus the public hearings will begin on July 19, 1976, at 9:30 a.m. in New York, New York:

22nd Floor, Room 2206, Federal Building, 26 Federal Plaza, New York, New York.

Persons desiring to present their views orally in New York should so inform the Commission's representative listed below no later than July 9, 1976:

Judith K. Braun [(212) 264-1242], Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to testify at the New York City hearings should meet the following requirements: Those who wish to deliver prepared statements are required to file such statements with the designated Commission representative listed above no later than July 9, 1976. Any witness not intending to deliver a statement fully prepared in advance is required to file with the Commission representative listed above no later than July 9, 1976, a written comprehensive outline explaining the nature of his testimony including, but not limited to, a statement of each important fact, observation, conclusion, or opinion he anticipates presenting. A witness who plans to introduce documents or other written evidence as exhibits to this testimony must also file such documents or written evidence with the designated Commission representative listed above no later than July 9, 1976. If possible all documents should be submitted in five copies. All prospective witnesses should refer to the Final Notice of April 2, 1976, for additional instructions and requirements regarding participation in the hearings.

All other provisions of the Final Notice of April 2, 1976, including the dates and places of the other hearings, remain in effect, and the instructions and requirements set forth therein should be observed.

Issued: April 13, 1976.

HENRY B. CABELL,
Presiding Officer.

[FR Doc.76-11060 Filed 4-15-76;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY REGULATIONS

Miscellaneous Amendment

Notice is hereby given that the Saint Lawrence Seaway Development Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21942), acting jointly with the St. Lawrence Seaway Authority of Canada, proposes to amend Subpart A-Seaway Regulations of 33 CFR Part 401.

The Seaway Regulations and Rules were published initially in the FEDERAL

REGISTER on July 1, 1958 (23 FR 5011–5013), to give users of the waterway essential information and directions for transiting. Each year, the regulations and rules have been reviewed and amended, using the experience gained from past navigation seasons in proposing necessary changes. The last major revision of the regulations and rules was published in the FEDERAL REGISTER on March 22, 1974 (39 FR 10899) when the regulations and rules were consolidated into one set of regulations to eliminate repetition of the regulations in the rules and vice versa, and for clarity.

The most recent miscellaneous amendments were published in the FEDERAL REGISTER on March 24, 1976 (41 FR 12227–12228). This document proposes a further amendment as follows:

It is proposed to amend § 401.37(b) by substituting the words "Eisenhower and Snell Locks" for the words "the locks" in order to clarify the required area for the wearing of life jackets. The amended paragraph would read:

§ 401.37 Mooring at tie-up walls.

* * * * *

(b) Crew members being put ashore on landing booms and handling mooring lines on the tie-up walls of Eisenhower and Snell Locks shall wear life jackets."

Interested parties may submit written data, views, or arguments in regard to the proposed amendment to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 (Attention: General Counsel). Comments received not later than May 21, 1976 will be considered. All comments received will be available for examination by interested parties at the offices of the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

(68 Stat. 92–97, 33 U.S.C. 981–990, amended and Sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943))

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.76–11106 Filed 4–15–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–12342; File No. S7–515]

REGULATION OF SHORT SALES OF SECURITIES

Notice of Public Meeting

The Commission today announced that it will convene a public meeting on April 26, 1976, to discuss with representatives of various self-regulatory organizations certain unresolved issues with respect to Rule 10a–1 under the Securities Exchange Act of 1934 (the "Act") raised by two proposed amendments to that Rule (the "Proposals") publicized in Securities Exchange Act Release No. 11468 (June 12, 1975) ("Release No. 11468") (40 F.R. 25494 (June 16, 1975)).

In Release No. 11468, the Commission adopted a number of amendments to Rules 10a–1 and 10a–2 (the "short sale rules") under the Act to provide a comprehensive pattern of short sale regulation for securities ("reported securities") as to which last sale information is reported in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a–15 under the Act. As amended, Rule 10a–1 provides that, after last sale data concerning reported securities is made available in the consolidated system on a real-time basis, short sales of reported securities may be made only on "zero-plus" or "plus" ticks established by reference to the last sale from any market reported in the consolidated system, subject to certain exceptions. The Rule also provides that, as an alternative to the foregoing test, an exchange may elect, by rule, to measure short sale permissibility in its market by reference to the last sale on that exchange (rather than the last sale in the consolidated system).[2] These new provisions of Rule 10a–1 will become operative on April 30, 1976, unless further deferred.[3]

The first of the proposed amendments contemplated by the Proposals would permit short sales in reported securities to be measured by reference to either the last sale reported in the consolidated system or the last sale in the market in which the short sale is to be effected (treating the over-the-counter market in reported securities as a single market). The second proposed amendment contemplated by the Proposals would modify the so-called "equalizing exemption," contained in paragraph (e)(5) of Rule 10a–1, to make it available on a limited basis to persons other than exchange specialists, registered exchange market makers, and qualified third market makers.[3]

Representatives of certain self-regulatory organizations have requested an opportunity to appear before the Commission to augment their written comments on the Proposals orally. The Commission has determined to grant these requests and hereby announces that the requested meeting, which will be open to all interested persons, will commence at 10:00 a.m. on Monday, April 26, 1976 in the Commission meeting room (room 825), 500 North Capitol Street, Washington, D.C. 20549. Representatives of all self-regulatory organizations are invited to appear at the meeting to present views on the Proposals.

Representatives of self-regulatory organizations desiring to attend and present views should contact Mr. Andrew M. Klein, Associate Director, Division of Market Regulation, at (202) 755–1418 to indicate the estimated length of their presentations.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 14, 1976.

[FR Doc.76–11265 Filed 4–15–76;10:32 am]

[1] Release No. 11468 at 5.
[2] Securities Exchange Act Release No. 12138 (February 25, 1976).
[3] Release No. 11468 at 5–9.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

1, 1, 2, 2 TETRACHLOROETHYLENE AND 1, 1, 1 TRICHLOROETHANE

Standards for Occupational Exposure

OSHA is considering revising the present standards for 1, 1, 2, 2 Tetrachloroethylene and 1, 1, 1 Trichloroethane. OSHA is also considering whether these standards should be developed separately, or in conjunction with the Trichloroethylene (TCE) proposal which was published on October 20, 1975 (40 FR 49031). At that time, OSHA requested comments concerning the proposal.

Several comments received by OSHA state that the promulgation of a regulation for trichloroethylene alone would cause many users of TCE to switch to other chlorinated hydrocarbon solvents such as 1, 1, 2, 2 tetrachloroethylene and 1, 1, 1 trichloroethane in order to avoid the more stringent requirements of the proposed regulation. The comments also suggest that these chlorinated hydrocarbon solvents have similar toxicological effects and may be substituted for TCE in degreasing operations. It has also been suggested that such substitutions may adversely affect employee health and cause economic dislocaton. In addition, it has been reported that these three solvents represent more than 95% of all chlorinated hydrocarbon solvent usage in degreasing operations.

Since OSHA is currently assessing the health and feasibility implications of these solvents, we do not envision any substantial delay in the promulgation of a standard for TCE, regardless of whether the solvents are treated separately or together.

Accordingly, interested persons are invited to submit written data, views, and arguments concerning a standard on occupational exposure to these solvents. Comments are specifically requested concerning:

(1) Whether new standards for 1, 1, 2, 2 tetrachloroethylene and 1, 1, 1, —trichlororethane should be issued. If so, what should the contents of the proposal be?

(2) Whether these standards should be developed separately or together with TCE.

(3) The carcinogenicity, if any, of these solvents.

(4) Work injury and illness experience with these solvents.

(5) The economic and inflation impact of these standards.

(6) Any other related issues.

Communications should be submitted to the Docket Officer, Room N3620, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, postmarked no later than May 17, 1976. The communications will be available for public inspection and copying at the above location.

Signed at Washington, D.C. this 12th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–11096 Filed 4–15–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

A.I.D. RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on May 24 and 25, 1976, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room "B", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the fields of food and nutrition, health and population, and selected development problems. The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, Associate Assistant Administrator, 21st Street and Virginia Avenue, NW., Washington, D.C. 20523, or call area code 202-632-3800.

Dated: April 9, 1976.

ERVEN J. LONG,
A.I.D. Representative,
Research Advisory Committee.

[FR Doc.76-11105 Filed 4-15-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

COMMUNITY COLLEGE OF THE AIR FORCE ADVISORY COMMITTEE

Meeting

APRIL 13, 1976.

The Community College of the Air Force (CCAF) Advisory Committee is scheduled to meet at 8:30 a.m., May 5, 1976, in the Billy Mitchell Conference Room, Building Number 900, at Randolph Air Force Base, Texas.

The meeting is open to the public. Agenda items include the associate degree granting progress, registration activities, program development, and CCAF relations with other organizations.

For further information, contact Lieutenant Colonel Patricia M. Doyle, (512) 652-2243.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.76-11082 Filed 4-15-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 9, 1976.

The USAF Scientific Advisory Board Tactical Panel will hold a meeting at Air Force Systems Command (AFSC), Andrews AFB, D.C. on May 24, 1976, from 9:00 a.m. to 5:00 p.m.

The Panel will receive classified briefings and hold classified discussions on the status of AFSC actions on the 1975 SAB Summer Study Tactical Report. The Panel will also meet in Executive Session to discuss future efforts/tasks.

The meeting concerns matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.76-10957 Filed 4-15-76;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, New York 10014 on 4 May 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OSAD (Comptroller).

APRIL 14, 1976.

[FR Doc.76-11199 Filed 4-15-76;8:45 am]

PRIVACY ACT OF 1974

Notice of Proposed New System of Records

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35357) of August 18, 1975 and FR Doc. 75-26296 published in the FEDERAL REGISTER (41 FR 2953) of January 20, 1976 setting forth the systems of records prescribed by the Privacy Act of 1974, the Office of the Secretary of Defense, Department of Defense, published notices of systems of records.

Notice is hereby given that the Office of the Secretary of Defense has submitted a proposed new system of records pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 which provides supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a(o)). This supplemental OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Office of the Secretary of Defense, Department of Defense, invites public comment to be considered on all parts of the following proposed new records system. Interested persons are invited to submit written data, views and arguments to the system manager identified in the system notice on or before May 17, 1976.

DM&RA 17.0

System name: DOD Overseas Dependent School Teachers Retroactive Pay Project.

System location: Office of Overseas Dependents Education, OSD, 1400 Wilson Blvd., Rosslyn, Virginia 22209.

Categories of individuals covered by the system: All former DOD Overseas Dependents School teachers who were paid under Public Law 89-391, dated April 14, 1966.

Categories of records in the system: System is comprised of names, Social Security numbers, and Dates of Birth of former DOD overseas teachers, and information extracted from their Official

Personnel Records which will effect computation of their retroactive pay, and current addresses of former teachers.

Authority for maintenance of the system: Court Decision in the case called *Virginia J. March et al.*, v. *United States of America.* (Civil Action 3437–70, U.S. District of Columbia, June 30, 1975), on intent of Public Law 89–391, dated April 14, 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Office of Overseas Dependents Education Back Pay Project workers to compute back pay as it applies to individual teacher; prepare necessary updating for individual's Official Personnel Record, life insurance entitlement where applicable; preparing reports to individual teachers, Treasury, Social Security, Civil Service Commission, Attorneys for the teachers, and General Accounting Office. Addresses will be used for mailing purposes.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Computer tapes, computer printouts.

Retrievability: Social Security Number and Name.

Safeguards: All records are stored under strict control; maintained in spaces normally accessible only to authorized personnel, in cabinets in locked room.

Retention and disposal: Records will be maintained in this office until all requirements of the Judgment and will be destroyed when they are no longer useful.

System manager and address: Director, Overseas Dependents Education, DASD, Military Personnel Policy, OSD.

Notification procedure: Request by correspondence should be addressed to the Director, Office of Overseas Dependents Education, Attn: Back Pay Project, 1400 Wilson Boulevard, Room 138, Rosslyn, Virginia 22209. Letter should contain the full name and signature of the requester.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section, above.

Contesting record procedures: The rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYS MANAGER.

Record source categories: Official Personnel Records obtained from Federal Records Center and other agencies currently employing individuals concerned.

Systems exempted from certain provisions of the act: None.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 13, 1976.

[FR Doc.76-11125 Filed 4-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205.

Applicant: New York University, Department of Biology, Washington Square, New York, New York 10003, Gene R. Meyer.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
1. Capture, tag, & release alligators for research into ecology and population structure.
2. Determine stomach contents with use of gastroscope. Little or no mortality is expected.
3. Record temperature of alligator nests, determine fertility & hatching success.
4. Salvage alligators found injured, dead.

3. APPLICANT. (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Gene R. Meyer
Department of Biology
New York University
Washington Square
NY, NY 10003 212-598-3096

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☒ MR. ☐ MRS. ☐ MISS ☐ MS.	5'7"	130#
DATE OF BIRTH: 29 Sept. 1941	COLOR HAIR: Brown	COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 212-598-3096	SOCIAL SECURITY NUMBER: 347 36 3881	

OCCUPATION: Biologist; instructor in biology

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
New York University
Department of Biology

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
The states of Georgia, Florida, South Carolina, and North Carolina; incl. the Okefenokee National Wildlife Refuge in Georgia.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(*If yes, list license or permit numbers*)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
I am renewing Georgia Scientific Collector's permit; applying for permits in Florida, N. Carolina, & S. Carolina.

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$0

10. DESIRED EFFECTIVE DATE: 1 June 1976

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): Gene R. Meyer
DATE: 27 Feb 1976

3-200
16/741

Re: Permit Application by Gene R. Meyer to capture and tag alligators, etc. Information requested under 50 CFR 17.22.

NEW YORK UNIVERSITY,
DEPARTMENT OF BIOLOGY,
952 Brown Building,
Washington Square,
New York, N.Y. 10003.

1. Species: the American alligator, *Alligator mississippiensis.* I intend to capture, tag, sex, and release an unknown number of alligators of various sizes, without causing mortality; and to record the temperature of alligator nests and collect other ecological data, determine fertility of samples of eggs, and hatching success; and to examine stomach contents with the use of a gastroscope without causing mortality of selected samples of alligator populations; and to salvage alligators found injured or dead.

2. The wildlife to be covered is still in the wild.

3. The applicant has caught over 75 alligators in previous studies, without any mortality resulting, by the following methods:

by others with good success and no mortality. Study of hatching and fertility rates of eggs may cause the loss of a small percentage of eggs in a given geographical region; however, such loss will be negligible in terms of the known and demonstrated natural losses of eggs and hatchlings which occur in every studied habitat, and which have not prevented the dramatic recovery of alligator populations in many areas.

4. N.A.

5. N.A.

6. N.A.

7. A copy of a grant proposal recently funded is attached. The applicant is preparing additional grant proposals. An abstract of the applicant's similar previous research is also attached.

8. Parts i, ii, and iii are discussed in the funded grant proposal. iv. All alligators found injured or dead, or any which may die as a result of the study, or any eggs retained (few in number) will be deposited in the collection of New York University or other eligible institutions of higher learning and research. No part of any specimen will reach commerce. Specimens will be so preserved as to have scientific value.

GENE R. MEYER.

Alligator Ecology and Population Structure on Georgia Sea Islands, Gene R. Meyer, Dept. of Biology, New York University, NY, NY 10003

Alligators on St. Catherines Island are clearly segregated by habitat. Breeding females occupy permanent ponds or swamps which are usually small and freshwater. These ponds have overhanging trees which are used as roosts by egrets and other small herons.

Juveniles stay with the presumed mother for two summers. In their third year, they move about a great deal, and during the summer are the only gators usually seen in temporary freshwater ponds. Juveniles three feet and larger are rarely seen in breeding ponds.

Gators four feet and larger occupy two major habitats on St. Catherines: tidal rivers and a single large lake. One adult was seen frequently in the Atlantic Ocean or on the beach facing the ocean. Tracks and sightings on that island and on Cumberland indicate that a few other gators spend considerable time at or near the ocean and the sounds between islands. Only a few subadults and adults live in small ponds in the high tidal marsh or in man-made ditches. A half dozen live in small freshwater ponds which may well become breeding ponds if and as the population expands.

The population structure on St. Catherines is that of a fast reproducing species recovering from a recent extreme low: there is only one adult larger than ten feet; five breeding females; about eleven adults six and a half to nine feet; fourteen subadults (four to six feet); and ten subadults-adults of four to seven feet; and ninety-four juveniles (up to four feet).

Most Georgia sea islands, with the notable exception of Blackbeard, do not have all aquatic habitat filled with gators (whatever that may mean) but that condition is approaching soon. The islands lack black bears and cougars, but do have sizable raccoon populations and some ospreys and wood ibis. Gator populations there are apparently not stabilized by other predators.

Patterns of ecological segregation may well change as the number of alligators increases. Changes are expected particularly in the salt marsh and seagoing gators. Most Georgia islands are still infested with feral hogs and cattle, presenting a major problem in impact on wildlife, plant community structure, and even a severe erosion threat to some freshwater habitats.

Department of Natural Resources

270 WASHINGTON ST., S.W.
ATLANTA, GEORGIA 30334
(404) 656-3519

APPLICATION FOR LICENSE

PRINT OR TYPE
NAME: Gene R. Meyer
R.F.D. OR STREET NUMBER: 26 Washington Place
TOWN OR CITY: NY, NY 10003

(FILL IN SPACE BELOW)

AGE	EYE COLOR	HAIR COLOR	HEIGHT	WEIGHT	RACE	SEX
34	BRN	BRN	5'7"	130	Caucasian	Male

___ $ 7.25-STATE RESIDENT COMBINATION HUNTING AND FISHING LICENSE
___ $ 3.25-STATE RESIDENT FISHING LICENSE
___ $ 4.25-STATE RESIDENT HUNTING LICENSE
___ $ 3.25-STATE RESIDENT BIG GAME LICENSE
___ $ 2.25-STATE RESDIENT TROUT STAMP
___ $ 5.25-STATE RESIDENT SPEAR FISHING LICENSE
___ $ 3.25-STATE RESIDENT BOW AND ARROW LICENSE
___ $ 5.25-STATE RESIDENT FUR TRAPPERS LICENSE
___ $ 2.50-STATE RESIDENT RETAIL MINNOW DEALER'S LICENSE
___ $ 25.00-STATE RESIDENT WHOLESALE MINNOW DEALER'S LICENSE
___ $100.00-STATE RESIDENT IMPORT WHOLESALE MINNOW DEALER'S LICENSE
X $ 5.00-STATE SCIENTIFIC COLLECTORS PERMIT
___ $100.00-STATE RESIDENT FUR DEALER'S LICENSE
___ $ 10.00-STATE FUR DEALER'S AGENT LICENSE (DEALER_____)
___ $ 2.50-STATE GAME HOLDING PERMIT FOR_____
___ $ 25.00-STATE COMMERCIAL QUAIL BREEDER'S LICENSE
___ $ 50.00-STATE WILDLIFE EXHIBITION PERMIT
___ $200.00-STATE CATCH-OUT POND PERMIT
___ $ 25.00-STATE RESIDENT COMMERCIAL SHOOTING PRESERVE PERMIT
___ $ 10.00-STATE RESIDNET PRIVATE SHOOTING PRESERVE PERMIT
___ $ 50.00-STATE COMMERCIAL FISH HATCHERY PERMIT
___ $250.00-STATE ALLIGATOR FARM PERMIT
___ $ 10.25-STATE NON-RESIDENT SEASON FISHING LICENSE
___ $ 3.25-STATE NON-RESIDENT FIVE DAY FISHING LICENSE (DATES_____TO_____)
___ $ 25.25-STATE NON-RESIDENT SEASON HUNTING LICENSE
___ $ 15.25-STATE NON-RESIDENT TEN DAY HUNTING LICENSE (DATES_____TO_____)
___ $ 10.25-STATE NON-RESIDENT BIG GAME LICENSE
___ $ 10.25-STATE NON-RESIDENT TROUT STAMP
___ $ 25.25-STATE NON-RESIDENT SEASONAL BOW AND ARROW PERMIT (DATES_____TO_____)
___ $ 12.50-STATE NON-RESIDENT TEN DAY BOW AND ARROW PERMIT (DATES_____TO_____)
___ $100.00-STATE NON-RESIDENT WHOLESALE MINNOW DEALER'S LICENSE
___ $100.25-STATE NON-RESIDENT FUR TRAPPER'S LICENSE
___ $200.00-STATE NON-RESIDENT FUR DEALER'S LICENSE
___ $

NEW YORK UNIVERSITY,
DEPARTMENT OF BIOLOGY,
952 Brown Building, Washington Square, New York, N.Y., February 16, 1976.

Lt. Col. BRANTLEY GOODSON,
Florida Game and Fresh Water Fish Division, Division of Law Enforcement,
620 S. Meridian St.,
Tallahassee, Florida 32304

DEAR COL. GOODSON: I would like to obtain a scientific collector's permit for work with reptiles and amphibians, as follows:

Alligators: I have recently received a grant of NSF funds to study the American alligator—ecology, population structure, nest conditions, etc, and am filing for another grant. The project currently funded involves some capture, sexing, and tagging of gators, and measurements of nest temperature and survival. Capture is to be by hand and dipnet for gators up to four feet, by pole and noose for larger gators, and probably by Murphy live traps on some occasions. I have caught over 75 gators by the first three methods without any real injury or death to any of them.

Nest temperature work involves the inspection of nests, insertion of temperature probes into a few, and taking of a few eggs to determine fertility and survivorship. Egg taking will be based on the number of breeding females in the area, so that loss of a few eggs will have a negligible ecological impact. If nesting females are rare in a given area, no eggs will be taken.

All specimens will be deposited at New York University or at the American Museum of Natural History, and none will reach commerce. I am currently filing for all relevant Federal permits. Naturally I will comply with current regulations re salvage of gators, and responsible party notification.

I would like to be able to examine and retain for salvage any gators found injured or dead, for stomach content analysis, etc.

In addition, I would like to collect limited numbers of other reptiles, and amphibians, for scientific and educational use, with none to reach commerce. I am currently filing for another grant, which includes studies of gator diet, so I would like very much to have samples of possible items of gator foods.

Yours truly,

GENE R. MEYER.

NEW YORK UNIVERSITY,
DEPARTMENT OF BIOLOGY,
952 Brown Building, Washington Square, New York, N.Y., February 16, 1976.

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES DEPARTMENT,
P.O. Box 167,
Dutch Plaza, Building D.,
Columbia, S.C. 29202.

DEAR SIRS: I would like to obtain a scientific collector's permit for work with reptiles and amphibians, as follows:

Alligators: I have recently received a grant to study the ecology, population structure, nest conditions, etc. of the American alligator. This is a continuation of my previous gator work, and basically involves some capture and tagging of gators, to see if they confirm an ecological pattern I have seen on the Georgia sea islands. Capture is to be by hand and dipnet for gators under four feet long, by pole noose for gators up to eight feet, and possibly use of Murphy traps for wary adults. I have used the first three methods in the past, catching over 75 gators, without real injury or death to any.

Most of my nest work will be in Georgia and Florida. If I receive a South Carolina permit, will I be able to legally open and examine any gator nests I do encounter? I would also like to be able to examine and salvage gators found injured or dead on the road, etc.

All specimens will be deposited at New York University or at the American Museum of Natural History, and none will reach commerce. I am currently filing for the relevant Federal permits. Naturally I will comply with current regulations re salvage and notification of responsible parties.

I would like to collect limited numbers of other reptiles, and amphibians, for scientific and educational use. I am currently filing for another grant, which includes studies of gator diet, so I would like to have representatives of species which may be eaten by gators.

Enclosed is a check for $1.00. I would be pleased to supply additional information you may require. If you wish, you may reply on this letter.

Yours truly,

GENE R. MEYER.

ABSTRACT

The proposed study investigates several aspects of the ecology of the American alligator. This reptile is one of the dominant predators in the United States. It has a great impact on both plant and animal life, because it is the only animal in this country known to create deep ponds. These ponds provide refuge for a great variety of animals during drought. Thus the alligator has an ecological importance far beyond its role as the largest predator in its range.

The authors recently discovered a new aspect of alligator ecology on Georgia sea islands. There they found that alligators had divided up their habitats according to size and breeding condition (Meyer, 1975). One intent of the present study is to determine whether this ecological pattern holds true on the mainland. If it does, it will have implications for both scientific research and conservation.

The proposed study will explore the ecology of the alligator nest. Nest survival is essential to maintaining a balanced population of this species. This study is expected to contribute to the understanding of the stabilization of populations.

This ecological work will also furnish a context for studies by the authors on diet, feeding methods, and behavior.

The time available for this project is short. Much of the most desirable and varied alligator habitats now face destruction by human activity. The authors propose to examine several such habitats while conditions are still natural.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 17, 1976 will be considered.

Dated: April 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.11043 Filed 4-15-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Oren J. Roys, Route 1, Box 289, Dayline, Louisiana 71023.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Permit to buy + transport across State lines pheasants on the endangered species list. Purpose, to add to already established collection for purpose of propogation and study.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Oren J Roys
Rt 1 Box 289
Dayline La 71023
phone 318-787-3317

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6-2" WEIGHT: 215
DATE OF BIRTH: 3 Aug 1919
COLOR HAIR: Grey
COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: 318-487-5217
SOCIAL SECURITY NUMBER: 314 61 2541
OCCUPATION: USAF retired
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: N/A

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N/A
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: N/A
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:
Rt 1 Box 289
Dayline La 71023

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s)): N/A

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents): N/A

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: N/A

10. DESIRED EFFECTIVE DATE: A.S.A.P

11. DURATION NEEDED: Ind.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Oren J. Roys
DATE: 8 Sept 75

3-200 (5/74)

February 19, 1976.

U.S. DEPARTMENT OF THE INTERIOR,
Fish and Wildlife Service,
Washington, D.C. 20240.

GENTLEMEN: The following is submitted as you requested in your letter of January 13, 1976.

1. At the present, I am interested in purchasing two pair of Swinhoe Pheasants.

2. Swinhoe, Edwards, and White eared pheasants.

3. The pens and runs vary in size. Breeding pens are 4 ft. by 8 ft. by 6 ft. high for pairs. Each pen has automatic watering food hoppers and perching facilities. Sheet metal is buried 1 ft. and extends 2 ft. above ground around each pen for varmit protection. Flight and growing pens are 10 ft. by 30 ft. partially covered with the same protection from varmits. Enclosed are pictures of my facilities.

4. I have been raising and propagating pheasants for five years as a hobbiest. I now have a collection of 175 birds including; ducks, geese, swans, (pheasants—twelve species) Peafowl and Jungle fowl.

I do not ship any of the birds, nor do I intend to in the future. However, I do have several containers that have been shipped to me. These vary in size, but are generally 24"x18"x12" made of wood with screen ends. All birds received to this date have been in good condition.

Sincerely,

OREN J. ROYS.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 F Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before May 17, 1976 will be considered.

Dated: April 13, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-11044 Filed 4-15-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., May 5, 1976, in the Press Room of the Fresno Hilton, 1055 Van Ness Avenue, Fresno, California.

The purpose of the meeting is to: Elect Board officers; nominate representatives for the Raisin Administrative Committee; discuss sending a delegation to the International Sultana Conference in June; review a proposal to sell reserve tonnage raisins to handlers for use as free tonnage; and discuss requesting a hearing be held this fall to amend the marketing agreement and order. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California 93720; telephone 209-268-5366.

Dated: April 12, 1976.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.76-11127 Filed 4-15-76;8:45 am]

Forest Service

FOUR SEASONS WINTER SPORTS SITE

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Four Seasons Winter Sports Site, Uinta National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-76-13.

This draft environmental statement analyzes a proposal made by Four Seasons, Inc., to construct and operate a major resort on approximately 7,500 acres directly east of Provo, Utah. This resort would be developed for intensified year-round recreational use, with emphasis on skiing. The proposed area for Four Seasons is in mountain terrain on the west slope of the Wasatch Range. It is in Utah County, Utah, and is presently not accessible by motor vehicle, except for a primitive road.

Four Seasons' facilities are ultimately planned to include a base site adjacent to Provo, Utah, with 23 ski lifts, a complex gondola system, 5 mountain villages which include restaurants and overnight facilities, a funicular transportation system as the major access to the mountain, ice skating rink, swimming pools, tennis courts, horseback trails, wild animal empoundment, hiking trails, mountain climbing and organized group facilities.

This draft environmental statement was transmitted to CEQ on April 6, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

Forest Supervisor, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324 25th Street, Ogden, Utah 84403.

A limited number of single copies are available upon request to Forest Supervisor Bruce B. Hronek, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information shou'd be addressed to Forest Supervisor Bruce B. Hronek, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601 by July 6, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: April 6, 1976.

P. M. REES,
Director,
Regional Planning and Budget.

[FR Doc.76-11101 Filed 4-15-76;8:45 am]

Soil Conservation Service

DIAMOND BROOK WATERSHED PROJECT, MASSACHUSETTS

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Diamond Brook Watershed project, Norfolk County, Massachusetts, USDA-SCS-EIS-WS-(ADM)-75-01(F)-MA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and improvement of fish and wildlife habitat. The planned works of improvement provide for conservation land treatment, a multiple-purpose reservoir and channel work. The multiple-purpose structure will provide storage for floodwater and a 17-acre pool for fish and wildlife. The channel work will involve installation of about 780 feet of floodwater conduit and enlargement of about 400 feet of existing channel to provide increased flow capacity for floodwater through an urban area.

The final EIS has been filed with the Council on Environmental Quality.

Diamond Brook Watershed Project, Massachusetts, Notice of Availability of Final Environmental Impact Statement.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 29 Cottage Street, Amherst, Massachusetts 01002.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 8, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-11103 Filed 4-15-76;8:45 am]

LAHONTAN STATE RECREATION AREA, SILVER SPRINGS BEACH, NEVADA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550), August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lahontan State Recreation Area, Silver Springs Beach Measure, Lyon County, Nevada.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Gerald Thola, State Conservationist, Soil Conservation Service, USDA, Post Office Building, 50 South Virginia Street, Reno, Nevada 89505, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for constructing 25 camping, 75 picnicking facilities and appurtenant facilities at Silver Springs Beach including the necessary soil stabilization and beautification of disturbed areas.

Lahontan State Recreation Area, Silver Springs Beach, Nevada, Notice of Availability of Negative Declaration.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Post Office Building, 50 South Virginia Street, Reno, Nevada 89505.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: April 12, 1976.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.76-11102 Filed 4-15-76;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

CERTAIN GLOVES

Study of Producing Firms

The U.S. Department of Commerce has conducted a study of the firms producing certain gloves of cloth, leather, rubber or plastic as required by Section 264 of the Trade Act of 1974. The Department has attempted to determine the number of firms in the industry which have been or are likely to be certified as eligible to apply for trade adjustment assistance and the extent to which the orderly adjustment of such firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission ("USITC") makes an import relief investigation under Section 201 of the Trade Act.

In its report to the President on March 8, 1976, the USITC found (by a vote of 5 to 1) that gloves of cloth or leather or combinations thereof, and ruber or plastic are not being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The volume of U.S. imports of the gloves under investigation more than doubled between 1971 and 1974, reaching a total of 9.5 million dozen pairs valued at $54 million in 1974. The ratio of imports to domestic shipments rose from 10 percent to 18 percent during the same period. Approximately 85 percent of the imports are work gloves for use in every kind of industrial, commercial or household activity requiring hand or product protection.

The domestic industry producing the types of gloves included in the USITC investigation consists of 150 or more principal concerns and a number of very small producers, with plants located throughout the country but concentrated in the Mid-western and Southern states. The 15 largest U.S. glove producer's account for the greater part of total domestic output.

The main sector of the industry consists of approximately 102 firms producing all leather and fabric/leather gloves, while another category includes about 134 firms manufacturing fabric dress and work gloves. Gloves manufactured by these producers utilize a simple technology and low-cost machinery, with sewing as the basic operation. Production of a third class of gloves of rubber or plastic is capital intensive, involving the operations of an unknown number of firms. Some manufacturing concerns concentrate in one category, some operate in two categories and a few produce all three classes of gloves.

Domestic shipments by the entire industry totaled 52.3 million dozen pairs in 1974, valued at $415 million. The quantity of 1974 shipments was slightly below 1973, but the value was 20 percent higher. Partial data for 1975 indicate a further decline in quantity of shipments for that year, according to the USITC. Some 15,000 persons are employed in making cotton and fabric/leather gloves.

As of the date of this report, no glove producers have petitioned for certification of eligibility to apply for trade adjustment assistance pursuant to the Trade Act of 1974. The likelihood of any of the glove producers being able to meet the qualifying criteria for certification would depend on a number of unknown factors which could vary considerably in individual cases. The Department is unable to determine with any degree of accuracy the number of firms in the glove industry which might petition for certification and be able to meet the eligibility criteria, but it is believed that few if any firms are likely to be certified.

It is possible for a petitioning firm to be certified for Trade Act benefits even though the industry of which it is a member receives a negative determination on a Section 201 investigation by the USITC. In determining whether imports "contributed importantly" among possible causes for worker separation and decreases in sales or production for a petitioning firm, the influence of imports as a cause would be considered by the Department on the basis of the totality and interrelationship of all possible causes affecting the operations of the individual firm. The "contributed importantly" criterion which must be met for the firm to be certified is somewhat less stringent than the "substantial cause" criterion which is required for a positive determination in a USITC industry investigation.

Under the program of adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration ("EDA") in the Department of Commerce, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing the firm's recovery plan.

The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants, loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Works and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms

located in EDA-designated "redevelopment areas" and "economic development centers" can benefit indirectly from grants to the designated places and related entities for financing public works, and directly from business development loans and guarantees. Under PWEDA, neither loans nor guarantees can be used to assist firms in industries found to have long-term overcapacity. However, PWEDA does authorize technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration ("FmHA") of the Department of Agriculture has a program of loan guarantees to businesses located in areas other than cities of over 50,000 population. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA also can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population. These funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

The Small Business Administration ("SBA") administers three programs of potential assistance to small business firms: a management assistance program for small business; a loan program for local development companies; and a business loan program of direct, participating, and guaranteed loans. Eligibility is limited to independently owned and operated firms that are not dominant in their field and do not have over 250 average employment. The amount of the guaranteed loan, however, cannot exceed $350,000, and participating and direct loans have even lower limits.

Additional information about the adjustment assistance program and copies of the report *Prospects for Adjustment Assistance for Certain Glove-Producing Firms*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–5113.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–11078 Filed 4–15–76;8:45 am]

NON-RUBBER FOOTWEAR

Study of Producing Firms

The U.S. Department of Commerce has conducted a study of the firms producing nonrubber footwear as required by Section 264 of the Trade Act of 1974. The Department has analyzed the number of firms in the industry which have been or are likely to be certified as eligible to apply for trade adjustment assistance and the extent to which the orderly adjustment of such firms may be facilitated through the use of existing programs. Such a study by the Department is required whenever the U.S. International Trade Commission ("USITC") makes an import relief investigation under Section 201 of the Trade Act.

In its report to the President on February 20, 1976, the USITC found that the U.S. nonrubber footwear industry is suffering serious injury from increased imports. The Commissioners were divided in their views as to the appropriate remedy. Three Commissioners recommended increased tariffs, two Commissioners suggested a tariff-rate quota system, and one Commissioner suggested adjustment assistance for workers, firms and communities as the appropriate remedy.

There are a total of approximately 409 domestic nonrubber footwear firms operating about 700 plants in some 35 states. The Middle Atlantic and New England States are the leading producing areas. The 21 larger companies each producing over 4 million pairs of shoes annually account for two-thirds of total output. Three-fouths of the firms in the industry, however, annually produce less than 1 million pairs apiece and together account for only ten percent of overall production. The predominant group of smaller firms is also generally the least profitable segment and these are the companies that are most likely to be in need of the remedies authorized by the Act.

After taking various factors into consideration, the Department concludes that if the President approves the tariff-rate quota system, the demand for adjustment assistance will be minimal, possibly not more than 30 firms being certified eligible to apply for adjustment assistance. If only tariff increases are instituted, about 75 firms may be certified. But if adjustment assistance alone is offered, more than 150 firms may be found eligible.

Based on experience with seventeen firms previously found eligible under the Trade Expansion Act of 1962 or the Trade Act of 1974, the Department estimates that between $24 million and $120 million in Government funds could be required to provide financial and technical assistance to those additional footwear firms qualifying for adjustment assistance under the Trade Act.

Under the program of adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration ("EDA") in the Department of Commerce, financial assistance to certified firms may take the form of direct loans and loan guarantees, and technical assistance, to enable a firm to establish a competitive position in the same or a different industry. Financial assistance may be used for the acquisition, construction, installation, modernization, expansion, or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing a firm's recovery plan.

The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants, loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Works and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit indirectly from grants to the designated places and related entities for financing public works, and directly from business development loans and guarantees. Because neither loans nor guarantees can be used to assist firms in industries found to have long-term overcapacity, however, footwear firms may have difficulty in qualifying under PWEDA. However, PWEDA does authorize technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The Farmers Home Administration ("FmHA") of the Department of Agriculture has a program of loan guarantees to businesses located in areas other than cities of over 50,000 population. As with EDA business loans, however, these guarantees are not available to firms in industries characterized by long-term overcapacity. FmHA also can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population. These funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

The Small Business Administration ("SBA") administers three programs of potential assistance to small business firms: a management assistance program for small business; a loan program for local development companies; and a business loan program of direct, participating, and guaranteed loans. Eligibility is limited to independently owned and operated firms that are not dominant in their field and do not have over 500 average employment. The amount of the guaranteed loan, however, cannot exceed $350,000, and participating and direct loans have even lower limits.

Additional information about the adjustment assistance program and copies of the report *Prospects for Adjustment Assistance for Footwear Producing Firms*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–5113.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76–11077 Filed 4–15–76;8:45 am]

STAINLESS STEEL FLATWARE

Study of Producing Firms

The Department of Commerce has conducted a study of the firms in the stainless steel flatware industry pursuant to Section 264 of the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commission makes an industry investigation under Section 201. On March 1, 1976, the Commission submitted its report to the President on its recently completed investigation of the stainless steel flatware industry. The Commission determined that increased imports are causing serious injury to the domestic stainless steel flatware industry. To remedy the injury, four Commissioners recommended the continuation of a quota system and two Commissioners recommended adjustment assistance.

The Stainless Steel Flatware Industry. Stainless steel flatware is table knives, forks, and spoons made from stainless steel. The present inquiry is concerned mostly with imports of "quota-type" flatware—types that are subject to a tariff rate quota above which imported goods are subject to higher tariff rates. Quota-type flatware is that which is (a) made entirely or almost entirely of metal and in chief value of stainless, (b) not over 10.2 inches in overall length, and (c) valued under three dollars per dozen.

Domestic stainless steel flatware production totaled an estimated 16.1 million dozen pieces in 1975, a decline of 8.9 million dozen pieces since 1970. Reflecting the effects of the quota system which has been in effect since October 1971, U.S. imports during the years 1971–75 were at somewhat lower annual volumes than they had been in 1970. However, the ratio of imports to domestic production increased steadily from 1972 through 1975. Imports of 33.1 million dozen pieces in 1975 were equivalent to twice the volume of domestic shipments. Despite the effects of the 1974–75 recession on the domestic industry and the increased usage of plastic knives, forks and spoons in recent years, the Commission concluded that increased imports are a substantial cause of serious injury to the industry.

Under the program of adjustment assistance for firms authorized by the Trade Act and administered by the Economic Development Administration in the Department of Commerce, financial assistance may be used for acquisition, construction, installation, modernization, expansion or conversion of fixed assets, or for working capital necessary for a firm to implement its adjustment plan. Technical assistance may be used for management and operational assistance, feasibility studies and related research to aid in developing and implementing the firm's recovery plan.

Firms Eligible for Adjustment Assistance. Section 264 of the Trade Act requires that this study include consideration of "the number of firms in the domestic industry * * * which have been or are likely to be certified eligible for adjustment assistance." To be certified, firms must show that increased imports "contributed importantly" to (a) the separation, or threat thereof, of a significant number or proportion of their workers, and (b) an absolute decrease in their sales or production.

The stainless steel flatware industry has 15 firms. It is uncertain how many of them could be certified. To some extent, the number of firms likely to petition the Department of Commerce for certification of eligibility to apply for adjustment assistance will depend on the remedial measures authorized by the President in response to the Commission's recommendations.

For certification purposes, the Department usually considers all products of multi-product firms and all operations of related firms in evaluating employment, sales, and production changes. This procedure would probably preclude certification of five to ten of the firms in the industry. To the extent that company declines took place largely in 1974 and 1975, the affected firms might have difficulty showing that the 1974–75 recession was not overwhelmingly responsible. Absolute declines in imports for the 1970–75 period and for the year 1975—the year with the largest production decline—might further weaken the thesis that imports contributed importantly to the employment and production declines. The effect on individual firms of the recent shift to plastic eating utensils by institutional users would also have to be evaluated. Each case would have to be judged on its own merits, but present indications are that three to five is the likely number of firms that could be certified.

Sources of Federal Assistance. Three Federal agencies—the Economic Development Administration ("EDA"), the Small Business Administration ("SBA"), and the Farmers Home Administration ("FmHA")—have programs that might facilitate orderly adjustment of firms in the stainless steel flatware industry to import competition.

EDA, in the Department of Commerce, has several programs that might help. The Trade Act of 1974 authorizes financial assistance (loans and loan guarantees) and technical assistance to certified firms. The Act also provides for certification of communities that have been adversely affected by imports. These communities become eligible for public works grants, loans, and loan guarantees, all of which may be of indirect benefit to affected firms. Additional assistance is available under the Public Works and Economic Development Act of 1965, as amended. It allows firms in EDA-designated "redevelopment areas" and "economic development centers" to obtain loans and loan guarantees and to benefit indirectly from public works grants to the designated places. The Act also authorizes technical assistance to firms regardless of location.

SBA, an independent agency, has three programs of potential benefit to small businesses. One is SBA's basic program of business loans; the second is a loan program for local development companies; the third is a management assistance program. The loan program is the most important. It includes direct, participating, and guaranteed loans to small businesses—firms not dominant in their fields and not exceeding 500 in average employment.

FmHA, in the Department of Agriculture, has two potentially useful programs. First, FmHA can guarantee loans to businesses located in areas other than cities of over 50,000 population. Second, it can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population.

Additional information about the adjustment assistance program and copies of the report *Prospects for Adjustment Assistance for Firms in the Stainless Steel Industry*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5113.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-11079 Filed 4-15-76;8:45 am]

Maritime Administration

[Docket No. S-504]

CHAS. KURZ & CO., INC.

Application

Notice is hereby given that Chas. Kurz & Co., Inc. (Operator), 313 Chestnut Street, Philadelphia, Pennsylvania 19106, has filed an application dated March 9, 1976, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-188 (the Agreement) by adding the SS *Spirit of Liberty*. The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the US.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was approved by the Maritime Subsidy Board (Board) on November 22, 1972 and presently includes five vessels. The Agreement will expire on December 31, 1976. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage. The Board will act on each request for a subsidized voyage as an administrative matter under the terms of the Agreement, for which there is no re-

quirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must on or before April 23, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 C.F.R. Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein above described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for a hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Assistant Secretary for Maritime Affairs.

Dated: April 13, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-11159 Filed 4-15-76;8:45 am]

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS VISITING COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. I (Supp. IV, 1974), notice is hereby given that the National Bureau of Standards Visiting Committee will meet on Wednesday, June 9, 1976 from 8:30 a.m. to 4:00 p.m. in Lecture Room A, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and Thursday, June 10, 1976 from 8:30 a.m. to 11:30 a.m. in the 11th Floor Conference Room, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and form 2:30 p.m. to 3:30 p.m. in Room 5851, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public will be permitted to attend and the Chairman will entertain comments or questions at an appropriate time during the meeting. Persons wishing to attend the meeting should notify Ms. Elaine D. Bunten, Office of Programs, National Bureau of Standards, Washington, D.C., 20234, telephone (301) 921-3591.

Dated: April 12, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-10996 Filed 4-15-76;8:45 am]

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of 5 U.S.C. App. I, notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, May 13 and 14, 1976. The meeting will commence at 9:00 a.m. on each day at Room 6802, Department of Commerce, 14th Street, N.W., between E Street and Constitution Avenue, N.W., Washington, D.C.

The meeting will be open to public observation and approximately 75 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:35 a.m. until 12:00 noon on May 13, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements may be limited to five, the length of oral statements may be limited to no more than five minutes, and preference may be given based upon the relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on May 13 with the Executive Secretary between 8:30 a.m. and 9:00 a.m. in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235. (Attn: Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to Richard Keating at 634-4245.

The items for Committee discussion at the meeting will include the following:

THURSDAY, MAY 13

9:00 a.m.—Call to Order and Announcements; Approval of Minutes; Progress Report on CZM Program.
10:00 a.m.—Brief Recess.
10:15 a.m.—Identification of Potential Impacts of National Legislation.
11:35 a.m.—Oral Statements (if any) by Interested Persons.
12:00 noon—Lunch.
1:35 p.m.—Panel on Coastal User Groups—Committee's Exploration of Groups' Participation and Involvement in Coastal Zone Management.
3:00 p.m.—Brief Recess.
3:15 p.m.—Report by Task Force on State Assistance.
3:45 p.m.—CZM Slide Program.
4:00 p.m.—Adjourn.

FRIDAY, MAY 14

9:00 a.m.—Call to Order.
9:15 a.m.—Committee's Assessment of Approaches to the Development of an Evaluation Scheme for Coastal Zone Management.
10:15 a.m.—Brief Recess.
10:30 a.m.—Coastal Agricultural Lands—Committee's Appraisal of These Lands in a Coastal Management Program.
12:00 noon—Lunch.
1:00 p.m.—California Plan: History and Recommendations for Areas of Transferability and Implications for Other States.
2:00 p.m.—Consideration of Agenda, Time & Place of Net Meeting.
2:30 p.m.—Adjourn.

Dated: April 14, 1976.

T. P. GLEITER,
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.76-11139 Filed 4-15-76;8:45 am]

INTERNATIONAL MARINE MAMMAL PROGRAM

Public Meeting Regarding Development

Under Sec. 108(a) of the Marine Mammal Protection Act, the Secretaries of Commerce and Interior, through the Secretary of State, are charged with the responsibility to see that the concepts of the Act are implemented in the conservation of all marine mammals in all parts of the world.

Therefore, National Oceanic and Atmospheric Administration (NOAA) and U.S. Fish and Wildlife Service (FWS) have established a Task Force to review the present International Marine Mammal Program which was last reviewed in 1973. The Task Force will take into account the expected outcome of the Law of the Sea Conference. The Task Force report will be reviewed within NOAA and FWS and will be followed by an interagency group to make policy recommendations and decisions. In order to give all interested individuals an opportunity to express their views prior to the meeting of the Task Force, a public meeting will be held Thursday April 22 from

2:30 pm to 4:30 pm in Conference Room 5230, Main Commerce Building, 14th Street, N.W. between E Street and Constitution Avenue, N.W. Washington, D.C. The following issues will serve as the framework for discussion at the meeting:

1. The goals for international negotiations on marine mammals according to the Marine Mammal Protection Act of 1972 as amended.

2. What existing international organizations can be utilized, with or without change? What new institutional framework will be necessary?

(a) Should international marine mammal activities be handled in conjunction with, or separate from, international fisheries activities or a mixture of both?

Dated: April 14, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-11180 Filed 4-15-76;8:45 am]

Domestic and International Business Administration

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

The Management-Labor Textile Advisory Committee will meet at 2:00 p.m. on May 20, 1976, in Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 38 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after each meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: April 14, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-11266 Filed 4-15-76;11:22 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76G-0108]

OLIN CHEMICALS

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0013) has been filed by Olin Chemicals, 120 Long Ridge Rd., Stamford, CT 06904, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that sodium chlorite as a slimicide in the manufacturing of paper that contracts food is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmative should not be interpeted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before June 15, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: April 9, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-10979 Filed 4-15-76;8:45 am]

[Docket No. 76F-0107]

U.S. INDUSTRIAL CHEMICALS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3114) has been filed by U.S. Industrial Chemicals Co., 1275 Section Rd., Cincinnati, OH 45237 proposing that § 121.2619 *Ethylene-vinyl acetate-vinyl alcohol copolymers* (21 CFR 121.2619) be amended to provide for their safe use in contact with fatty foods under conditions of refrigerated and frozen packaging and storage.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: April 9, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-10980 Filed 4-15-76;8:45 am]

[Docket No. 76N-0081]

CONDITIONS FOR MARKETING INTRAOCULAR LENSES

Notice to Manufacturers; Correction

In FR Doc. 76-9782 appearing in the issue of Tuesday, April, 6, 1976 on page 14570 make the following change:

On page 14571, the fourth full paragraph in the second column, the fifth line should have read "centered may cause astigmatism or".

Health Resources Administration

GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Remedial Plan for the Funding of Outpatient Facilities

Notice is given by the Health Resources Administration that the action described below will be taken regarding the administration of the Medical Facilities Construction (Hill-Burton) program under Title VI of the Public Health Service Act, 42 U.S.C. 291, et. seq., and 42 CFR Part 53 in response to the order and judgment of the United States District Court for the District of Columbia in *National Association of Neighborhood Health Centers, Inc.* v. *Mathews*, Civil Action No. 74-52, dated April 2, 1976.

The court found that the Department of Health, Education, and Welfare had failed to enforce Title VI of the Public Health Service Act, 42 U.S.C. 291, et. seq., by approving the transfer of funds from the outpatient facilities category to the hospital and public health center category in violation of the transfer limitation in the Act, (42 U.S.C. 291b-(e)), in twelve states (Arizona, Colorado, Florida, Maryland, Kansas, Minnesota, Mssissippi, Missouri, Nebraska, Tennessee, Virginia, and West Virginia); and in not enforcing the requirement that in approving grants for the construction or modernization of outpatient facilities special consideration must be given to facilities located in and providing services for residents of rural or urban poverty areas as required by the Act (42 U.S.C. 291c(a)(4)). In accordance with the court order the following remedial action plan will be effective upon publication of this notice:

I. Restoration of funds transferred from outpatient category. Action has

been taken with respect to each of the twelve states identified as having transferred funds in violation of the Act to obtain an accounting for such transfer either by a showing of the extent to which outpatient funds transferred to other categories were used for outpatient facilities or, if less than the amount of the transfer was so used, to restore the balance of the funds to the outpatient category. The Director, Division of Facilities Development, Health Resources Administration, will direct action to be taken in each of the twelve states and, in cooperation with the Regional Health Administrators in the respective HEW regions, will seek to ensure that such action is accomplished within 30 days of the publication of this Notice.

II. Special consideration to projects in poverty areas. A. Those states which have obligated at least 25% of their total outpatient allotment (after adjustment for transfers and administrative costs) for outpatient facility grants from 1973 and 1974 fiscal year funds to outpatient projects located in and serving residents of rural or urban poverty areas will be considered to have complied with the "special consideration" provision (42 U.S.C. 291c(a)(4)). A survey of the applicable records shows that as of March 24, 1976 the following States have met or exceeded the 25% figure:

California, Colorado, Delaware, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Wisconsin, and Puerto Rico.

B. For those states which have not satisfied the 25 percent criterion and which have fiscal year 1973 or fiscal year 1974 outpatient funds that have not been awarded by HEW, the following actions will be taken:

1. The Regional Health Administrators will:

(a) For 60 days from the date of this notice or until the 25 percent criterion is met, whichever is earlier: (1) Defer approval of the transfer of funds from the outpatient category in excess of the $200,000 maximum amount which may be transferred under 42 U.S.C. 291b(e)(1) and, (2) Defer obligation of funds for outpatient projects except for projects located in and serving residents of poverty areas as designated in currently approved State plans and to outpatient projects located in and serving residents of areas which the State demonstrates to the satisfaction of the Regional Health Administrator and the Director, Division of Facilities Development, Health Resources Administration, as having characteristics of poverty sufficient to justify designation as a poverty area in accordance with 42 CFR, § 53.129(b)(3). Awards to these projects will be counted toward meeting the 25 percent criterion during the 60 day period.

(b) At the end of the 60 day period and thereafter during the period in which the fiscal year 1973 and 1974 funds are available for obligation, continue to defer the award of funds as described in paragraph (a)(2) of this section except to projects described therein, unless:

(1) The State agency recommending approval certifies that no formal or informal application for funds has been received from an outpatient facility located in and serving residents of a rural or urban poverty area under an approved State plan.

(2) If a formal or informal application from a project in a poverty area has been received, the State agency provides a statement of grounds upon which it relied in not recommending that project for funding and such statement has been reviewed and accepted by the Regional Health Administrator and the Director, Division of Facilities Development, Health Resources Administration, as an appropriate and adequate basis for the agency action.

(c) Assist the States in carrying out the remedial action plan and outreach required under this Notice by providing, to the extent possible with existing HEW personnel, pre-application and application assistance and consultation to applicants and potential applicants for poverty area projects.

2. In order to provide an opportunity for the submission and consideration of applications for projects in poverty areas the States are requested to:

(a) Defer approving, for 60 days from the date of this Notice, applications for outpatient projects, except for projects located in and serving residents of poverty areas as designated in currently approved State plans and for outpatient projects located in and serving residents of areas which the State demonstrates to the satisfaction of the Regional Health Administrator and the Director, Division of Facilities Development, Health Resources Administration, as having characteristics of poverty sufficient to justify designation as a poverty area in accordance with 42 CFR § 53.129(b)(3).

(b) If a State does not show a need for outpatient facilities in poverty areas in its plan, reevaluate its determination of need for such facilities and its designation of poverty areas under 42 CFR § 53.129(b) in light of the provisions of 42 CFR §§ 53.129(b)(3) and 53.129(c).

(c) Conduct outreach and consultative assistance programs for unapproved or prospective applicants for poverty area outpatient projects which include at least the following:

(1) Publicizing, with a focus on poverty areas, the availability of funds for outpatient facilities located in and serving residents of poverty areas.

(2) Advising and consulting with unapproved or prospective applicants concerning the procedures for making an application, the information which must be supplied, and the amount of funds available.

(3) Providing informational materials to assist applicants in submitting applications.

(d) Revise their State plans and project construction schedules as necessary to reflect the reevaluation process undertaken in accordance with 42 CFR § 53.122 within 30 days of this Notice. If revision of a State plan and construction schedule is not considered necessary, the State is requested to certify that fact to the Regional Health Administrator stating the grounds upon which it relied in reaching that conclusion.

C. For all States:

1. No outpatient facility funds will be awarded by HEW to a project which is not located in and serving residents of a poverty area unless:

(a) The State agency recommending approval certifies that no formal or informal application for funds had been received from an outpatient facility located in and serving residents of a rural or urban poverty area under an approved State plan at the time the State recommended approval of the outpatient project in the nonpoverty area.

(b) If a formal or informal application from a project in a poverty area had been received at the time the State recommended approval of a project in a nonpoverty area, the State agency provides a statement of grounds upon which it relied in not recommending the poverty area project for funding and such statement has been reviewed and accepted by the Regional Health Administrator and the Director of Division of Facilities Development as an appropriate and adequate basis for the agency action.

2. Each State agency shall advise the Regional Office when it receives a formal or informal application for funds from an outpatient project in a poverty area and the disposition of that application.

3. The Division of Facilities Development, Health Resources Administration will:

a. Provide, through available staff and contractual sources, technical and professional assistance to the personnel in the Regional Offices and State agencies in carrying out this plan, and

b. Monitor the compliance of the States with the remedial plan in cooperation with the Regional Health Administrators.

Dated: April 12, 1976.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.76-10936 Filed 4-15-76;8:45 am]

National Institutes of Health

ADVISORY COMMITTEES

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(c) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Name of committee: Virus Cancer Program Scientific Review Committee B.
Dates: May 10-11, 1976; 9:00 a.m.
Place: Building 37, Room: 1B04, National Institutes of Health.
Times: Open: May 10, 9:00 a.m.-9:30 a.m. Closed: May 10, 9:30 a.m.-5:00 p.m. Closed: May 11, 9:00 a.m.-adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Elke Jordan, Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Combined Modality Committee.
Dates: May 14, 1976; 9:00 a.m.
Place: Building 31C, Conference Room: 7 National Institutes of Health.
Times: Open: May 14, 9:00 a.m.-9:30 a.m. Closed: May 14, 9:30 a.m.-adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Mr. Harry Handelsman, Address: Building 37, Room: 6D28, National Institutes of Health. Phone: 301/496-1774.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Breast Cancer Diagnosis Committee.
Dates: May 20, 1976; 8:30 a.m.
Place: Building 31C, Room: Conference Room 7, National Institutes of Health.
Times: Open: May 20, 8:30 a.m.-10:30 a.m. Closed: May 20, 10:30 a.m.-adjournment.
Agenda/open portion: Further discussion of project areas of Fiscal Year 1977 Program.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room: B404, National Institutes of Health. Phone: 301/496-6774.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Breast Cancer Epidemiology Committee.
Dates: May 20, 1976; 8:30 a.m.
Place: Building 31C, Room: Conference Room 9, National Institutes of Health.
Times: Open: May 20, 10:30 a.m.-adjournment. Closed: May 20, 8:30 a.m.-10:30 a.m.
Agenda/open portion: Discussion of areas for future research.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Elizabeth P. Anderson, Address: Landow Building, Room: A406, National Institutes of Health. Phone: 301/496-6718.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Breast Cancer Experimental Biology Committee.
Dates: May 20, 1976; 8:30 a.m.
Place: Landow Building, Room: C-418, 7910 Woodmont Avenue, Bethesda, Maryland 20014.
Times: Open: May 20, 8:30 a.m.-12:30 p.m. Closed: May 20, 1:30 p.m.-adjournment.
Agenda/open Portion: To discuss new Program Projects.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. D. Jane Taylor, Address: Landow Building, Room: A-422, National Institutes of Health. Phone: 301/496-6718.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Breast Cancer Treatment Committee. Dates: May 20, 1976; 8:30 a.m.
Place: Building 31A, Room: Conference Room 4, National Institutes of Health.
Times: Open: May 20, 10:30 a.m.-3:00 p.m. Closed: May 20, 8:30 a.m.-10:00 a.m. Closed: May 20, 3:30 p.m.-adjournment.
Closure reason: To review Research Contract Proposals. Executive secretary: Dr. Mary E. Sears, Address: Landow Building, Room: A404, National Institutes of Health. Phone: 301/496-6773.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Committee on Cancer Immunotherapy.
Dates: May 27, 1976; 1:00 p.m.
Place: Building 10, Room: 4B14, National Institutes of Health.
Times: Open: May 27, 1:00 p.m.-1:30 p.m. Closed: May 27, 1:30 p.m.-adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Harriet Gordon, Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301/496-1791.
Catalog of Federal domestic assistance number 18.825.

Dated: April 12, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-10967 Filed 4-15-76;8:45 am]

ADVISORY COMMITTEES

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: NCAB Subcommittee on National Organ Site Programs.
Dates: May 17-18, 1976; 9:00 a.m.
Place: Building 31C, Room: Conference Room 8, National Institutes of Health.
Times: Open: May 17, 9:00 a.m.-4:00 p.m. Open: May 18, 9:00 a.m.-adjournment. Closed: May 17, 4:00 p.m.-5:00 p.m.
Agenda/open portion: To review the activities of the National Bladder and Large Bowel Cancer Projects and the Breast Cancer Task Force.
Closure reason: To review research grant applications.
Executive secretary: Dr. David L. Joftes, Address: Westwood Building, Room: 853, National Institutes of Health. Phone: 301/496-7194.
Catalog of Federal domestic assistance number 13.391.
Name of Committee: Third National Cancer Survey Utilization Advisory Committee.
Dates: May 18, 1976; 8:30 a.m.
Place: Landow Building, Room: C418, 7910 Woodmont Ave., Bethesda, Md. 20014.
Times: Open for the entire meeting.
Agenda: To discuss development of a public-use tape for the Third National Cancer Survey sample data.
Executive secretary: Dr. John L. Young, Jr., Address: Landow Building, Room: B506, National Institutes of Health. Phone: 301/496-5251.
Name of committee: Cancer Control and Rehabilitation Advisory Committee.
Dates: May 25-26, 1976; 9:00 a.m.
Place: Building 31C, Conference Room: 6, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.
Executive secretary: Dr. Veronica Conley, Address: Blair Building, Room: 7407, National Institutes of Health. Phone: 301/427-7941.

Dated: April 12, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-10968 Filed 4-15-76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, June 17 and 18, 1976, National Institutes of Health, Building 5, Conference Room 216. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on June 17. During this open session, permanent staff of the Laboratory of Immunology will present and discuss their immediate past and present research activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:00 a.m. to 5:00 p.m. on June 18 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators of the Laboratory of Immunology, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, Bethesda, Maryland 20014, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. John R. Seal, Executive Secretary, Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A52, Bethesda, Maryland 20014, telephone (301) 496–9118, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: April 1, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10973 Filed 4–15–76;8:45 am]

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control Community Activities Review Committee, National Cancer Institute, May 20–21, 1976, National Institutes of Health, Building 1, Wilson Hall. This meeting will be open to the public from 8:30 a.m. to 4:00 p.m. on May 20, 1976, and from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m to adjournment on May 21, 1976, for merit review of contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 4:00 p.m. to 5:00 p.m. on May 20, 1976, and from 1:00 p.m. to 2:00 p.m. on May 21, 1976, for the review, discussion, and evaluation of individual contracts supported by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and rosters of committee members.

Dr. Robert F. Browning, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427–7944) will furnish substantive program information.

Dated: April 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10969 Filed 4–15–76;8:45 am]

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, May 20–21, 1976, National Institutes of Health, Building 31, Conference Room 10 on May 20, and Conference Room 9 on May 21. This meeting will be open to the public from 8:30 a.m. to 4:00 p.m. on May 20, 1976, and from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to adjournment on May 21, 1976, for merit review of contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 4:00 p.m. to 5:00 p.m. on May 20, 1976, and from 1:00 p.m. to 2:00 p.m. on May 21, 1976, for the review, discussion, and evaluation of individual contracts supported by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting, and rosters of committee members.

Dr. Robert T. Bowser, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427–7943) will furnish substantive program information.

Dated: April 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10970 Filed 4–15–76;8:45 am]

CANCER CONTROL SUPPORTIVE SERVICES REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control Supportive Services Review Committee, National Cancer Institute, May 20, 1976, National Institutes of Health, Building 31, Conference Room 5. This meeting will be open to the public from 9:00 a.m. to 1:00 p.m. on May 20, 1976, for merit review of contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 1:00 p.m. to adjournment on May 20, 1976, for the review, discussion, and evaluation of contract proposals and individual contracts supported by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting, and rosters of committee members.

Dr. Carlos Caban, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427–7943) will furnish substantive program information.

Dated: April 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–10971 Filed 4–15–76;8:45 am]

DHEW COMMITTEE TO COORDINATE TOXICOLOGY AND RELATED PROGRAMS

Notice of Symposium

A symposium entitled Symposium on the Handling of Toxicological Information sponsored by the Toxicology Information Subcommittee of the DHEW Committee to Coordinate Toxicology and Related Programs will be held Thursday and Friday, May 27–28, 1976, from 9:00 a.m. to 5 p.m. in the Masur Auditorium, Clinical Center, National Institutes of Health, Bethesda, Maryland.

The Symposium will survey current toxicology information activities according to the recommendations of the President's Science Advisory Committee (PSAC) Report on "Handling of Toxicological Information" and will attempt to predict needs for new services.

The Symposium will provide a forum for those who collect, manage, or use toxicological information in industry, academic institutions and government.

There is no registration fee, but advance registration is required due to a limited seating capacity. To register or obtain a copy of the tentative program—send your name, work affiliation, address, etc. to Dr. George Cosmides, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, Bethesda, MD 20014.

Dated: April 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-10974 Filed 4-15-76;8:45 am]

CLINICAL TRIALS REVIEW COMMITTEE

Rescheduled Meeting

The meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, scheduled to be held on April 28-30, 1976, Building 31, Conference Room 9, National Institutes of Health, has been rescheduled to be held on May 3-5, 1976 at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. Notice of this meeting was published in the FEDERAL REGISTER on March 16, 1976, 41 FR 11065.

All other provisions of the original Notice remain in effect.

Dated: April 6, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-10966 Filed 4-15-76;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEES A AND B

Joint Meeting

Pursuant to Public Law 92-463, notice is hereby given of a joint meeting of the Virus Cancer Program Scientific Review Committees A and B, National Cancer Institute, May 26, 27 and 28, 1976, Building 37, Room 1B04, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public on May 26, 1976, from 9:00 a.m. to 9:30 a.m. to discuss management practices. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on May 26, 1976, from 9:30 a.m. to adjournment on May 28, 1976, for the review, discussion and evaluation of responses to a Request for Proposal. The contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Office, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6927) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: April 12, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institute of Health.

[FR Doc.76-10972 Filed 4-15-76;8:45 am]

WORKSHOP ON ROD ANODE SOURCES IN DENTAL RADIOGRAPHY

Meeting

Notice is hereby given of the Workshop on Rod Anode Sources in Dental Radiography, sponsored jointly by the National Institute of Dental Research and the American Dental Association, Health Foundation Research Institute, on June 15, 1976, in the American Dental Association Building, 211 East Chicago Avenue, Chicago, Illinois.

The entire meeting will be open to the public from 9:00 a.m. to adjournment on June 15, 1976, to discuss Rod Anode Sources in Dental Radiography. Attendance by the public will be limited to space available.

Dr. Richard L. Webber, Chief, Clinical Investigations Branch, National Institute of Dental Research, National Institutes of Health, Building 10, Room 2B-09, Bethesda, MD, 20014, (phone number 301-496-4934) will provide additional information.

Dated: April 5, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-10975 Filed 4-15-76;8:45 am]

Office of the Secretary

DATA MANAGEMENT CENTER

Statement of Organization, Functions, and Delegations of Authority

Chapter 1T30 of Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, Office of the Assistant Secretary for Administration and Management, is amended to reflect the reorganization of the Data Management Center (Sec. 1T30.20E., 40 FR 11622, dated 3/12/75). Under the reorganization, all first-level subdivisions have been redesignated. Divisions and functional assignments and titles have been changed as follows:

E. *Data Management Center.* The Data Management Center provides computer systems design, programming and data processing; and provides and maintains a Department-wide operational integrated data base designed to meet reporting requirements for consolidated financial and related statistical reporting services. The Center provides services primarily for the Office of the Secretary, although it also services the Principal Operating Components of the Department on request. The Center provides services to other Government agencies under the Federal ADP Sharing Program. The Center operates on a fee-for-services basis and is under the direction of the Director, Data Management Center, who reports to the Director, Office of Administration, and consists of the following principal elements:

1. Division of Applications Information Systems. The Division provides all analysis, design, and programming services within the Data Management Center, except systems programming. It performs feasibility studies, analyzes software products and advanced automated techniques; prepares Requests for Proposals and monitors contracts for systems analysis, design, and programming; provides systems production and program maintenance services for the Office of the Secretary and for the Principal Operating Components, upon their request.

2. Division of Computed Support. The Division of Computer Support designs, implements, and maintains general purpose computer systems software and procedures necessary for the functioning of a computer service center; this software includes the computer's operating system, teleprocessing monitors, utilities, language processors and generalized application tools such as project management systems, statistical packages, mathematical subroutines and information retrieval systems. The Division is also responsible for specifying what computer hardware shall be obtained, its configuration and standards concerning its operation and use, as well as the generation and dissemination of information of value to users of data base management systems.

3. Division of Departmental and Statistical Systems. The Division of Departmental and Statistical Systems is responsible for the development of operational integrated data bases, which have been specified in the approved Automatic Data Processing Plans of the Office of the Secretary and the Principal Operating Components, to meet user requirements, and for maintenance of consolidated financial and related statistical reporting services for the entire Department.

4. Division of Computer Operations. The Division of Computer Operations operates the computer and associated hardware required to provide necessary computer and data processing services to the Office of the Secretary and, upon request, to the Principal Operating Components;

and operates a work control system to ensure proper handling and timely completion of requested services, schedules work activities, and ensures quality production; and develops specifications and procurement documents related to the acquisition of ADP hardware.

5. Division of Program Management and Support Services. The Division of Program Management and Support Services directs the Center's program for financial, personnel, and material needs; developing budget estimates and justifications; improving management methods and procedures. Acts on behalf of the Director, DMC on matters relating to OMB Circular A–76, Acquisition of ADP Services by Executive Agencies. Provides for centralized DMC Project Control and related management reporting; and maintains and operates the automated billing system for computer support services.

Dated: April 8, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–11090 Filed 4–15–76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary (39 FR 42405 12/5/74) is revised to add a paragraph describing delegated authority for setting indirect cost rates and other rates to be applied in reimbursing Departmental grantees and contractors, as follows:

SECTION 1W.30 DELEGATIONS OF AUTHORITY

Add to 1W.30 A:

13. Establish the following rates and amounts to be used in obligating funds and reimbursing costs under DHEW grants and contracts awarded to colleges and universities, hospitals, and other types of non-profit organizations and State and local government agencies: indirect cost rates; research patient care rates and amounts; State and local government cost allocation plans; and computer, fringe benefit, and other special rates and amounts.

Dated: April 8, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–11091 Filed 4–15–76;8:45 am]

SURPLUS PERSONAL PROPERTY PROGRAM

Adjustment of the State Entitlements

Notice is hereby given that a test will be made during the period May 1, 1976 through April 30, 1977, to determine whether, in establishing States' entitlements of available Federal surplus property on a percentage basis, greater weight should be given to State Agencies' actual performance in requesting and distributing property.

The Federal Property and Administrative Services Act of 1949, as amended, provides that property will be allocated on the basis of needs and utilization. Title 45 CFR section 13.4 states: "Allocations of donable property will be made on the basis of need and usability of property. The following factors will be taken into consideration in effecting equitable allocation of property:

"(a) Need and usability of property as reflected by requests from State Agencies.

"(b) Regions or States in greatest need of the type of property to be allocated, where the particular important need is evidenced by a justification accompanying the expression of need.

"(c) Extraordinary needs occasioned by disaster.

"(d) The quantity of property of the type under consideration which was previously allocated to or is potentially available to a State Agency from a more advantageous point.

"(e) Performance of State Agencies in effecting timely pick-up of property.

"(f) Equity in allocation based on ratio of population and per capita income."

During the period of this test these six factors will continue to be used in making allocations. Since surplus property is not allocated to a State unless requested and cannot be requested if not needed and usable, this test will provide the opportunity for relating property availability to need as evidenced by the State Agencies' performance in requesting and distributing property.

From the statistics to be developed during the test, a determination will be made whether greater weight should be given to actual performance in utilization of property. Should it be determined to be advantageous to make this change, population and per capita income will continue to be used as a base for entitlement; however, greater emphasis will be given to each State's performance in requesting, accepting, and distributing property. If a State establishes a need and can use property that other States do not use, its base entitlement will be increased accordingly. Adjusted entitlements will be determined annually and the State Agencies will be so advised.

Dated: April 8, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–11089 Filed 4–15–76;8:45 am]

Social and Rehabilitation Service

DIVISION OF RESOURCE MANAGEMENT AND DIVISION OF FRAUD AND ABUSE CONTROL

Notice of Establishment

Part 5 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, January 25, 1969, as amended) is hereby further amended to: Establish a Division of Resource Management and a Division of Fraud and Abuse Control within the Medical Services Administration.

For such purposes section 5.20–53 is amended as follows:

Under the heading Division of Program Planning and Evaluation—5321 delete the third sentence which states "Develops the program budget for Title XIX programs".

Insert the following after the end of the Division of Utilization Control—5320:

"DIVISION OF FRAUD AND ABUSE CONTROL—5322

"Directs the planning and implementation of Federal initiatives for controlling fraud and abuse activities by providers in the Federal-State medical assistance program. Responsible for the development of methods and procedures for the detection of fraud and abuse. Provides technical assistance, instruction, and guidance to the Regions and to the States in fraud and abuse control. Performs reviews of State and provider operations and documentation to determine the possible extent of fraud and abuse within the Federal-State medical assistance program. Prepares reports of findings from reviews and assists the Regions and the States in the development of corrective action plans. Monitors the progress in implementing required corrective actions. Analyzes the nature of fraud and abuse activities and identifies areas that require changes in regulations, guidelines, procedures, and systems and provides that input to applicable elements of SRS. Prepares reports on the magnitude of fraud and abuse within the Federal-State medical assistance program for SRS and HEW management as required. Provides programmatic staff support to the DHEW Office of General Counsel and the Department of Justice on Medicaid provider fraud as necessary. Coordinates SRS activities with other HEW agencies involved in prevention, detection and prosecution of fraud and abuse in medical programs.

"DIVISION OF RESOURCE MANAGEMENT—5323

"Develops the program budget for the Title XIX program and provides MSA input to the salaries and expenses budget. Provides the focal point within MSA for forecasting expenditures for the Medicaid Program. Monitors medical assistance program costs and serves as the focal point in MSA for collection and display of costs by categories as required for program management. Prepares MSA input to the quarterly report to Congress on the status of funds for the Medicaid program. Controls MSA administrative expenditures for travel, printing, binding, supplies, and other services for the current year. Provides review and analysis status of funds reports to the Commissioner, MSA as required. Coordinates activities with the Office of Financial Management.

"Responsible for the development and implementation of manpower manage-

ment systems within MSA to improve manpower utilization and to increase productivity in accordance with HEW and SRS policies and procedures. Develops manpower budgets and budget justification for MSA. Coordinates the development of organization proposals, functional statements, staffing allocations, and position descriptions.

"Provides administrative support for all MSA activities. Responsible for central policy, procedure reference and record files and disposition. Responsible for supplies and equipment, office space reproduction facilities, services, and correspondence control."

Dated: April 8, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-11088 Filed 4-15-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-516]

CONCHO VALLEY

Hearing

In the matter of CONCHO VALLEY, Units 1, 2, 3, 4, 4A, 5, 6, 8, and 8A O-0180-02-31 & A-E & 0-0705-02-101 76-45-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that:

1. Concho Valley, Lake Investment Company and Henry H. Leigh, President, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Proceedings and Opportunity for Hearing issued February 18, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45 (b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Concho Valley, Lake Investment Company, located in Apache County, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 8, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), It Is Hereby Ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 13, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 29, 1976.

6. The Respondent is Hereby Notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: March 16, 1976.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-11045 Filed 4-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice No. 76-5]

POLICIES TO IMPROVE ANALYSIS AND REVIEW OF REGULATIONS

Regulatory Reform

Comprehensive regulatory reform is a major policy thrust of President Ford. In the past the Department of Transportation has developed legislation to bring needed changes to Federal economic regulations governing the air carrier, railroad, and motor carrier industries. We must also take steps to ensure that regulations issued by the Department itself are sound and do not impose unnecessary burdens on the private sector, on consumers, or on Federal, State, and local governments.

The operating elements of the Department (e.g., Coast Guard Federal Aviation Administration) have already made some important improvements in their regulatory procedures. The strength and integrity of our regulatory framework depends on maintaining responsibility for formulation of regulatory policies in the operating elements where expertise and experience are concentrated.

At the same time, there is a need for a Department-wide effort to reinforce these initiatives and to carry out our overall Departmental responsibilities. Our regulatory proposals are ultimately the responsibility of the Department as a whole. We must be certain that they are supported by adequate analysis of their antcipated costs and consequences before they are proposed or finalized.

Furthermore, the Department is charged with taking a broad view of the impact of government regulations on all transportation modes. While uniformity is not always possible or desirable, we must be sure that the overall direction of our policies is consistent and that our regulations do not cause unnecessary distortions to the competitive opportunities of the various modes of transportation.

Recognizing the importance of fulfilling our broad responsibilities without impairing initiative in the operating elements, I have promulgated three internal Departmental policies (which appear below) designed to improve analysis and review of regulations. They are effective May 1, 1976, except for proposals whose development is essentially complete on that date.

The objectives of these Department of Transportation policies are:

1. To improve the quality of analysis of regulatory proposals and of significant grant program requirements, with particular emphasis on consideration of their costs to the private sector; to consumers; and to Federal, State, and local governments;

2. To assure the full and early use of such analysis in the development of these proposals and requirements;

3. To provide for the timely involvement of the Office of the Secretary in the development of those regulations which are expected to have a substantial impact or to be especially controversial; and

4. To provide for regular and effective review of existing regulations and grant program requirements.

Issued in Washington, D.C., on April 13, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION POLICIES TO IMPROVE ANALYSIS AND REVIEW OF REGULATIONS

POLICY 1

Prior to the issuance of a Notice of Proposed Rulemaking, the originating Departmental element shall evaluate the anticipated impacts of the proposed regulation, use the evaluation results in assessing the desirability of proposing the regulation, and include a brief summary of the evaluation in the Notice of Proposed Rulemaking. Each evaluation shall include an estimate of resulting costs to the private sector, to consumer, and the Federal, State, and local government as well as an evaluation of benefits and other impacts, quantified to the extent practicable. Prior to the issuance of a final regulation, the originating Departmental element shall prepare a similar evaluation, use its results in formulating the regulation, and include a brief summary of the evaluation in the publication of the final regulation.

Prior to the adoption of administrative requirements associated with grant programs not issued as Notices of Proposed Rulemaking which involve important policy changes or are expected to result in significant costs to Federal, State, or local government, to the private sector, or to consumers, the originating Departmental element shall evaluate the anticipated impacts of the requirement and document the results. Each evaluation shall include an estimate of resulting costs to the private sector, to consumers, and to Federal, State, and local government as well as an evaluation of benefits and other impacts, quantified to the extent practicable.

An evaluation is not required if the grant program requirement, or publication of the proposed regulation, is expressly mandated by statute, or if the head of the originating Departmental element determines that the expected impact of the proposed regulation

or grant program requirements is so minimal that the proposal does not warrant an evaluation. Whenever a determination of minimal impact is made, the head of the originating Departmental element shall provide written notification to the Secretary.

POLICY II

For those regulations which are potentially costly or controversial, the head of the originating Departmental element shall provide the Secretary with an information memorandum at least 30 days prior to the publication of the Notice of Proposed Rulemaking. The information memorandum shall explain briefly the need for the regulation, the substance of the regulation, alternatives considered, and the results of evaluation of the proposed regulation. It shall also summarize the anticipated positions of interested parties, assess consumers' interests, address technological feasibility as appropriate, and provide such other information as is needed to apprise the Secretary of the anticipated impact of the regulation.

In addition, at least 30 days before the final issuance of any regulation which is potentially costly or controversial, the head of the originating Departmental element shall provide the Secretary with an information memorandum advising the Secretary of the impending action.

POLICY III

Each element of the Department shall establish a system by which those affected by its regulations and significant grant program requirements are provided an opportunity periodically to offer comments, through a structured process, with a view toward assessing whether existing regulations or grant requirements are effective or necessary, or need revision to accommodate changed circumstances and requirements.

Discussion of Policy I. The purpose of this policy is to assure that the consequences of regulations and of significant grant program requirements are adequately considered early in their development. The policy specifically requires that an estimate be made of resulting costs to government, the private sector, and consumers and that other consequences be quantified to the extent practicable.

The policy is intended to allow the heads of Departmental elements to determine how to integrate this requirement effectively with existing regulatory procedures. It is intended to encourage comprehensive review processes within the operating elements.

Judgment should be exercised by the head of the Departmental element so that resources and time devoted to analysis reflect the importance of the proposal. Many proposals will not justify a highly sophisticated analysis. The policy is intended to encourage the use of Advance Notices of Proposed Rulemaking and Policy Development to gather information on which to base an evaluation, as reflected in the Department's proposed Consumer Representation Plan.

Regulations which fall within the emergency rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553(b)(B)), and which therefore are not issued as Notices of Proposed Rulemaking, are excluded from this requirement of prior evaluation but should be given the same evaluation as soon as practicable.

Significant grant program requirements not issued as Notices of Proposed Rulemaking are included in the policy because they may have major policy and cost implications. This policy does not apply in situations where the authorizing statute does not allow the Department any discretion in the substance or impact of the requirement.

Publication of summaries of the evaluations of regulatory proposals is required to provide a starting point for constructive debate about the final adoption of the proposals.

Discussion of Policy II. The policy is intended to afford the Secretary an opportunity to review regulatory proposals of substantial impact in light of the Department's overall responsibilities before they are proposed. The broad terminology of the policy is intended to allow the heads of Departmental elements to judge when the anticipated impact of a proposed regulation warrants notification of the Secretary. Examples of factors which could be considered in making that determination are substantial public or Congressional interest in the proposal; anticipated impact on other transportation modes or on the activities of other Federal agencies; considerable burdens on State or local governments, on a particular industry, or on consumers; or anticipated requirement of significant additional Federal resources.

Administrative requirements associated with grant programs which are not issued as Notices of Proposed Rulemaking are not included in the policy because present arrangements by which Departmental elements confer with the Office of the Secretary prior to adoption of such requirements are working well.

A 30-day notice requirement has been adopted to allow the Secretary to become involved in the development of a proposal if he deems it appropriate.

If an initial determination is made that a memorandum for the Secretary is not warranted but later information indicates that the proposal will have costly or controversial impacts, a memorandum should be provided whenever such anticipated impacts become known. In any event, a memorandum for the Secretary should be provided 30 days before a costly or controversial regulation is finally adopted.

Discussion of Policy III. The intent of this policy is that the Department's existing regulations and significant grant program requirements be reviewed in a systematic way to assure that they continue to be sound, that they do not impose unnecessary burdens on the private sector or on government, and that they are revised as expeditiously as possible in response to changed circumstances. It is intended that the interests of consumers as well as those of affected industries and of government be represented in these reviews. To implement this policy effectively, it may be appropriate to restrict the occasion for comment to discussion of a limited number of regulations or program requirements that appear to be especially in need of review.

[FR Doc.76-11128 Filed 4-15-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Commitee (SAC) to this Commission will convene at 9:00 a.m. and end at 5:00 p.m. on May 10, 1976, at the Statler Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California 90014.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is to provide information on the bilingual provisions of PL-94-73, Voting Rights Act of 1965 as amended in 1975 and California election codes and laws governing public elections in a conference setting.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11033 Filed 4-15-76;8:45 am]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on May 4, 1976, at the Fellowship Hall, St. James Gregory United Methodist Church, 3000 East Gregory Blvd., Kansas City, Missouri 64132.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to review progress on the elementary and secondary education project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11062 Filed 4-15-76;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on May 10, 1976, at the New Hampshire Highway Hotel, Concord, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss current projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11064 Filed 4-15-76;8:45 am]

PENNSYLVANIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania Advisory Committee (PAC) to this Commission will convene at 10:00 a.m. and end at 2:00 p.m. on May 13, 1976, at 600 Arch Street, Room 7306, Philadelphia, Pennsylvania 19106.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss possible future projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11065 Filed 4-15-76;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) to this Commission will convene at 4:00 pm. and end at 6:00 pm. on May 11, 1976, at the Central Congregational Church, 296 Angel Street, Providence, Rhode Island.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss current projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11066 Filed 4-15-76;8:45 am]

SOUTH DAKOTA ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the South Dakota Advisory Committee to the United States Commission on Civil Rights, originally scheduled for April 30, 1976, a notice of which was previously published on page 15058 in the FEDERAL REGISTER on Friday, April 9, 1976 (FR Doc. 76-1021) has been cancelled.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11067 Filed 4-15-76;8:45 am]

TENNESSEE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Tennessee Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 5:30 p.m. on May 14, 1976, at the Holiday Inn, 200 West Georgia, Memphis, Tennessee.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Ave., NE., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss status report on school desegregation project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 13, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-11068 Filed 4-15-76;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

PAY SYSTEMS

Committee Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, May 13, 1976, Thursday, May 20, 1976, and Thursday, May 27, 1976.

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 committee's primary responsibility is to study 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 Public Law 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 under section 10(d) of the Federal Advisory Committee Act (Public Law 92-463) and 5 U.S.C., section 552(b),(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals 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.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

APRIL 8, 1976.

[FR Doc.76-10730 Filed 4-15-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Office of the Administrator, Foreign Agricultural Service.

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

[FR Doc.76-10984 Filed 4-15-76;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Deputy Director, Community Relations Service.

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

[FR Doc.76-10986 Filed 4-15-76;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Civil Rights Division, Office of the Assistant Attorney General.

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

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the

Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director, Executive Office for United States Attorneys, Office of the Deputy Attorney General.

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

[FR Doc.76-10989 Filed 4-15-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Administrator, Office of the Administrator.

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

[FR Doc.76-10985 Filed 4-15-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Information, Office of the Administrator.

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

[FR Doc.76-10988 Filed 4-15-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS FROM HAITI

Import Levels

APRIL 13, 1976.

On September 25, 1975, there was published in the FEDERAL REGISTER (40 F.R. 44185) a letter dated September 22, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on October 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti.

On March 23, 1976, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and Haiti concluded a new comprehensive bilateral textile agreement concerning exports of cotton, wool, and man-made fiber textile products from Haiti to the United States over a period of three years beginning on January 1, 1976 and extending through December 31, 1978. Among the provisions of the new agreement are those establishing specific levels of restraint for cotton textile products in Categories 39, 45/46/47 and 63, and man-made fiber textile products in Categories 219, 222, 224, 225, 228, 229, 233, 238, and 239 for the agrement year which began on January 1, 1976. The agreement also establishes designated consultation levels for cotton textile products in Categories 51, 53, and 54 and man-made fiber textile products in Categories 214, 216, 217, 223, 230, 235, and 237 for the twelve-month period beginning an January 1, 1976 and extending through December 31, 1976.

There is published below a letter of April 13, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Categories 39, 45/46/47, 51, 53, 54, and 63 and man-made fiber textile products in Categories 214, 216, 217, 219, 222, 223, 224, 225, 228, 229, 230, 233, 235, 237, 238, and 239, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on January 1, 1976 be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

On October 24, 1975 and February 25, 1976 the Chairman of the Committee for the Implementation of Textile Agreements issued directives, pursuant to Article 3 of the Arrangement Regarding International Trade in Textiles, limiting imports, respectively, of man-made fiber textile products in Categories 233 and 238 for the twelve-month period which began on August 29, 1975; and in Categories 214, 219, 228, and 229 for the twelve-month period which began on February 27, 1976. The letter published below also cancels and supersedes those directives.

Effective date: April 20, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

APRIL 13, 1976.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on September 22, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on October 1, 1975, in excess of the designated levels of restraint. It also cancels the directives of October 24, 1975 and February 25, 1976 regarding imports of man-made fiber textile products in Categories 214, 219, 228, 229, 233 and 238.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 23, 1976, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 20, 1976, and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption of cotton textile products in Categories 39, 45/46/47, 51, 53, 54, and 63 and man-made fiber textile products in Categories 214, 216, 217, 219, 222, 223, 224, 225, 228, 229, 230, 233, 235, 237, 238, and 239, in excess of the following levels of restraint:

Category:		*12 mon. level of restraint* [1]
39	dozen pairs	283,527
45/46/47		[2] 2,000,000
51	dozen	56,189
53	do	22,075
54	do	40,000
63	pounds	434,783
214	dozen pairs	566,572
216	dozen	44,150
217	do	38,491
219	do	258,715
222	do	207,865
223	do	125,000
224	pounds	589,744
225	dozen	673,684
228	do	254,646
229	do	99,394
230	do	55,188
233	do	192,488
235	do	81,766
237	numbers	444,444
238	dozen	258,427
239	do	231,250

[1] The levels of restraint have not been adjusted to reflect any entries made after December 31, 1975.

[2] Square yards equivalent.

Entries of cotton and man-made fiber textile products, produced or manufactured in Haiti, which have been exported to the United States prior to January 1, 1976 shall not be subject to this directive.

Cotton textile products in Category 54 and man-made fiber textile products in Categories 216, 217, 222, 223, 224, 225, 230, 235, 237, and 239 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of March 23, 1976, between the Governments

of the United States and Haiti which provide, in part, that: (1) the aggregate, group and specific limits will be increased 7 percent annually; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-11076 Filed 4-15-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 6505

Aspirin Tablets: 6505-00-100-9985, 6505-00-153-8750.
Acetaminophen Tablets: 6505-00-985-7301.

CLASS 7110

Blackboards, Portable: 7110-00-132-6651, 7110-00-843-7916 (approximately 60% of total Government requirements).

Comments and views regarding these proposed additions may be filed with the Committee not later than May 17, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-11080 Filed 4-15-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from April 5 through April 9, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (May 31, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

ANIMAL AND PLANT HEALTH INSPEC. SERVICE

Final

1976 Gypsy Moth Suppression and Regulatory Program, April 4: Proposed is the continuance of the Forest Service and Animal and Plant Health Inspection Service program, in cooperation with responsible state agencies, for the suppression and/or regulation of the gypsy moth, Porthetria dispar, through 1976. Carbaryl or trichlorfon will be used on about 100,000 acres. Comments made by: USDA, DOI, DOC, and State agencies. (ELR Order No. 60511.)

FOREST SERVICE

Draft

Sioux Unit Plan, Custer National Forests, Montana and South Dakota, April 5: Proposed is the implementation of a Multiple Use Plan for the Sioux Planning Unit, Custer National Forest in Harding County, South Dakota and Carter County, Montana. The gross area of the Planning Unit totals 175,312 acres including 162,889 acres of National Forest land. Three feasible management alternatives are being considered, each stressing different facets of land management. Adverse effects include degradation of wildlife habitat and an increase in chemical water pollutants (ELR Order No. 60490.)

Allegheny National Forest, Off-Road Vehicles, several counties, Pennsylvania, April 8: Proposed is the management of off-road vehicle (ORV) use in Allegheny National Forest, Pennsylvania, in a manner that will protect Forest resuorces, promote safety of its users and minimize conflicts among the use of those lands. To accomplish this objective, cross-country motorized vehicle use will be confined to designated ORV trails within certain portions of the Forest and such use will be exclusively by motorcycles (trailbikes) and registered snowmobiles. Environmental effects are considered to be generally favorable. (ELR Order No. 60516.)

North Slope Unit Plan, Wasatch National Forest, Utah and Wyoming, April 8: Proposed is a land use plan for the North Slope Planning Unit, Wasatch National Forest. The Unit contains approximately 336,000 acres of National Forest and 90,500 acres of other lands, and is located near the northeast corner of Utah in Summit County and the extreme southwest edge of Wyoming in Uinta County. The Unit includes a portion of the High Uintas Wilderness proposal sent to Congress for consideration in 1967. Approximately one-third of the National Forest lands within the Planning Unit have been allocated for proposed Wilderness or Wilderness study. (ELR Order No. 60510.)

Final

Big Piney Land Use Plan, Bridger-Teton National Forest, Sublette and Lincoln Counties, Wyoming, April 8: The proposed plan for Big Piney Planning Unit, Bridger-Teton National Forest provides for the allocation of lands for various resource uses and activities and emphasizes intensified timber and livestock forage production and retention of a 72,000 acre wilderness study area. Adverse impacts include degradation of air quality (due to wood smoke and dust from wildfires and prescribed burning), intermittent loud noise during transport of timber, and temporary aesthetic impact during road development. Comments made by: USDA, EPA, DOI, AHP, State and local agencies. (ELR Order No. 60513.)

SOIL CONSERVATION SERVICE

Final

Carpinteria Valley Watershed, Santa Barbara County, California, April 5: The statement concerns a project for watershed protection and flood prevention in the Carpinteria Valley. Construction is already partially completed. The project includes a debris dam and about 0.3 miles of concrete lined channel to connect with existing Santa Monica Creek channel, and concrete channels on Franklin Creek. The construction will require the displacement of 9 families. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, State and local agencies. (ELR Order No. 60485.)

Wailuku-Alenaio Watershed Project, Hawaii County, Hawaii, April 5: The statement concerns a project for watershed protection and flood prevention in Hawaii County. The plan includes 2.1 miles of floodwater diversions, .66 mile of channel work, a .19 mile masonry wall, and land treatment. The project would eliminate 12.2 acres of agricultural and forestry production. Comments made by: USAF, COE, USA, DOC, EPA, HEW, AHP, DOI, DOT, and State agencies. (ELR Order No. 60493.)

Diamond Brook Watershed Project, Norfolk County, Massachusetts, April 5: Proposed is a project for watershed protection, flood prevention, and improvement of fish and wildlife habitat consisting of conservation land treatment, a multiple-purpose reservoir structure, and about 1,180 feet of channel work on a perennially flowing and previously modified stream. About 58 acres of land will be required to install the dam and channel work. The project will result in decreased wildlife habitat and increased structural measures. Comments made by: USA, HEW, DOI, DOT, EPA, and State agencies. (ELR Order No. 60499.)

Mill Brook Watershed Project, Chenango County, New York, April 8: The statement refers to watershed protection, flood prevention, and fish and wildlife development in Chenango County. The project will consist of conservation land treatment measures on 923 acres, one floodwater retarding structure,

one multiple-purpose structure, one public fish and wildlife development, and approximately 0.25 mile of channel work. Adverse impacts include: elimination of 51 acres of cropland, 23 acres of pastureland, and 55 acres of forest land; increased noise and dust pollution; increased short-term sedimentation downstream; and elimination of 800 feet of natural stream channel. Comments made by: HEW, DOI, DOT, EPA, AHP, State and local agencies. (ELR Order No. 60515.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693-6795.

Draft

American Canyon Sanitary Landfill (Permit), Napa County, California, April 8: The American Canyon Sanitary Landfill Company has applied for a USA permit for both existing fill and proposed fill in a 300-acre site shoreward of an existing levee on the east bank of the Napa River, approximately two miles south of the Napa County Airport, California. A total of approximately 6.2 million cubic yards of refuse would eventually be deposited on 257 acres of the site. The continuation of the landfill operation will result in the virtually permanent loss of approximately 250 acres of restorable wetland. Continued use of the landfill will increase the possibility of degradation of Napa River water (San Francisco District). (ELR Order No. 60506.)

Reserve Mining Co. Discharge Structure (Permit), Lake County, Minnesota, April 5: The Reserve Mining Company proposes to install a heated water discharge structure in Lake Superior. This structure would enable Reserve's Lakeside Power Plant to discharge approximately 106,000 gpm of cooling water into Lake Superior. The delta stabilization dike would be an attempt to stabilize the tailings delta at Silver Bay and prevent the further release of abestiform fibers into Lake Superior. Adverse effects include the destruction of 5,850 acres of terrestrial habitat. About 4,420 acres of public land would be used along with 3.9 miles of State designated recreation trails and 8.1 miles of non-designated recreational trails. (St. Paul District). (ELR Order No. 60487.)

OG&E Generating Stations, Units 4 & 5 (Permit), Muskogee County, Oklahoma, April 8: Oklahoma Gas and Electric Company has applied for USA permits for proposed construction of an addition of two 515,000 kilowatt net generating units and appurtenant structures to its existing generating station. The structures will be located on and in the Arkansas, Grand, and Verdigris Rivers near the town of Muskogee, Oklahoma. The proposed power plant would convert approximately 720 acres of agricultural land and wildlife habitat to industrial use. Chemically treated storm water runoff from the coal storage area, treated plant wastes, and heated cooling tower blowdown will be discharged (Tulsa District). (ELR Order No. 60514.)

Port Royal Harbor Maintenance Dredging, Beaufort County, South Carolina, April 5: Proposed is the maintenance dredging of a channel 27 feet deep and 500 feet wide across the ocean bar and in Port Royal Sound, a channel 24 feet deep and 300 feet wide in Beaufort River and Battery Creek, and a turning basin 27 feet deep by 600 feet wide opposite the State Ports Authority Wharf. Adverse impacts of the project include possible displacement of wildlife species, disruption of benthic invertebrates, alteration of existing vegetation in the disposal area, and possible increase in the local mosquito population (Charleston District). (ELR Order No. 60497).

Final

Mississippi River Levees and Channel Improvements, April 9: The statement refers to the Mississippi River Levees and Channel Improvement project and related projects on more than 900 miles of river between Cairo, Illinois and Venice, La. The projects are designed to make the Mississippi River more navigable and prevent flooding by utilizing dikes and revetments, levees, and maintenance and construction dredging of the mainstem and key harbors in Arkansas, Illinois, Kentucky, Louisiana, Mississippi, and Tennessee. Adverse impacts are degradation of water quality due to dredging, and the loss of 2,500 acres of cropland and 30,000 acres of woodland and asociated wildlife habitat (Vicksburg District). Comments made by: EPA, USDA, AHP, DOI, HEW, HUD, DOC, DOT, State agencies. (ELR Order No. 60517.)

Fairfield Vicinity Streams, California, Solano County, California, April 7: The project includes approximately 9.25 miles of channel work on five streams: Ledgewood Creek, Pennsylvania Avenue Creek, Union Avenue Creek, Laurel Creek, and McCoy Creek for purposes of flood protection to 3,570 acres of urban land and potentially urban land. There would be a loss of some 3,300 feet of dense vegetation, 8,000 feet of less valuable vegetation, and the displacement of some wildlife species. The project will encourage urban development (Sacramento District). Comments made by: HEW, DOI, DOT, USDA, EPA, State and local agencies, and interested individuals. (ELR Order No. 60505.)

Wicomico River (East) O&M Dredging, Wicomico County, Maryland, April 8: The project provides for maintenance of a channel 14 feet deep and 150 wide from Chesapeake Bay to Salisbury, Maryland, including a channel with a turning basin in the north prong and a 60-foot wide channel 6 feet deep from deep water in the river to Webster Cove with a T-shaped basin in the cove. Dredged material, with some exceptions, will be placed in upland diked disposal areas. Project dredging will remove or destroy benthic organisms such as oysters and clams and will temporarily increase turbidity, sediment load, and biochemical oxygen demand while decreasing available dissolved oxygen (Baltimore District). Comments made by: AHP, USDA, DOC, DOT, USCG, EPA, FPC, State and local agencies, and interested groups. (ELR Order No. 60507.)

Charleston Harbor Deepening Project, South Carolina, April 5: The recommended plan of improvement consists of the deepening of the entrance channel to Charleston Harbor, in addition to the deepening of existing harbor channels; deepening of Shipyard River channel; enlargement of the upstream and downstream turning basins in Shipyard River; enlargement of an anchorage basin; dredging of a new turning basin adjacent to the Columbus St. Docks; widening of the No. Charleston and Filbin Creek reaches; shifting of channels near terminal and enlargement of the turning basin at the head of the commercial channel at Goose Creek. There will be localized adverse effects on water quality and aquatic life, and slight air and noise pollution increases. Comments made by: USDA, HEW, FPC, DOI, EPA, DOC, USCG, AHP, and State agencies. (ELR Order No. 60494.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460 (202) 755-0777 (stop 460).

Draft

Granby Wastewater Treatment Facility, Grand County, Colorado, April 5: Proposed is the construction of a new expanded wastewater treatment facility to replace the existing plant. The proposal was prompted by population growth projections associated with a large proposed second home/resort complex adjacent to Granby named Val Moritz. The construction would cause secondary impacts due to the induced growth in the general area. Implementation of the new wastewater treatment plant will have an effect upon the local tax structure with probable increases in property tax for Granby residents. This effect will be particularly severe if Val Moritz fails to develop to the extent and at the rates projected (Region VIII). (ELR Order No. 60495.)

Final

Winnipesaukee River Basin, Wastewater Facilities, several Counties, New Hampshire, April 5: Proposed is the construction of a regional sewage treatment plant and a series of interceptor sewers to serve the Winnipesaukee River Basin. The proposed sewage treatment plant is to be located south of Franklin, New Hampshire, and is designed to handle 11.5 million gallons per day. The effluent from the Franklin plant will be discharged to the Merrimack River and the sludge will be disposed of by land-fill or land spreading. Long term adverse impacts are related to land use and air and water quality. Comments made by: AHP, DOI, DOT, COE, HUD, and State agencies. (ELR Order No. 60498.)

Falling Creek Wastewater Treatment, Chesterfield County, Virginia, April 9: Proposed is the expansion of 6 the million gallon per day Falling Creek Wastewater Treatment facility to 12 MGD and upgrading to provide advanced wastewater treatment. The system is designed to gradually eliminate existing septic tanks. Potential long term adverse impacts of the action affecting surface water and groundwater quality, sensitive areas (wetlands, floodplains and aquifer recharge areas), agricultural lands, air quality, biology, and the community's social and economic environment are discussed. Short term construction disruption will result. Comments made by: USDA, DOT, COE, DOI, HEW, and State agencies. (ELR Order No. 60520.)

Final EIS—Wastewater Collection and Treatment.

Facilities—Winnespesaukee River Basin, New Hampshire.

The Council has concurred with EPA's request for expedited processing, under CEQ Guidelines, § 1500.11(e), for three projects included in the EIS, namely, the Tilton-Northfield Interceptor, the Gilford Interceptor, and the Meredith Interceptor. The Council's concurrence was based on a review of the final EIS, consultation with EPA officials, and the special circumstances applicable to this case including the absence of controversy, the serious water quality problems and the short construction season. Although EPA will make a grant offer for these projects, the agency will continue to receive and consider comments on all aspects of the Winnipesaukee project during the 30-day review period for the final EIS. Notice of EPA's intention to move ahead during the review period on the three discrete projects will be provided to all agencies and other parties who made substantive comments on the draft EIS.

ENERGY RESEARCH AND DEVELOPMENT ADMIN.

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545 (301) 973-4241.

Final

US Nuclear Power Export Activities, April 1: The statement concerns US activities related to the export of commercial nuclear steam supply systems and nuclear fuel for commercial use in foreign power reactors. The statement addresses the environmental, social, technological, economic, national security and foreign policy benefits and costs of US nuclear power export activities. Impacts are assessed through the year 2000 and include those of mining and plant operations (Two volumes). Comments made by: NSF, USDA, EPA, DOT, DOI, NRC, TREA. (ELR Order No. 60523.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street NW., Washington, D.C. 20426 (202) 275-4791.

Draft

Breakabeen Pumped Storage Project, Schoharie County, New York, April 8: Proposed is the granting of a license to Power Authority of the State of New York to construct the Breakabeen Pumped Storage Project on Schoharie Creek, New York. This action also considers the relocation of N.Y. State Highway Route 30. The Breakabeen Project would be located in the Schoharie Valley and would involve the building of a lower dam and 1,020-acre lower reservoir on Schoharie Creek and an upper dam and 216-acre upper reservoir west of the Creek. A transmission line, consisting of three 345-kV circuits would connect the project to Applicant's existing New York power system. One hundred and forty people living in the project area would be displaced. (ELR Order No. 60509.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405 (202) 343-4161.

Final

Federal Building and Courthouse, Panama City, Bay County, Florida, April 9: The proposed action entails the construction of a facility by a private developer to be known as the Federal Building and Courthouse in Panama City, Bay County, Florida, to be leased by General Services Administration. All of the sites under consideration in the downtown area are located in a flood hazard area. A means of floodproofing the proposed building has been formulated. Comments made by: HUD, COE, DLAB, EPA, DOI, HEW, USDA, and State agencies. (ELR Order No. 60521.)

DEPARTMENT OF HEW

Contact. Mr. Charles Custard, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718 HEW-North, Washington, D.C. 20202 (202) 963-4456.

Draft

National Environmental Health Research Center, Durham and Orange Counties, North Carolina, April 9: Proposed is the development of the National Environmental Health Research Center (NEHRC) on a 509-acre site in Research Triangle Park, North Carolina. The objective of the NEHRC is to identify and evaluate environmental factors in terms of their effects on human health. The major environmental effect would result from the increase in population in the Research Triangle Park area which would place demands on local and regional services. The services most affected would include transportation, sewage, solid wastes, water supply, health resources, educational resources, and housing supply. (ELR Order No. 60518.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6308.

Draft

Crofton Village Subdivision, Anne Arundel County, Maryland, April 5: Proposed is the construction of Crofton Village to provide residential development of 229 acres over 6 years to produce 1,698 dwelling units for a population of about 7,000. Adverse impacts of the project include the conversion of agricultural land to urban use, some increase in air pollution and noise levels, increased storm water runoff, traffic congestion, impact on sewage treatment, and possible impact on an historical site. (ELR Order No. 60496.)

Draft

Pinehurst Harbour, Anne Arundel County, Maryland, April 7: Proposed in the approval of Pinehurst Harbour under the Title X Mortgage Insurance Program, which in turn would facilitate the development of a 240 acre peninsula at Bodkin Point with residences, neighborhood shopping, and conference facilities. A marina providing berths for 300 to 500 boats would also be provided. Sixteen hundred dwelling units would be constructed in six phases. Adverse effects include the loss of wooded areas on Bodkin Point including the loss of some animal habitats. (ELR Order No. 60504.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

West End II Redevelopment, Stockton, San Joaquin County, California, April 6: The proposed Community Development Block Grant would be used for the expansion to the West End Redevelopment Area located in central Stockton. The project would consist of property acquisition, demolition, business and residential relocation, and project improvements. The project site is to be made available for commercial, tourist, and recreational uses in compliance with an overall Channel Plan as adopted by the City. Adverse impacts of the project include the relocation of residents and businesses and the general decline of the Channel (water and aesthetic quality) due to overutilization. (ELR Order No. 60500.)

Salinas Solid Waste Disposal Facilities, Puerto Rico, April 5: Proposed is the acquisition of twenty-five acres of land for provision of solid waste disposal facilities, Barrio Aguirre, Municipio of Salinas, Puerto Rico. The project consists of the collection of solid waste in the Pueblo and all the Barrios of the Municipio of Salinas and depositing them at the site utilizing acceptable sanitary landfill measures. The project will serve a population of 21,837 people. The primary adverse effects anticipated are leachates and gases generated from solid waste decomposition. (ELR Order No. 60492.)

Final

Low-Income Multi-Service Center, Livermore, Alameda County, California, April 9: The proposed project is construction of an office building and development of relative off-street parking area in Livermore, California, to serve the Low-Income Multi-Service Center. Adverse effects will consist of increased levels of noise and air pollution. Comments made by: USDA. (ELR Order No. 60519.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

M-275 Freeway, I-96 to M-59, Oakland County, Michigan, April 8: Proposed is the construction of the M-275 Freeway from I-96 north to M-59 in Oakland County, Michigan. The entire 14 miles of construction will be on new location. It is proposed that M-275 be constructed as a multi-lane limited access highway built to Interstate standards, although this route is not part of the Federal-aid Interstate System. Subject to the alternate chosen, 71 to 137 families and 3 to 20 businesses will be displaced. Between 860 and 1040 acres of land will be required for right-of-way. A 4(f) statement is included (Region 5). (ELR Order No. 60508.)

I-94, I-494/694 Interchange--Trunk Highway 95, Washington County, Minnesota, April 5: The proposed action is the construction of a 10 mile highway section on Interstate 94 in Washington County, Minnesota. The link under consideration extends between an existing interchange with I-494/694 an interchange with Trunk Highway 95. The proposed action will provide a basic four-lane freeway with additional lanes added at various locations. Depending upon the alternate chosen 16 to 45 homes and 3 to 23 businesses will be displaced. Between 632 and 767 acres of land will be required for right-of-way (Region 5). (ELR Order No. 60488.)

Fredonia University Access Road, Chautauqua County, New York, April 5: Proposed is the construction of an east-west road from the exit of the New York State thruway to the entrance of the State University of New York at Fredonia Campus. The termini of the proposed road would be Bennett Road (Route 60) and Central Avenue. Three alternatives are being considered at this point, including a Do-Nothing alternative. Adverse effects include construction disruption and increases in noise and air pollution (Region I). (ELR Order No. 60489.)

Final

U.S. 171, DeRidder-Fort Polk Highway, Vernon County, Louisiana, April 5: Proposed is the improvement of a 16.2 mile section of U.S. 171, DeRidder-Fort Polk Highway from a 2-lane to a 4-5-lane facility parallel to the existing roadway. The project includes construction of two bridges. Adverse impacts include displacement of 56 families, 12 businesses, and one church, and construction disruption. Comments made by: HEW, USDA, DOT, DOC, USA, DOI, COE, and State agencies. (ELR Order No. 60491.)

U.S. 45, Tupelo to Corinth, Lee, Prentiss, and Alcorn Counties, Mississippi, April 5: Proposed is the construction of a 45-mile section of U.S. 45 from Tupelo to Corinth, Mississippi. The 4-lane facility, requiring 1630 acres of right-of-way, will meet Interstate Standards. Of this acreage required, about 550 acres can be classified as "prime" farmland. Approximately 11 families will require relocation and 67 residences are projected to receive a possible noise impact. A 4(f) statement is included concerning approximately 3 acres of right-of-way from the Natchez Trace Parkway. Comments made by: EPA, DOI, USDA, HUD, State and local agencies. (ELR Order No. 60486.)

Beltway 8—North Section 1, Harris County, Texas, April 7: Proposed is the construction of an 8.5 mile segment of Beltway 8, North from I.H. 45 to U.S. 59 as part of a

planned 87.5 mile circumferential route around Metropolitan Houston. The project will provide a full controlled access facility with a minimum of 8 main lanes flanked by two, three lane-one way continuous frontage roads. The project will displace 11 dwellings and 6 businesses and is expected to accelerate urban growth. Comments made by: HEW, HUD, DOI, USDA, EPA, COE, State and local agencies. (ELR Order No. 60503.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Bus Storage and Maintenance Facility, Bloomington, Minnesota, April 6: Proposed is the construction of a bus storage and maintenance garage, and highway access ramps in Bloomington, Minnesota, near Twin Cities. The project will result in increased traffic in the area and slight increase in air pollution. (ELR Order No. 60501.)

U.S. COAST GUARD

Draft

Regs for US Oil Carrying Vessels & Foreign Vessels, April 8: Proposed is the amendment of the pollution prevention regulations in Title 33, Part 157, Code of Federal regulations, by extending the present requirements to cover two additional groups of vessels: U.S. tank vessels carrying oil in foreign trade and foreign tank vessels carrying oil to or from U.S. ports. The purpose of these regulations is to control the discharge of oily mixtures and to incorporate construction requirements for new vessels. Application of the discharge criteria to these two groups of vessels will reduce operational outflows by approximately 5,760 metric tons per year. (ELR Order No. 60512.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-11081 Filed 4-15-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA 76-1]

THE NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Public Meetings

The Energy Research and Development Administration (ERDA) announces the availability of a 1976 National Plan for Energy Research, Development and Demonstration, "Creating Energy Choices for the Future (ERDA 76-1)," and the first of a new series of public meetings on this plan.

Single copies of the Plan may be obtained free of charge by writing US-ERDA—Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830. Copies will also be available for inspection at ERDA headquarters (20 Massachusetts Ave., NW., Washington, D.C.) and at all ERDA Operations Offices.

The purpose of the public meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development, and demonstration, including emerging energy technologies. It is ERDA's intent to conduct a meaningful dialogue with local, state and regional groups and citizens concerning regional energy issues. These meetings are a major element in that process.

The first 1976 meeting is scheduled for May 17-18, starting at 8:30 am in the Denver Hilton Hotel, Denver, Colorado. Later meetings are planned for Chicago, Boston, San Francisco, and Washington, D.C. Details on times and locations of these regional public meetings will be announced in future notices.

The format of the public meetings is designed to assure a realistic dialogue between ERDA and the concerned public in the various regions. A panel composed primarily of ERDA Assistant Administrators responsible for the energy production, environment and safety, and conservation technologies described in the National Plan will be present at each public meeting to explain the purpose and content of the Plan and to receive the comments of the public. The moderator for the sessions will be announced prior to each public meeting.

A notice of intent to make a presentation at the Denver meeting should be addressed to Mr. James R. Nicks, Energy Research and Development Administration, Rocky Flats Area Office, P.O. Box 928, Golden, Colorado 80401.

This notice of intent should set forth:

1. The name and address of the participant;
2. The nature of the participant's interest in the National Plan, and eny organizational affiliation;
3. The length of time requested for the presentation; and
4. Where practicable, the text of any statements to be presented, or a reasonably detailed summary thereof.

The notice to make a presentation should be received no later than one week in advance of the meeting, to ensure scheduling. An effort will be made to schedule the full time requested, but in order to assure all participants a fair opportunity to present their views within the constraints of time, the presentations may be limited in length. Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become participants. If time permits, the moderator will allow these persons the opportunity to make formal presentations.

Time will also be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel. Persons who do not wish to make an oral presentation, or whose schedules do not permit appearance at the meeting, may submit a written statement to ERDA for consideration. The statements should be addressed to the aforementioned address.

Dated at Washington, D.C. this 13th day of April 1976.

For the Energy Research and Development Administration.

RAYMOND G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.76-11059 Filed 4-15-76;8:45 am]

U.S. NUCLEAR POWER EXPORT ACTIVITIES; ERDA-1542

Availability of Final Environmental Statement

Notice is hereby given that the Energy Research and Development Administration (ERDA) has issued a Final Environmental Statement, ERDA-1542, U.S. Nuclear Power Export Activities. The statement was issued pursuant to ERDA's implementation of the National Environmental Policy Act of 1969 in connection with ERDA's involvement in U.S. nuclear power export activities. The statement was prepared by ERDA as the lead technical agency with the collaboration of the Department of State, the Nuclear Regulatory Commission, and the Export-Import Bank, which were primarily concerned with the portions of the statement involving foreign policy considerations, export licensing activities, and export financing, respectively.

Copies of the final environmental statement are available for public inspection in ERDA's public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies of the final environmental statement are also available for public inspection at the following locations:

Public Reading Room, Room 2815, Department of State, 21st and Virginia Avenues, NW., Washington, D.C.
Public Document Room, Nuclear Regulatory Commission, 1717 H Street, Washington, D.C.

Copies will also be placed in designated Federal Depository Libraries.

Copies of the final statement have been furnished to those who commented on the draft environmental statement that was issued August 1, 1975.

A limited number of single copies of the two volume statement are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830, 615-483-8611, extension 34672. Copies of the final statement also are available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, D.C., this 9th day of April 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-10954 Filed 4-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-305; Docket No. 19989]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Deferring Phase II

In the Matter of American Telephone and Telegraph Company (Long Lines Department) Transmittal No. 11935; and Revisions of the Wide Area Telecommunications Service (WATS) Tariff FCC No. 259.

By the Commission: 1. We have before us the presiding Administrative Law Judge's (ALJ) March 5, 1976 certification order in Phase II of the above-captioned proceeding (FCC 76M-289). Phase II of this proceeding was instituted in accordance with our Memorandum Opinion and Order released herein on March 27, 1975 wherein four basic issues were specified (52 FCC 2d 155).[1] This certification order follows our action on a prior certification order as described hereafter.

2. In the initial phases of the paper procedures governing Phase II, an impasse developed among the parties as to the scope of evidence required for decision. In an order released on September 30, 1975, the presiding Chief, Administrative Law Judge certified the dispute to the Commssion requesting clarification (FCC 75M-1655).[2] Briefly stated, the non-Bell parties contended at that time that the designated issues contemplated a conventional rate hearing whereby AT&T had to fully justify its March 1975 WATS rate revisions including revenue/cost relationships and cost of service studies relating to the allocation of $43 million of the March 1975 rate increase to WATS. AT&T viewed the designated issues much more narrowly. It claimed that the scope of Phase II was limited to determination of the reasonableness of the change in the WATS rate structure, i.e., "whether such changes were made in accordance with ratemaking principles and theory at issue in Phase I and whether the March 1975 WATS revisions were reasonably designed to produce $43 million in additional revenues allocated to WATS." AT&T contended that the non-bell parties' interpretation of the scope of Phase II would result in relitigation of Phase I issues before the Commission for decision and would result in wasteful duplication of matters at issue in Docket No. 19129 Phase II, where the MTS rate structure is in issue, and Docket No. 18128, which concerns the manner of allocating revenue increases and relative rate levels among the major AT&T service categories. We held in our December 11, 1975, order that it was not our intention that Phase II would involve substantial relitigation of Phase I issues or duplicate matters pending in other proceedings such as Docket No. 18128. We also held that, "assuming AT&T's allocation of $43 million to WATS is appropriate, which is a question we need not reach here, we are concerned in Phase II, as noted above, with the reasonableness of AT&T's internal allocation of the $43 million on the basis of short haul and long haul considerations." Finally, we agreed that the issues suggested by AT&T, which are quoted above, should be considered but denied inclusion of certain issues suggested by National Data Corporation.

3. The instant dispute concerns primarily requests by the Trial Staff that Bell submit certain revenue/cost studies by rate step[3] for total WATS service and six sub-categories of service[4] on an embedded cost basis, for the 12 month period immediately preceding the WATS rate changes of Transmittal No. 12303 (the WATS tariff changes in issue in Phase II). The Trial Staff also requests a projection of those costs and revenues for a three-year period beginning with the effective date of these changes. Further, incremental (marginal) cost and revenue figures, in the same refinement, are requested for the 12 month preeffective date period and projected for "the time period subsequent" to the changes. The Trial Staff indicates that its concerns are whether the allocation of the $43 million increase improves the WATS revenue/cost relationship over length-of-haul, and with the revenue/cost relationships under the two methods employed in Phase I, i.e., embedded cost versus incremental (marginal) costs.

4. In opposition, Bell claims that its ratemaking theory and principles for WATS rates were presented in Phase I which has been before the Commission since July of 1975. Bell claims the principle following in Phase I was that of maintenance of rate relationships with the MTS service, as opposed to submission of independent cost studies. Bell claims that when the first set of interrogatories were presented in Phase II, it objected to the ALJ who heard oral argument and certified the question to the Commission, including the question of the relevance of cost information; and that the Commission had these views before it in issuing the "clarification" order released in Phase II on December 11, 1975. It argues that complying with the Trial Staff request would be a "substantial relitigation" of Phase I and that in its order, the Commission indicated its interest in the "considerations" involving the internal allocations without referring to "costs". Finally, Bell indicates it has not made the cost studies requested, nor developed the necessary methodology, that such a study would cost a minimum of $100,000, and would require a minimum of two to three months to prepare even a partial response.

5. The Trial Staff in reply argues that the issue is the reasonableness of AT&T's internal allocation of $43 million on the basis of short haul and long haul considerations; that in a long line of decisions since at least 1963, the Commission has held that the costs associated with providing services are an important criteria in determining reasonableness and lawfulness, that costs are a benchmark from which departures are to be measured, and that the Trial Staff feels it would be most appropriate to determine the costs as a function of mileage prior to and after the rate change, to determines if there is "improvement" on a before and after basis and, due to lack of a clear determination, on both embedded and incremental cost bases. It also argued that as Phase II involves possible prescription of rates, it would be most appropriate to have the cost data in front of the Commission. Finally, the Trial Staff points out that, even if the Commission approves the WATS ratemaking principles advanced by Bell in Phase I, the issue still remains as to the $43 million increase.

6. National Data Corporation, while joining the Trial Staff position, makes the additional argument that the March 1975 increases made dramatic changes in the short haul versus long haul rates, which could explain the absence of prior requests for rate step costs. MCI Telecommunications also strongly supports the Trial Staff position.[5]

7. The presiding ALJ views the dispute in the following manner:

> * * * If the Trial Staff is correct as to the essentiality of the costs now sought under Commission precedent, they were essential to Phase I but were not sought. Bell is partly right in that such studies would undoubtedly be at least partial relitigation of Phase I. National Data is at least partly right, that the extended studies are necessary in view of the alleged "dramatic changes" in the long haul versus short haul, or rate steps, in the March 1975 rates. And the breakdown of the studies by rate steps, sought by the Trial Staff is justified by the caveat in the Commission's December 11, 1975, order, which however, would not require the breakdown by subcategories also sought by the Trial Staff. Finally, when confronted with the question of clarification as the need for a cost/revenue showing as to WATS, the Commission opted for a showing of "considerations" as to the long versus short haul aspects, which while it subsumes many factors including costs, seems a significant avoidance of reference to costs in the light of the controversy presented.

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[1] Our decision in Phase I of this proceeding will be issued sometime in May, 1976. See 46 FCC 2d 81 (1974) for a discussion of Phase I which concerns the lawfulness of the basic WATS rate structure.

[2] Subsequently, this proceeding was reassigned to another ALJ by order released by the Chief, Administrative Law Judge on September 30, 1975 (FCC 75M-1656).

[3] There are 18 different rate steps in WATS with associated weighted airline mileage bands.

[4] The six sub-categories referred to are: Inward and Outward WATS, Inward and Outward Measured Time and Inward and Outward Full Business Day WATS.

[5] MCI raises the additional question as to whether the Commission intended to consider the reasonableness of the internal allocation of the $43 million on the basis of considerations other than long haul-short haul considerations, e.g., on the basis of the internal allocation between Inward WATS and Outward WATS.

8. Our conclusions are as follows. As noted above, our decision in Phase I will be forthcoming in May 1976. Among other things, at issue in Phase I is the lawfulness of AT&T's basic WATS rate structure (see 46 FCC 2d 81, 82–85). Whatever decision is reached in Phase I on this issue and related issues, it is likely to have a significant impact on the future course of the investigation in Phase II. This is evident from the views of the parties expressed at the February 18, 1976 hearing conference which led to the ALJ's certification order (see Volume 3 of Transcript). Moreover, the ALJ recognizes in his certification order that there is a question as to the effect of a decision in Phase I on the outcome of Phase II (see para. 15 of the ALJ's order). Under such circumstances, and due to the immediate pendency of our decision in Phase I, we believe the public interest would be best served by holding in abeyance further proceedings in Phase II pending further Commission order. We believe that in the long run our action herein will serve to expedite, rather than delay, a resolution of Phase II and enable the Commission to commit its full resources to issuance of a decision in Phase I. Our conclusion herein is not to be construed as a judgment on the merits of the respective positions of the parties.

9. Accordingly, it is ordered, That pursuant to Sections 4(i) and 4(j) of the Communications Act Phase II of this proceeding is deferred pending further Commission order.

Adopted: March 31, 1976.

Released: April 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-11071 Filed 4-15-76;8:45 am]

[Report No. 801]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

APRIL 12, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

21743–CD–P–76, Empire Paging Corporation (new), resubmitted a C.P. for a new 1-way developmental station to operate on 459.675 MHz to be located at World Trade Center, New York, New York.

21744–CD–P–(3)–76, Southwestern Bell Telephone Company (new), C.P. for a new 1-way station to operate on 152.84 MHz at (3) sites to be described as: Loc. #1: 10th and West Lynn Streets, Austin, Texas; Loc. #2: Farm Rd. 620 & Port Arthur Street, Austin, Texas; and Loc. #3: 11409 North Lamar Blvd., Austin, Texas.

21745–CD–P–76, Radio Relay Corp-California (KSV975), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. #5: 707 Wilshire Blvd., Los Angeles, California.

21746–CD–P–76, B. and C. Mobile Communications, Inc. (KU0572), C.P. for additional facilities to operate on 152.60 MHz located 3 miles S. on U.S. 287, and 0.7 mile East, Lamar, Colorado.

21747–CD–R–76, Mobilfone Service, Inc. (KKO347), Renewal of license expiring April 1, 1976. Term: April 1, 1976 to April 1, 1979.

21748–CD–P–76, Metrotec, Inc. (KTS283), C.P. for additional facilities to operate on 35.22 MHz to be located at a new site described as Loc. #5: 1 Levi Square Fiberglass Building, Toledo, Ohio.

21749–CD–TC–(3)–76, Aircall Communications, Inc. Consent to Transfer of Control from George P. Johns, transferor to G. Peter Johns, Jr., Thomas M. Johns and Christopher H. Johns, transferees. Stations: KRM965, KSJ823, Decatur, Illinois and KSP770, Olney, Illinois.

21750–CD–P–76, Intrastate Radio Telephone, Inc. of San Francisco (KQZ714), C.P. for additional facilities to operate on 2167.2 MHz, control, at a new site described as Loc. #4: 70 Oak Grove Street, San Francisco, California.

21751–CD–P–76, Puerto Rico Telephone Company (new), C.P. for a new 1-way station to operate on 152.84 MHz to be located at 268 Munoz Rivera Ave. Stop 30, San Juan, Puerto Rico.

21752–CD–P–76, Puerto Rico Telephone Company (new), C.P. for a new 1-way station to operate on 152.84 MHz to be located at Ste. Rd. #26, Km. 3.45, Carolina, Puerto Rico.

21753–CD–P–76, Mobilfone Service, Inc. (KRS660), C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at 15 West 6th Street, Tulsa, Oklahoma.

21754–CD–P–(3)–76, Mobilfone Service, Inc. (KKA401), C.P. to change antenna system and relocate facilities operating on 152.15 & 152.18 MHz at Loc. #4 to be located at 4111 South Darlington, Tulsa, Oklahoma; and change antenna system and relocate control facilities operating on 454.250 MHz at Loc. #1 to be located at 6809 E. 40th Street, Tulsa, Oklahoma.

21755–CD–P–(3)–76, James Smith d.b.a. Capital Answering Service (KON921), C.P. to change antenna system and relocate facilities operating on 152.15 MHz, base and for additional repeater facilities to operate on 459.150 MHz at Loc. #1: 11 miles West of Helena, Montana; and change antenna system and additional control facilities to operate on 454.150 MHz at Loc. #2: Lewis & Clark City, 605 2nd Street, Helena, Montana.

21756–CD–P–76, Answer Inc. of San Antonio (KRS652), C.P. to replace transmitter and relocate facilities operating on 158.70 MHz to be located at 7711 Louis Pasteur Drive, San Antonio, Texas.

21757–CD–P–76, David L. Costello d.b.a. Commercial Communication Company (KUC884), C.P. to change output power operating on 152.12 MHz located at 4631 State Road 9 North, Anderson, Indiana.

21758–CD–P–(4)–76, Simon Rubinsky (new), C.P. for a new station to operate on 454.050 454.075 454.150 & 454.200 MHz to be located E. of Depot Rd. S. of State Road 1925 3.1 miles NW of Edinburg, Texas.

Correction

21693–CD–P–(2)–76, New York Telephone Company (KED361), Correct entry previously shown on PN #800, dated April 5, 1976 to include following information: C.P. to change antenna system operating on 152.66 MHz and for additional facilities operating on 152.60 MHz at Loc. #2: 158 West Central Avenue, Spring Valley, New York. All other particulars remain as reported.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rule regarding ex parte presentations, by reasons of potential electrical interference.

454.325 MHz

Palm Beach Radio, Inc. (formerly Answerphone, Inc.), West Palm Beach, Florida, 21116–CD–P–76.

[6] On March 19, 1976, Bell filed a petition requesting permission for leave to file a brief with respect to the matters certified to the Commission by the ALJ. Our action herein renders any briefs unnecessary. Moreover, briefs would not be appropriate in any event because both the ALJ's certification order and the hearing transcript sufficiently state the parties' positions.

Gabriel Communications Corp d.b.a. Mobile Dispatch Service, Fort Lauderdale, Florida, 21386-CD-P-76.

RURAL RADIO SERVICE:

60313-CR-TC-76, Aircall Communications, Inc. Consent to Transfer of Control from George P. Johns, Transferor to G. Peter Johns, Jr., Thomas M. Johns and Christopher H. Johns, Transferees. Station: KSQ52, Temp-Fixed.

60314-CR-P/L-76, W. O. Porter d.b.a. Bee Mobilradio (new), C.P. for a new rural subscriber temporary fixed station to operate on 158.58 & 158.64 MHz to be located at any temporary fixed location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3230-CF-P-76, Pacific Northwest Bell Telephone Company (KYS68), Saddle Mountain, 9.5 miles NW of Cherry Grove, Oregon. Lat. 45°32'43" N., Long. 123°22'49" W. C.P. to replace transmitters and increase power output on frequencies 11245H 11485V MHz toward McMinnville, Oregon and 6286.2H 11445V MHz toward Meares Passive Reflector, and from Passive Reflector toward Tillamook, Oregon.

3231-CF-P-76, Same (KOP51), 1905 Fourth Street, Tillamook, Oregon. Lat. 45°27'20" N., Long. 123°50'39" W. C.P. to replace transmitters and increase power output on frequencies 6093.5H 10995V MHz toward Meares Passive Reflector, and from Passive Reflector toward Saddle Mountain, Oregon.

3232-CF-P-76, Same (KOA69), Fourth at Sp. Railroad Tk., McMinnville, Oregon., Lat. 45°12'39" N., Long. 123°11'24" W. C.P. to replace transmitters and increase power output on frequencies 10795H 11035V MHz toward Saddle Mountain, Oregon.

3237-CF-P-76, The Mountain States Telephone and Telegraph Company (KXR40), 104 East Tabernacle Street, St. George, Utah. Lat. 37°06'29" N., Long. 113°34'47" W. C.P. to add a point of communication on frequency 2178.9V MHz toward St. George Passive Reflector 2 on azimuth 37.45°, and from passive reflector toward a new station at TV Peak, Utah on azimuth 279.14°.

3238-CF-P-76, Same (New), TV Peak, 12.7 miles West of Santa Clara, Utah. Lat. 39°-09'13" N., Long. 113°52'51" W. C.P. for a new station on frequencies 2128.0V MHz toward St. George Passive Reflector 2 on azimuth 98.95°, and from passive reflector toward St. George, Utah on azimuth 217.46°; 2112.0V MHz toward a new station at Mesquite, Nevada on azimuth 203.41°.

3241-CF-MP-76, South Central Bell Telephone Company (KOQ80), 6 miles west of Houma, Louisiana. Lat. 29°35'26" N., Long. 90°44'21" W. Modification of C.P. to include the addition of frequency 3730.0V MHz toward a new station at Larose, Louisiana on azimuth 94.6°.

3321-CF-P-76, Pacific Northwest Bell Telephone Company (KOQ80), 6 miles west of Condon, Oregon. Lat. 45°14'10" N., Long. 120°18'17" W. C.P. to replace transmitters and increase power output on frequencies 6256.5H 10915V MHz toward Maupin, Oregon.

3322-CF-P-76, Same (KPZ30), 9.7 miles SSE of Maupin, Oregon. Lat. 45°02'54" N. Long. 121°00'22" W. C.P. to replace transmitters and increase power output on frequencies 6123.1H 11365V MHz toward Condon, Oregon.

3324-CF-P-76, American Telephone and Telegraph Company (KAL78), 322 West First Street, Duluth, Minnesota. Lat. 46°47'02" N,. Long. 92°06'13" W. C.P. to increase tower structure height, replace and move antennas.

3325-CF-P-76, Southwestern Bell Telephone Company (KCM85), 3rd & Hamburg Streets, St. Joseph, Missouri. Lat. 39°47'-19" N., Long. 94°51'25" W. C.P. to replace antennas on frequency 3750V MHz toward Helena RS, and add frequency 3910V MHz toward Helena RS, Missouri on azimuth 53.9°.

3337-CF-P-76, American Telephone and Telegraph Company (KKH66), Adams, 3.5 miles NE of Frisco, Texas. Lat. 33°10'29" N., Long. 96°46'12" W. C.P. to add frequency 3890.0V MHz toward Roanoke, Texas on azimuth 251°52'.

3338-CF-P-76, Same (KYZ91), 4.9 miles NW of Roanoke, Texas. Lat. 33°01'43" N., Long. 97°18'05" W. C.P. to add frequency 3930.0V MHz toward Adams, Texas on azimuth, 71°46'.

3339-CF-P-76, Southern Bell Telephone and Telegraph Company (KJA95), 24 O'Henry Avenue, Asheville, North Carolina. Lat. 35°-35'45" N., Long. 82°33'29" W. C.P. to add a point of communication on frequencies 6283.2V 6404.8V MHz toward McAlpine Mt., North Carolina on azimuth 164.1°.

3340-CF-P-76, Same (KJJ80), McAlpine Mt., 1 mile North of Texedo, North Carolina. Lat. 35'14'32" N., Long. 82'26'07" W. C.P. to add frequencies 6034.2V 6152.8V MHz toward Paris Mountain, South Carolina on azimuth 176.2°, and 6034.2H MHz toward Asheville, North Carolina on azimuth 344.2°.

3341-CF-P-76, Same (KIY63), 218 College Street, Greenville, South Carolina. Lat. 34°51'19" N., Long. 82°24'00" W. C.P. to add frequencies 10875V 11115V MHz toward Paris Mountain, South Carolina on azimuth 353.9°.

3342-CF-P-76, Same (KIY62), Paris Mountain, 6 miles North of Greenville, South Carolina. Lat. 34°56'29" N., Long. 82°24'-40" W. C.P. to add frequencies 6286.2H MHz toward McAlpine, North Carolina on azimuth 356.2°; 6226.9V 6286.2V 6404.8V MHz toward Spartanburg, South Carolina on azimuth 88.4°; and 11405H 11645H MHz toward Greenville, South Carolina on azimuth 173.9°.

3343-CF-P-76, Same (KJH51), 461 East Main Street, Spartanburg, South Carolina. Lat. 34°57'07" N., Long. 81°55'12" W. C.P. to add frequencies 5945.2V 6004.5V 6123.1V MHz toward Gaffney, South Carolina on azimuth 67.4°, and 5974.8H 6034.2H 6152.8H MHz toward Paris Mountain, South Carolina on azimuth 268.7°.

3344-CF-P-76, Same (KJX36), 2 miles South of Gaffney, South Carolina. Lat. 35°02'55" N., Long. 81°38'14" W. C.P. to add frequencies 6197.2V 6256.5V 6375.2V MHZ toward Filbert, South Carolina (new station) on azimuth 90.0°, and 6197.2H 6256.5H 6375.2H MHz toward Spartanburg, South Carolina on azimuth 247.5°.

3345-CF-P-76, Same (New), 0.2 mile West of Filbert, South Carolina. Lat. 35°02'53" N., Long. 81°15'24" W. C.P. for a new station on frequencies 5945.2H 6004.5H 6123.1H MHz toward Gaffney, South Carolina on azimuth 270.2°, and 5945.2H 6004.5H 6123.1H MHz toward Graniteville, North Carolina on azimuth 59.7°.

3346-CF-P-76, Same (KJJ65), Graniteville, 900 Franklin Avenue, Charlotte, North Carolina. Lt. 35°15'07" N., Long. 80°49'45" W. C.P. to add frequencies 6197.2V 6256.5V 6375.2V MHz toward Filbert, South Carolina on azimuth 240.0°.

3349-CF-P-76, Big Bend Telephone Company, Inc. (New), Six Shooter, 16 miles East of Fort Stockton, Texas. Lat. 30°51'36" N., Long. 102°35'14" W. C.P. for a new station on frequency 2112.0H MHz toward Six Shooter Passive Reflector on azimuth 349.5°, and from Passive Reflector to Fort Stockton, Texas on azimuth 269.7°.

3350-CF-P-76, Same (New), Alpine Co, 808 N. 5th Street, Alpine, Texas. Lat. 30°21'51" N., Long. 103°39'47" W. C.P. for a new station on frequencies 2178.0V 2174.8H 2171.6V 2168.4H 2165.2V MHz toward Alpine Passive Reflector on azimuth 228.6°, and from Passive Reflector toward Elephant Mountain, Texas on azimuth 152.1°.

3351-CF-P-76, Same (New), Elephant Mountain, 25 miles South of Alpine, Texas Lat. 30°00'38" N., Long. 103°31'53" W. C.P. for a new station on frequencies 2128.0V 2124.8H 2121.6V 2118.4H 2115.2V MHz toward Alpine Passive Reflector on azimuth 332.2°, and from Passive Reflector toward Alpine Co, Texas on azimuth 48.5°; 2128.0H 2124.8V MHz toward Cienega Mountain, Texas on azimuth 246.3°; 2121.6H MHz toward Black Gap, Texas on azimuth 130.6°; 2118.4V MHz toward Nine Point, Texas on azimuth 170.6°; and 2115.2H MHz toward Wolf Camp, Texas on azimuth 43.2°.

3352-CF-P-76, Same (New), Cienega Mountain 20 miles NNE of Presidio, Texas. Lat. 29°46'04" N., Long. 104°09'39" W. C.P. for a new station on frequencies 2178.0H 2174.8V MHz toward Elephant Mountain, Texas on azimuth 66.0°; 2178.0V MHz toward Presidio Passive Reflector on azimuth 222.8°, and from Passive Reflector toward Presidio, Texas on azimuth 116.9°; 2162.0V MHz toward Alamito Passive Reflector on azimuth 18.8°, and from Passive Reflector toward Alamito, Texas on azimuth 297.9°; and 2162.0H MHz toward Redford Co, Texas on azimuth 187.2°.

3353-CF-P-76, Same (New), Alamito, 11 miles SSW of Marfa, Texas. Lat. 30°09'24" N., Long. 104°02'26" W. C.P. for a new station on frequency 2112.0V MHz toward Alamito Passive Reflector on azimuth 117.8°, and from Passive Reflector toward Cienega Mountain, Texas on azimuth 198.9°.

3354-CF-P-76, Same (New), 102 5th Street, Presidio, Texas. Lat. 29°33'40" N., Long. 104°22'26" W. C.P. for a new station on frequency 2128.0V MHz toward Presidio Passive Reflector on azimuth 296.9°, and from Passive Reflector toward Cienega Mountain, Texas on azimuth 42.7°.

3355-CF-P-76, Same (New), ¼ mile West of Redford, Texas. Lat. 29°27'42" N., Long. 104°12'19" W. C.P. for a new station on frequency 2112.0H MHz toward Cienega Mountain, Texas on azimuth 7.2°.

3356—CF-P-76, Same, (New), Nine Point, 50 miles South of Alpine, Texas. Lat. 29°39'-22" N., Long. 103°27'51" W. C.P. for a new station on frequencies 2168.4V MHz toward Elephant Mountain, Texas on azimuth 350.6°; 2162.0V MHz toward Calamity Creek, Texas on azimuth 346.2°; and 2162.0H MHz toward Big Bend Park, Texas on azimuth 146.0°.

3357-CF-P-76, Big Bend Telephone Company, Inc. (New), Calamity Creek, 23 miles South of Alpine, Texas. Lat. 30°03'28" N., Long. 103°34'40" W. C.P. for a new station on frequency 2112.0V MHz toward Nine Point, Texas on azimuth 166.1°.

3358-CF-P-76, Same (New), Big Bend Park, 72 miles South of Marathon, Texas. Lat. 29°19'21" N., Long. 103°12'28" W. C.P. for a new station on frequency 2112.0H MHz toward Nine Point, Texas on azimuth 226.2°.

3359-CF-P-76, Same (New), Black Gap, 58 miles South of Marathon, Texas. Lat. 29°33'27" N., Long. 102°55'42" W. C.P. for a new station on frequencies 2171.6H MHz toward Elephant Mountain, Texas on azimuth 310.9°, 2171.6V MHz toward Heath Canyon Passive Reflector on azimuth 143.5°, and from Passive Reflector toward Heath Canyon, Texas on azimuth 129.8°.

3360–CF–P–76, Same (New), Heath Canyon, 67 miles SSE of Marathon, Texas. Lat. 29°21'52" N., Long. 102°49'38" W. C.P. for a new station on frequency 2121.6V MHz toward Heath Canyon Passive Reflector on azimuth 309.8°, and from Passive Reflector toward Black Gap, Texas on azimuth 323.6°.

3361–CF–P–76, Same (New), Wolf Camp, 10 miles NNE of Marathon, Texas. Lat. 30°22'25" N., Long. 103°08'15" W. C.P. for a new station on frequencies 2165.2H MHz toward Elephant Mountain, Texas on azimuth 223.4°; 2165.2V MHz toward Big Canyon Repeater, Texas on azimuth 93.1°.

3362–CF–P–76, Same (New), Big Canyon Repeater, 15 miles North of Sanderson, Texas. Lat. 30°20'16" N., Long. 102°25'21" W. C.P. for a new station on frequencies 2115.2H MHz toward Big Canyon, Texas on azimuth 113.1°; and 2115.2V MHz toward Wolf Camp, Texas on azimuth 273.5°.

3363–CF–P–76, Same (New), Big Canyon, 18 miles NNE of Sanderson, Texas. Lat. 30°17'04" N., Long. 102°16'47" W. C.P. for a new station on frequency 2165.2H MHz toward Big Canyon Repeater, Texas, on azimuth 293.2°.

The following renewal applications for the term ending February 1, 1981 have been received:

Mogollon Mountains Telephone Company, 7854–CF–R–76, WQP62, Pinos Altos, New Mexico. 7855–CF–R–76, WQP63, Brushy Mtn., New Mexico.

[FR Doc.76–11073 Filed 4–15–76;8:45 am]

[Docket No. 20590, File No. BRH–970; FCC 76R–108]

STEREO BROADCASTERS INC.

Memorandum Opinion and Order Enlarging Issues

In re application of Stereo Broadcasters, Inc., WLIR(FM), Garden City, New York, For Renewal of Broadcast License.

1. The application of Stereo Broadcasters, Inc., (Stereo) for renewal of license for Station WLIR(FM) was designated for hearing by Memorandum Opinion and Order of the Commission, 55 FCC 2d 819, released September 24, 1975, on issues to determine, inter alia, whether the licensee failed to exercise adequate control and supervision over the station. Now before the Review Board is a petition to enlarge issues, filed February 13, 1976, by the Broadcast Bureau.[1] Citing in support of its request Cosmopolitan Enterprises, Inc., 53 FCC 2d 533, 33 RR 2d 1647 (Rev. Bd., 1975); Chesapeake-Portsmouth Broadcasting Corporation, 49 FCC 2d 482, 31 RR 2d 1097 (Rev. Bd., 1974); and Harvit Broadcasting Corp., 31 FCC 2d 876, 22 RR 2d 1062 (Rev. Bd., 1971), the Bureau maintains that an evidentiary inquiry into whether Stereo can be expected to operate a broadcast facility in a responsible fashion is necessary in light of the following: (a) the failure to exercise adequate control issue specified in the designation Order, supra; (b) four Official Notices of Violation issued agains Stereo byl the Commission—one dated August 19, 1969, and listing twenty-two violations of Commission Rules; one dated October 14, 1969, and listing twenty-nine violations of Commission Rules; one dated June 9, 1971, and listing fourteen violations of Commission Rules; and one dated January 15, 1976, and listing seventeen violations of Commission Rules; and (c) a letter from the Commission to Stereo, dated March 18, 1971, stating that Stereo operated with an unauthorized antenna over an extensive period of time. With respect to the timing of its request, the Bureau contends that it received the most recent Official Notice on January 19, 1976, and filed the instant petition as soon thereafter as practicable. In any event, the Bureau argues citing The Edgefield Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd., 1966), the serious public interest question raised by its request warrants consideration of its petition on the merits.

2. Stereo, in opposition, argues that the Bureau's request is based largely on events which occurred priod to the date of the designation Order in this proceeding. Thus, the licensee contends, the Commission was aware of its conduct at the time of designation and chose not to explore it further at hearing. In this regard, Stereo asserts that the text of the designation Order, supra, clearly indicates that the "supervision and control" issue specified by the Commission does not contemplate a general review of its operation but instead focuses exclusively on a specific three month period during which it allegedly transferred control of its station to an employee. As for the January 15, 1976 Official Notice of Violation, Stereo maintains that some of the cited conduct does not in fact conflict with Commission Rules, that other cited conduct is of little significance,[2] and that the city conduct as a whole, even when combined with its past behavior, is not of sufficient importance to justify a full evidentiary hearing.

3. In the Board's view, the numerous Rule violations cited by the Bureau suggest a possible pattern of improper conduct on Stereo's part. Accordingly, we will grant the Bureau's request for an inquiry to determine whether the licensee will exercise the degree of responsibility required of the operator of a broadcast facility, notwithstanding the Bureau's failure to establish good cause for the late filing of its petition. See Cosmopolitan Enterprises, Inc., supra; Chesapeake-Portsmouth Broadcasting, Corp., supra. With respect to Stereo's assertion that the Commission has already considered this matter and determined that an issue is not warranted, we note that the designation Order, supra, contains no mention of the conduct cited by the Bureau,[3] thereby giving us broad discretion to consider the instant petition on its merits. See The Atlantic Broadcasting Co., (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1966).

4. Accordingly, it is ordered, That the the petition to enlarge issues, filed February 13, 1976, by the Broadcast Bureau, is granted, and the issues in this proceeding are enlarged to include the following:

To determine the nature and extent of violations of the Commission's Rules committed by Stereo Broadcasters, Inc. for which Official Notices of violation were issued on January 15, 1976; June 9, 1971; October 14, 1969; and August 19, 1969; and for which a letter was issued on March 18, 1971; and whether, in light of such violations, Stereo Broadcasters, Inc., will exercise that degree of responsibility expected of a broadcast licensee.

5. It is further ordered, That the burden of proceeding with the introduction of evidence under the foregoing issue shall be on the Broadcast Bureau, and the burden of proof shall be on Stereo Broadcasters, Inc.

Adopted: April 9, 1976.

Released: April 14, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[4]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–11072 Filed 4–15–76;8:45 am]

1979 WARC CONFERENCE WORKING GROUP

Meeting

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. 1 § 10 (Supp. III, 1973), notice is hereby given of a meeting of the WARC Advisory Committee for Cable Ancillary Radio Services on May 18, 1976, at 2025 M Street, N.W., Washington, D.C., Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

(1) Review and approval of a "Final Report to the WARC Steering Committee." This report examines and justifies existing and potential radiated spectrum utilization by radio services auxiliary to cable television.

(2) Adjournment.

Numerous service-oriented working groups have been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of representatives of each of the Commission's Bureaus and Offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

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[1] The Board also has before it an opposition, filed March 22, 1976, by Stereo, and a reply, filed April 1, 1976, by the Broadcast Bureau.

[2] In support of these two contentions, Stereo submits an affidavit from its president, John R. Rieger, and affidavits from three persons who have served as chief engineer for its station.

[3] As Stereo correctly notes, the designated "supervision and control" issue focuses upon Stereo's supervision of an employee who was allegedly permitted to control its station rather than upon the licensee's management and operation of its facility.

[4] Dissenting statement of Board member Ohlboum filed as part of the original document.

Any member of the public may attend or file a written statement with the Group either before or after the meeting. Inquiries may be directed to A. M. Rutkowski, Room 6216, FCC, Washington, D.C. 20554; telephone 202–632–9797.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–11075 Filed 4–15–76;8:45 am]

CONSUMER ASSISTANCE OFFICE

Formation

MARCH 19, 1976.

The Commission today announced the formation of a new Consumer Assistance Office.

This office will provide a central location or coordinating point within the Commission for members of the public, citizens groups and FCC licensees who seek information or assistance.

The Commission has long recognized the need to facilitate increased public participation in its processes. To meet this need, the Commission has instituted a number of programs including: FCC Regional Meetings, En Banc Public Meetings, the weekly publication, Actions Alert and expanded direct telephone access to Commission personnel.

The Consumer Assistance Office represents another step in the FCC's efforts to ensure prompt and accurate response to inquiries and to enhance public understanding of the Commission's policies and regulations.

The Consumer Assistance Office will be located conveniently for the public on the second floor of the FCC Building at 1919 M Street, N.W., and easily accessible during the Commission's normal business hours of 8 A.M. to 4:30 P.M., Telephone 63–27001.

Any person or group wishing information about the Commission's rules, matters pending or material explaining FCC policies and regulations may contact one of the full-time staff members of the Office.

The Office also will provide informational assistance to persons who wish to participate in the Commission's processes or file an application with the FCC but who are unfamiliar with the procedures to be followed.

Finally, the Office will help prepare attractive and easy to understand brochures explaining Commission regulations and how best to comply with them.

Action by the Commission March 18, 1976.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76–11074 Filed 4–15–76;8:45 am]

[1] Commissioners Wiley (Chairman), Reid, Quello and Washburn with Commissioners Hooks and Robinson concurring and issuing statements, which are filed as part of the original document, and Commissioner Lee dissenting.

FEDERAL MARITIME COMMISSION

ORDER APPROVING RULES OF THE INTERSTATE COMMERCE COMMISSION AFFECTING SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

Rates and Transportation of Property

On July 29, 1975, the Interstate Commerce Commission (ICC), in Ex Parte 261, In the Matter of Tariffs Containing Joint Rates and Through Routes for the Transportation of Property between Points in the United States and Points in Foreign Countries, promulgated final rules governing the filing of joint rates and international through route tariffs. While these regulations generally affected shipping in the foreign trade of the United States, they were without the approval of the Federal Maritime Commission or of the President of the United States, as required by section 19(2) of the Merchant Marine Act of 1920 (46 U.S.C. section 876, 41 Stat. 995). Moreover, these rules would also have had a deleterious effect upon new developments in transportation in foreign commerce and involved unjustified and burdensome regulations in international trade. Accordingly, the Commission, pursuant to the authority granted it in section 19(2) of the Merchant Marine Act of 1920, declared the ICC's Ex Parte 261 rules to be invalid (40 F.R. 43720).

Subsequently, the ICC postponed the effective date of its rules for reconsideration and on February 9, 1976, served a Supplemental Report in Ex Parte 261 which, inter alia, removed the impediments contained in the original rules.

Therefore, it is ordered, That pursuant to section 19(2) of the Merchant Marine Act of 1920, the rules of the Interstate Commerce Commission served on February 9, 1976, in Ex Parte 261, are hereby approved.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–11099 Filed 4–15–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 2 Through April 9, 1976

Notice is hereby given that during the week of April 2 through April 9, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

APRIL 12, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Apr. 2 to 9, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Apr. 2, 1976	Farmland Industries, Inc., Kansas City, Mo. (If granted: Farm and Industries, Inc., would receive an extension of the price relief granted in FEA's Jan. 23, 1976, decision and order.)	FEE-2374	Extension of price relief granted in FEA's decision and order in Farmland Industries, Inc., 3 FEA par. 83,080 (Jan. 23, 1976).
Do	Superior Oil Co. (Cymeric), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0796	Appeal of FEA's exception decision and order in Superior Oil Co., 3 FEA par. 83,118 (Feb. 27, 1976).
Do	Superior Oil Co. (Elk City), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0797	Do.
Do	Superior Oil Co. (Kettleman), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0798	Do.
Do	Superior Oil Co. (Levelland), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0799	Do.
Do	Superior Oil Co. (Okeene), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0800	Do.
Do	Superior Oil Co. (Portilla), Houston, Tex. (If granted: FEA's Feb. 27, 1976, decision and order pertaining to price relief for natural gas liquids at several of Superior Oil Co.'s plants would be modified.)	FEA-0801	Do.
Apr. 5, 1976	Anadarko Production Co., Houston, Tex. (If granted: Crude oil produced from the Herrin-Burson Harris sand unit would be sold at upper tier ceiling prices.)	FEE-2376	Price exception (sec. 212.74).
Do	Energy Reserves Group, Inc., Wichita, Kans. (If granted: Crude oil produced from the Kimbal unit would be sold at upper tier ceiling prices.)	FEE-2375	Do.
Do	Kalama Chemical, Inc., Kalama, Wash. (If granted: Kalama Chemical, Inc. would be permitted to import 306,500 bbls of toluene on a license-fee free basis for the 1976–1977 allocation period.)	FPI-0091	Exception to the base fee requirements.

Date	Name and location of applicant	Case No.	Type of submission
April 6, 1976	Arizona Fuels Corp., Salt Lake City, Utah. (If granted: Arizona Fuels Corp. would receive a temporary stay of the provisions of 10 CFR 211.67.)	FST-0004	Request for a temporary stay.
Do	Beacon Oil Co., Hanford, Calif. (If granted: Beacon Oil Co. would receive an exception to the old oil entitlement program.)	FEE-2380	Exception to the old oil entitlement program.
Do	Diamond Shamrock Corp., Amarillo, Tex. (If granted: Diamond Shamrock Corp. would be permitted to increase its prices for the natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gal.)	FEE-2377	Price exception (sec. 212.-165).
Do	Eddy Refining Co., Houston, Tex. (If granted: Eddy Refining Co. would receive an exception from the provisions of the old oil entitlement program.)	FEE-2381	Exception to the old oil entitlement program.
Do	Mid-Tex Refinery, Fort Worth, Tex. (If granted: FEA's order pertaining to an assignment of a seller to crude oil for Mid-Tex Refinery would be rescinded.)	FEA-0792	Appeal of FEA order.
Do	Rothchild Oil Co., Santa Fe Springs, Calif. (If granted: Crude oil produced from the Mennonite Church lease No. 1 would be sold at upper tier ceiling prices.)	FEE-2379	Price exceptpion (sec. 212.74).
Do	Stovall Oil Co., Casper, Wyo. (If granted: Crude oil produced from two wells, NPRR No. 3-3 and Olsen No. 1, would be sold at upper tier ceiling prices.)	FEE-2382	Do.
Do	UCO Oil Co., Whittier, Calif. (If granted: UCO Oil Co. would be permitted to import 1,227,500 bbls of unfinished gasoline on a fee-free basis during the period May 1, 1976 through April 30, 1977.)	FPI-0092	Exception to the base fee requirements.
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. would receive an exception to the old oil entitlements program.)	FEE-2378	Exception to the old oil entitlements program.
Do	Yingling Aircraft, Inc., Wichita, Kans. (If granted: FEA's Feb. 17, 1976, decision and order denying an increase in Yingling's base period use of aviation fuel would be modified.)	FEA-0802	Appeal of FEA's exception decision and order in Yingling Aircraft, Inc., 3 FEA par. 83,106 (Feb. 17, 1976).
Apr. 7, 1976	Dasher-Harris Gas Co., Washington, D.C. (If granted: Dasher-Harris Gas Co. would be assigned a new, lower-priced supplier(s) of propane.)	FEE-2383	Exception to change suppliers.
Do	Montgomery, W. C., Midland, Tex. (If granted: Crude oil produced from Denton Field, Lea County, N. Mex., would be sold at upper tier ceiling prices.)	FEE-2384	Price exception (sec. 212.74).
Do	Murphy Oil Corp., El Dorado, Ark. (If granted: Murphy Oil Corp. would receive an adjustment of its base period in the determination of the Canadian allocation program.)	FEE-2386	Exception to the Canadian allocation program.
Do	Warren & Brantley Oil Co., Spring Hope, N.C. (If granted: Warren & Brantley Oil Co. would be supplied 100 pct of its base period volume of motor gasoline from one supplier.)	FEE-2385	Exception to change suppliers.
Apr. 8, 1976	Department of Defense, Dallas, Tex. (If granted: The price relief granted to the Department of Defense in FEA's Sept. 19, 1974, decision and order would be modified.)	FMR-0042	Modification of FEA's exception decision and order in Department of Defense, 1 FEA par. 21,104 (Sept. 19, 1974).
Do	Eagle Oil Co., Columbus, Ohio. (If granted: Eagle Oil Co. would continue to receive a lower priced supplier for 65 pct of its base period volume of motor gaoline, kerosene and No. 2 heating oil.)	FEX-0037	Supplemental to FEA's decision and order in Eagle Oil Company, 2 FEA Par. 83,027 (July 17, 1975).
Do	Washington County, Oreg., Hillsboro, Oreg. (If granted: Oregon dealers and retailers would be permitted to increase their prices above the maximum permissible level under 10 CFR 212.93.)	FEE-2387	Price exception (sec. 212.93).
Apr. 9, 1976	UCO Oil Co., Whittier, Calif. (If granted: UCO Oil Co. would be assigned a new, lower priced supplier of petroleum products to replace its substitute base period supplier, TOSCO.)	FEE-2388	Exception to change suppliers.

[FR Doc.76-10952 Filed 4-13-76;9:28 am]

FEDERAL POWER COMMISSION

SUPPLY-TECHNICAL ADVISORY TASK FORCE—REGULATORY ASPECTS OF SUBSTITUTE GAS

Meeting

Conference Room 6200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, May 20, 1976, 9:00 A.M.

Presiding: Mr. Michael C. Bachman, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order—Mr. Michael C. Bachman.

2. Preparation of Final Subgroup Report of Subgroup No. 1: Substitute Pipeline Gas and LNG—

Mr. G. Scott Cuming, Senior Vice President & General Counsel, El Paso Natural Gas Company, Houston, Texas.

3. Assignment of Additional Work to Task Force Members—Mr. G. Scott Cuming.

4. Discussion of Other Matters.

5. Adjournment—Mr. Michael C. Bachman.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11124 Filed 4-15-76;8:45 am]

SUPPLY-TECHNICAL ADVISORY TASK FORCE—SYNTHESIZED GASEOUS HYDROCARBON FUELS

Meeting

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, May 6, 1976, 9:30 A.M.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Cali to Order and Introductory Remarks—Mr. William J. McCabe.

2. Remarks by Chairman and Vice Chairman—Dr. Alan G. Fletcher and Mr. Charles W. Margolf.

3. Subgroup Working Sessions—Room 5200.

Subgroup I: History/Principles/Technology/Feedstock.

(a) Review of Reports.

(b) Completion of First Phase of Study.

Subgroup II: Environment/Siting.

(a) Review of Circulated Draft Reports.

(b) Inclusion of Reports into First Phase of Study.

4. Task Force Work Session—Room 5200.

(a) Review Completion of First Six Sections of Each Report Area.

(b) Discuss Study Activities for Next Month.

(c) Organize into Feedstock Study Groups.

5. Feedstock Subgroup Working Sessions—Room 5200.

(a) Complete Work on First Six Sections of Each Feedstock Study.

(b) Discuss Economic Assumptions and Analysis.

(c) Make Working Assignments on Economic Analysis.

6. Task Force Work Session—Room 5200.

7. Selection of Next Meeting Date.

8. Other Business.

9. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11032 Filed 4-15-76;8:45 am]

[Docket No. E-7775, et al.]

APPALACHIAN POWER CO.

Further Extension of Procedural Dates

APRIL 9, 1976.

On April 2, 1976, the Virginia Cities and Appalachian Power Company filed a motion to extend the procedural dates fixed by order issued December 24, 1975, as most recently modified by notice issued March 11, 1976, in the above-designated proceeding.

The motion states that there is no opposition to the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, April 30, 1976.

Service of Staff and Intervenor Testimony, May 31, 1976.

Service of Company Rebuttal, June 15, 1976.

Hearing, July 7, 1976 (10:00 A.M., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11023 Filed 4-15-76;8:45 am]

[Docket Nos. CI75-438, CI75-540]

COLEVE, ET AL.

Extension of Time

APRIL 7, 1976.

On April 5, 1976, the Public Service Commission of New York filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on March 8, 1976, in the above-entitled proceeding. The motion states that Staff Counsel and counsel for the applicants do not object to the requested extension.

Notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended from April 7, 1976 to and including April 14, 1976. The time for filing briefs opposing exceptions is similarly extended from April 27, 1976 to and including May 17, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11038 Filed 4-15-76;8:45 am]

[Docket No. RP73-65, PGA75-5]

COLUMBIA GAS TRANSMISSION CORP.

Order Granting Late Intervention

APRIL 9, 1976.

On January 14, 1975, Columbia Gas Transmission Corporation filed a proposed purchased gas adjustment rate increase. Public notice of the filing was issued January 22, 1975, with comments, protests, and petitions to intervene due on or before February 7, 1975. By order issued February 28, 1976, the Commission, inter alia, suspended the rate for one day and entered upon a hearing concerning the lawfulness of including Ohio intrastate purchases in the proposed PGA rate adjustment.

On January 26, 1976, the Public Utilities Commission of Ohio (Petitioner) filed an untimely petition to intervene. Petitioner states that its intervention will not in any way delay the proceeding. Our review indicates that Petitioner has sufficient interest in this proceeding to warrant intervention.

The Commission finds: Petitioner's participating in this proceeding may be in the public interest.

The Commission orders: (A) Petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11031 Filed 4-15-76;8:45 am]

[Docket No. CP76-316]

COLUMBIA GAS TRANSMISSION CORP. AND NATIONAL FUEL GAS SUPPLY CORP.

Application

APRIL 9, 1976.

Take notice that on March 31, 1976, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and National Fuel Gas Supply Corporation (National), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-316 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that Columbia owns 46.27 percent and National owns 53.73 percent of the working interest in a drilling unit in the Town of Hartsville, Steuben County, New York, on which a producible gas well (Well H-246) has been completed and that Applicants are entitled to take in kind their respective shares of production from said well. All gas produced from well H-246 would be delivered into Columbia's line G-1 in Steuben County, and Columbia would redeliver to National National's share of the production, less fuel gas if required, at an existing point of delivery at Columbia's Ellwood City compressor station in Franklin Township, Beaver County, Pennsylvania. National would reimburse Columbia for the fixed charges and operating expenses of Columbia's Greenwood compressor station in Steuben County and furnish necessary compressor fuel in the proportion that National's share of gas delivered from Well H-246 bears to the total gas compressed at the Greenwood compressor station.

The application indicates that no additional facilities are required for the proposed exchange. It is said that the proposal will obviate the necessity for the construction of duplicative pipeline facilities to National's existing pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11035 Filed 4-15-76;8:45 am]

[Docket No. RP72-157, PGA76-6 and RP75-5; R&D76-2]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 9, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on March 31, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective May 1, 1976.

Consolidated has included in its filing increases under:

Section 12.1—Pipeline Suppliers—$14.0 million, annually.
Section 12.2—Producer Suppliers—$8.0 million, annually.
Section 12.3 and 12.6—Unrecovered Purchased Gas Cost Account and Flow Through of Refunds.
Section 13—Research and Development Cost Adjustment.

Increases under Section 12.1 result from increases filed by Tennessee Gas Pipeline Company, Texas Gas Transmission Corporation and Transcontinental Gas Pipe Line Corporation all to be effective May 1, 1976.

Included in the increase under Section 12.2 are increases resulting from recent orders issued by the Commission in Docket Nos. RI74-188 and RI75-21 and the effect of Opinion No. 742.

Sections 12.3 and 12.6 result in a surcharge of 0.67¢ per Mcf for the period May 1, 1976 through October 31, 1976.

The Research and Development Cost Adjustment proposed is 0.03¢ per Mcf.

Additionally, Consolidated tendered for filing alternate tariff sheets reflecting the exclusion of amounts resulting from rates in excess of those established by Opinion No. 742.

Consolidated is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates on Eleventh Revised Sheet Nos. 8 and 9 to go into effect on May 1, 1976, or if suspended to allow Alternate Eleventh Revised Sheet Nos. 8 and 9 to go into effect that date.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11042 Filed 4-15-76;8:45 am]

[Docket No. ER76-592]

DUKE POWER CO.

Notice of Tendered Contract Supplement

APRIL 9, 1976.

Take notice that on April 1, 1976, Duke Power Company tendered for filing a supplement to its electric power contract with the City of Gastonia consisting of six documents which provide for increases in contract demand at Delivery Point Nos. 5–10. Duke Power states that the changes were made at the request of the customer, which has received a copy of the filing. The requested effective date is May 21, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11014 Filed 4-15-76;8:45 am]

[Docket No. RP 72 134, PGA 76 10e]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustments to Rates and Charges

APRIL 8, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 30 1976, tendered for filing Second Substitute Twenty-Sixth Revised Sheet No. 3A and Second Substitute Twenty-Sixth Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1, to become effective March 2, 1976. The proposed change would decrease by $.003 per Mcf the commodity charge of Eastern Shore's Rate Schedules CD–1, CD–E, E–1, G–1, PS–1 and I–1 to reflect the equivalent decrease of Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation (Transco), in FPC Docket Nos. RP 72–99 and RP 75–75.

Eastern Shore states that copies of the filing have been mailed to each of the company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11007 Filed 4-15-76;8:45 am]

[Docket No. CP76-311]

EASTERN SHORE NATURAL GAS CO.

Application

April 9, 1976.

Take notice that on April 1, 1976, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware, filed in Docket No. CP76–319 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Delmarva Power & Light Company (Delmarva), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 7,000 Mcf of gas per day with Delmarva which exchange, it is said, will afford Applicant and Delmarva the necessary operating flexibility to effectuate emergency purchases of natural gas from others to offset curtailments in deliveries to Applicant and Delmarva or other exigencies which may arise from time to time. Applicant notes that it has been and expects in the future to be faced with severe curtailments in deliveries from its sole supplier, Transcontinental Gas Pipe Line Corporation, and that it must contemplate from time to time acquisition of natural gas supplies from other sources which can be obtained within the contemplation of Section 2.68 of the Commission's General Policy and Interpretations (18 CFR 2.68). It is said that since such supplies can not always be obtained under the most ideal circumstances and are rarely available on a uniform, load-factor basis, Applicant must make arrangements with other distribution companies similarly situated under the terms which each can help the others to accommodate temporary periods of over and under supply. Exchange gas would be returned when operating conditions would permit.

Applicant states that no additional facilities would be required for the proposed exchange and no sale of natural gas is proposed to be made by Applicant or by Delmarva.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11036 Filed 4-15-76;8:45 am]

[Docket No. RP 72-134; PGA76-10d]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustments to Rates and Charges

APRIL 8, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 30, 1976, tendered for filing Substitute Twenty-Sixth Revised Sheet No. 3A and Substitute Twenty-Sixth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective March 1, 1976. The proposed change would increase by $.003 per Mcf the commodity charge of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, G-1, PS-1, and I-1 to reflect the equivalent increase of Eastern Shore's sole supplier, Transcontinental Gas Pipe Line Corporation (Transco), in FPC Docket Nos. RP 72-99 and RP 75-75.

Eastern Shore states that copies of the filing have been mailed to each of the company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11011 Filed 4-15-76;8:45 am]

[Docket No. RP71-15; PGA76-3]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

APRIL 9, 1976.

Take notice that on March 31, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Fifteenth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff, proposed to be effective May 1, 1976.

East Tennessee states that the sole purpose of the revised tariff sheet is to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. The revised tariff sheet reflects an increase of 4.83 cents per Mcf in East Tennessee's commodity and Developmental Period rates and the rates for Supplemental Winter Service.

East Tennessee also states that on March 22, 1976, it filed Substitute Fourteenth Revised Sheet No. 4 to correct an error in the design of its rates currently in effect subject to refund in Docket No. RP75-114. As the proposed effective date of Substitute Fourteenth Revised Sheet No. 4 is January 15, 1976, East Tennessee states that the rates on that tariff sheet are reflected on Fifteenth Revised Sheet No. 4 in the instant filing.

Solely in the event the Commission has not accepted Substitute Fourteenth Revised Sheet No. 4 by May 1, 1976, East Tennessee states that it is tendering for filing in the alternative, Alternate Fifteenth Revised Sheet No. 4 also to be effective May 1, 1976. This alternate tariff sheet reflects the rates currently in effect in Docket No. RP75-114 and the PGA rate adjustment shown on Fifteenth Revised Sheet No. 4.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11019 Filed 4-15-76;8:45 am]

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Granting Late Interventions

APRIL 9, 1976.

Upon notice of this filing which established a deadline for comments, protests, or petitions to intervene on or before February 23, 1976, untimely petitions to intervene were filed by the People of the State of California and the Public Utilities Commission of the State of California, jointly, on March 1, 1976, and by the Southwest Gas Corporation on March 4, 1976 (Petitioners). A protest was also filed on behalf of the Town of Ignacio, Colorado on February 24, 1976.

The Commission finds: The participation of the aforementioned Petitioners in this proceeding may be in the public interest.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission, *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the requests to intervene, *Provided, further,* That the admission of such intervenors shall not be construed by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding, and that such petitioners shall take the record as presently established.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural scheduled heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11010 Filed 4-15-76;8:45 am]

[Docket No. ER76-604]

THE DETROIT EDISON CO.

Cancellation of Rate Schedule

APRIL 8, 1976.

Take notice that on March 26, 1976, The Detroit Edison Company (DE) tendered for filing a Notice of Cancellation of Rate Schedule FPC No. 14 consisting of the Electricity Supply Agreement between The Detroit Edison Company and Southeastern Michigan Rural Electric Cooperative. DE states that the effective date of the cancellation is April 27, 1976. DE states that the rate schedule is being cancelled because it has become uneconomic. DE states that it hopes that a new agreement will replace the prior agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11008 Filed 4-15-76;8:45 am]

[Docket No. CI61-182]

GENERAL AMERICAN OIL CO. OF TEXAS

Extension of Time

APRIL 9, 1976.

On March 29, 1976, General American Oil Company of Texas (General) filed a motion for rehearing and reconsideration, partial stay, and extension of time on order issued March 4, 1976 in Docket No. CI61-182.

Notice is hereby given that the time for complying with ordering paragraphs (B), (C), and (D) of order issued March 4, 1976 in the above proceeding is extended to and including May 7, 1976. The remainder of General's motion will be acted on by the Commission at a later time.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11021 Filed 4-15-76;8:45 am]

[Docket No. ES76-40]

INTERSTATE POWER CO.

Order Authorizing the Issuance of Common Stock and Guaranty of Pollution Control Revenue Bonds

APRIL 8, 1976.

Interstate Power Company (Applicant), on March 5, 1976, filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue 1,200,000 additional shares of Common Stock, par value $3.50 per share via competitive bidding. In addition, Applicant seeks authority to enter into transactions involving secured Loan Agreements with the Trustee of the pollution control revenue bonds to be issued by the City of Lansing, Iowa (City) to finance the construction of pollution abatement facilities related to Unit No. 4 of Applicant's Lansing Power Station located near the City of Lansing, Iowa. The aggregate principal amount of the pollution control bonds will be not more than $6,600,000.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Dubuque, Iowa, and is engaged in the generation, transmission, distribution, and sale of electrical energy in the States of Illinois, Iowa, and Minnesota.

The net proceeds from the sale of the common stock will be used by Applicant to pay off a portion of short-term loans incurred for construction and other purposes.

Pursuant to the Loan Agreement between the City and Applicant, the proceeds (which will aggregate not more than $6,600,000) from sale of the pollution control bonds will be loaned by the City to Applicant to provide funds to finance the construction of the pollution abatement facilities for Unit #4 of Applicant's Lansing Power Station. The payments to be made by Applicant under the Loan Agreement will be sufficient, together with other funds available for the purpose, to pay the principal of, premium, if any, and interest on the pollution control revenue bonds and will be assigned by the City to a bank (to be selected) acting as Trustee under an Indenture of Trust between the City and the Trustee for such purpose.

The pollution abatement facilities will consist of air pollution control equipment, including, among other things, an electrostatic precipitator, fly ash collection equipment, flue gas monitoring equipment, and additional unit size and chimney height to accommodate such equipment.

The City is authorized to issue the pollution control revenue bonds pursuant to the Act for Municipal Support of Industrial Projects, Chapter 419 of the Iowa Code, as amended, and the City will issue the pollution control revenue bonds pursuant to the Indenture to be entered into between the City and the Trustee. Although the City will be the issuer of the bonds, as required for purposes of exemption of the interest on the pollution control revenue bonds from federal income taxation, the credit of the City will not be pledged to the payment of the pollution control revenue bonds. The bonds will be payable from proceeds payable by Applicant under the Loan Agreement deposited directly with the Trustee.

Historically, tax-exempt bonds such as these have carried an annual interest rate approximately 1½% lower than taxable long-term bonds issued by a corporation. Therefore, it is expected that applicant will realize substantial savings in connection with this transaction.

The Applicant shall record the pollution abatement facilities in its plant accounts and will record the pollution control revenue bonds under long-term debt.

Written notice of the application has been given to the Iowa State Commerce Commission, the Minnesota Public Service Commision, the Illinois Public Service Commission and to the Governor of each of these states. Notice has also been given by publication in the Federal Register, stating that any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1976, file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No petition, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Applicant, a Corporation, is a public utility within the meaning of Section 204 of the Federal Power Act, subject to the jurisdiction of the Commission, as heretofore described and set forth in the Commission's Order issued May 12, 1959, In the Matter of Interstate Power Company, Docket No. E-6877 (21 FPC 678).

(2) The proposed issuance of common stock, as described above, will constitute an issuance of securities within the purview of Section 204 of the Act.

(3) The proposed guaranty by the Applicant of the pollution control revenue bonds to be issued by the City of Lansing, Iowa, constitutes an assumption of liability as guarantor within the purview of Section 204 Act.

(4) Applicant is not organized and operating in a state under the laws of which the security issue here involved is regulated by a state Commission within the meaning of Section 204(f) of the Act; and the proposed issuance of securities is therefore, not exempt by virtue of that Section from the requirements of Section 204 of the Act.

(5) The proposed issuance of common stock and assumption of liability as guarantor, as hereinafter authorized, will be for a lawful object, within the corporate purposes of the Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance by Applicant of service as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(6) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed issuance and sale of 1,200,000 shares of common stock, par value $3.50 per share, upon the terms and conditions and for the purposes specified in the application, as described above, is hereby authorized subject to the provisions of this order.

(B) If, pursuant to a public invitation, at least two independent proposals for the purchase or underwriting of the issuance of 1,200,000 shares of common stock, par value $3.50 per share, are received, the Applicant may without further order of or filing with the Commission, issue or sell the said common stock in accordance with the terms and conditions contained in the application, provided the securities are sold (1) in the case of common stock sold on a rights offering, to the bidder or bidder specifying the lowest aggregate amount of compensation to be paid to the issuer or (2) in the case of common stock sold on a straight sale and not on a rights offering, to the bidder or bidders specifying the highest total price to be paid to the issuer.

(C) Applicant shall amend its application pursuant to the requirements of Section 34.9(c) of the Commission's Regulations' under the Federal Power Act within 10 days after the consummation of the abovementioned transaction.

(D) The authorization to issue 1,200,000 shares of common stock, par value $3.50 per share, shall expire unless the transaction hereby authorized is consummated within 90 days from the date of issuance of this order.

(E) The proposed assumption of liability as guarantor, as described above, is hereby authorized, subject to the provisions of this order.

(F) The Applicant shall record the pollution abatement facilities in related plant accounts and shall record the pollution control revenue bonds under long-term debt.

(G) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts,

valuation, estimates, or determinations of costs, or any other matter which is now pending or which may come before this Commission.

(H) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States with respect to any securities to which this order relates.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-11009 Filed 4-15-76;8:45 am]

[Docket No. RP72-32, (PGA76-1)]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Terminating Consolidated Hearing and Show Cause Proceeding, Rejecting Revised PGA Rate Adjustment, and Ordering the Submission of Conforming PGA Rate Adjustment

APRIL 8, 1976.

On September 29, 1975, Kansas-Nebraska Natural Gas Company, Inc. (K-N) tendered for filing an increase of 5.1¢ per Mcf in the rates charged under its Purchased Gas Adjustment (PGA) provision. By order of November 28, 1975, the Commission accepted for filing subject to a condition and suspended for one day, until December 2, 1975, this PGA rate adjustment.

The Commission's review of the filing indicated that the rate increase was based, in part, on small producer purchases at rates exceeding the ceiling rates set in Opinion No. 742. Therefore, the Commission ordered a hearing on the lawfulness of the proposed PGA rate insofar as that rate reflects purchases in excess of the "130% formula" prescribed in Opinion No. 742, and also instituted an investigation under Section 5 of the Natural Gas Act of those rates charged by small producers making sales to K-N which are in excess of the small producer ceiling rate. By order issued February 19, 1976, the Commission issued an order in United Gas Pipe Line Company, et al., in Docket Nos. RP72-133, et al., which, inter alia, stayed the trial of the small producer issues in the instant proceeding.

The Commission further noted that K-N proposed to track purchases from Sun Oil Company (Sun) and Texaco, Inc. at rates exceeding the applicable ceiling rates, or as to some purchases from Sun the rate set in a special relief proceeding. Therefore, K-N's filing was accepted subject to a condition that K-N eliminate the effect on the proposed PGA rate of the excess costs related to the Sun and Texaco purchasers. Also, K-N was granted leave to file a revised tariff to become effective on December 1, 1975, without suspension, which did not reflect small producer increases exceeding the small producer ceiling rate or the portion of the increases by Sun and Texaco exceeding the applicable ceiling or special relief rates.

On December 15, 1975, K-N tendered revised tariff sheets, to be effective as of December 1, 1975, which allegedly complied with the conditions imposed in the original order. K-N stated that a hearing was unnecessary since K-N claims that it was not making any purchases at rates in excess of the small producer ceiling rate. K-N also stated that it had reduced the contract price paid to Sun and Texaco to the levels prescribed by the Commission. However, the original PGA rate increase of 5.1¢ per Mcf was not reduced accordingly because K-N had reflected in its revised tariff sheets certain additional price increases not included in the original filing.

A deficiency letter requesting additional information on K-N's small producer purchases was sent by the Secretary of the Commission on January 15, 1976, in response to K-N's tender of revised PGA tariff sheets. K-N's response was received on January 26, 1976.

Upon further review of the additional information provided by K-N, the Commission has determined that K-N has not attempted to track in its PGA filing any small producer purchases at rates exceeding the applicable small producer ceiling rates. Accordingly, hearing procedures on the small producer issues are unnecessary, and the hearing procedures previously established (and subsequently deferred) shall be terminated.

As to the purchases from Sun and Texaco, K-N has in essence requested leave to forego the reduction in its PGA rate increase which should follow its elimination of the excess costs related to the Sun and Texaco purchases on grounds that K-N has incurred additional producer costs which were not reflected in the original filing. Upon Commission review, it has been determined that K-N's request should be denied. The additional costs now claimed by K-N were not reflected in K-N's original filing and it would not now be appropriate to include such costs in its current filing or alternate justification for its original filing. To the extent that K-N has incurred additional purchased gas costs, those costs can be included appropriately in K-N's deferred purchased gas cost account and recovered in K-N's next filing under its PGA Clause. Accordingly, within 30 days of the date of issuance of this order, K-N shall be required to file substitute tariff sheets to become effective December 2, 1975, reflecting the costs included in K-N's original September 29, 1975, filing with the exception of those costs related to the Sun and Texaco purchases which are in excess of the Commission authorized rates for such purchases. Upon receipt of such substitute tariff sheets, they shall be made effective as of December 2, 1975, K-N's refund liability in this docket will be terminated, and the docket will be terminated. Consistent with this action, the revised tariff sheets filed on December 15, 1975, by K-N in this docket shall be rejected.

The Commisison finds: (1) Good cause has been shown to terminate the hearing procedures which were established by the Commission's November 28, 1975, order in this docket, and deferred by the Commission's February 19, 1976, order in Docket Nos. RP72-133, et al.

(2) Good cause has not been shown to accept for filing the revised tariff sheets tendered by K-N on December 15, 1975.

The Commission orders: (A) The hearing proceduers established by order of November 28, 1975, in this docket, and deferred by order issued February 19, 1976, in Docket Nos. RP72-133 et al., are hereby terminated.

(B) The revised tariff sheets filed by K-N on December 15, 1975, are hereby rejected.

(C) Within 30 days of the date of issuance of this order, K-N shall file substitute tariff sheets, to become effective December 2, 1975, reflecting all costs included in K-N's September 29, 1975, filing with the exception of those costs relating to purchases from Sun and Texaco in excess of the Commission prescribed rates for such purchases.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-11027 Filed 4-15-76;8:45 am]

[Docket No. ER76-204]

KENTUCKY POWER CO.

Filing of Motion To Settle Docket and Terminate Proceedings

APRIL 9, 1976.

Take notice that Kentucky Power Company (Kentucky) on March 16, 1976, filed in this docket a Motion to Settle Docket and Terminate Proceedings. Kentucky states that the Company and the municipal customers of Vanceburg and Olive Hill, Kentucky have agreed to settle the issues in this proceeding. To that end the proposed Supplement No. 3 to FPC Rate Schedule No. 12 and proposed Supplement No. 2 to FPC Rate Schedule No. 13 have been modified to reduce the originally filed demand charge rate from $4.77 per kilowatt of monthly billing demand to $4.046 per killowatt of monthly billing demand. Kentucky states that the result of this revision reduces its rate of return from the claimed rate of 10.13% as originally filed to a revised rate of 9.0%.

Kentucky asks that the Commission approve the proposed settlement and permit it to become effective February 1, 1976, the date the increased rates in this docket became effective.

Copies of Kentucky's filing including letters of agreement, the proposed revised supplements to FPC Rate Schedules 12 and 13, and supporting documents are on file with the Commission and available for public inspection. Any person desiring to comment upon such matters contained in the filing should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before April 27, 1976. Comments will be considered by the Commission in de-

termining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11016 Filed 4-15-76;8:45 am]

[Docket No. RP76-77]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

APRIL 12, 1976.

Take notice that on April 1, 1976, Mississippi River Transmission Corporation (Mississippi) tendered for filing proposed changes in its FPC Gas Tariff to be effective on May 1, 1976.

According to Mississippi, the proposed changes would increase revenues from jurisdictional sales by 23,463,000 based upon the twelve month period ending December 31, 1975, as adjusted. Such revenue increase is composed of $13,790,000 in non-gas costs and $9,673,000 in gas costs, which, absent this filing would be recovered through Mississippi's purchased gas cost adjustment clause provisions. The proposed changes would also eliminate the demand charge adjustment clause provisions from Mississippi's tariff.

Mississippi states that the principal reasons for the proposed rate increase are (1) increase in overall rate of return necessary to maintain the Company's financial stability, (2) increase in book depreciation rate to 5.0%, (3) increase in the cost of purchased gas, (4) increases in plant and related cost of service items, (5) increase in operating expenses, and (6) increase in taxes other than income.

Copies of the filing have been served upon Mississippi's jurisdictional customers, and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11040 Filed 4-15-76;8:45 am]

[Docket No. CP74-162]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

APRIL 9, 1976.

Take notice that on April 5, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162 a petition to amend the order issued April 2, 1975, in Docket No. CP74-126, et al., granting a certificate of public convenience and necessity to Petitioner in Docket No. CP74-162 pursuant to Section 7(c) of the Natural Gas Act, by authorizing Petitioner to exchange natural gas with El Paso Natural Gas Company (El Paso) at an additional point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By the order issued April 2, 1975, in Docket No. CP74-126, et al., Petitioner and El Paso are authorized to exchange natural gas at various specified points. Petitioner now proposes to exchange gas with El Paso at an additional point, the Eddy No. 6 exchange point, on El Paso's gathering system in Sec. 6, T. 23 S., R. 31 E., Eddy County, New Mexico, where gas from production from the Continental James Ranch Unit No. 7 well, sold to Petitioner under Perry R. Bass, et al., FPC Gas Rate Schedule No. 33 and Belco Petroleum Corporation FPC Gas Rate Schedule No. 17 would be delivered to El Paso. The petition states that no additional facilities would be required to deliver gas at the additional exchange point where El Paso is already connected to the well and that the gas would be redelivered to Petitioner through an existing interconnection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11034 Filed 4-15-76;8:45 am]

[Docket No. E-8641, et al.]

NEW ENGLAND POWER CO.

Extension of Time

APRIL 9, 1976.

On April 1, 1976, the NEPCO Customer Rate Committee, the Massachusetts and Electric Light Departments, Staff Counsel, and the Rhode Island Consumers' Council filed a joint motion to extend the time for filing briefs on exceptions to the initial decision issued on February 3, 1976. The time for filing briefs on exceptions was most recently extended by notice issued March 18, 1976 in the above-entitled proceeding.

Notice is hereby given that the time for filing briefs on exceptions to the initial decision in the above proceeding is extended from April 13, 1976 to and including April 27, 1976. The time for filing briefs opposing exceptions is similarly extended from May 4, 1976 to and including May 18, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11020 Filed 4-15-76;8:45 am]

[Docket No. RP72-115 (PGA76-3)]

OKLAHOMA NATURAL GAS GATHERING CORP.

Proposed Changes in FPC Gas Tariff

APRIL 9, 1976.

Take notice that on March 24, 1976, the Oklahoma Natural Gas Gathering Corporation (Oklahoma) tendered for filing proposed changes in its FPC Gas Tariff to include Ninth Revised Sheet PGA-1 for rates to become effective May 1, 1976.

Oklahoma states that the purpose of this PGA filing is to track increases in producer rates authorized by Section 2.56B(K) of the Commission's Regulations.

Oklahoma states that copies of this filing were served on all of its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11025 Filed 4-15-76;8:45 am]

[Docket No. ER76-595]

ORANGE AND ROCKLAND UTILITIES, INC. AND CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Filing of a Change in Electric Rate Schedule

APRIL 9, 1976.

Take notice that Orange and Rockland Utilities, Inc. and Consolidated Edison Company of New York, Inc. on April 1, 1976 tendered for filing as a supplemental rate schedule an amendment to a current electric generating capability exchange agreement. The amended

agreement modifies O&R Rate Schedule FPC No. 34 and Con Edison Rate Schedule FPC No. 35 to increase the quantity of electric generating capability being exchanged between the two parties during April 1976 from 200 MW to 300 MW. No change in rates for service rendered is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. In accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11015 Filed 4-15-76;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Filing of Revised Tariff Sheet

APRIL 9, 1976.

Take notice that on March 19, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing a Substitute Third Revised Interim Original Sheet No. 42-A to its FPC Gas Tariff, Original Volume No. 1, to become effective as of April 1, 1976.

The aforementioned tariff sheet, Substitute Third Revised Interim Original Sheet No. 42-A, was filed in order to clearly indicate that the modifications made in the commercial priorities under Commission Opinion No. 754, issued February 27, 1976, in this proceeding, would not be made effective until April 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11024 Filed 4-15-76;8:45 am]

[Docket No. ER76-301]

PENNSYLVANIA ELECTRIC CO.

Order Granting Late Intervention and Finding Rate Increase Contractually Authorized

APRIL 8, 1976.

On February 5, 1976, the Windber Area Concerned Citizens on Electricity (Citizens) tendered for filing with the Commission a motion for leave to file a petition to intervene out of time together with a petition to intervene. Citizens states that it is "a group of citizens who are residenced in and around Windber, Pennsylvania, which was formed in reaction to the announced rate increase by Pennsylvania Electric Company (Penelec)." Citizens states further that its members are retail customers of the Windber Electric Corporation which is in turn supplied by Penelec, and that Penelec's proposed rate increase will bear directly on its members. On February 24, 1976, Citizens filed a supplementary petition to intervene in which it points out that by order issued February 5, 1976, the Commission permitted two of its members—Mrs. Lily Chweh and Mrs. Terri Weaver—to intervene in this proceeding. According to Citizens its request for intervention is being tendered for filing after the December 22, 1975 deadline established by our notice of December 10, 1975 because the group was still being organized at the time of the deadline.

We believe that good cause exists to grant Citizens petition to intervene in these proceedings.

In its February 5 filing (p. 10), Citizens requested "as part of its intervention, an investigation of the contractual arrangement between Windber Electric and Penelec * * *" to determine whether Penelec's proposed rate increase was contractually authorized and therefore permitted under the Sierra-Mobile Doctrine.[1] The Commission has reviewed both the service agreement between Penelec and Windber Electric and the relevant portions of Penelec's tariff for Rate RP under which service is rendered to Windber Electric. The service agreement between Penelec and Windber Electric provides in pertinent part as follows (p. 1):

(a) Exhibit A—The rate provisions for service under this Agreement are contained in the "Resale Power Service Rate RP" in the Company's FPC Electric Tariff, Original Volume No. 1, Original Sheet Nos. 13 and 14, or as the same may be amended from time to time or superseded pursuant to the filing and other provisions of the Federal Power Act.

Both Original Sheet No. 14, as well as First Revised Sheet No. 14, which was in effect at the time Penelec filed its notice of proposed rate increase in the instant docket, provide that service under Resale Power Service Rate RP is subject to the General Terms and Conditions of the tariff as they exist or as they "may be amended from time to time or superseded pursuant to the filing and other provisions of the Federal Power Act." Similarly, Article 3 of the General Terms and Conditions for Rate RP which was contained in Original Sheet No. 9 and which was in effect at the time Penelec tendered its proposed rate increase provides that the provisions of Penelec's tariff including the General Terms and Conditions "may be amended from time to time or superseded by the Company by notifying the Customer in writing of such change and making the appropriate filing with the Federal Power Commission (or such other regulatory agency as may have jurisdiction in the premises)." The Commission concludes that the rate increase to Windber Electric is contractually authorized.

The Commission further finds: Participation in this proceeding by Citizens may be in the public interest.

The Commission orders: (A) Citizens are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of Citizens shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* That the admission of Citizens shall not be construed as recognition by the Commission that Citizens might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11030 Filed 4-15-76;8:45 am]

[1] Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956); United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956).

[Docket No. E-9388]

PHILADELPHIA ELECTRIC CO.

Order Directing Submission of Revised Tariff Sheets and Ordering Refunds

APRIL 8, 1976.

On April 18, 1975, Philadelphia Electric Company (Philadelphia) tendered for filing a proposed $5,658,000 rate increase on behalf of itself and Susquehanna Electric Company (Susequehanna) to Conowingo Power Company (Conowingo). By order issued June 9, 1975, the Commission accepted for filing and suspended the proposed rate increase for two months until August 18, 1975, when it was permitted to become effective subject to refund.

On August 8, 1975, Staff counsel filed a motion for summary disposition requesting that the Commission order Phil-

adelphia to file revised rates reflecting the exclusion of CWIP from rate base and to refund any amounts collected by reason of the inclusion of CWIP. By order issued September 26, 1975, the Commission granted Staff's motion and ordered Philadelphia to file revised tariff sheets reflecting the exclusion of CWIP from rate base and to make refunds of any amounts collected by reason of CWIP in rate base.

On November 19, 1975, Philadelphia tendered for filing revised tariff sheets reflecting a settlement as to rates to which the parties had agreed, as well as the elimination of CWIP from rate base which the Commission had ordered. By order issued March 19, 1976, the Commission established a hearing on the justness and reasonableness of the proposed settlement rates. In the absence of a final Commission order on the proposed settlement, Philadelphia remains under the obligation imposed by the September 26, 1975, order. Accordingly, Philadelphia is hereby directed to (1) eliminate CWIP from the rates which became effective August 18, 1975, (2) file the appropriate rate schedules reflecting such elimination and (3) make appropriate refunds with interest at 9 percent. The action taken herein is without prejudice to such further rate adjustment and/or refunds as may be required upon Commission disposition of the proceedings established by March 19, 1976, order.

The Commission finds: It is proper and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that Philadelphia be directed to eliminate CWIP from the rates which became effective August 18, 1975, file rate schedules reflecting such elimination and make the appropriate refunds with interest.

The Commission orders: (A) Philadelphia is hereby directed to eliminate CWIP from the rates which became effective August 18, 1975, and file appropriate rate schedules reflecting such elimination within 30 days of the date of issuance of this order.

(B) Philadelphia shall refund with interest at 9 percent any amounts collected from August 18, 1975, by reason of the inclusion of CWIP in rate base within 30 days of the date of issuance of this order.

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

By the Commission. Commissioner Watt not participating.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11029 Filed 4-15-76;8:45 am]

[Docket No. ER76-596]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Amendment

APRIL 9, 1976.

Take notice that on April 2, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing an amendment, dated February 20, 1976, among East Kentucky Power Cooperative, Inc., Indianapolis Power and Light Company, Kentucky Utilities Company, and PSI. This is the third amendment to the Kentucky-Indiana Pool Planning and Operating Agreement (Agreement) dated July 9, 1971, designated as PSI's Rate Schedule FPC No. 225.

PSI states that the purpose of the amendment is to increase the demand charge for Back Up Power and Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

PSI requests an effective date of May 1, 1976 for this amendment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11017 Filed 4-15-76;8:45 am]

[Docket No. E-8586]

PUBLIC SERVICE CO. OF INDIANA

Extension of Time

APRIL 9, 1976.

On April 1, 1976, the Indiana Municipal Electric Association and the Cities and Towns of Bainbridge, Bargersville, Centerville, Covington, Darlington, Edinburg, Flora, Greendale, Greenfield, Hagerstown, Lawrenceburg Utilities, Lawrenceburg, Lebanon, Linton, Middletown, Paoli, Pendleton, City of Rising Sun, Rockville, Scottsburg, South Whitley, Thorntown, Tipton, Veedersburg and Waynetown filed a motion to extend the time to file briefs on exceptions to the initial decision issued on March 10, 1976, in the above-indicated proceeding. The motion states that there is no opposition to the requested extension.

Notice is hereby given that the time for filing briefs on exceptions to the initial decision in the above proceeding is extended from April 9, 1976 to and including April 23, 1976. The time for filing briefs on exceptions is similarly extended to and including May 13, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11022 Filed 4-15-76;8:45 am]

[Docket Nos. E-7781 and E-7782]

SAN DIEGO GAS AND ELECTRIC CO.

Withdrawal

APRIL 9, 1976.

On March 31, 1976, San Diego Gas and Electric Company filed a motion to withdraw its application for authorization to transmit electrical energy to a foreign country and its application for construction, operation, maintenance and connection of the international boundary of facilities for the transmission of electrical energy filed on October 2, 1972 in the above-designated proceeding.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective on April 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11018 Filed 4-15-76;8:45 am]

[Docket No. RP73-64; (PGA76-1)]

SOUTHERN NATURAL GAS CO.

Order Deferring Ruling on Request for Abbreviated Procedures

APRIL 9, 1976.

On January 19, 1976, Southern Natural Gas Company (Southern) filed a "Suggestion Of Abbreviated Procedures", in which Southern alleges that (1) after July 1, 1976, when the national base rate for flowing gas escalates to 29½¢, only three of the six small producers originally identified in this docket as selling at rates in excess of the formula prescribed by Opinion No. 742 will continue to be classified as such, (2) the excess of these purchases applicable to Southern's jurisdictional customers will be $14,515. Southern requests that, in view of the above-described circumstances, it be allowed to prepare testimony and exhibits to support the prices which it has paid to these small producers and to merely have those exhibits verified by affidavits of the small producers in lieu of their actual appearance and presentation of their own testimony and exhibits.

We have, on February 19, 1976, issued an order in this docket, inter alia, staying proceedings with respect to small producer purchases pending Commission action on rehearing of Opinion No. 742[1] and the proposed rulemaking in Docket No. RM76-5.[2] In view of that order, it would be inappropriate to rule at this time upon Southern's suggestion pending further action in Docket Nos. R-393 and RM76-5, as indicated above.

The Commission finds: Good cause has been shown to defer ruling on Southern's instant proposal pending further action in Docket Nos. R-393 and RM-76-5, as indicated below.

[1] Issued August 28, 1975, in Docket No. R-393.

[2] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

The Commission orders: (A) Disposition of Southern's proposal as filed in this docket on January 19, 1976, is hereby deferred pending action on rehearing in Opinion No. 742 and the proposed rulemaking in Docket No. RM76–5.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11041 Filed 4–15–76;8:45 am]

[Docket Nos. CI75–649, CI76–304, CI76–362]

SUN OIL CO.

Order Granting Reconsideration and Rehearing for Purposes of Further Consideration

APRIL 9, 1976.

On March 15, 1976, Sun Oil Company (Sun) petitioned the Commission for rehearing of letter orders issued December 29, 1975 in Docket No. CI75–649, February 12, 1976 in Docket No. CI76–304, and February 27, 1976 in Docket No. CI76–362 that granted Sun permanent or temporary certificates. The orders conditioned the temporary certificate in accordance with Section 2.83(d) of the Commission's General Policy and Interpretations, as prescribed in Order No. 539.

Order No. 539,[1] issued and effective on October 14, 1975, was a statement of policy that reiterated the Commission's policies with respect to the enforcement of certificated minimum delivery obligations. In that order the Commission promulgated new Section 2.83, subsection (d) of which was directed to be included as a condition in all temporary and permanent certificates issued on or after the effective date of Order No. 539. On November 28, 1975 the Commission issued an order in Docket No. RM76–8 granting reconsideration of Order No. 539 for the purpose of further consideration.

On March 26, 1976, the Commission issued Order No. 539–A, which amended Section 2.83(d) of the Regulations to permit a party to object to the inclusion of the amended Section 2.83(d) language in the certificate by requesting a hearing on that question. In addition, under that order a producer may commence deliveries as applied for, without prejudice to its right to seek rehearing of any Order No. 539 conditions included in the certificate and its right to seek review thereof under Section 19 of the Natural Gas Act.

Applicant for rehearing contends that the condition added to all newly issued temporary and permanent certificates pursuant to Order No. 539 is unlawful in that it exceeds the Commission's jurisdiction, which immediately aggrieves the petitioner.[2]

A reasoned analysis of the questions posed in Sun's petition requires that we first consider the relevance to Sun's petition of the issues raised upon reconsideration of Order No. 539; however, this determination must await the Commission's final order in the proposed rulemaking in Docket No. RM76–8. Therefore we will grant Sun's petition for rehearing solely for the purpose of further consideration. This action does not constitute a grant or denial of the petition for rehearing on its merits in whole or in part.[3]

The Commission orders: The application for reconsideration filed by Sun in Docket Nos. CI75–649 and CI76–304 is granted for purposes of further consideration.

The petition for rehearing of Sun of the letter order issued February 27, 1976 in Docket No. CI76–362 is granted for purposes of further consideration.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11039 Filed 4–15–76;8:45 am]

[Docket No. E–8953]

SUPERIOR WATER, LIGHT & POWER CO.

Certification of Settlement Agreement

APRIL 9, 1976.

Take notice that on December 29, 1975, the Presiding Administrative Law Judge in this proceeding certified to the Commission a settlement agreement between the Commission Staff and Superior Water, Light & Power Company together with the record in the proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1976. Any reply comments shall be filed by May 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11613 Filed 4–15–76;8:45 am]

[Docket No. RP74–41 (PGA76–4)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

APRIL 9, 1976.

Take notice that Texas Eastern Transmission Corporation on March 31, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Nineteenth Revised Sheet No. 14.
Nineteenth Revised Sheet No. 14A.
Nineteenth Revised Sheet No. 14B.
Nineteenth Revised Sheet No. 14C.
Nineteenth Revised Sheet No. 14D.
Alternate Nineteenth Revised Sheet No. 14.
Alternate Nineteenth Revised Sheet No. 14A.
Alternate Nineteenth Revised Sheet No. 14B.
Alternate Nineteenth Revised Sheet No. 14C.
Alternate Nineteenth Revised Sheet No. 14D.

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Opinion No. 749–A issued February 27, 1976 in Docket No. R–478. The increase in rates is based upon the Opinion No. 749 increases in Texas Eastern's cost of purchased gas from producer and pipeline suppliers. Since Texas Eastern's pipeline supplier United Gas Pipe Line Company's proposed increase consists of two alternative rate levels, Texas Eastern requests an effective date of May 1, 1976 for the appropriate set of tariff sheets, based upon the Commission's action on United Gas's proposed increase.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11026 Filed 4–15–76;8:45 am]

[Dockt No. CP76–323]

TEXAS GAS TRANSMISSION CORP.

Application

APRIL 9, 1976.

Take notice that on April 2, 1976, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76–323 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Boonville Natural Gas Corporation (Boonville) of Boonville, Indiana, under Applicant's Rate Schedule SG–3 in lieu of Rate Schedule G–3, all as more fully set forth in the

[1] *Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements,* Order No. 539, Docket No. RM76–8, ____ FPC ____ (October 14, 1975).

[2] Since Sun's application for rehearing in Docket Nos. CI75–649 and CI76–304 was filed untimely, it is being treated here as an application for reconsideration.

[3] Area Rate Proceeding, et al. (Southern Louisiana Area, 40 FPC 1091 (1968)).

application on file with the Commission and open to public inspection.

Applicant states that it is presently selling natural gas to Boonville under Rate Schedule G–3 and that Boonville desires in lieu thereof to receive service under Rate Schedule SG–3. It is said that pursuant to Section 21.2 of the General Terms and Conditions of Applicant's FPC Gas Tariff, Third Revised Volume No. 1, Boonville is entitled to the change in service. The change in service would have no effect upon the service of the other customers of Applicant and no change in either contract demand or quantity entitlements of Boonville would result from the proposed change, Applicant states.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commisison's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisison on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11037 Filed 4–15–76;8:45 am]

[Docket No. CP76–321]

TEXAS GAS TRANSMISSION CORP. AND TENNESSEE GAS PIPELINE CO.

Application [1]

APRIL 9, 1976.

Take notice that on March 26, 1976, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP76–321 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants have entered into an agreement, dated March 23, 1976, providing for the deliveries of natural gas by either Texas Gas or Tennessee to the other at the following locations:

(a) On Texas Gas' Abbeyville 8-inch pipeline located in Sec. 22, T. 11 S., R. 4 F., Vermilion Parish, Louisiana.

(b) On Texas Gas' Erath 26-inch pipelinee located in Sec. 26, T. 11 S., R. 4 E., Lafayette Parish, Louisiana.

(c) At the tailgate of the gasoline plant of Shell Oil Company located near Chalkley, Cameron Parish, Louisiana.

(d) At the tailgate of the gasoline plant of Atlantic Richfield Company in Bayou Sale, St. Mary Parish, Louisiana.

(e) At the existing interconnection between the systems of Transcontinental Gas Pipe Line Corporation (Transco) and Tennessee located near Crowley, Acadia Parish, Louisiana, at Mile Post 26.53 on Transco's 18-inch and 24-inch Central Louisiana Lateral and Tennessee's 16-inch and 24-inch lines in Sec. 7, T. 10 S., R. 1 E., Acadia Parish, Louisiana.

(f) At the existing interconnection between the Project 349 pipeline and the Blue Water Project in Ship Shoal Block 198.

(g) At the existing interconnection between the western terminus of the Blue Water Project and the facilities of Tennessee.

(h) At the existing interconnection between the eastern terminus of the Blue Water Project and the facilities of Tennessee.

No new facilities are proposed to effectuate the exchange of gas as proposed.

It is said that the proposed exchange is to enable Applicants to assist each other at times when operating difficulties on their respective systems can be eased by deliveries of natural gas and that the proposed exchange of gas will give added flexibility and reliability to the pipeline system of each Applicant. It is further said that the proposed exchange will minimize the future need for additional gathering facilities, thus hopefully providing the means of making available to Applicants' customers future additional supplies of natural gas without the necessity of incurring other than a minimum of costs to obtain said supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice bfeore the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–11033 Filed 4–15–76;8:45 am]

[Docket No. ER76–584]

THE TOLEDO EDISON CO.

Service Agreement

APRIL 8, 1976.

Take notice that on March 30, 1976, the Toledo Edison Company (Toledo Edison), tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1, applicable to sales to Municipalities for Resale. Toledo Edison states that changes consist of filing a Service Agreement executed by the Village of Haskins, Ohio and Third Revised Sheet No. 3, List of Purchasers. Toledo Edison states that the executed Service Agreement with the Village of Haskins provides that the Village will be served under rate Muncipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedule FPC Number 12), which will expire on April 30, 1976. An effective date of May 1, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Haskins, Ohio and the Public Utilities Commission of Ohio.

[1] The subject filing was tendered as an amendment to Applicants' joint application filed May 21, 1974, in Docket No. CP74–300. However, the joint application was rejected pursuant to Section 1.14(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 1.14(a)(2)) for failure to file timely adequate gas supply data in support of said joint application. Accordingly, the instant amendment shall bee considered as a new application filed in Docket No. CP76–321.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11012 Filed 4-15-76;8:45 am]

[Docket No. RP74-52 (PGA76-1)]

TRANSWESTERN PIPELINE CO.

Order Granting Late Intervention

APRIL 9, 1976.

On March 16, 1976, Southern California Gas Company (SoCal) and Pacific Lighting Service Company (PLSC) tendered for filing with the Commission a petition for leave to intervene out of time.[1] In their petition SoCal and PLSC state that PLSC purchases of natural gas from Transwestern for resale to SoCal, and that any increase in the cost of gas purchased from Transwestern by PLSC will have a substantial effect on the cost of SoCal's system gas supply and, accordingly, on the rates SoCal charges its customers for gas service. The Commission concludes that SoCal and PLSC should be permitted to intervene in these proceedings.

The Commission further finds: Participation in this proceeding by SoCal and PLSC may be in the public interest.

The Commission orders: (A) SoCal and PLSC are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation by these parties shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further,* that the admission of these parties shall not be construed as recognition by the Commission that these parties might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11028 Filed 4-15-76;8:45 am]

[1] By notice issued in this docket on August 21, 1975, the Commission established September 16, 1975 as the deadline for filing comments, protests and petitions to intervene.

ALABAMA POWER CO.

[Project No. 2146]

Pre-Hearing Conference

APRIL 12, 1976.

On March 30, 1976, Staff Counsel filed a motion to establish a pre-hearing conference in the above-entitled proceeding.

Notice is hereby given that a pre-hearing conference will be held on April 22, 1976, commencing at 9:30 A.M. in a hearing room of the Federal Power Commission, at 825 North Capitol Street, N.E., Washington, D.C.

The Presiding Administrative Law Judge is authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedures).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11107 Filed 4-15-76;8:45 am]

[Docket Nos. RP76-10 and RP76-18]

ARKANSAS LOUISIANA GAS CO.

Withdrawal of Application for Rate Increase

APRIL 12, 1976.

Take notice that on April 1, 1976 the Arkansas Louisiana Gas Company (Arkla) tendered for filing a notice of withdrawal of its filing of October 1, 1975, in Docket No. RP76-18, in which it proposed a change in rates for transportation service to Arkansas-Missouri Power Corporation. By Commission order issued on March 22, 1976, Docket No. RP76-18 was consolidated with Arkansas Louisiana Gas Company, Docket No. RP76-10.

Arkla requested an effective date of May 1, 1976, 30 days after the filing of its notice of withdrawal.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11117 Filed 4-15-76;8:45 am]

[Docket Nos. RP76-10; RP76-18]

ARKANSAS LOUISIANA GAS CO.

Order Consolidating Procedures; Correction, March 22, 1976

APRIL 9, 1976.

Please correct the last line of the above notice to read as follows: "by notice issued January 29, 1976."

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11123 Filed 4-15-76;8:45 am]

[Docket No. ER76-495]

CAROLINA POWER & LIGHT CO.

Filing of Revised Tariff Sheets

APRIL 12, 1976.

Take notice that on March 29, 1976, Carolina Power & Light Company (CP&L) tendered for filing Second Revised Sheet Nos. 5, 6 and 7 to its FPC Electric Tariff, Original Volume No. 1, and a revised three sheet summary to Statement M for Period II of its cost of service study. These sheets, which reflect the elimination of tax normalization for certain items, were submitted pursuant to the Commission's Order issued February 27, 1976, in this docket.

CP&L states that the instant filing is made nder protest, and that the Company has filed with the Commission an Application for Rehearing, Reconsideration and Stay of Ordering paragraph (C) of the Commission's February 27, 1976 order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11116 Filed 4-15-76;8:45 am]

[Docket No. ER76-591]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Tariff Change

APRIL 12, 1976.

Take notice that Central Illinois Public Service Company on April 1, 1976, tendered for filing a Third Supplemental Agreement to the Interconnection Agreement between Central Illinois Public Service Company and Public Service Company of Indiana, Inc., proposed to become effective May 1, 1976.

The Company states that this Supplemental Agreement includes additional facilities to be provided by the parties, provides for slight changes in service conditions, and increases the demand charge for Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before April 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11112 Filed 4-15-76;8:45 am]

[Docket No. E-9551]

CITY OF PLAQUEMINE, LOUISIANA, AND GULF STATES UTILITIES CO.

Order Granting Petition To Withdraw Application for Emergency Interconnection and Denying Petition To Intervene

On February 23, 1976, the City of Plaquemine, Louisiana filed an application under Section 202(c) of the Federal Power Act and Section 32.6 et al. of the regulations thereunder for an emergency interconnection between its facilities and those of Gulf States Utilities Company. As that application reflected, Plaquemines' existing interconnection with Louisiana Power and Light (LP and L) had been struck by lightning in early February, and those facilities put out of action.

Louisiana Power and Light filed a petition to intervene in these proceedings on March 5, 1976, alleging that damage to the LP and L—Plaquemine interconnection had been repaired on February 18, 1976. Subsequently, on March 9, 1976, Plaquemine filed a petition to withdraw its application for an emergency interconnection. Plaquemine cited the fact that repair of this interconnection obviated its need for immediate emergency relief.

The Commission finds. Repair having been made to the Plaquemine—LP and L interconnection, no need for relief under Section 202(c) is required at this time. Plaquemine's application for emergency interconnection and LP and L's petition to intervene have been rendered moot by repair of Plaquemine's interconnection with LP and L and by Plaquemine's withdrawal of its application for Section 202 (c) relief.

The Commission orders. (1) Pursuant to Section 1.11(d) of the Commission's Rules and Regulations, Plaquemine's petition to withdraw its application for emergency interconnection with Gulf States Utilities Company is hereby granted, effective March 20, 1976.

(2) Louisiana Power and Light Company's petition to intervene in the proceeding in docket number E-9551, having been rendered moot, is hereby denied.

By the Commission.

Issued: April 12, 1976.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11108 Filed 4-15-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA 76-1)]

EL PASO NATURAL GAS CO.

Order Granting Motions To Dismiss

By order issued September 30, 1975, the Commission instituted a Section 5 investigation of small producer sales in excess of the "130% formula" prescribed in Opinion No. 742 included in El Paso Natural Gas Company's (El Paso) PGA filing of August 15, 1975. By order issued November 14, 1975, the Commission made respondents in this investigation the small producers charging a rate in excess of the "130% formula" prescribed in Opinion No. 742.

By letter filed December 4, 1975, small producer J. C. Williamson requested dismissal from these proceedings, which we will treat as a motion to dismiss, stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for his sales to El Paso amounts to $262.00, certain expenses incurred are not included in his cost, the well involved may not perform satisfactorily because of similar experience at such location, no income has been received, considerable expense and time would be involved in defending the small excess amount above the level prescribed in Opinion No. 742 and he is extremely active in a drilling campaign for oil.

By motion filed December 12, 1975, small producer Boyd Laughlin requested dismissal from these proceedings stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for his sales to El Paso amounts to $53.00, no payments have been received from El Paso, certain expenses incurred are not included in his cost, and he would earn an uneconomic return even if the current rate was authorized.

By motion filed December 12, 1975, small producer Alpar Resources, Inc., requested dismissal from these proceedings stating that the purchased gas cost in excess of the levels prescribed in Opinion No. 742 for its sales to El Paso amounts to $10.00.

Notice of the motions for dismissal was issued on February 12, 1976, with responses due on or before February 27, 1976.

On February 26, 1976, El Paso filed a response requesting denial of the motions to dismiss because the Commission by order issued February 19, 1976, has stayed the small producer proceedings pending action on rehearing of Opinion No. 742 [1] and on the proposed rulemaking in Docket No. RM76-5.[2]

Our review of the respective motions to dismiss filed by the three small producers indicates that the amount of dollars collected by each of them in excess of the rate levels prescribed in Opinion No. 742, is de minimis and that requiring them to participate in this proceeding would place an unwarranted financial burden upon them. Accordingly, we shall grant their respective motions requesting dismissal from the instant proceeding. However, El Paso will still be permitted to file such evidence as may be applicable to establish the justness and reasonableness of the purchases from J.C. Williamson, Boyd Laughlin and Alpar Resources.

The Commission finds: Good cause exists to grant the motions to dismiss of the three small producers specified, supra.

The Commission order. (A) The motions filed by: J. C. Williamson on December 4, 1975; Boyd Laughlin on December 12, 1975; and by Alpar Resources on December 12, 1975; requesting dismissal from the instant proceeding are granted and these parties are hereby dismissed as respondents to this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Issued: April 12, 1976.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11121 Filed 4-15-76;8:45 am]

[Docket No. CI76-205]

GENERAL AMERICAN OIL CO. OF TEXAS

Application

APRIL 12, 1976.

Take notice that on November 4, 1975, General American Oil Company of Texas (Applicant), Meadows Building, Dallas, Texas 75206, filed in Docket No. CI76-205 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas in interstate commerce from the Lawson Field, Acadia Parish, Louisiana, to Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the reserves dedicated to the contract on file as its FPC Gas Rate Schedule No. 81 are depleted and that the well has been plugged and abandoned. Applicant further states that the leases covered by the contract have expired and have been released.

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[1] Docket No. R-393, issued August 28, 1975.
[2] See: Small Producer, Docket No. RM76-5, Notice of Proposed Rulemaking.

It is stated that Texas Gas has agreed not to object to the abandonment on the condition that Applicant grant Texas Gas an exclusive option to purchase any gas which may ever be produced from the properties formerly subject to this proceeding in the event Applicant ever acquires an interest therein. Applicant states that it has no present intention of acquiring any interest in these properties, but is unwilling to grant the gas purchaser such an option in the event Applicant ever does acquire an interest in the properties in the future in connection with exploration for new gas reserves therein, or for any other purpose.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11110 Filed 4-15-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Informal Conference

APRIL 12, 1976.

Take notice that on April 22, 1976, an informal conference will be convened at 10:00 A.M. in the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The purpose of the conference is to permit the parties and the Commission Staff the opportunity to discuss the possibility of settlement of the issues in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11111 Filed 4-15-76;8:45 am]

[Docket Nos. E-9499 and E-9502]

MINNESOTA POWER AND LIGHT CO.

Further Extension of Procedural Dates

APRIL 12, 1976.

On April 5, 1976, the City of Wadena, Minnesota filed a motion to extend the procedural dates fixed by order issued July 18, 1975, as most recently modified by notice issued March 5, 1976, in the above-designated proceeding.

The motion states that there is no opposition to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, April 30, 1976.
Service of Company Rebuttal, May 17, 1976.
Hearing, June 1, 1976 (10:00 A.M., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11109 Filed 4-15-76;8:45 am]

[Docket No. RP71-125 (PGA76-3)]

NATURAL GAS PIPELINE CO. OF AMERICA

Comments Concerning Emergency Purchases

APRIL 12, 1976.

Take notice that on March 29, 1976, Natural Gas Pipeline Company of America (Natural) submitted herein certain comments concerning thirteen emergency gas purchases made under Section 157.29 of the Commission regulations and three emergency purchases made under Section 2.68 of the Commission's general rules. The subject comments were submitted by Natural in response to the Commission's order issued on February 27, 1976, in Docket Nos. RP72-133, et al.

Any person wishing to do so may submit comments in writing concerning the submittal by Natural. All such comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be filed or mailed on or before May 7, 1976. Natural's comments are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11122 Filed 4-15-76;8:45 am]

[Docket No. CI76-423]

O. G. McCLAIN

Application

APRIL 12, 1976.

Take notice that on March 12, 1976, O. G. McClain (Applicant), P.O. Box 1336, Corpus Christi, Texas 78403, filed in Docket No. CI76-423 an application pursuant to Section 7(b) of the Natural Gas Act of permission and approval to abandon the sale for resale to Natural Gas Pipeline Company of America (Natural) of natural gas in interstate commerce from the Amargosa Field, Jim Wells County, Texas, at such time as 1,300,000 Mcf of gas are produced after January 1, 1974, all as more fully set forth in the subject application which is on file with the Commission and open to public inspection.

Applicant states that in Opinion No. 710 and accompanying order, issued November 8, 1974, in Docket No. CI74-173 (52 FPC ____), there was general recognition that 1,300,000 Mcf of gas remained to be recovered in the subject acreage after January 1, 1974, by continuing present standard production methods and at a price of 43.0 cents per Mcf. Further, Applicant states that it was indicated that a greater volume of gas probably could be recovered if exceptional efforts and expenditures were made. It is said that Applicant elected to accept the 43.0-cent per Mcf price since Applicant was doubtful of the ability and advisability of assuming the obligation to make and report expenditures required by accepting the alternative 61.0-cent per Mcf price.

Applicant asserts that it entered into a gas sales contract on November 8, 1974, with Natural to deliver 1,300,000 Mcf of gas at 43.0 cents per Mcf and that this was approved by the Commission and constitutes admission that all dedicated gas recoverable by usual and normal producing methods would be recovered when 1,300,000 Mcf of gas were delivered after January 1, 1974.

Applicant asserts that failure of Opinion No. 710 specifically to grant abandonment of service authorization when this 1,300,000 Mcf of gas is produced leaves an uncertainty that is hampering Applicant in making operating decisions and that the intent of Opinion No. 710 is so clear that an administrative interpretation for a pre-granted abandonment authorization is hoped for. Alternatively, Applicant requests permission and approval to abandon service to Natural when 1,300,000 Mcf of gas have been produced after January 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11118 Filed 4-15-76;8:45 am]

[Docket No. CI73-681]

TEXAS GAS EXPLORATION CORP.

Denying Motion To Shorten Time for Responses

APRIL 9, 1976.

On April 6, 1976, Texas Gas Exploration Corporation filed a motion to shorten the time for filing responses to its Motion for Approval of Proposed Stipulation and Agreement filed on April 6, 1976, in the above-entitled proceeding.

Notice is hereby given that the motion to shorten the time for filing responses to the above motion is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11120 Filed 4-15-76;8:45 am]

[Docket No. RP72-156, *et al.* RP76-17 (PGA 76-2)]

TEXAS GAS TRANSMISSION CORP.

PGA Filing

APRIL 12, 1976.

Take notice that on March 31, 1976, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fourteenth Revised Sheet No. 7. Texas Gas states the purpose of this filing is to make a special one-time purchased gas cost adjustment to track increases in purchase gas costs attributable to the national rate. Texas Gas requested an effective date of May 1, 1976.

Texas Gas states that copies of this filing have been sent to all of its customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11115 Filed 4-15-76;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Postponement of Hearing Date

APRIL 9, 1976.

On March 26, 1976, Staff Counsel filed a motion to postpone the hearing date fixed by order issued March 2, 1976, in the above-designated proceeding. The motion states that no party opposes the motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed from April 13, 1976 to May 4, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11119 Filed 4-15-76;8:45 am]

[Docket No. ER76-590]

TUCSON GAS & ELECTRIC CO.

Filing of Energy Agreement

APRIL 12, 1976.

Take notice that Tucson Gas & Electric Company (TGE) on April 1, 1976, tendered for filing an Energy Agreement dated March 30, 1976, between TGE and Southern California Edison Company (Edison). TGE states that copies of the filing were served upon Edison on April 1, 1976. An effective date of May 1, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11114 Filed 4-15-76;8:45 am]

[Docket No. ER76-600]

UNION ELECTRIC CO.

Revised Service Schedules

APRIL 12, 1976.

Take notice that on April 2, 1976 Union Electric Company (Union) tendered for filing Second Revised Service Schedules C, E, and F to the Interconnection Agreement dated February 18, 1972 between Union, Central Illinois Public Service Company, and Illinois Power Company.

Second Revised Service Schedules C and F increase reservation charges for Maintenance Power transactions and Short-term Non-firm Power transactions, respectively, from 45¢ per week per kilowatt to 50¢ per week per kilowatt. Second Revised Service Schedule E revises the rate for Short-term Firm Power from 55¢ per week per kilowatt to 60¢ per week per kilowatt. The revised service schedules provide also for the termination of previous service schedules dated May 1, 1975.

Union requests an effective date of May 1, 1976 for the Revised Service Schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-11113 File 4-15-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANKSHARES OF HAWLEY, INC.

Formation of Bank Holding Company

Bankshares of Hawley, Inc., Hawley, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 95.7 per cent of the voting shares of State Bank of Hawley, Hawley, Minnesota. 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 office 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 no later than May 6, 1976.

Board of Governors of the Federal Reserve System, April 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10959 Filed 4-15-76;8:45 am]

DORSET BANCSHARES, INC.

Formation of Bank Holding Company; Correction

In F.R. document 76-9815 appearing at page 14598 of the issue for Tuesday, April 6, 1976 the percentage of shares of Farmers State Bank of Dorset, Dorset, Minnesota to be acquired by Dorset Bancshares, Inc. should read 81.5 per cent.

Board of Governors of the Federal Reserve System, April 8, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10960 Filed 4-15-76;8:45 am]

FIRST UNION CORP.

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 Union Corporation, Charlotte, North Carolina (formerly Cameron Financial Corporation), for a determination that First Union Corporation is not nor will be in fact capable of controlling Courier Express Corporation or its wholly-owned subsidiary Courier Express Corporation of Virginia, both of Charlotte, North Carolina.

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 May 6, 1976. 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, like reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony at such oral hearing. The Board will subsequently designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, April 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10961 Filed 4-15-76;8:45 am]

GILMAN CORP.

Formation of Bank Holding Company

Gilman Corporation, Gilman, Wisconsin, has applied for the Board's approval under § 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 86.4 per cent of the voting shares of State Bank of Gilman, Gilman, Wisconsin. 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 Office 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 May 3, 1976.

Board of Governors of the Federal Reserve System, April 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10962 Filed 4-15-76;8:45 am]

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Peoples Bank and Trust, N.A., Trenton, Michigan. 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 office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 7, 1976.

Board of Governors of the Federal Reserve System, April 8, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10963 Filed 4-15-76;8:45 am]

TIOGA BANK HOLDING CO.

Formation of Bank Holding Company

Tioga Bank Holding Company, Tioga, North Dakota, has applied for the Board's approval under § 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 98 percent or more of the voting shares of The Bank of Tioga, Tioga, North Dakota. 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 office 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 April 22, 1976.

Board of Governors of the Federal Reserve System, April 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10964 Filed 4-15-76;8:45 am]

UNION TRUST CO.

Order Denying Exemption

There has come before the Board of Governors, pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. § 78*l*), an application by Union Trust Company of Wildwood, N.J., Wildwood, New Jersey ("Bank"), a member State bank of the Federal Reserve System, for exemption from the registration requirements of section 12(g) of the Act.

Public notice of receipt of the application and opportunity for interested persons to submit comments and recommendations with respect to the application and to request a hearing on the matter has been given by the Board and no such comments or requests have been received.

On the basis of the information set forth in the application, or otherwise available, the Board finds that:

1. As of December 31, 1975, Bank, which engages in a general commercial banking business, had assets of approximately $43.4 million and equity capital of approximately $3.1 million; Bank's net income in 1975 was approximately $493 thousand.

2. Bank has outstanding 264,005 shares of capital stock, owned by 543 shareholders of record as of September 25, 1975; approximately 63 such shareholders received their initial stock holdings in 1934, in satisfaction of deposit liabilities owed by the Wildwood Title and Trust Company, a predecessor to Bank.

3. In 1973, 109 transfers of Bank's common stock occurred, 46 of which were intra-family transfers; in 1974, 102 transfers (irrespective of a stock split and a rights offering) occurred, 34 of which were intra-family transfers; and, in 1975, there were 67 transfers, 38 of which were intra-family transfers.

4. Although there is at present a limited amount of trading activity in Bank's

stock and an absence of any regular market therefor, a sufficient investor interest exists to merit the protection of the registration, reporting, and proxy requirements of the Act.

5. Compliance with the registration, reporting, and proxy requirements of the Act would not impose an undue hardship on Bank or its personnel.

Upon consideration of all the circumstances, the Board concludes that the granting of the requested exemption would not be consistent with the public interest and the protection of investors.

It is hereby ordered that the application of the Union Trust Company for exemption from the registration requirements of section 12(g) of the Securities Exchange Act of 1934 be, and is hereby, denied and that Bank submit its registration statement pursuant to the requirements of the Act and the Board's Regulation F, within 60 days of the date of this Order.

By order of the Board of Governors,[1] effective April 9, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-10965 Filed 4-15-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-28]

OWENS ENTERPRISES, INC.

Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Owens Enterprises, Incorporated, Wilminton, California, a limited exclusive, revocable license to practice the invention described in U.S. Patent No. 3,915,148, for "Thermostatically Controlled Non-Tracking Type Solar Energy Concentrator", issued on October 28, 1975, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain other appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 C.F.R. § 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless on or before May 5, 1976, the Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: April 2, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76-10995 Filed 4-15-76;8:45 am]

[Notice 76-29]

SPACE SYSTEMS COMMITTEE

Meeting

The Space Systems Committee of the NASA Space Program Advisory Council will meet on May 3, 1976 at NASA Headquarters, Building 10B, Room 425, from 9:00 a.m. to 4:00 p.m. The meeting will be open to members of the public on a first-come, first-served basis to about fifty-five (55) which is the seating capacity of the room. Visitors are requested to sign a visitor's register.

The NASA Space Systems Committee serves in an advisory capacity only. It is concerned with the development of space transportation systems and multi-disciplinary space-based systems including consideration of the man machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions. The current chairman is Professor Courtland D. Perkins. There are presently seven (7) members.

This meeting will be held in addition to the previously scheduled June 7-8, 1976 Space Systems Committee meeting to be held at the Michoud Assembly Facility, New Orleans, Louisiana.

For further information regarding the meeting, please contact Mr. Daniel Nebrig, Executive Secretary to the Space Systems Committee at 202/755-2453.

The agenda item for the meeting is "Review of Current Activities on Space Station Planning and Potential Uses," and the speaker is Mr. Charles A. Donlan.

Dated: April 13, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-11069 Filed 4-15-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice of Closed Session

This notice is to amend a portion of the notice of the meeting of the National Advisory Council on the Education of Disadvantaged Children which appeared in the FEDERAL REGISTER on Tuesday, April 6, 1976 on page 14601. At the meeting which will be held on April 29, 1976 at the San Francisco Hilton Hotel & Tower located at Ellis & Mason Streets, San Francisco, California 94102, there will be a closed session from 4-5 p.m., during which there will be discussed personnel matters relating to the internal personnel rules and practices of the Council and personnel files and other personal data which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy. It has been determined by the Commissioner of Education in accordance with the provisions of Section 10(d) of the Federal Advisory Committee Act that the discussion from 4-5 p.m., on April 29 will be concerned with matters listed in paragraphs (2) and (6) of Section 552(b) of Title 5, United States Code, and that that portion of the meeting should be closed to the public.

Signed at Washington, D.C., on April 9, 1976.

GLORIA STRICKLAND,
Acting Executive Director.

[FR Doc.76-11061 Filed 4-15-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on April 12, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice 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

ENVIRONMENTAL PROTECTION AGENCY

Household Pesticide Usage Questionnaire, on occasion, households in 25 SMSA's, Richard Eisinger, Ellett, C. A., 395-6140.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Resources and Trade Assistance: Application for License to Enter Watches and Watch Movements, Pursuant to P.L. 89-805, DIB-334P, annually, any firm applying for duty free watch quota, Laverne V. Collins, 395-5867.

EXTENSIONS

Maritime Administration: Statement of Shipbuilding or Ship Operator (Relating to Shipping or Shipbuilding & Affecting Shipbuilder or Ship Operator, MA-807-1, monthly, ship builders & ship operators, Marsh Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-11140 Filed 4-15-76;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell and Partee. Absent and not voting: Governors Holland, Wallich and Jackson.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

ANNUAL SELECTION

Meeting

Pursuant to section 10(a)(2) of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that the Annual Selection Meeting for the President's Commission on White House Fellowships will be held at 10:30 a.m. until 10:00 p.m. on May 21–23, 1976, at Airlie House in Warrenton, Virginia.

The Annual Selection Meeting is part of the screening process of the White House Fellowship program. During this three-day meeting the thirty White House Fellow National Finalists will be interviewed by the members of the Presidential Commission. At the conclusion of this meeting, the Commission recommends to the President fifteen to twenty of these National Finalists to serve as White House Fellows. On May 24, 1976, the President will announce the 1976–77 class of White House Fellows.

It has been determined by the Chairman of the Civil Service Commission that due to the very nature of the screening process where personnel records and confidential character references must be used which, if revealed to the public, would constitute a clear invasion of an applicant's privacy, the content of these meetings falls within the provisions of Section 552(b)(6) of title 5 of the United States Code and that these meetings will be closed to the public.

BRUCE H. HASENKAMP,
Director.

Determination to Close a Meeting of the President's Commission on White House Fellowships to the Public Under Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463.

Subsections (a)(1) and (a)(3) of section 10 of the Federal Advisory Committee Act, Public Law 92–463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee are to be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and character references which we believe are personnel files exempt from disclosure under 5 USC 552(b)(6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 USC 552(b)(6).

Therefore, it is hereby determined that the meetings of the President's Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall with exemption (6) of section 552(b) of title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, those portions of the meeting dealing with confidential files and character references, to be held May 21–23, 1976, shall be closed to the public and the minutes and other papers of the President's Commission on White House Fellowships pertaining to those portions shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman,
U.S. Civil Service Commission.

[FR Doc.76-10977 Filed 4-15-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19473; 70-5838]

ARKANSAS-MISSOURI POWER CO.

Proposed Issuance and Sale of Short-Term Bank Notes and Exception From Competitive Bidding

APRIL 9, 1976.

In the matter of Arkansas-Missouri Power Company, 405 West Park Street, Blytheville, Arkansas 72315.

Notice is hereby given that the Arkansas-Missouri Power Company ("Arkansas-Missouri"), a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas-Missouri proposes to issue and sell, from time to time during the period commencing on the effective date of this declaration and continuing for one year thereafter, up to $5,500,000 of unsecured short-term promissory notes to Worthen Bank & Trust Company, Little Rock, Arkansas, for the account of 15 Arkansas participating banks, unsecured promissory notes payable not more than 270 days from the date of issuance. The notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at the prime commercial loan rate (currently 6¾%) of Chemical Bank, New York, New York, in effect from time to time. As the notes mature, they will be renewed (but to mature not later than one year from the effective date) or repaid out of funds then available to the company. The notes will, at the option of the company, be prepayable, in whole or in part, at any time without premium or penalty. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to, any of the participating banks in connection with the proposed borrowings.

A portion of the net proceeds to be received by Arkansas-Missouri from the issue and sale of the proposed notes will be applied to the payment on or before May 16, 1976, of $3,500,000 of the company's short-term borrowings then expected to be outstanding from the First National Bank of Memphis (see File No. 70-5664), and the balance of said proceeds will be applied to the company's 1976 construction program.

The expenses to be paid by Arkansas-Missouri in connection with the proposed transactions are estimated not to exceed $5,000. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 3, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from 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 postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10943 Filed 4-15-76;8:45 am]

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 8, 1976.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges: Tandycrafts, Inc. Common Stock—$1.00 Par Value File No. 7–4818.

Upon receipt of a request, on or before April 23, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to

take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-10938 Filed 4-15-76;8:45 am]

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 8, 1976.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

	File No.
Central Telephone & Utilities Corp., Common Stock—$2.50 Par Value.	7-4812
Gibaltar Financial Corp. of California, Capital Stock—$1.00 Par Value.	7-4813
Houston Oil & Mineral Corp., Common Stock—$0.10 Par Value.	7-4814
Kennametal, Inc., Common Stock—$2.50 Par Value.	7-4815
MCA, Inc. Common Stock—No Par Value.	7-4816
Whattaker Corp. Common Stock—$1.00 Par Value.	7-4817

Upon receipt of a request, on or before April 23, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10942 Filed 4-15-76;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

APRIL 12, 1976.

In the matter of trading in securities of Canadian Javelin, Ltd.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Canadian Javelin, Ltd., being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from April 13, 1976 through April 22, 1976.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-10940 Filed 4-15-76;8:45 am]

[Release No. 12325; SR-CSE-76-1]

CINCINNATI STOCK EXCHANGE

Order Approving Proposed Rule Change

APRIL 8, 1976.

In the Matter of Cincinnati Stock Exchange Dixie Terminal Building, Cincinnati, Ohio 45202.

On February 4, 1976, the Cincinnati Stock Exchange ("CSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposal amends Section 12 of the CSE Trading Rules to provide a proportional procedure for reducing open buy orders and open stop orders to sell when a security is to be quoted "ex-dividend," "ex-distribution," "ex-rights," or "ex-interest."

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. 34-12099 (February 11, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 7827 (February 20, 1976)).

On March 29, 1976, the CSE amended the earlier published proposal by changing Section 12(b)(2) to read "open stop orders to sell" instead of "open stock orders to sell." This was not a change in substance, and, therefore, it was not published in the FEDERAL REGISTER for public comment.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on February 4, 1976 and amended on March 29, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-10941 Filed 4-15-76;8:45 am]

[File No. 500-1]

DELTA STATES OIL INC.

Suspension of Trading

APRIL 6, 1976.

In the matter of trading in securities of Delta States Oil Incorporated.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Delta States Oil Incorporated being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:45 p.m. (e.s.t.) on April 6, 1976 through April 15, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10947 Filed 4-15-76;8:45 am]

[Rel. No. 19472; 70-5836]

EASTERN UTILITIES ASSOCIATION

Proposed Issue and Sale of Common Stock by Competitive Bidding

APRIL 9, 1976.

In the Matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107.

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7 and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

EUA proposes to issue and sell up to 510,000 shares of its common stock (par value $5.00 per share) ("stock") by competitive bidding. Proceeds from the sale of the stock will be applied to the reduction of EUA's outstanding short term bank borrowings. At the time of the expected sale of the stock in June 1976, it is estimated that EUA will have $20,000,000 in short term borrowings outstanding.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $100,000, including legal fees and expenses of $32,000 and accountants' fees of $15,000.

Notice is further given that any interested person may, not later than May 7, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the 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.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10944 Filed 4-15-76;8:45 am]

[File No. 500-1]

EMERSONS, LTD.

Suspension of Trading

APRIL 7, 1976.

In the matter of trading in securities of Emersons, Ltd.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Emersons, Ltd. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:55 a.m. (e.s.t.) on April 7, 1976 through April 16, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10949 Filed 4-15-76;8:45 am]

[File No. 500-1]

EQUITY FUND CORP. OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

APRIL 9, 1976.

In the matter of trading in securities of Equity Funding Corporation of America and Orion Capital Corporation.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from April 11, 1976 through April 20, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10946 Filed 4-15-76;8:45 am]

[Rel. No. 9245; 812-3938]

FRANKLIN CORP.

Filing of Application

APRIL 9, 1976.

In the Matter of Franklin Corporation, One Indiana Square, Suite 2610, Indianapolis, Indiana 46204.

Notice of filing of application for order pursuant to section 3(b)(2) of the Act declaring that company is not an investment company or, alternatively, for order pursuant to section 6(c) exempting company from all provisions of the Act.

Notice is hereby given that Franklin Corporation ("Applicant"), an Indiana corporation, filed an application on April 6, 1976, pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Applicant is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities, or, alternatively, for an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. 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 was organized in 1921 and until 1968 operated a finance company business. After the sale of such business, Applicant made several minor investments until it acquired 668,500 shares (representing a controlling interest of approximately 53.2%) of the common stock of Steak n Shake, Inc. ("Steak") from Longchamps Inc. in September, 1971. Applicant, through wholly-owned subsidiary, now owns 1,337,000 shares of the Common Stock of Steak as a result of a two-for-one stock split in 1972. After the proposed offering, the subsidiary will be liquidated and the remaining shares of Steak will be distributed to Franklin.

Applicant asserts that at all times since its acquisition of its interest in Steak, it has through its officers and directors actively operated and managed the business and affairs of Steak; that seven of the eight Directors of Steak are Directors of Applicant; that the President and the Executive Vice President of Steak are the President and the Vice President, respectively, of Franklin, and that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities.

Steak, a publicly held corporation subject to the reporting requirements under the Securities Exchange Act of 1934, is primarily engaged in the business of operating and supplying a chain of restaurants which do business as Steak n Shake Restaurants. As of September 30, 1975, Steak operated 99 such restaurants in eight states and received income from five licensed Steak Restaurants operating in two of those states. Applicant asserts that Steak is not an investment company.

Applicant proposes to offer between 225,000 and 250,000 shares of the common stock of Steak through a secondary offering to be registered under the Securities Act of 1933. Upon the consummation of the proposed offering Applicant will own less than a majority of the outstanding shares of Steak. Applicant represents that after the consummation of the proposed offering, it will continue to control and manage the business and affairs of Steak. Applicant states that the purpose of the proposed offering is to raise funds with which to repay substantially its outstanding indebtedness.

Section 3(a)(3) of the Act defines an investment company as any issuer which "* * * is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Section 3(a) states that securities issued by majority-owned subsidiaries of the owner are not investment securities. After the consummation of the proposed offering, Applicant's remaining shares of

Steak will be investment securities and will constitute over 40% of its total assets.

Section 3(b)(2) of the Act excepts from the definition of an investment company in Section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

As an alternative to the Commission's issuance of an order pursuant to Section 3(b)(2) of the Act, Applicant requests that the Commission issue an appropriate order under Section 6(c) of the Act which provides, in pertinent part, that the Commission upon application may conditionally or unconditionally exempt any person from any provision or provisions 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 with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may not later than May 3, 1976, 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 should 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 (air mail if the person being served is located more than 500 miles from the point of mailing) 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 in Rule O-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 on 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.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10945 Filed 4-15-76;8:45 am]

[Release No. 34-12321; File No. SR NYSE 76-22]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations

In the matter of proposed rule change by New York Stock Exchange, Inc.

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 April 1, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the terms of substance of the proposed rule change.

We are submitting herewith a proposed modification to the original listing standards of the New York Stock Exchange. This modification is to establish alternate listing standards for foreign companies that meet many times over the normal size and earnings yardsticks for listing on the Exchange with special provision for the unique situation concerning international share distribution.

	Proposed requirements	Normal domestic requirements
DISTRIBUTION		
Publicly held shares	2,500,000 worldwide	1,000,000.
Aggregate market value of publicly held shares.	$100,000,000	$16,000,000.
SIZE AND EARNINGS		
Net tangible assets	$100,000,000 worldwide	$16,000,000.
Pretax income	$100,000,000 cumulative in latest 3 yr with minimum of $25,000,000 in any 1 of the 3 yr.	$2,500,000 in latest fiscal year.

Statement of basis and purpose.

Purpose of proposed rule change. The New York Stock Exchange states that the purpose of these provisions is to provide an alternate set of listing standards for companies not organized under the laws of the United States and its political subdivisions that meet many times over the normal size and earnings yardsticks for listing on the Exchange. For those companies meeting the prescribed alternate size and earnings yardsticks, the Exchange will consider the acceptability of distribution of the company's shares and shareholders on a worldwide basis.

The Exchange recognizes that in many other countries the use of "bearer" shares, as contrasted to the U.S. practice of registering shares on the company's books and records, is widespread. In those situations, it would be difficult for a company to certify that it meets the alternate requirement of 5,000 round-lot shareholders on a worldwide basis. Therefore, in lieu of such certification, the Exchange will require the sponsorship of an Exchange member firm(s) as to the liquidity and depth of the market for the company's shares. In addition, the Exchange on its own investigation will determine that a broad and independent market exists for the company's shares.

Basis under the Act for the proposed rule change.

4. (a) v (E) The New York Stock Exchange states that the adoption of the proposed alternate listing standards for foreign companies will increase the protection of investors and be in the public interest, since eligible companies would have to comply with the applicable registration requirements of the Securities Acts.

Foreign companies would also have to comply with current NYSE standards and other policies concerning shareholder protection. However, the NYSE will exercise certain discretion to provide for adequate periods of adjustment with respect to the business practices and other requirements of foreign countries.

Compliance with the Exchange's Timely Disclosure/"Immediate Release" policy will also provide investors with timely and adequate disclosure of information relative to these foreign companies that does not now exist for them.

The New York Stock Exchange believes that listing securities of premier foreign companies in accordance with the proposed listing criteria and conformance with the Securities Acts will aid international capital flow and enhance public interest in the market while maintaining customary protection for the investing public.

Comments received from members, participants or others on proposed rule change.

Comments were neither solicited nor received from members, participants, or others.

Burden on competition. The New York Stock Exchange believes that this proposal places no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, 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 appropriated 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 six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, 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, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

APRIL 7, 1976.

[FR Doc.76-10937 Filed 4-15-76;8:45 am]

PBW STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 8, 1976.

In the matter of application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges: Gulf & Western Industries, Inc., "New" Warrants (Expiring January 31, 1978), File No. 7-4819.

Upon receipt of a request, on or before April 23, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-10939 Filed 4-15-76;8:45 am]

[File No. 500-1]

UNITED FOUNDERS LIFE INSURANCE CO.

Suspension of Trading

APRIL 6, 1976.

In the matter of trading in securities of United Founders Life Insurance Company.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of United Founders Life Insurance Company, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:28 p.m. (e.s.t.) on April 6, 1976 through April 15, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-10948 Filed 4-15-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Del. of Auth. No. 30, Rev. 15, Amdt. 7]

PROGRAM ACTIVITIES IN FIELD OFFICES

Delegation of Authority

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240) is amended to delegate necessary authorities to implement the decentralization of 8(a) contracting authority to the Seattle District Office.

Actions taken prior to the effective date of this document are hereby ratified to the extent they would have been authorized had this delegation been in effect.

Accordingly, Part VI of Delegation of Authority No. 30, Revision 15, is amended as follows:

Part VI—Procurement assistance program (PA.).

Section A—Certificate of competency approval authority.

* * * * *

Section B—Section 8(a) contracting authority (SBAct).

1. * * *
b. * * *
c. * * *
d. * * *
e. * * *
f. District Directors, Region IX, Anchorage, and Seattle D/O's, $500,000.
g. * * *
h. * * *
i. * * *
j. Contract Specialist, Seattle D/O, $50,000.
k. Branch Manager, El Paso, Texas, $350,000.
2. * * *
a. * * *
b. * * *
c. * * *
d. * * *
e. * * *
f. District Directors, Region IX, Anchorage, and Seattle D/O's, $500,000.
g. * * *
h. * * *
i. Contract Specialist, Seattle D/O, $50,000.
j. Branch Manager, El Paso, Texas, B/O, $350,000.
3. * * *
a. * * *
b. * * *
c. * * *
d. * * *
e. * * *
f. * * *
g. District Directors, Region IX, Anchorage, and Seattle D/O's, $500,000.
h. * * *
i. * * *
j. * * *
k. Contract Specialist, Seattle D/O, $50,000.
l. Branch Manager, El Paso, Texas, B/O, $350,000.

* * * * *

Effective Date: March 1, 1976.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[FR Doc.76-10950 Filed 4-15-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential

impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 12th day of April, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Apr. 9, 1976

Name of applicant	Location of enterprise	Principal product or activity
Federal Compress & Warehouse Co	Memphis, Tenn	Cotton warehousing and services.
Reliable Electric Co. (tenant to town of St. Stephen).	St. Stephen, S.C	Manufacture of telecommunications equipment.
St. Stephen Knitwear, Inc. (tenant to town of St. Stephen).	do	Contract sewing of children's and men's knit shirts, and children's pajamas.
Standard Components & Modular, Inc	Conyers, Ga	Manufacture of fabricated millwork.
Leland Farmers Co., Inc	Leland, Ill	Grain merchandising, drying, and storage.
Blue Bell Inc. (tenant to city of coalgate)	Coalgate, Okla	Manufacture of jeans.
Garan, Inc. (tenant to town of Port Barre)	Town of Port Barer, La.	Manufacture of denim dungarees.
Lundell Manufacturing Co., Inc	Cherokee, Iowa	Manufacture of farm equipment.
Godfrey Nursing Home	Brigham City, Utah	Nursing home.
Robert B. Hume	Sheridan, Wyo	Mobile home park.

[FR Doc.76-10956 Filed 4-15-76;8:45 am]

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1:30 p.m., May 10, 1976, at the General Accounting Office Building in Room 4454, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Work in progress
2. Status of the Employment Cost Index
3. Development of a training program for occupational wage collection
4. Program recommendations for wage and industrial relations statistics in the public sector
5. Studies for DOL relating to minimum wage legislation
6. Discussion of the draft report of the BLS task force on hours worked

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 7th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-11095 Filed 4-15-76;8:45 am]

Office of the Secretary

[TA-W-740]

DUBOW MANUFACTURING

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 16, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Dubow Manufacturing, Chicago, Illinois, a division of Golf Ball, Incorporated, Chicago, Illinois (TA-W-740). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sporting equipment produced by Dubow Manufacturing or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B or 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 26, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11097 Filed 4-15-76;8:45 am]

[TA-W-744]

SAN-TORO MANUFACTURING

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of San-Toro Manufacturing, a division of Shepard Clothing Company, Fall River, Massachusetts (TA-W-744). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by San-Toro Manufacturing 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 theatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 26 April 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-11098 Filed 4-15-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 26]

ASSIGNMENT OF HEARINGS

APRIL 13, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 83539 (Sub-414), C & H Transportation Co., Inc. application dismissed.

MC-C-8958, Global Van Lines, Inc.—Investigation and Revocation of Certificates is now assigned July 7, 1976 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 19227 (Sub-220), Leonard Bros. Trucking Co., Inc. now being assigned July 8, 1976 (2 days) at Los Angeles, California in a hearing room to be later designated.

MC 98327 (Sub-17), System 99 now being assigned July 12, 1976 (1 week) at San Francisco, California and will be held in the Holiday Inn, 750 Kearney Street.

MC 98327 (Sub-17), System 99, now being assigned July 19, 1976 for continued hearing at Medford, Oregon and will be held at the Red Lion Motor Inn, 200 North Riverside.

MC 133922 Sub-11, William H. Nagel, d.b.a. Jenkins and Nagel Trucking Co., now being assigned July 20, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 135078 Sub-7, American Transport, Inc., now being assigned July 21, 1976 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 128273 Sub-167, Midwestern Distribution, Inc., now being assigned July 22, 1976 (2 days) is continued at Chicago, Ill., in a hearing room to be later designated.

MC 113325 Sub-141, Slay Transportation Co., Inc., MC 115651 Sub-26, Kaney Transportation, Inc., MC 124070 Sub-33, Chemical Haulers, Inc., now being assigned July 26, 1976 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 136147 Sub-2, Coach Travel Unlimited, Inc., now being assigned July 28, 1976 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12456, Skyline Transport, Inc.—Lease (Portion)—O'Boyle Tank Lines, Incorporated was to commence on April 12, 1976, postponed to May 17, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF 478, Brinke Transportation Corporation, now assigned May 18, 1976, at Miami, Fla., will be held in the Tax Court Room 1524, Federal Bldg., 51 S.W. First Avenue.

MC 135288 Sub-4, McGill's Taxi and Bus Lines, Inc., now assigned May 17, 1976, at Greensboro, N.C., will be held in the Small Court Room, 2nd Floor, Post Office & Courthouse Bldg., 324 W. Market Street.

AB 55 Sub-3, Seaboard Coast Line Railroad Company Abandonment Between Malmo and Whiteville, In Brunswick and Columbus Counties, North Carolina, now assigned May 24, 1976, at Whiteville, N.C., will be held in the Grand Jury Room, Columbus County Courthouse.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11131 Filed 4-15-76;8:45 am]

[Notice No. 27]

ASSIGNMENT OF HEARINGS

APRIL 13, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 19311 Sub-30, Central Transport, Inc., now being assigned for continued hearing on June 21, 1976 (2 weeks), at Midland, Mich., at the Ramada Inn, 2914 West Midland Road, instead of June 30, 1976.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11132 Filed 4-15-76;8:45 am]

[Notice No. 46]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11592 (Sub-No. 16TA), filed March 30, 1976. Applicant: BEST REFRIGERATED EXPRESS, INC., 3000 South 11th St., P.O. Box 938, Council Bluffs, Iowa 51501. Applicant's representative: F. E. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of American Beef Packers, Inc., at or near Okland, Iowa, to Atlanta, Ga.; Greensboro, N.C.; and Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kenneth D. Hering, Traffic Manager, American Beef Packers, Inc., Okland, Iowa 51560. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 14314 (Sub-No. 21TA), filed March 29, 1976. Applicant: DUFF TRUCK LINE, INC., Boadway and Vine Streets, P.O. Box 359, Lima, Ohio 45802. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Jonesville and Hillsdale, Mich., on the one hand, and, on the other, Montpelier, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by rail. Applicant intends to interline with rail service at Montpelier, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sierra Permaneer Furniture Company, 501 W. Carleton Rd., Hillsdale, Mich. 49242. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 27817 (Sub-No. 124TA), filed March 29, 1976. Applicant: H. C. GAB-

LER, INC., R.D. No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned puddings*, from the plantsites and storage facilities of Knouse Foods, Inc., located in Adams and Franklin Cos., Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the above origins and destined to the named states, for 180 days. Supporting shipper: Knouse Foods, Inc., Peach Glen, Pa. 17306. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 39249 (Sub-No. 16TA), filed April 2, 1976. Applicant: MARTY'S EXPRESS, INC., 2395 Wheatsheaf Lane, Philadelphia, Pa. 19137. Applicant's representative: Ira G. Megdal, 499 Cooper Landing Road, P.O. Box 459-469, Cherry Hill, N.J. 08002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, from Cornwells Heights, Pa., to Media and Harrisburg, Pa., restricted to traffic originating at or destined to a Gimble's facility. Applicant intends to tack its existing authority with MC 39249, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gimbel's Philadelphia Division, Brown and Williamson, Eighth and Market Streets, Philadelphia, Pa. 19103.

No. MC 52657 (Sub-No. 734TA), filed March 17, 1976. Applicant: ARCO AUTO CARRIERS, INC., 2149 W. 79th St., Chicago, Ill. 60620. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer* chassis, dump bodies and parts, materials and supplies thereof (except trailers and trailer chassis designed to be drawn by passenger automobiles), from New Wilmington, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Liberty Body & Trailer Manufacturing Co., Inc., Salvatore Davelli, Treasurer, 428 Park Ave., New Castle, Pa. 16101. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 56082 (Sub-No. 70TA), filed March 31, 1976. Applicant: DAVIS & RANDALL, INC., P.O. Box 390, Fredonia, N.Y. 14063. Applicant's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (beer) *and related advertising materials*, other than in bulk, from South Volney, N.Y., to points in Maryland, New Jersey, New York, Ohio, and Pennsylvania; and (2) *Materials, supplies, and equipment*, other than in bulk, used in the manufacture, sale, and distribution of malt beverages, including empty containers and returned malt beverages, from points in Maryland, New Jersey, New York, Ohio, and Pennsylvania, to South Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 60756 (Sub-No. 11TA), filed April 2, 1976. Applicant: CRESCENT MOTOR LINES, P.O. Box 2625, Spartanburg, S.C. 29302. Applicant's representative: P. B. Chappell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, trailers or containers* on chassis or flatbeds, *and empty chassis* within the Commercial Zone of Charleston, S.C. Applicant intends to tack its existing authority at all points within the Commercial Zone of Charleston, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Dickinson, Mikell & Comar Inc., P.O. Box 187, Charleston, S.C. 29402. Schuldt Atlantic Line & Contramar SA, P.O. Box 974, Charleston, S.C. 29402. American President Lines, Ltd., 1 Cordes St., Charleston, S.C. 29401. Rohner, Gehirg & Co., Inc., P.O. Box 246, Charleston, S.C. 29402. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Picken St., Columbia, S.C. 29201.

No. MC 66571 (Sub-No. 6TA), filed April 1, 1976. Applicant: RED LINE INC., 2310 Orange Ave., P.O. Box 13186, Roanoke, Va. 24031. Applicant's representative: W. B. Hill, 666 11th St., N.W., Washington, D.C. 2000. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and mirrors* and (2) *Materials, supplies, and equipment used in the manufacture of new furniture and mirrors;* (1) from Bassett and Martinsville, Va., to points in Maryland, Pennsylvania, New Jersey, and Delaware; and (2) from points in Maryland, Pennsylvania, New Jersey, and Delaware, to Bassett and Martinsville, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bassett Furniture Industries, Inc., Bassett, Va. 24055. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24001.

No. MC 104675 (Sub-No. 38TA), filed April 2, 1976. Applicant: FRONTIER DELIVERY, INC., 620 Elk St., Buffalo, N.Y. 14210. Applicant's representative: E. Russell Whiteman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid road tar*, in bulk, in tank vehicles, from Gardenville (Erie County), N.Y., or Utica (Oneida County), N.Y., to Portland, Conn., for 180 days. Supporting shipper: Koppers Company, Inc., 111 Great Arrow Ave., Buffalo, N.Y. 14216. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 106674 (Sub-No. 190TA), filed March 30, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, from Lotterell, Tenn., to points in Michigan and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Luttrell Mining Co., Inc., P.O. Box 12009, Knoxville, Tenn. 37912. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 106674 (Sub-No. 191TA), filed March 31, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from points in Kentucky and Tennessee, to Alton, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alton Box Board Company, 401 Alton St., Alton, Ill. 62002. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 108207 (Sub-No. 438TA), filed March 29, 1976. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz St., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*

and articles distributed by meat packinghouses, and frozen foods, from the plantsite and warehouse facilities of Doskocil Sausage Co., at or near Hutchinson, Kans., to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Tennessee, Arkansas, Oklahoma, Missouri, Kentucky, Ohio, Indiana, Illinois, Iowa, Nebraska, South Dakota, Minnesota, Wisconsin, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doskocil Sausage Company, 9 North Main St., Hutchinson, Kans. 65705. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 111170 (Sub-No. 228TA), filed April 2, 1976. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk (except Bromine), in tank vehicles, from Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina, for 180 days. Supporting shipper: Dow Chemical U.S.A., Eastern Division, P.O. Box 3600, 14955 Sprague Rd., Cleveland, Ohio 44136. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112713 (Sub-No. 191TA), filed March 29, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: Edward G. Bazelon, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* between the terminal facilities of Republic Freight System, Inc., located in Dade, Broward, and Palm Beach Counties, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to shipments moving on bills of lading issued by the named freight forwarder. Applicant intends to interline. Applicant proposes to perform a pickup and delivery service for Republic Freight System, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Republic Freight System, Inc., P.O. Box 7270, Shawnee Mission, Kans. 66207. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 112822 (Sub-No. 402TA), filed March 30, 1976. Applicant: BRAY LINES, INCORPORATED, 1401 N. Little St., Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sakrete,* in bags (except in bulk), from Hurst, Tex., to points in Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texas Industries, Inc., Box 400, Arlington, Tex. 76010. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 112854 (Sub-No. 39TA), filed April 1, 1976. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, N.Y. 14520. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Pallets and tote boxes,* from the Town of Arcadia, N.Y. (Wayne County), to Youngstown, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter C. Herman, President, Peter C. Herman, Inc., Minsteed Road, Marion, N.Y. 14505. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 113271 (Sub-No. 37TA), filed April 1, 1976. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, Mont. 59403. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acid,* in bulk, from points in Deer Lodge and Yellowstone Counties, Mont., to points in Campbell, Crook, Weston, Johnson, Washakie, Hot Springs, Park, Sherican, and Big Horn Counties, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quentin P. Dyce, President, Dyce Sales & Engineering Service Co., 1353 Taylor Place, Billings, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 113855 (Sub-No. 345TA), filed April 2, 1976. Applicant: International Transport, Inc., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Processed sulfur,* in bags, from the ports of entry on the International Boundary line between the United States and Canada, located in Montana, to points in Minnesota, Michigan, South Dakota, Iowa, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Ohio, Kentucky, and Kansas, restricted to traffic originating approximately 15 miles west of Didsbury, Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agri-Sul Canada Ltd., P.O. Box 3756 Station "B", Calgary, Alberta, Canada T2M 4N4. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115730 (Sub-No. 11TA), filed April 1, 1976. Applicant: THE MIDKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from points in Joliet and Chicago, Ill., Commercial Zones, and points in Porter County, Ind., to the plantsite and facilities of Behlen Manufacturing Company, at or near Columbus, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Behlen Manufacturing Company, Columbus, Nebr. 68601. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 115821 (Sub-No. 21TA), filed April 2, 1976. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone and limestone products,* in bulk, from the plantsite and storage facilities of Mississippi Lime Co., at or near Mosher and Ste. Genevieve, Mo., to Mt. Vernon, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Erath, General Traffic Manager, GAF Corporation, 1361 Alps Road, Wayne, N.J. 07470. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 115826 (Sub-No. 262TA), filed March 30, 1976. Applicant: W. J. DIGBY, INC., 1960 31st St., Denver Colo. 80217. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Georgia, Idaho, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming, restricted to traffic originating at the destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send pro-

tests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 116710 (Sub-No. 22TA), filed March 31, 1976. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6167, Bossier City, La. 71010. Applicant's representative: John M. Goff, 2001 East Texas, Bossier City, La. 71010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molten polypropylene*, in bulk, in tank vehicles capable of maintaining product at 390°F, from the plantsite of Texas Eastman Co., at or near Longview, Tex., to Dalton, Ga., and points within 3 miles thereof and Lockland, Ohio, and points within 3 miles thereof, under a continuing contract with Texas Eastman Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texas Eastman Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La.

No. MC 117427 (Sub-No. 72TA), filed April 1, 1976. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* crated, from North Wilkesboro, N.C., to points in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Drew, Inc., P.O. Box 489, North Wilkesboro, N.C. 28659. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 118535 (Sub-No. 78TA), filed April 1, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Kansas City, Mo., and the facilities of Kansas City Power and Light Company, at or near Clinton, Mo., and from the facilities of Kansas City Power and Light Company, at or near La Cygne, Kans., to points in Colorado, Louisiana, Mississippi, New Mexico, and Texas, for 180 days. Supporting shipper: Walter N. Handy Co., Inc., 1988 S. Glenstone Ave., Springfield, Mo. 65804. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119439 (Sub-No. 141TA), filed April 1, 1976. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the plantsite and storage facilities of Lincoln Grain, Inc., Cereal Processing Division, at or near Atchison, Kans., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Lincoln Grain, Inc., Cereal Processing Division, Box 436, Atchison, Kans. 66002. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119334 (Sub-No. 16TA), filed April 2, 1976. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irbin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sulphur* in bags, from all ports of entry on the International Boundary line between the United States and Canada, located in Idaho and Montana, to points in California, Colorado, Idaho, Montana, Oregon, Washington, and Wyoming, on traffic originating at the plantsite of Agri-Sul Canada, Ltd., located approximately 15 miles west of Didsbury, Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. T. Walsh, General Manager, Agri-Sul Canada, Ltd., P.O. Box 3753, Station "B", Calgary, Alberta, Canada T2M 4N4. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 120761 (Sub-No. 7 TA), filed April 1, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 13302, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron, scrap steel, and crushed motor vehicle bodies*, from points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Wyoming, to points in Ellis County, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chaparral Steel Company, Highway 67, Midlothian, Tex. 76065. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 123255 (Sub-No. 68TA), filed March 31, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43005. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxes, pulpboard* other than corrugated, from Cleveland, Tenn., to Albany, Augusta, and Macon, Ga.; Chicago, Ill.; Alexandria, La.; Kansas City, Kans.; Louisville, Ky.; Baltimore, Md.; Quincy, Mass.; Chebovgan, Mich.; Neely's Landing and St. Louis, Mo.; Port Ivory, N.Y.; Winston-Salem, N.C.; St. Bernard, Ohio; Mehoopany, Pa.; and Dallas, Tex., and (2) *Material, equipment, and supplies* used in the manufacture and distribution of boxes, pulpboard other than corrugated, from Macon, Ga.; Louisville, Ky.; Winston-Salem, N.C.; and Covington, Va., to Cleveland, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123255 (Sub-No. 69TA), filed April 1, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (beer) *and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Delaware, Washington, D.C., and Maryland and (2) *returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Delaware, Washington, D.C., and Maryland, to South Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123405 (Sub-No. 44TA), filed March 29, 1976. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers; *oil filters and vehicle body sealer and sound deadener compound*, from St. Marys, W. Va., to points in Texas, Arkansas, and Oklahoma, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Quaker State Oil Refining Corporation, Oil City, Pa. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123872 (Sub-No. 47TA), filed March 30, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities of Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Kentucky and Virginia, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 124328 (Sub-No. 95TA), filed March 30, 1976. Applicant: BRINK'S INCORPORRATED, 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Noble metals and precious metals*, between Chicago, Ill., and Mooringsport, La., and Port of Catoosa, Okla., under a continuing contract with Universal Oil Products, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Oil Products, John Witt, 2454 Dempster, Des Plaines, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124328 (Sub-No. 96TA), filed April 1, 1976. Applicant: BRINK'S INCORPORATED, 234 E. 24th St., Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, business records, securities, audit media, cash letters, data processing records, reports, forms or media on paper, cards, tape or film*, as are used in the business of banks, banking and other financial institutions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland, within 200 miles of Pittsburgh, under a continuing contract with Federal Reserve Bank of Cleveland; Pittsburgh National Bank and Mellon Bank, N.A., for 180 days. Supporting shippers: (1) Federal Reserve Bank of Cleveland, Robert G. Goury, Assistant Gen. Counsel, P.O. Box 6387, Cleveland, Ohio 44101. (2) Pittsburgh National Bank, Rovert S. Taylor, Sr., Vice President, Pittsburgh, Pa., and (3) Mellon Bank, N.A., Robert Fletcher, Vice President—Operations, Mellon Square, Pittsburgh, Pa. 15230. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124878 (Sub-No. 8TA), filed March 31, 1976. Applicant: LAPADULA AIR FREIGHT TRNSFER, INC., 149-04 New York Blvd., Jamaica, N.Y. 11434. Applicant's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives and commodities in bulk), restricted to shipments moving in substituted motor for air service or on airline or airfreight bills of lading, between Philadelphia, Pa., on the one hand, and, on the other, Newark, Municipal Airport, Newark, N.J., and J. F. Kennedy International Airport, New York, N.Y. Applicant intends to tack its existing authority with MC 124878 and Sub-No. 5, at New York, N.Y., for 180 days. Supporting shippers: There are approximately 22 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126276 (Sub-No. 146TA), filed March 30, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of American Can Company, at Morrisville (Bucks County), Pa., to Twinsburg, Ohio, under a continuing contract with American Can Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Richard P. Edwards, Asst. Trans. Mgr. Operations, American Land, Greenwich, Conn. 06830. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 127651 (Sub-No. 32TA), filed April 1, 1976. Applicant: EVERETT G. ROEHL, INC., P.O. Box 7, East 29th St., Marchfield, Wis. 54449. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of the Weyerhaeuser Company, located at or near Marshfield, Wis., to points in Illinois, Indiana, Iowa, Minnesota, and South Dakota, restricted to traffic originating at and destined to the involved points, for 180 days. Supporting shipper: Weyerhaeuser Company, 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 128021 (Sub-No. 22TA), filed March 31, 1976. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wax impregnated sawdust logs; charcoal; and wood chips, lighter fluid and items used in outdoor cooking in mixed loads with wax impregnated sawdust logs or charcoal*, from points in Tucker County, W. Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia; and (2) *materials and supplies used in the manufacture of wax impregnated sawdust logs, charcoal, and wood chips, lighter fluid and items used in outdoor cooking* (except commodities in bulk in tank vehicles), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia, to points in Tucker County, W. Va., under a continuing contract with The Kingsford Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 128030 (Sub-No. 104TA), filed March 31, 1976. Applicant: THE STOUT TRUCKING CO., INC., R.R. No. 1, P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, coils* for water cooling towers, from Paxton, Ill., to Baltimore, Md., for 180 days. Supporting shipper: Baltimore Aircoil Co., Inc., George E. Klein, Traffic Manager, P.O. Box 7, R.R. No. 2, Pax-

ton, Ill. 60957. Send protest to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128030)Sub-No. 105TA), filed April 1, 1976. Applicant: THE STOUT TRUCKING CO., INC., R.R. No. 1, P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Champaign, Urbana, Ill., to Terre Haute, Ind., for 180 days. Supporting shippers: Twin City Recycling Service, Inc., 2808 N. Lincoln Ave., Urbana, Ill. 60801. Solotken Company, 101 S. Harding, Indianapolis, Ind. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128383 (Sub-No. 68TA), filed March 31, 1976. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), in aircraft containers and pallets, in trailers equipped with roller bed floors, between Miami International Airport, Miami, Fla., on the one hand, and, on the other, Houston Intercontinental Airport, Houston, Tex.; Dallas Love Field, Dallas, Tex.; San Antonio International Airport, San Antonio, Tex.; Dallas-Fort Worth International Airport near Fort Worth, Tex.; Wiley Post Airport, Oklahoma City, Okla.; Will Rogers World Airport, Oklahoma City, Okla.; and Tulsa International Airport, at Tulsa, Okla., restricted to traffic having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Ven-Air Service, Inc., 3043 Jetero Blvd., Houston, Tex. 77205. Five Star Airfreight Corporation, 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 128383 (Sub.-No. 69TA), filed March 31, 1976. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and motor vehicles requiring special equipment), in trailer equipped with roller bed floors, between Tulsa International Airport, Tulsa, Okla.; Will Rogers World Airport, Oklahoma City, Okla.; Wiley Post Airport, Oklahoma City, Okla.; Dallas Love Field, Dallas, Tex.; Dallas-Fort Worth International Airport, Fort Worth, Tex.; Houston Intercontinental Airport, Houston, Tex.; El Paso International Airport, New Orleans, La.; Municipal Airport, Little Rock, Ark.; and Laredo International Airport, Laredo, Tex., on the one hand, and, on the other, O'Hare International Airport, Chicago, Ill.; New Orleans International Airport, New Orleans, La.; J. F. Kennedy International Airport, New York, N.Y.; Newark International Airport, Newark, N.J., Los Angeles International Airport, Los Angeles, Calif., San Francisco International Airport, San Francisco, Calif., and Oakland International Airport, Oakland, Calif., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 129387 (Sub-No. 20TA), filed March 29, 1976. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, P.O. Box 2171, Huron, S. Dak. 57350. Applicant's representative: William J. Boyd, 600 Enterprise, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described* in Sections A and C of Appendix I to the report in *Discriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Schuyler, Nebr., to points in Illinois, Pennsylvania, New York, Delaware, Maryland, the District of Columbia, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Massachusetts, and New Jersey, for 180 days. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 129568 (Sub-No. 4TA), filed April 2, 1976. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins St., Milwaukee, Wis. 53209. Applicant's representative: Richard A. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice*, from Milwaukee, Wis., to the construction site of the Atomic Electrical Generating Plant of Commonwealth Edison Company, at or near Byron, Ill., under a continuing contract with Hometown, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hometown, Inc., 1518 E. North Ave., Milwaukee, Wis. 53202. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 136008 (Sub-No. 72TA), filed April 2, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *soda ash*, in bulk, from points in Sweetwater County, Wyo., to the plantsites of Kerr Glass Manufacturing Corp., at Sand Springs, Okla., and Waxahachie, Tex., and to the plantsite of EMC Glass Corporation, at Decatur, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Kerr Glass Manufacturing Corporation, Box 97, Sand Springs, Okla. 74063. (2) EMC Glass Corporation, P.O. Box 164, Decatur, Tex. 76234. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 136605 (Sub-No. 12TA), filed March 31, 1976. Applicant: DAVIS BROS. DIST., INC., 2024 Trade St., P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans*, from Chicago, Ill., to Great Falls, Mont., for 180 days. Supporting shipper: Blaine W. LeSuer, General Manager, Morgan Chemicals, Inc., P.O. Box 3002, Great Falls, Mont. 59403. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 139219 (Sub-No. 2TA), filed March 31, 1976. Applicant: LANE TRUCKING, INC., 2230 North Range, Dothan, Ala. 36301. Applicant's representative: William K. Martin, 57 Adams Ave., P.O. Box 2069, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open top dump trucks and dump trailers only, (1) from the plantsites of Montevallo Limestone Sales, Inc., and Southern Stone Company, Inc., at or near Maylene, Shelby County, Ala., to points in Jackson, Okaloosa, Santa Rosa, Holmes, and Calhoun Counties, Fla., and Dougherty, Decatur, Miller, Mitchell, Grady, Quitman, Randolph, Seminole, Early and Calhoun Counties, Ga.; (2) from points in Lee County, Ala., to points in Seminole, Early, Calhoun and Dougherty Counties, Ga., and Jack-

son County, Fla.; and (3) from points in Santa Rosa and Jackson Counties, Fla., to points in Houston, Henry, Dale, Barbour, Russell, Bullock, Pike, Crenshaw, Coffee, Geneva and Covington Counties, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141816 (Sub-No. 1TA) (Correction), filed March 9, 1976, published in the FEDERAL REGISTER issue of April 7, 1976, republished as corrected this issue. Applicant: WILLIS WAREHOUSING COMPANY, 550 Glen Ave., Moorestown, N.J. 08057. Applicant's representative: David M. Schwartz, Suite 500, 1025 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden supplies and ornaments, pet supplies, artificial trees and Christmas ornaments and floral and nursery stock*, when moving in mixed shipments with regulated commodities, between the warehouse and storage facilities used by Sears, Roebuck and Company, located at or near Moorestown, N.J., on the one hand, and, on the other, stores and sources of supply of Sears, Roebuck and Company, located at points in Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania and Virginia, under a continuing contract with Sears, Roebuck and Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sears, Roebuck and Co., 4640 Roosevelt Bldv., Philadelphia, Pa. 19132. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608. The purpose of this republication is to correct the commodity description.

No. MC 141837 (Sub-No. 1TA), filed April 1, 1976. Applicant: ELLIS AG SERVICE, INC., 504 Henderson St., Andalusia, Ala. 36420. Applicant's representative: Selwyn H. Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Lockhart, Ala., to Cantonment, Fla., and Cedar Springs, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lockhart Lumber Co., Inc., P.O. Box 207, Lockhart, Ala. 36455. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

PASSENGER APPLICATION

No. MC 58522 (Sub-No. 9TA), filed March 30, 1976. Applicant: RIVER TRAILS TRANSIT LINES, INC., Highway 20 West, Galena, Ill. 61036. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between Galena, Ill., and Dubuque, Iowa, for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11133 Filed 4-15-76;8:45 am]

[Notice No. 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 13, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 106433 (Sub-No. 9TA), filed April 5, 1976. Applicant: ANTRIM TRANSPORTATION CO., INC., 7-11 Suffern Place, Suffern, N.Y. 10901. Applicant's representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont; and (2) *Returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, to Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, Edward P. Gevrts, Assistant Corporate Traffic Manager, Operations, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 631TA), filed April 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), (a) between points in Iowa, Minnesota, North Dakota and South Dakota; and (b) between points in South Dakota, on the one hand, and, on the other, points in Nebraska. Restrictions: (1) No service shall be provided for the transportation of packages weighing more than 50 pounds, and each package or article shall be considered a separate and distinct shipment. (2) No service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one location to one consignee at one location in any one day and (3) No transportation of shipments shall be provided to or from the premises of any shipper for whom applicant or any of its subsidiaries perform contract carrier service, for 180 days. Supporting Shippers: There are approximately 22 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony D. Giaimo, District Supervisor,

Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119399 (Sub-No. 58TA), filed March 29, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N. W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, enclosurers for glass containers, and corrugated boxes*, knocked down, from Muskogee, Okla., to points in Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., P.O. Box 8, Muskogee, Okla. 74401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo.

No. MC 124813 (Sub-No. 147TA), filed April 2, 1976. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed car bodies and salvage auto parts*, from points in Nebraska, North Dakota, and South Dakota, to Minneapolis-St. Paul, Minn.; Milwaukee, Wis.; Chicago, Ill., and South Deloit, Ill., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Milford Pepper, Sole Proprietorship, d.b.a. Century Enterprises, P.O. Box 6552, Denver, Colo. 80206. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 133149 (Sub-No. 2TA), filed April 2, 1976. Applicant: CLAIR ROBISON, 1061 W. Walnut, Brownstown, Ind. 47220. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic gaskets*, from Salem, Ind., to Greenville, Mich., and (2) *Plastic granules, strip, plastic and iron powder in cartons*, from Marietta, Ohio, to Salem, Ind., restricted to traffic originating at or destined to the plantsite of B. F. Goodrich Company, in Salem, Ind., under a continuing contract with B. F. Goodrich Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 134922 (Sub-No. 167TA), filed April 5, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint brushes, paint rollers and paint sprayers*, from Wooster, Ohio, to Reno, Nev., for 180 days. Supporting shipper: The Wooster Brush Company, 604 Madison Ave., Wooster, Ohio 44691. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135082 (Sub-No. 27TA), filed April 5, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, N.E., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile and commodities incidental to the installation thereof* (except commodities in bulk, moving in tank vehicles), from Hopkins County, Tex., to points in Arizona, Colorado, New Mexico and Utah, for 180 days. Supporting shipper: A. P. Green Refractories Company, P.O. Box 2707, Sulphur Springs, Tex. 75482. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, k106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No MC 135916 (Sub-No. 3TA), filed March 31, 1976. Applicant: ROBERT J. LITTLE, doing business as LITTLE'S DELIVERY SERVICE, Box 332, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, books, original artwork copy and transmittal orders*, in pouches and cartons, between the plantsite of R. R. Donnelley at Crawfordsville, on the one hand, and, on the other, Weir Cook Municipal Airport, at or near Indianapolis, Ind., restricted to traffic having an immediately prior or subsequent movement by air, under a continuing contract with R. R. Donnelley & Sons, for 180 days. Supporting shipper: R. R. Donnelley & Sons, 1009 Sloan St., Crawfordsville, Ind. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 136318 (Sub-No. 39TA), filed April 2, 1976. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recorded material and related accessories*, from Indianapolis, Ind., to points in California. Restrictions: (1) Restricted to traffic originating at the plantsite and facilities of RCA. (2) Restricted to traffic moving under a continuing contract or contract with RCA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: RCA, Cherry Hill, N.J. 08034. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 136476 (Sub-No. 5TA), filed March 29, 1976. Applicant: TRANSPORT WEST, INC., 175 S. Danebo, Eugene, Oreg. 97402. Applicant's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One S. W. Columbia, Portland, Oreg. 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lumber and lumber products*, from points in Oregon and Washington West of Highway 97, to points in California, Nevada, Arizona, Idaho, Washington and Colorado, under contract with Fremont Forest Products; and (B) *Irrigation systems, and equipment, parts, accessories, materials and supplies used in the manufacture and installation of irrigation systems*, between the facilities of Pierce Corporation, at Eugene, Oreg., on the one hand, and, on the other, points in and west of the states of Ohio, Illinois, Tennessee and Mississippi (except Alaska and Hawaii), to points in Washington, Oregon, Idaho, Utah, Nevada, California, New Mexico, Texas, Oklahoma, Colorado, Kansas, Nebraska, Minnesota, Wisconsin, Michigan, Montana, Iowa, Arizona, South Dakota and North Dakota, under contract with Pierce Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Fremont Forest Products, 49½ West 29th Ave., Eugene, Oreg. Pierce Corp., 10 N. Garfield, P.O. Box 528, Eugene, Oreg. Supporting shipper: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 136897 (Sub-No. 17TA), filed March 30, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles, distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report on *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), between Phoenix, Ariz., on the one hand, and, on the other, points in California, under a continuing contract with Jefferson Packing Co., Inc., for 180 days. Supporting shipper: Jefferson Packing Co., Inc., 2601 North 31st

Ave., Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138198 (Sub-No. 2TA), filed April 2, 1976. Applicant: SPD TRUCK LINE, INC., Opalena at Cottage, Abilene, Kans. 67410. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by wholesale or retail discount or variety stores, from points in Arkansas, Colorado, Kansas, Missouri, Oklahoma, Nebraska, New Mexico, and Texas, to points in Iowa, under a continuing contract with Duckwall Stores, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Duckwall Stores, Inc., Opalena At Cottage, Abilene, Kans. 67410. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 138336 (Sub-No. 8TA), filed April 1, 1976. Applicant: CROSSLIN-GRADER CORPORATION, P.O. Box 5807, 1022 Sixth Ave., North, Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank, II, 700 North Garden St., Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters and water heater parts and associated packing materials*, from Ashland City, Tenn., to Henderson, Nev., under a continuing contract with State Industries, Inc., for 180 days. Supporting shipper: State Industries, Inc., Ashland City, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138882 (Sub-No. 13TA), filed April 5, 1976. Applicant: WILEY SANDERS, INC., P.O. Box 161, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from the facilities of Elba Pallets, Inc., located at or near Elba, Ala., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Texas and Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elba Pallets, Inc., P.O. Box 276, Elba, Ala. 36323. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 139376 (Sub-No. 2TA), filed April 5, 1976. Applicant: A B C TRANSIT CO., INC., 11440 West Center Road, Omaha, Nebr. 68144. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Omaha, Nebr., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Nevada, Utah, Idaho, Washington, Oregon and California, under a continuing contract with Nashua Corporation, for 180 days. Supporting shipper: Curtis G. Wittekind, Traffic Supervisor, Nashua Corporation, 3838 South 108th St., Omaha, Nebr. 68144. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 140180 (Sub-No. 7TA), filed March 31, 1976. Applicant: CHEYENNE EXPRESS, INC., P.O. Box 8295, Nashville, Tenn. 37207. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and bean bags*, in cartons and plastic wrappers, from the plantsite of Texas Leisure Services, Inc., Fort Worth, Tex., to points in Tennessee, Kentucky, Indiana, Ohio, Illinois and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Texas Leisure Services, Inc., 4521 Anderson Blvd., Fort Worth, Tex. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 140227 (Sub-No. 2TA), filed March 30, 1976. Applicant: DALE ETTESVOLD, 1287 11th Ave., Granite Falls, Minn. 56241. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Fairmont, Granite Falls, Ortonville, Slayton, Sleepy Eye and Victoria, Minn., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., and U.S. Courthouse, 110 South 4th St., Minneapolis, Minn. 55401.

No. MC 140703 (Sub-No. 3TA), filed March 29, 1976. Applicant: B.C.M. TRUCKING, INC., Route 3, Box 223, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pilers and parts and attachments for beet pilers*, from the facilities of C. F. & I. Engineering, Inc., located at or near Denver, Colo., to Washakie and Goshen Counties, Wyo., and the port of entry on the International Boundary between the United States and Canada, located at or near Sweetgrass, Mont., Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with C. F. & I. Engineering, Inc., of Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. F. & I. Engineering, Inc., 3309 Blake St., Denver, Colo. 80205. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140829 (Sub-No. 9TA), filed March 31, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Richard J. Loose, Manager Rates & Regulatory Affairs, Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141340 (Sub-No. 1TA), filed March 29, 1976. Applicant: HENDERSON TRANSFER, INC., Henderson, Nebr. 68371. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment, materials and supplies*, from Henderson, Nebr., to points in the United States (except Alaska and Hawaii, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Vermont, Connecticut, Massachusetts, New Hampshire, Maine, Delaware, Maryland, New Jersey, Rhode Island, and the District of Columbia), restricted to a transportation service to be performed under a continuing contract with Midwest Irrigation, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ronald Stephens, Office Manager, Midwest Irrigation, Inc., Henderson, Nebr. 68371. Send protests to: Max H. Johnston, District Supervisor, 100 Centennial Mall North, 285 Federal Bldg., Lincoln, Nebr. 68508.

No. MC 141379 (Sub-No. 1TA), filed March 30, 1976. Applicant: CALVIN CL HARTSFIELD, doing business as SOUTHSIDE AUTO PARTS, Highway 25 South, Box 161, Route 1, Malden, Mo. 63863. Applicant's representative: Joseph E. Rebman, Suite 1230, Boatmen's Bank Bldg., 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and used automobiles*, between Kennett, Mo., and Sacramento, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Autoworld, 2160 Fulton Ave., Sacramento, Calif. 95825. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 141647 (Sub-No. 2TA), filed April 5, 1976. Applicant: RONALD D. STOKES, ALFRED D. STOKES, DEWEY STOKES, JR., doing business as STOKES CONSTRUCTION COMPANY, P.O. Box 1046, Philomath, Oreg. 97370. Applicant's representative: Frederick M. Kelley, Jr., P.O. Box 10886, Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber mill products;* (2) *Forms and molds, concrete construction* (iron or wood, or iron or wood combined), (1) from points in Multnomah, Lane, and Douglas Counties, Oreg., to Phoenix, Ariz.; (2) from the plantsite of RAP–I–FORM Corporation, at Phoenix, Ariz., to Vancouver and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Foothill Lumber Sales, P.O. Box 5633, Eugene, Oreg. RAP–I–FORM Corporation, 3303 S. 40th St., Phoenix, Ariz. 85040. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 141677 (Sub-No. 1TA) (Correction), filed March 22, 1976, published in the FEDERAL REGISTER issue of April 7, 1976, republished as corrected this issue. Applicant: HES TRANSFER SERVICE, INC., 2 Garfield Ave., Jersey City, N.J. 07305. Applicant's representative: Joseph R. Siegelbaum, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Atrazine*, in containers or in trailers having a prior movement by water (except in bulk), from points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone) to St. Joseph, Mo.; and (2) *Cyanuric chloride*, in containers or in trailers having a subsequent movement by water (except in bulk), from Memphis, Tenn., to points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), under a continuing contract with Solchem, Inc., for 180 days. Supporting shipper: Solchem, Inc., 415 Madison Ave., New York, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 141802TA (Correction), filed February 24, 1976, published in the FEDERAL REGISTER issue of March 17, 1976, republished as corrected this issue. Applicant: MELVIN L. E. GUFFEY, doing business as M. L. E. G. TRUCKING SERVICE, Route 2, McLouth, Kans. 66054. Applicant's representative: Swoyer and Swoyer, Oskaloosa, Kans. 66066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured feeds*, bulk and bagged; *hardware supplies* for Farmers such as *hog feeders, fence, fence posts, stock waterers, stock tanks, gates, sprayers, fertilizer, etc.*, from St. Joseph, Mo., to Oskaloosa, Kans., and from Kansas City, Mo., to Oskaloosa, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jefferson County Cooperative Association, Oskaloosa, Kans. 66066. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603. The purpose of this republication is to correct the territorial description.

No. MC 141889 (Sub-No. 1TA), filed March 29, 1976. Applicant: BILL & GENE'S TRUCKING, INC., P.O. Box 303, Madison, S. Dak. 57042. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New, used and scrapped electrical equipment, components, and materials*, between the facilities of Highland Electric Supply, Inc., located at or near Madison, S. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Highland Electric Supply, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Highland Electric Supply, Inc., P.O. Box 333, Madison, S. Dak. 57042. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141903 (Sub-No. 1TA), filed March 30, 1976. Applicant: HENRY FISET AND SONS LIMITED, P.O. Box 160, Elk Lake, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos fibers*, for and on behalf of United Asbestos Inc., from the port of entry between the United States and Canada, at the Thousand Islands Bridge, to Fulton, N.Y., under a continuing contract with United Asbestos Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Asbestos Inc., Suite 2511, 1155 Dorchester Blvd., W. Montreal, Quebec, Canada H3B 2K4. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 141905 (Sub-No. 1TA), filed March 31, 1976. Applicant: JAMES WADE FIELDS AND JAMES ROBERT FIELDS, doing business as, FIELDS & SON TRUCK LINE, 3217 Meade Ave., Nashville, Tenn. 37211. Applicant's representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed hardboard, fibreboard and particle board*, from Dickson County, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (except Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut); and (2) *Equipment, materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (except Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut), to points in Dickson County, Tenn., under a continuing contract with Printwood, Inc., of Dickson, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Printwood, Inc., P.O. Box 726, Dickson, Tenn. 37005. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite a–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141906 (Sub-No. 1TA), filed April 5, 1976. Applicant: CHARLIE BREWSTER, doing business as BREWSTER & SONS, Route 2, Blackshear, Ga. 31516. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, from Blackshear, Ga., to points in Nassau and Duval Counties,

Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, Box 589, Blackshear, Ga. 31516. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141907TA, filed March 30, 1976. Applicant: KAHIER TRUCKING, INC., 1822 South First St., Yakima, Wash. 98901. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices* in cans and in bottles, from points in Yakima County, Wash., to Portland, Oregon., and points in California and Arizona, under a continuing contract with Tree Top, Inc., for 180 days. Supporting shipper: Tree Top, Inc., P.O. Box 248, Selah, Wash. 98942. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 SW. Yamhill St., Portland, Oreg. 97204.

No. MC 141908TA, filed March 29, 1976. Applicant: LEO ELLIBEE, doing business as ELLIBEE CEDAR, Route 1, New Meadows, Idaho 83654. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar and other wood fencing materials*, from Sequim and Kalama, Wash., and the commercial zones thereof: Roseburg, Lebanon and Bend, Oreg., and points in the commercial zones thereof and points in Booner, Benewah, Latah, Clearwater, Lewis, Igaho, and Boundary Counties, Idaho, to points in Maricopa County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: E. J. Flood Sales Co., 4444 N. 7th Ave., Phoenix, Ariz. 85013. Arave Cedar, Route 1, Orofino, Idaho. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 500 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141910 TA, filed April 1, 1976. Applicant: FAIRWAY TRANSIT, INC., N 10 W 24730 Highway TJ, Pewaukee, Wis. 53 72. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in specialized hopper-type containers, from the plantsite of Union Carbide Corp., at or near Ashtabula, Ohio, to shipper's plants at or near Manitowoc and Waukesha, Wis., under a continuing contract with Northern Gases, Inc., West Allis, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Northern Gases, Inc., 12130 W. Adler Lane, West Allis, Wis. 53214. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

PASSENGER APPLICATIONS

No. MC 61016 (Sub-No. 42TA), filed March 29, 1976. Applicant: PETER PAN BUS LINES, INC., 1776 Main St., Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations originating at Amherst, Hadley, Northampton, Easthampton, South Hadley, Holyoke, Chicopee, West Springfield, Westfield, Wilbraham, Palmer, Springfield, Agawam, Longmeadow, and East Longmeadow, Mass., to Hartford, Jai-Alai Fronton, Hartford, Conn., and return, for 180 days. Supporting shipper: There are approximately 23 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. D. Perry, Jr., District Supervisor, 338 Federal Bldg., and U.S. Courthouse, 436 Dwight St., Springfield, Mass. 01103.

No. MC 136596 (Sub-No. 3TA), filed April 2, 1976. Applicant: NORMAN H. DAVIS, doing business as 408 State Road, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage* of passengers in the same vehicle, between Willingboro, N.J., and Philadelphia, Pa., from Willingboro, N.J., over U.S. Highway 130 to junction of U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 75 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 139455 (Sub-No. 2TA), filed April 2, 1976. Applicant: RALPH OWNBEY, doing business as TWIN STATE COACH LINES, P.O. Box 826, Bristol, Va. 24201. Applicant's representative: Cecil D. Quillen, P.O. Box 337, Gate City, Va. 24251. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Bristol, Tenn., and Saltville, Va., serving all intermediate points, from Bristol, Tenn., via Bristol, Va., over U.S. Highway No. 11 to Abingdon, Va.; thence over State Route 609 to Glade Spring, Va.; thence over Virginia State Road 91 to Saltville, Va., and return over the same route. Applicant intends to tack its existing authority with MC 139455 Sub-No. 1, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send Protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 139604 (Sub-No. 6TA), filed April 1, 1976. Applicant: CHERRY HILL TRANSIT, 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Moorestown, N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract with South Jersey Commuter's Association, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: South Jersey Commuter's Association, 745 Signal Light Road, Moorestown, N.J. 08057. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 141875 (Sub-No. 1TA), filed April 2, 1976. Applicant: CURRIE BUS LINES, LTD., P.OD. Box 1300, Merritt, British Columbia, Canada VOK 2BO. Applicant's representative: Henry C. Winters, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in round-trip sightseeing and pleasure tours, and in round-trip charter operations, between the port of entry on the United States-Canada border, at or near Sumas, Wash., on the one hand, and, on the other, points in Washington, Oregon, California and Nevada, restricted to the transportation of traffic originating and terminating at Merritt, or Princeton, British Columbia, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jim Currie Tours, P.O. Box 1300, Merritt, B.C., Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11134 Filed 4-15-76;8:45 am]

[Notice No. 228]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 16, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 6, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76311. By order of April 12, 1976, the Motor Carrier Board approved the transfer to Hamilton City Lines, Inc., Dayton, Ohio, of Certificates Nos. MC–119640, MC–119640 Sub 1, and MC–119640 Sub 2, issued February 2, 1961, August 17, 1960, and October 29, 1973, respectively, to Miami Valley Bus Lines, Inc., Trotwood, Ohio, authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Dayton, Ohio, and Xenia, Ohio, serving all intermediate points; passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from Dayton, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan, and return; and passengers and their baggage, express and newspapers in the same vehicle with passengers, between Greenville, Ohio, and Dayton, Ohio, serving all intermediate points. A. Charles Tell, Esquire, Attorney for Applicants, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215.

No. MC–FC–76320. By order of April 8, 1976, the Motor Carrier Board approved the transfer to Spirit Deliveries, Inc., New York, N.Y., of Certificate No. MC–63072 issued January 13, 1971, to V & A Trucking Corp., Brooklyn, N.Y., authorizing the transportation of candy and alcoholic and malt beverages between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of City Hall, New York, N.Y. Morris Honig, Esquire, 150 Broadway, New York, N.Y. 10038.

No. MC–FC–76387. By order of April 9, 1976, the Motor Carrier Board approved the transfer to Tok Distributing Service, Inc., of Anchorage, Alaska, 99510, of Certificate No. MC–118534 (Sub-No. 2), issued May 4, 1964, to E. F. Westphal, doing business as Tok Distributing Service, Tok, Alaska, 99780, authorizing the transportation of general commodities, with the usual exceptions, between specified points in Alaska. Robert L. Hartig of Cole, Hartig, Rhodes, Norman, Mahoney & Goltz, 717 "K" Street, Suite 201, Anchorage, Alaska, 99501, Attorney for applicants.

No. MC–FC–76422. By order of April 9, 1976, the Motor Carrier Board approved the transfer to Walat Transportation, Inc., Chicopee Falls, Massachusetts, of Certificate of Registration No. MC–56933 (Sub-No. 1) issued May 5, 1970, to Eugene W. Walat and Eugene A. Walat doing business as Henry T. Walat Trucking, Chicopee Falls, Massachusetts, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common-Carrier Certificate No. 1506 dated November 27, 1946 transferred and reissued October 29, 1969, by the Massachusetts Department of Public Utilities, authorizing the transportation of general commodities anywhere within the Commonwealth over irregular routes. David M. Marshall, Esquire, 135 State Street-Suite 200, Springfield, Massachusetts, 01103, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–11130 Filed 4–15–76;8:45 am]

[Notice No. 227]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 16, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC–FC–76518. By application filed April 8, 1976, M. D. SCHMITT TRANSPORT, INC., P.O. Box 793, Highway 20 West, Independence, Iowa, 50644, seeks temporary authority to lease the operating rights of JAMES F. BLACK, an individual, dba PARKVILLE TRUCKING COMPANY, 3641 Pulaski Highway, Baltimore, Maryland 21224, under section 210a(b). The transfer to M. D. SCHMITT TRANSPORT, INC., of the operating rights of PARKVILLE TRUCKING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–11129 Filed 4–15–76;8:45 am]

federal register

FRIDAY, APRIL 16, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

CANNED AND PRESERVED FRUITS AND VEGETABLES POINT SOURCE CATEGORY

■

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[522-4]

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES POINT SOURCE CATEGORY

On October 21, 1975, notice was published in the FEDERAL REGISTER (40 FR 49222), that the Environmental Protection Agency (EPA or Agency) set forth interim final effluent limitations guidelines for existing sources, proposed pretreatment standards for existing sources amending 40 CFR 407, and proposed standards of performance and pretreatment standards for new sources within the canned and preserved fruits, canned and preserved vegetables, and canned and miscellaneous specialties subcategories of the canned and preserved fruits and vegetables category of point sources.

The purpose of this notice is to establish final effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the canned and preserved fruits and vegetables category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 407 by adding thereto the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. A regulation regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

The legal basis, methodology, and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of interim final and proposed rulemaking for the fruits, vegetables, and specialties segment of the canned and preserved fruits and vegetables point source category. In addition, the regulation as set forth was supported by two other documents: (1) the document entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables and Specialties Segment of the Canned and Preserved Fruits and Vegetables Point Source Category" (October 1975) and (2) the document entitled "Economic Analysis of Interim Final Effluent Guidelines, Fruits and Vegetables Processing Industry (October 1975). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of interim final and proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 60 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the interim final regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the interim final and proposed regulations: National Canners Association; American Frozen Food Institute; National Kraut Packers Association; National Preservers Association; Association for Dressings and Sauces; Green Giant Co.; Agripac, Inc.; Perry E. Miller Engineers: The Larsen Co.; Ocean Spray Cranberries, Inc.; Hunt-Wesson Foods, Inc.; Stokely-Van Camp, Inc.; Grocery Store Products Co.; Vlasic Foods, Inc.; Food and Drug Administration; and U.S. Dept. of Interior.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) A number of comments reflected concern that the data base used to establish subcategory raw waste loads contained unrepresentative data which resulted in inaccurate determinations of average subcategory raw waste loads.

The Agency has conducted a comprehensive review of all industry raw waste load data. All unrepresentaive, unreliable and inaccurate data have been deleted. Where possible, new data have replaced outdated information. The data review program began during the initial gathering of information when the technical contractor was directed to obtain raw waste data through on-site visits to about 300 processing plants. Actual on-site plant sampling was conducted in a few cases to verify existing data or to generate additional data. In order to confirm the accuracy of the data, each firm was sent all of the data and information that had been collected for its plants, and a review was requested to ensure that corrections were made where necessary. Upon release of the contractor's draft report, the Agency again sent the data back to the plants where it had been collected and plant representatives were again asked to review the data for accuracy. After publication of the interim final and proposed rulemaking, the Agency and industry representatives again cooperated in scrutinizing the data. In summary, every effort has been made to coordinate with and afford the industry ample opportunity to review their raw waste data. It is therefore the Agency's opinion that the resulting raw waste load data base is the most accurate and reliable which could reasonably be obtained.

(2) The criticism was again made that the use of the log normal distribution to compute subcategory raw waste loads was unfair because the log normal distribution underestimates average raw waste values.

The rationale for selecting the log normal distribution to characterize raw waste loads from the fruits and vegetables industry was described in the interim final and proposed regulation. The EPA prepared a data distribution of the major wastewater parameters. A standard normal distribution model was studied and found to be inadequate for most cases because the range of data was large and the data tended to be skewed with a few relatively large values. Also, the normal distribution allowed for negative values which do not occur for the pollutant parameters being examined. The log normal distribution is the distribution commonly used for only positive values which are skewed right to allow for a few large values. The set of the logarithms of values in the distribution conforms to the normal distribution, and standard readily available statistical techniques can be employed to analyze them. The log normal distribution was investigated and found to describe the raw waste data collected from this industry segment better than the normal distribution. This conclusion was verified by a separate industry sponsored study. The EPA study determined that more than 75 percent of the flow ratios and 85 percent of the BOD5 ratios were described better by the log normal distribution than by the normal distribution. Since the log normal distribution model described the data distribution better than the normal distribution, the log normal distribution was used to establish the raw waste loads within each subcategory.

(3) The comment was made that the use of an average raw waste load is inequitable because effluent limitations calculated from a mean value result in half of the plants having to do more to meet the limitations. It was further suggested that the use of the mean raw waste load would require some processors to install in-plant controls or technology in addition to BPCTCA to meet the 1977 limitations.

It is inherent in developing subcategory raw waste loads that some plants will currently fall above the average waste loads. However, by employing "good housekeeping" practices and developing an effective waste management program to optimize plant operation, these facilities can reduce their raw waste loads before 1977. In developing effluent limitations, the Agency must be responsive to the requirements of the Act. The legal standards for 1977, like those for 1983 and for new sources, are delineated in Sections 301, 304 and 306 of the Act as "best practicable control technology currently available" (1977), "best available technology economically achievable" (1983), and "best available demonstrated technology" (new sources).

As stated in the Senate Report (Leg. Hist., Vol. 2, p. 1468): "The Administrator should establish the range of best practicable levels based upon the average of the best existing performance by plants of various sizes, ages, and unit processes within each industrial category." The Agency is mandated to rely upon the most effective pollution control achieved in a particular industry subcategory in setting effluent limitations, and must require all point sources in the subcategory, by 1977, to meet this level of currently achieved control. In enacting the Federal Water Pollution Control Act Amendment of 1972, Congress meant to do more than leave industry at status quo.

The utilization of the mean value for subcategory raw waste loads represents a waste load that is typical of processing plants with a concern for water and waste conservation practices. Most plants below the mean waste load have achieved this load through becoming aware of and implementing common, normally practiced in-plant water and waste management techniques, such as turning off hoses and faucets when not in use. These good housekeeping practices are commonly employed at most of these plants and have become an integral part of effective plant management. Plants with waste loads above the mean value are capable of readily achieving the mean waste load with effective plant management and the associated concern for water usage and waste management. No installation of specialized internal or external technology in addition to good in-plant practices is necessary. The variation experienced in the collected water and waste loading data for similar process configurations among different plants indicates that waste loads can be significantly reduced without adversely affecting the quality of the product. Throughout the various subcategories, about 130 plants or about 50 percent of all surveyed plants report they presently achieve the established mean raw waste loads. Thus, the mean value is the most representative value and the most equitable value for the typical waste load generated from the processing of the fruit and vegetable commodities found in these subcategories.

(4) The comment was made that a few unrepresentative raw waste data points served as a basis for developing 1983 BATEA raw waste loads. It was further stated that the methodology used to select the BATEA raw waste loads contributed to the establishment of 1983 raw waste loads which would not be achievable for all processors.

As discussed above, the Agency has conducted a thorough program to ensure all raw waste data is accurate, reliable and representative. Furthermore, the Agency has reviewed the methodology used to establish the 1983 BATEA raw waste loads. The methodology used to determine the 1983 water reductions was found to be consistent with other procedures. For a few commodities, however, the Agency found that industry plants which were used to establish the 1983 water usage were unable to achieve the 1983 raw waste BOD5. Accordingly, the 1983 raw waste BOD5 ratios have been revised to ensure that the 1983 water usage and BOD5 ratios are achieved in the same plant. Thus, the 1983 raw waste loads have been revised to ensure the achievability of BATEA raw waste loads.

The Agency also reviewed the available information on salt recycling systems for pickle salting stations. It was determined that sufficient information was not presently available to substantiate either the economic or technical achievability of no discharge limitations. Accordingly, limitations have been revised to reflect aerated lagoon treatment technology.

(5) Several commenters suggested that there is no relationship between water use and waste load by referring to several plants with similar BOD5 ratios and considerably different flow ratios.

The study revealed two major facets of water use within the fruits and vegetables industry. First, unnecessary flows through hoses and machinery or stations not in use increase water consumption without a noticeable effect on waste load ratios based on production volume. However, the concentration of the total plant effluent decreases due to the dilution effect of unnecessary water consumption. Second, any water-solids contact, such as rinses or spray washes, removes undesirable material from the surface of the product. Public health or product quality criteria determines some optimum water consumption level for the wash. Beyond this point unnecessary water-solids contact can affect the product surface which may increase suspended solids and induce additional leaching of soluble material. In this case, the additional water-solids contact may increase the waste load per unit of production while the total plant effluent concentration may actually decrease depending on the amount of excess water.

Some plants sweep or wash solids and peeled material into drains while others utilize dry-capture techniques before cleaning equipment. This has a definite effect on waste load which is not directly related to water use. To be more precise, there is, in fact, a definite relationship between water-solids contact and waste load as illustrated by data presented in the Development Document.

(6) A number of commenters questioned cost data. The assumption of negligible cost to implement the inplant changes needed to achieve 1983 BATEA raw waste loads was questioned. It was suggested that the length of the processing season was overestimated for some commodities and thus the annual pollution control costs underestimated. Also, the cost of biological treatment, especially aeration equipment, was questioned.

The Agency has again reviewed its cost assumptions and methodology as a result of these comments. Costs to implement in-plant changes needed to achieve the 1983 BATEA raw waste loads were developed with the assistance of the EPA technical contractor and industry. It was determined these costs are not negligible as originally assumed. Accordingly, in-plant costs have been incorporated as additional incremental costs to those already developed for end-of-pipe treatment systems for model plants utilized to develop the potential economic impact of the regulations. Details of these costs and the assumptions made in their development are included in the Development Document.

The Agency also reviewed its assumptions regarding the length of the processing season. The Development Document supporting the interim final and proposed regulation contained maximum lengths of processing seasons for each commodity based upon available literature for growing seasons of each fruit and vegetable in each state. Since the operation and maintenance costs of BPCTCA and BATEA technologies are based on maximum season lengths, the annual costs listed in the Development Document are actually overestimated. However, these values have not been used to determine the economic impact of the regulations on the industry. The processing seasons used for the economic impact analysis were developed from industry information available to the economic and technical contractors. This information was supplemented by consultation with members of industry and EPA before the characteristics of each economic impact model plant were established. Thus, the lengths of the processing season have not been overestimated and the costs have not been underestimated.

With regard to the criticism of the cost of biological treatment, the design basis for sizing treatment systems and the cost of component equipment has been further evaluated to determine whether they are reasonable. From this analysis, it seems apparent that the design criteria for the systems as well as the unit process equipment and aggregate costs are reasonable and compare well with costs made available to the Agency by a number of processors. These costs and their bases are fully described in the Development Document. The design criteria, such as the oxygen transfer rate, used to develop costs are similar to the design parameters used throughout the industry. Therefore, the Agency considers its cost data for biological treatment representative and reasonable.

(7) A few commenters questioned the internal separations for some commodities, such as for frozen versus canned fruits and vegetables, because the resulting raw waste loads and effluent limitations were not always realistic.

As indicated earlier, a significant effort was undertaken to verify that existing data was correct and that the plants for which data was available were representative of typical industry processing methods. This effort resulted in several changes, including incorporation of new 1975 data and deletion of what appeared to be unrepresentative data.

Analysis of the revised data base resulted in a number of changes as follows: tomato products and peeled tomatoes have been combined, canned and frozen peaches have been combined; canned and frozen peas were combined; canned and frozen snap beans were combined; canned and frozen spinach were combined; and sweet and white potatoes were combined. Internal separations have not been changed for cherries, grapes, pickles, corn, sauerkraut or chips. Thus, revisions made in the raw waste loads discussed above have also affected the separation of commodities within the major subcategories.

(8) A number of commenters suggested that the Agency has not adequately recognized the variability of the raw material which is beyond the control of the processor.

As discussed in the Development Document, the contributing causes of raw waste variability include some factors such as the characteristics of the raw material. The separations by commodity and style reflect a consideration of some of these variability factors. The use of a full year's data from a number of plants or several years' data to establish subcategory raw waste loads reflects further consideration. The design of waste management programs with sufficient flexibility to handle raw material quality variations also helps to control these factors. Most variability is normal and should be expected. The Agency considers abnormal situations caused by unpredictable events such as serious frosts or drought, severe insect damage or dramatic increases in crop yield as too rare and localized in occurrence for establishing separate national limitations. Furthermore, it is probable that this variability has already been recognized by the Agency through the inclusion of raw waste and treated effluent data which was collected during such unpredictable events. Thus, the characteristic variability of the fruits and vegetables industry has directly influenced the effluent limitations through its effect on the industry subcategorization and its appearance in industry raw waste and treated effluent data. It is suggested, however, that the individual discharger establish a contingency plan with the permitting authority which allows the plant management to give notice, as far in advance as the circumstances permit, which identifies those abnormal conditions that could potentially result in poor treatment plant performance.

(9) The comment was made that biological treatment for commodities with wastewaters that contain high total dissolved solids (chlorides), such as wastes from pickle and sauerkraut processing, is not as effective as biological treatment of wastewaters with low levels of chlorides. In addition, temperature effects are also more pronounced when wastes contain high chloride levels.

The Agency recognizes that biological treatment of high chloride content wastewaters can present problems if care is not exercised in system design and operation. However, it has been demonstrated that these wastewaters can be successfully treated to low pollutant levels with adequate detention time, aeration, nutrient balance, and pH control. The control of these factors is necessary in order to establish and maintain an active, acclimated biomass in treatment systems. The design criteria for treating high chloride wastewater are somewhat different from those utilized for other fruit and vegetable wastewaters. It is also necessary to consider the influence on system performance of cold weather operation. The costs, economic impact, and effluent guidelines for the affected commodities have been modified to account for these factors.

(10) A number of commenters indicated that certain of the treatment systems used to develop the guidelines should not have been included; some of them were built to meet water quality constraints, and other treatment systems were not appropriate because they contained additional treatment unit operations.

The Agency has reviewed all available information on each treatment system used in the development of the limitations. As a result of this analysis, several plants have been omitted. More specifically, four aerated lagoon systems have been excluded; three lagoon systems that included saturated spray fields for which no data were available, and one that was treating significant quantities of non-process wastewater. Further, joint municipal-industrial activated sludge treatment systems have been eliminated since the variability of the treated effluent from such systems may not be as great as the variability of a seasonal system.

Certain treatment system components and design factors included in some of these treatment plants, and perhaps considered by some commenters as additional unit operations, were in fact considered in the development of the cost of meeting the limitations as well as the limitations themselves. For example, when costing activated sludge treatment of wastewaters with high oil and grease content or high suspended solids content, dissolved air flotation or a primary clarifier was included; wastewater with very high organic content required the inclusion of a "roughing" trickling filter; and all activated sludge systems included an emergency retention pond to allow flexibility in handling treatment system upsets. Moreover, similar design modifications for aerated lagoon systems were made for additional aeration and detention time to allow for more concentrated wastewaters and cold operating temperatures experienced in northern climates. Aerated lagoon systems were also costed to include a second lagoon in series with the first mechanically aerated lagoon to allow settling of solids and additional retention time. Further, the activated sludge treatment systems built to meet water quality constraints no longer serve as a part of the basis for the annual average limitations. In short, a representative variety of the circumstances considered typical of those encountered in the industry have been incorporated into the design, cost, and economic impact of BPCTCA and BATEA.

(11) Some commenters questioned the methodology used to establish the limitations. Aerated lagoons are the best practicable control technology currently available; yet both aerated lagoon and activated sludge treatment performance data was used to establish the limitations.

The Agency has based the effluent limitations on aerated lagoons. Activated sludge and land disposal are alternative technologies. Therefore, it is necessary for aerated lagoons, activated sludge and land disposal treatment systems to attain the final effluent levels.

The annual average BOD*5* and TSS limitations are currently based solely on aerated lagoons. The maximum thirty day and maximum day TSS limitations are based on aerated lagoons. The maximum thirty day BOD*5* limitations were originally based on aerated lagoons. However, several activated sludge treatment systems experienced greater variability and were not able to achieve the maximum thirty day or maximum day BOD*5* limitations based on aerated lagoons. Accordingly, the maximum thirty day and maximum day limitations for BOD*5* are based on activated sludge treatment. It should be noted that land disposal technology can achieve all the limitations. It is therefore possible for aerated lagoons, activated sludge, and land disposal technologies to achieve each of the effluent limitations.

(12) Many commenters did not agree with the need for an annual average limitation; most commenters thought that maximum thirty day and maximum day limitations were sufficient.

The annual average is a very important limitation for the fruits and vegetables industry. It is considered reasonable and equitable in that single-commodity and multi-commodity processing plants must achieve similar effluent reductions, as well as plants which continuously treat and discharge wastewater, and plants which store wastewater for subsequent discharge. It is also important that the methodology used to develop the annual average is fully understood. The treated effluent data used to develop the maximum thirty day and maximum day limitations is the same data used to develop the annual average limitations. Moreover, the distribution of the data was such that if a plant was within the maximum day and maximum thirty day limitations, then it also was within the annual average limitations.

The application of the annual average in NPDES permits also must be understood. Processors will have three limitations for BOD*5* and TSS. The maximum thirty day and maximum day limitations are based upon peak production, and establish a maximum allowable discharge of BOD*5* and TSS for this peak production period. The annual average limitations are based upon the total yearly production and thus establish the allow-

able discharge of BOD5 and TSS for the entire season, regardless of the length of the processing season or the discharge period, and without regard for the mix of commodities being processed at any time during the season. The annual average, therefore, obviates the need for the allowable discharge level to change as production levels or production schedules change. The annual average limitation also simplifies the task of compliance monitoring for industry and enforcement authorities. Several examples of the application of the annual average limitation to NPDES permits are detailed at the end of Section IX of the Development Document.

(13) The comment was made that the use of the annual average would preclude the use of many existing stabilization lagoon systems that discharge on a controlled release basis, a system employed by many small processors.

Among those treatment systems considered by the Agency in developing a basis for the effluent limitations were stabilization lagoons which utilized very long term detention. The range of effluent quality which these systems can achieve is the same as for aerated lagoons and activated sludge. The only difference between them is in the degree of operator control needed over these systems and in the rate at which the effluent concentrations are achieved. The basic capabilities of the three biological treatment alternatives are similar. In some cases, upgrading of stabilization lagoons may be necessary to bring an existing system into compliance, and therefore a completely new system would not be necessary. The maximum thirty day and maximum day limitations do not apply to plants which store wastewater for discharge on a controlled release basis. However, where the controlled release period is sufficiently long and where water quality constraints apply, maximum thirty day and maximum day limitations could still be established. Thus, the annual average will not preclude the use of stabilization lagoon systems.

(14 The variability allowed by the effluent limitations for the maximum thirty day and maximum day was criticized as being inadequate. The lack of allowance for a treatment plant startup period was also criticized.

The discussion above regarding the annual average indicates that the maximum day and maximum thirty day limitations were developed from actual operating data from treatment systems in the fruits and vegetables industry. The variability of these treatment systems is representative and it is the Agency's conclusion that the variability set forth in the regulation is reasonable.

It is suggested that the permitting authority allow a period of four days to account for any discharge which may be necessary to establish effective treatment system operation after the initiation of production.

(15) The recommendation was made that fecal coliform limitations for the 1983 BATEA regulation be deleted except where they were required to achieve water quality standards.

The Agency has reviewed the issue and agrees that available information does not indicate significant levels of fecal coliforms in wastewaters from most fruit and vegetable processing plants. It should be noted that water quality constraints should dictate the use of disinfection when high fecal coliform levels are observed, and when sanitary wastes are mixed with process wastewaters from fruit and vegetable plants. Accordingly, fecal coliform limitations have been deleted from the regulation.

(16) The comment was made that the Agency is obligated to develop an alternative technology to BPCTCA for small plants which have not been included in the regulation. State and local pollution control agencies may require biological treatment which the Agency has indicated might cause an economic impact. The selection of plant size definitions to determine those plants financially incapable of achieving the limitations was also criticized, and the use of cash flow as the determining factor was suggested as an alternative.

The interim final and proposed rulemaking notice indicated that based upon the cost of BPCTCA for "model" hypothetical plants of 2,000 tons per year production or less there was a significant possibility that some would close. It must be pointed out that this study was based upon best estimates using available financial profile information. Actual closures may not occur. Nevertheless plants less than 2,000 tons per year production were excluded from consideration in the regulation. The Agency recognizes, however, that it could not prescribe an alternative technology for all small processors because it could not meaningfully evaluate all of the local conditions associated with each small plant. However, the extensive body of data and information presented in the Development Document, on typical raw waste loads from a broad variety of commodities and waste treatment alternatives, should provide a reasonable basis to assist the States and local authorities in evaluating specific plant circumstances. Thus, information available in the Development Document along with individual plant characteristics should be sufficient to prepare NPDES permits on a case by case basis for plants excluded from this regulation.

The Agency has studied all of the available data in considerable depth to ascertain the financial capabilities of this industry. This financial profile data and information, combined with the costs of BPCTCA and BATEA, were evaluated utilizing a number of factors, including cash flow, which determine the viability of a given size plant in both the short and long terms. The results of this analysis indicated that a rational approach to minimize the impact of the regulation was further separation of the three major subcategories by plant size. To use another basis for making this determination at the permit writing level, such as by cash flow information from individual processors, would not be practicable. The Agency has utilized the 2,000 tons per year "cut-off" to minimize economic impacts on small plants as forecast in the economic analysis of the regulation. This is the only methodology available which directly deals with the potential economic impact.

(17) Concern was expressed that the effluent guidelines and the associated raw waste loads would be used by municipalities as a basis of establishing user surcharges and capital cost recovery for processors which discharge to a publicly owned treatment works.

The Agency has determined that in the case of the canned and preserved fruits and vegetables industry, all wastewaters which are generated by typical processing methods are amenable to biological treatment commonly utilized by municipalities and do not pass through or otherwise impair these systems. Therefore, no pretreatment has been required, excepting any requirements on individual plants a given municipality may impose due to special local considerations. In the regulation, the Agency does not recommend the use of effluent limitations or average raw waste loads as a basis for user charges or capital cost recovery. The cost to a given processor will vary depending upon its size in relation to other industrial users, the overall size of the municipal system, the stringency of any water quality constraints, and whether the publicly owned treatment works has been partially financed by a Title II construction grant. Therefore, evaluation of the additional cost of treatment for municipal dischargers to achieve the BPCTCA limitations would be both extremely difficult and of questionable value in assessing the impact of the regulations for direct dischargers.

(18) The increasing awareness and control being exercised over land disposal of liquid effluents was cited as a reason for limiting or reversing the trend of change within the industry from direct discharge to spray irrigation.

It is true that the Agency, and many states and local governments, have brought spray irrigation and other land disposal methods under closer scrutiny in the interest of protecting groundwater quality. Nonetheless, it is also recognized that spray irrigation is an efficient and often a relatively low cost alternative to complete treatment, such as activated sludge. Spray irrigation with no discharge can be achieved if proper attention is afforded to the details of soil and cover crop selection, pumping and distribution system design, site engineering, climate conditions and system operation. Some regions of the country may constrain the use of spray irrigation due to special problems, and therefore limit installation of new systems. However, it is not anticipated at this time that a significant decrease in the use of spray irrigation will occur.

(b) Revision of the interim final and proposed regulations prior to promulgation.

As a result of public comments and continuing review and evaluation of the

proposed regulation by the EPA, the following changes have been made in the regulation:

(1) Industry raw waste data have been modified to insure that subcategory raw waste loads are accurate and representative. The methodology for developing 1983 BATEA raw waste loads was modified when the Agency found that for some commodities a few industry plants used to establish the 1983 water usage were unable to achieve the 1983 raw waste BOD5. The revised raw waste data and the revised methodology for developing 1983 BATEA raw waste loads have resulted in somewhat less stringent limitations, but these changes have ensured the achievability of both the 1977 BPCTCA and 1983 BATEA raw waste loads for all industry plants.

(2) The industry subcategorization has been revised due to changes in the raw waste data for some commodities. Canned and frozen peaches, peas, snap beans and spinach have been combined into single commodities; and tomato products and peeled tomatoes, and sweet and white potatoes have been similarly combined. Separations within commodities have not changed for cherries, grapes, pickles, sauerkraut, chips and corn. In addition to the above changes, adequate raw waste data could not be obtained for asparagus, brussels sprouts, cauliflower, and pimentos. Accordingly, limitations are not included for these commodities.

(3) Some of the data and information regarding the treatment systems used in the development of the limitations have changed. Four aerated lagoon systems have been excluded; three lagoon systems that included saturated spray fields for which no data were available and one lagoon system that was handling significant quantities of non-process wastewater. The resultant BPCTCA and BATEA limitations and new source standards are somewhat less stringent than those originally proposed. The no discharge BATEA limitation and new source standards for pickle salting stations has been changed because the Agency does not have sufficient information on salt recycling operations to substantiate either the economic or technical achievability of no discharge. Finally, the methodology of utilizing both aerated lagoon and activated sludge data to develop the limitations has been changed to reflect only aerated lagoon performance data. However, several activated sludge treatment systems experienced greater variability and were not able to achieve the maximum thirty day or maximum day BOD5 limitations based on aerated lagoons. Accordingly, the maximum thirty day and maximum day limitations for BOD5 are based on activated sludge treatment.

(4) Costs to achieve the BATEA limitations have been substantially increased. Costs to achieve in-plant changes for BATEA were originally thought to be negligible. However, new costs for needed in-plant changes have been developed and incorporated as additional incremental costs to those developed for end-of-pipe treatment systems.

(5) The economic impact analysis has developed information which suggests potential economic impacts for single-commodity canned corn plants of all sizes, and for multi-commodity frozen vegetable plants smaller than 8,000 tons per year. Accordingly, no limitations apply to these industry subcategories. All industry plants with less than 2,000 tons per year production remain excluded from the regulation. While these plant groups are not covered by these effluent limitations due to potential economic impacts, permitting authorities have sufficient information in the Development Document to regulate the discharges from these excluded plants on a case-by-case basis.

(6) The BATEA limitations and new source standards for fecal coliforms have been omitted. Information available to the Agency does not substantiate the presence of significant levels of fecal coliforms in most fruit and vegetable process wastewaters.

(7) The issue of land availability to install aerated lagoons for medium size plants has not been found to be significant. Therefore, the final BPCTCA effluent limitations for large plants will also apply to medium size plants.

(c) Economic and inflationary impact. The Agency considered the economic impact of the internal and external costs of the effluent limitations. Internal costs are defined as investment and annual cost (operating costs plus the cost of capital and depreciation) for a typical plant. External cost deals basically with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth.

In its reassessment of the economic impact, the Agency made a concerted and serious effort to contact new sources and obtain new data. Inquiries were made to government agencies, private companies, and trade associations. The Agency reevaluated previous data and evaluated new data furnished to the Agency. The following paragraphs highlight the specific results of the economic impact analysis.

Plants processing less than 2,000 tons of raw product per year are not covered in the final guidelines. These plants were excluded because aerated lagoon wastewater treatment systems were potentially not economically feasible. In addition, all single commodity canned corn plants and multi-product frozen vegetable plants processing less than 8,000 tons per year were excluded from the guidelines on the basis of potential economic impacts. Nevertheless, the Agency has controlled more than ninety-five percent of the direct dischargers, the industry production and its pollutional load.

For the purposes of the economic impact analysis, aerated lagoon waste treatment technology was considered to be the single "best practicable control technology currently available." Activated sludge waste treatment was considered as an alternative technology but was found to potentially result in excessive economic impacts.

The BPCTCA effluent limitations for plants processing 2,000 to 10,000 tons per year may result in the closure of two plants. These plants are in the pickles only manufacturing category. However, there is a great deal of uncertainty associated with this particular prediction. The incremental cost necessary to meet BATEA for plants in the 2,000–10,000 tons per year range are unlikely to result in additional closures. BATEA effluent limitations for plants processing more than 10,000 tons per year are more stringent and more costly to achieve than the effluent limitations for smaller plants. It is expected, however, that plants in this larger size range will be able to bear the burden of the additional costs and no closures are predicted.

Although a relatively few plant closures are predicted to result from the regulation, the profitability of some plants may decrease significantly. Since direct dischargers affected by the proposed regulation represent a small fraction of the total industry production, plants covered by the regulation may not be able to pass on pollution control costs to the consumer in the form of higher prices.

In the event of a plant closure, community and regional impacts from plant closures could be serious. Many fruit and vegetable processing plants are located in small towns and rural areas. Single plants generally employ 80 to 150 persons and serve as a market for local farmers. Closure of one plant in a small town could result in severe local economic dislocations. Although exports of fruit and vegetable products will not be affected by this regulation, the existing trend of increasing imports of products such as mushrooms, strawberries, blueberries and tomato paste could be accentuated.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch, be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in an-

nualized costs exceeding $100 million will require certification. Since the estimated total capital investment and annualized cost are below the designated limits, certification of the inflationary impact statement is not necessary. Nevertheless, the analysis conducted by the Agency to determine the economic impacts as summarized above fulfills the requirements of an inflationary impact statement.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the fruits, vegetables and specialties segment of the canned and preserved fruits and vegetables point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables and Specialties Segment of the Canned and Preserved Fruits and Vegetables Point Source Category" (April 1976). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Effluent Guidelines—Fruits and Vegetables Processing Industry" (April 1976). Implementing the limitations will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved fruits and vegetables processing industry. Thus the Agency believes that the benefits of reducing the pollutants discharged justify the associated costs.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance, with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Giudelines and New Source Performance Standards for the Fruits, Vegetables and Specialties Segment of the Canned and Preserved Fruits and Vegetables Point Source Category," will be published as soon as practicable and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

Copies of the economic analysis document previously cited will be available from the National Technical Information Service, Springfield, VA 22151.

A copy of all public comments is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M St., S.W., Washington, D.C. 20460. A copy of the preliminary draft contractors reports, the Development Document (cite the appropriate reports) and economic study referred above, and certain supplementary materials supporting the study of the industry concerned, is also at this location for public review and copying.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 407, Canned and Preserved Fruits and Vegetables Point Source Category, is hereby amended by adding additional subparts F, G, and H to read as set forth below.

This regulation is being promulgated pursuant to an order of the Federal District Court for the District of Columbia entered in *Natural Resources Defense Council, Inc. v. Train* (Cv. No. 1609–73). That order requires that effluent limitations requiring the application of the best practicable control technology currently available for this industry be effective upon publication. Accordingly, good cause is found for the final regulation promulgated below establishing best practicable control technology currently available for each subpart to be effective April 16, 1976.

The final regulation promulgated below which establishes effluent limitations based on the best available technology economically achievable; new source standards based on the best available demonstrated control technology; and new source and existing source pretreatment standards shall become effective May 17, 1976.

Dated: March 31, 1976.

RUSSELL E. TRAIN,
Administrator.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Subpart F—Canned and Preserved Fruits Subcategory

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407.61 Specialized definitions.
407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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407.66 Pretreatment standards for new sources.

Subpart G—Canned and Preserved Vegetables Subcategory

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Subpart H—Canned and Miscellaneous Specialties Subcategory

407.80 Applicability; description of the canned and miscellaneous specialties subcategory.
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407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.84 Pretreatment standards for existing sources.
407.85 Standards of performance for new sources.
407.86 Pretreatment standards for new sources.

Subpart F—Canned and Preserved Fruits Subcategory

§ 407.60 Applicability; description of the canned and preserved fruits subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following fruit products: apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; peaches; pears; fresh and processed pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and tomatoes. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitation shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) the term "apricots" shall include the processing of apricots into the following product styles: canned and froz-

en, pitted and unpitted, peeled and unpeeled, whole, halves, slices, nectar, and concentrate.

(c) the term "caneberries" shall include the processing of the following berries: canned and frozen blackberries, blueberries, boysenberries, currants, gooseberries, loganberries, ollalieberries, raspberries, and any other similar cane or bushberry but not strawberries or cranberries.

(d) the term "cherries, sweet" shall include the processing of all sweet varieties of cherries into the following products styles: frozen and canned, pitted and unpitted, whole, halves, juice and concentrate.

(e) the term "cherries, sour" shall include the processing of all sour varieties of cherries into the following products styles: frozen and canned, pitted and unpitted, whole, halves, juice and concentrate.

(f) the term "cherries, brined" shall include the processing of all varieties of cherries into the following brined product styles: canned, bottled and bulk, sweet and sour, pitted and unpitted, bleached, sweetened, colored and flavored, whole, halved and chopped.

(g) the term "cranberries" shall mean the processing of cranberries into the following product styles: canned, bottled, and frozen, whole, sauce, jelly, juice and concentrate.

(h) the term "dried fruit" shall mean the processing of various fruits into the following products styles: air, vacuum, and freeze dried, pitted and unpitted, blanched and unblanched, whole, halves, slices and other similar styles of apples, apricots, figs, peaches, pears, prunes, canned extracted prune juice and pulp from rehydrated and cooked dehydrated prunes; but not including dates or raisins.

(i) the term "grape juice canning" shall mean the processing of grape juice into the following products and product styles: canned and frozen, fresh and stored, natural grape juice for the manufacture of juices, drinks, concentrates, jams, jellies, and other related finished products but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(j) the term "grape pressing" shall mean the washing and subsequent handling including pressing, heating, and filtration of natural juice from all varieties of grapes for the purpose of manufacturing juice, drink, concentrate, and jelly but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(k) the term "olives" shall mean the processing of olives into the following product styles: canned, all varieties, fresh and stored, green ripe, black ripe, spanish, sicilian, and any other styles to which spices, acids, and flavorings may have been added.

(l) the term "peaches" shall mean the processing of peaches into the following product styles: canned or frozen, all varieties, peeled, pitted and unpitted, whole, halves, sliced, diced, and any other cuts, nectar, and concentrate but not dehydrated.

(m) the term "pears" shall mean the processing of pears into the following product styles: canned, peeled, halved, sliced, diced, and any other cuts, nectar and concentrate but not dehydrated.

(n) the term "pickles, fresh" shall mean the processing of fresh cucumbers and other vegetables, all varieties, all sizes from whole to relish, all styles, cured after packing.

(o) the term "pickles processed" shall mean the processing of pickles, cucumbers and other vegetables, all varieties, sizes and types, made after fermentation and storage.

(p) the term "pickles, salt stations" shall mean the handling and subsequent preserving of cucumbers and other vegetables at salting stations or tankyards, by salt and other chemical additions necessary to achieve proper fermentation for the packing of processed pickle products, and subsequent tank soaking.

(q) the term "pineapples" shall mean the processing of pineapple into the following product styles: canned, peeled, sliced, chunk, tidbit, diced, crushed, and any other related piece size, juice and concentrate. It also specifically includes the on-site production of by-products such as alcohol, sugar or animal feed.

(r) the term "plums" shall mean the processing of plums into the following product styles: canned and frozen, pitted and unpitted, peeled and unpeeled, blanched and unblanched, whole, halved, and other piece size.

(s) the term "raisins" shall mean the production of raisins from the following products: dried grapes, all varieties, bleached and unbleached, which have been cleaned and washed prior to packaging.

(t) the term "strawberries" shall mean the processing of strawberries into the following product styles: canned and frozen, whole, sliced, and pureed.

(u) the term "tomatoes" shall mean the processing of tomatoes into canned, peeled, whole, stewed, and related piece sizes; and processing of tomatoes into the following products and product styles: canned, peeled and unpeeled paste, concentrate, puree, sauce, juice, catsup and other similar formulated items requiring various other pre-processed food ingredients.

(v) the term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(w) the term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

(x) the term "annual average" shall mean the maximum allowable discharge of BOD5 or TSS as calculated by multiplying the total mass (kkg or 1000 lb) of each raw commodity processed for the entire processing season or calendar year by the applicable annual average limitation.

(y) the terms "maximum for any one day" and "average of daily values for thirty consecutive days" shall be based on the daily average mass of material processed during the peak thirty consecutive day production period.

§ 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products, produced, treatment technology available, energy requirements and costs) which could affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled

rate with state approval, shall meet only the annual average BOD5 limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots	3.00	1.81	1.26
Caneberries	0.77	0.46	0.32
Cherries:			
Brined	2.87	1.78	1.28
Sour	1.77	1.11	0.81
Sweet	1.12	0.69	0.49
Cranberries	1.71	1.03	0.73
Dried fruit	1.86	1.13	0.80
Grape juice:			
Canning	1.10	0.69	0.51
Pressing	0.22	0.14	0.10
Olives	5.44	3.34	2.39
Peaches	1.51	0.93	0.67
Pears	1.77	1.12	0.83
Pickles:			
Fresh pack	1.22	0.75	0.53
Process pack	1.45	0.92	0.68
Salt stations	0.18	0.12	0.09
Pineapples	2.13	1.33	0.96
Plums	0.69	0.42	0.29
Raisins	0.43	0.28	0.21
Strawberries	1.79	1.06	0.74
Tomatoes	1.21	0.71	0.49

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots	5.36	3.74	2.33
Caneberries	1.38	0.95	0.58
Cherries:			
Brined	5.18	3.68	2.38
Sour	3.20	2.30	1.52
Sweet	2.01	1.43	0.92
Cranberries	3.06	2.14	1.34
Dried fruit	3.34	2.34	1.48
Grape juice:			
Canning	1.99	1.44	0.96
Pressing	0.40	0.29	0.18
Olives	9.79	6.92	4.44
Peaches	2.72	1.93	1.26
Pears	3.21	2.32	1.55
Pickles:			
Fresh pack	2.19	1.54	0.99
Process pack	2.63	1.91	1.28
Salt stations	0.33	0.25	0.18
Pineapples	3.85	2.76	1.81
Plums	1.24	0.87	0.54
Raisins	0.78	0.57	0.39
Strawberries	3.19	2.20	1.35
Tomatoes	2.15	1.48	0.90

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots:			
Medium	1.261	0.938	0.485
Large	1.261	0.938	0.485
Caneberries:			
Medium	0.182	0.134	0.067
Large	0.182	0.134	0.067
Cherries:			
Brined:			
Medium	0.763	0.621	0.423
Large	0.763	0.621	0.423
Sour:			
Medium	1.102	0.839	0.472
Large	1.102	0.839	0.472
Sweet:			
Medium	0.448	0.337	0.181
Large	0.448	0.337	0.181
Cranberries:			
Medium	0.620	0.465	0.248
Large	0.620	0.465	0.248
Dried Fruit:			
Medium	0.733	0.556	0.308
Large	0.733	0.556	0.308
Grape juice:			
Canning:			
Medium	0.766	0.583	0.326
Large	0.766	0.583	0.326
Pressing:			
Medium	0.111	0.085	0.047
Large	0.111	0.085	0.047
Olives:			
Medium	2.285	1.606	0.796
Large	2.285	1.606	0.796
Peaches:			
Medium	0.766	0.583	0.324
Large	0.766	0.583	0.324
Pears:			
Medium	0.855	0.664	0.397
Large	0.855	0.664	0.397
Pickles:			
Fresh pack:			
Medium	0.639	0.461	0.213
Large	0.639	0.461	0.213
Process pack:			
Medium	0.652	0.511	0.313
Large	0.652	0.511	0.313
Salt station:			
Medium	0.084	0.072	0.054
Large	0.084	0.072	0.054
Pineapples:			
Medium	1.476	1.111	0.599
Large	1.476	1.111	0.599
Plums:			
Medium	0.283	0.204	0.095
Large	0.283	0.204	0.095
Raisins:			
Medium	0.204	0.163	0.105
Large	0.204	0.163	0.105
Strawberries:			
Medium	0.619	0.449	0.210
Large	0.619	0.449	0.210
Tomatoes:			
Medium	0.524	0.378	0.173
Large	0.524	0.378	0.173

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots:			
Medium	2.278	1.309	0.986
Large	1.261	0.938	0.485
Caneberries:			
Medium	0.328	0.184	0.137
Large	0.182	0.134	0.067
Cherries:			
Brined:			
Medium	1.438	1.013	0.872
Large	0.763	0.621	0.423
Sour:			
Medium	2.013	1.225	0.962
Large	1.102	0.839	0.472
Sweet:			
Medium	0.813	0.479	0.368
Large	0.448	0.337	0.181
Cranberries:			
Medium	1.124	0.660	0.505
Large	0.620	0.465	0.248
Dried fruit:			
Medium	1.337	0.805	0.627
Large	0.733	0.556	0.308
Grape juice:			
Canning:			
Medium	1.399	0.849	0.666
Large	0.766	0.583	0.326
Pressing:			
Medium	0.203	0.123	0.097
Large	0.111	0.085	0.047
Olives:			
Medium	3.926	2.191	1.613
Large	2.285	1.606	0.796
Peaches:			
Medium	1.397	0.844	0.660

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Large	0.766	0.583	0.324
Pears:			
Medium	1.575	1.003	0.812
Large	0.855	0.664	0.397
Pickles:			
Fresh pack:			
Medium	1.139	0.606	0.429
Large	0.639	0.461	0.213
Process pack:			
Medium	1.208	0.784	0.643
Large	0.652	0.511	0.313
Salt station:			
Medium	0.163	0.125	0.113
Large	0.084	0.072	0.054
Pineapples:			
Medium	2.681	1.585	1.220
Large	1.476	1.111	0.599
Plums:			
Medium	0.504	0.270	0.191
Large	0.283	0.204	0.095
Raisins:			
Medium	0.380	0.257	0.217
Large	0.204	0.163	0.105
Strawberries:			
Medium	1.105	0.594	0.423
Large	0.619	0.449	0.210
Tomatoes:			
Medium	0.933	0.495	0.349
Large	0.524	0.378	0.173

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.

§ 407.65 Standards of performance for new sources.

(a) The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots:			
Medium	1.261	0.938	0.485
Large	1.261	0.938	0.485
Cranberries:			
Medium	0.182	0.134	0.067
Large	0.182	0.134	0.067
Cherries:			
Brined:			
Medium	0.763	0.621	0.423
Large	0.763	0.621	0.423
Sour:			
Medium	1.102	0.839	0.472
Large	1.102	0.839	0.472
Sweet:			
Medium	0.448	0.337	0.181
Large	0.448	0.337	0.181
Cranberries:			
Medium	0.620	0.465	0.248
Large	0.620	0.465	0.248
Dried fruit:			
Medium	0.733	0.556	0.308
Large	0.733	0.556	0.308
Grape juice:			
Canning:			
Medium	0.766	0.583	0.326
Large	0.766	0.583	0.326
Pressing:			
Medium	0.111	0.085	0.047
Large	0.111	0.085	0.047
Olives:			
Medium	2.285	1.606	0.796
Large	2.285	1.606	0.796
Peaches:			
Medium	0.766	0.583	0.324
Large	0.766	0.583	0.324
Pears:			
Medium	0.855	0.664	0.397
Large	0.855	0.664	0.397
Pickles:			
Fresh pack:			
Medium	0.639	0.461	0.213
Large	0.639	0.461	0.213
Process pack:			
Medium	0.652	0.511	0.313
Large	0.652	0.511	0.313
Salt station:			
Medium	0.084	0.072	0.054
Large	0.084	0.072	0.054
Pineapples:			
Medium	1.476	1.111	0.599
Large	1.476	1.111	0.599
Plums:			
Medium	0.283	0.204	0.095
Large	0.283	0.204	0.095
Raisins:			
Medium	0.204	0.163	0.105
Large	0.204	0.163	0.105
Strawberries:			
Medium	0.619	0.449	0.210
Large	0.619	0.449	0.210
Tomatoes:			
Medium	0.524	0.378	0.173
Large	0.524	0.378	0.173

(b) The following standards of performance establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and discharged at a controlled rate with state approval, shall meet only the annual average TSS limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Apricots:			
Medium	2.278	1.309	0.986
Large	1.261	0.938	0.485
Canberries:			
Medium	0.328	0.184	0.137
Large	0.182	0.134	0.067
Cherries:			
Brined:			
Medium	1.438	1.013	0.872
Large	0.763	0.621	0.423
Sour:			
Medium	2.013	1.225	0.962
Large	1.102	0.839	0.472
Sweet:			
Medium	0.813	0.479	0.368
Large	0.448	0.337	0.181
Cranberries:			
Medium	1.124	0.660	0.505
Large	0.620	0.465	0.248
Dried fruit:			
Medium	1.337	0.805	0.627
Large	0.733	0.556	0.308
Grape juice:			
Canning:			
Medium	1.399	0.849	0.666
Large	0.766	0.583	0.326
Pressing:			
Medium	0.203	0.123	0.097
Large	0.111	0.085	0.047
Olives:			
Medium	3.926	2.191	1.613
Large	2.285	1.606	0.796
Peaches:			
Medium	1.397	0.844	0.660
Large	0.766	0.583	0.324
Pears:			
Medium	1.575	1.003	0.812
Large	0.855	0.664	0.397
Pickles:			
Fresh pack:			
Medium	1.139	0.606	0.429
Large	0.639	0.461	0.213
Process pack:			
Medium	1.208	0.784	0.643
Large	0.652	0.511	0.313
Salt station:			
Medium	0.163	0.125	0.113
Large	0.084	0.072	0.054
Pineapples:			
Medium	2.684	1.585	1.220
Large	1.476	1.111	0.599
Plums:			
Medium	0.504	0.270	0.191
Large	0.283	0.204	0.095
Raisins:			
Medium	0.380	0.257	0.217
Large	0.204	0.163	0.105
Strawberries:			
Medium	1.105	0.504	0.423
Large	0.619	0.449	0.210
Tomatoes:			
Medium	0.933	0.495	0.349
Large	0.524	0.378	0.173

(c) The following standards of performance establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.

Subpart G—Canned and Preserved Vegetables Subcategory

§ 407.70 Applicability; description of the canned and preserved vegetables subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following vegetable products: beets; broccoli; carrots; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; peas; sauerkraut canning and cutting; snap beans; spinach; squash; and canned potatoes. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "beets" shall include the processing of beets into the following product styles: canned and peeled, whole, sliced, diced, French style, sections, irregular, and other cuts but not dehydrated beets.

(c) The term "broccoli" shall include the processing of broccoli into the following product styles: frozen, chopped, spears, and miscellaneous cuts.

(d) The term "carrots" shall include the processing of carrots into the following product styles: canned and frozen, peeled, whole, sliced, diced, nuggets, crinkle cut, julienne, shoestrings, chunks, chips and other irregular cuts, and juices but not dehydrated carrots.

(e) The term "corn, canned" shall mean the processing of corn into the following product styles: canned, yellow and white, whole kernel, cream style, and on-the-cob.

(f) The term "corn, frozen" shall mean the processing of corn into the following product styles: frozen, yellow and white, whole kernel and whole cob.

(g) The term "dehydrated onions and garlic" shall mean the processing of dehydrated onions and garlic into the following product styles: air, vacuum, and freeze dried, all varieties, diced, strips, and other piece sizes ranging from large sliced to powder but not including green onions, chives, or leeks.

(h) The term "dehydrated vegetables" shall mean the processing of dehydrated vegetables in the following product styles: air, vacuum and freeze dried, blanched and unblanched, peeled and unpeeled, beets, bell peppers, cabbage, carrots, celery, chili pepper, horseradish, turnips, parsnips, parsley, asparagus, tomatoes, green beans, corn, spinach, green onion tops, chives, leeks, whole, diced, and any other piece size ranging from sliced to powder.

(i) The term "dry beans" shall mean the production of canned pinto, kidney, navy, great northern, red, pink or related type, with and without formulated sauces, meats and gravies.

(j) The term "lima beans" shall mean the processing of lima beans into the following product styles: canned and frozen, green and white, all varieties and sizes.

(k) The term "mushrooms" shall mean the processing of mushrooms into the following product styles: canned, frozen, dehydrated, all varieties, shapes and sizes.

(l) The term "canned onions" shall mean the processing of onions into the following product styles: canned, frozen, and fried (canned), peeled, whole, sliced, and any other piece size but not including frozen, battered onion rings or dehydrated onions.

(m) The term "peas" shall mean the processing of peas into the following product styles: canned and frozen, all varieties and sizes, whole.

(n) The term "squash" shall include the processing of pumpkin and squash into canned and frozen styles.

(o) The term "sauerkraut cutting" shall mean the trimming, cutting, and subsequent preparatory handling of cabbage necessary for and including brining and fermentation, and subsequent tank soaking.

(p) The term "sauerkraut canning" shall mean the draining and subsequent filling and canning of fermented cabbage and juice.

(q) The term "snap beans" shall mean the processing of snap beans into the following product styles: canned and frozen green, Italian, wax, string, bush, and other related varieties, whole, French, fancy, Extra Standard, Standard, and other cuts.

(r) The term "spinach" shall mean the processing of spinach and leafy greens into the following product styles: canned or frozen, whole leaf, chopped, and other related cuts.

(s) The term "potatoes" shall mean the processing of sweet potatoes into the following product styles: canned, peeled, solid, syrup, and vacuum packed. The following white potato product styles are also included: canned, peeled, white, all varieties, whole and sliced.

(t) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(u) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

(v) The term "annual average" shall mean the maximum allowable discharge of BOD5 or TSS as calculated by multiplying the total mass (kkg or 1000 lb) of each raw commodity processed for the entire processing season or calendar year by the applicable annual average limitation.

(w) The terms "maximum for any one day" and "average of daily values for thirty consecutive days" shall be based on the daily average mass of raw material processed during the peak thirty consecutive day production period.

§ 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which could affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person many submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such

limitations must be approved by the administrator must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets	1.01	0.71	0.57
Broccoli	3.83	2.21	1.47
Carrots	1.76	1.11	0.82
Corn:			
Canned	0.71	0.48	0.38
Frozen	1.45	0.84	0.56
Dehydrated onion/garlic	2.45	1.46	0.98
Dehydrated vegetables	2.98	1.76	1.21
Dry beans	2.50	1.51	1.07
Lima beans	3.68	2.19	1.51
Mushrooms	3.01	1.78	1.22
Onions (canned)	3.09	1.83	1.25
Peas	2.42	1.50	1.08
Sauerkraut:			
Canning	0.50	0.30	0.21
Cutting	0.08	0.05	0.04
Snap beans	1.51	0.87	0.58
Spinach	2.37	1.36	0.91
Squash	0.90	0.59	0.46
Potatoes	0.90	0.66	0.55

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets	1.88	1.47	1.12
Broccoli	6.78	4.57	2.65
Carrots	3.19	2.30	1.54
Corn:			
Canned	1.32	1.00	0.73
Frozen	3.13	2.30	1.57
Dehydrated onion/garlic	4.49	3.02	1.76
Dehydrated vegetables	5.30	3.65	2.21
Dry beans	4.48	3.13	1.97
Lima beans	6.56	4.53	2.76
Mushrooms	5.36	3.68	2.22
Onions (canned)	5.51	3.78	2.28
Peas	4.36	3.11	2.02
Sauerkraut:			
Canning	0.80	0.63	0.40
Cutting	0.14	0.11	0.08
Snap beans	2.67	1.80	1.04
Spinach	4.19	2.81	1.64
Squash	1.64	1.23	0.87
Potatoes	1.69	1.37	1.09

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following effluent limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets:			
Medium	0.682	0.548	0.361
Large	0.682	0.548	0.361
Broccoli:			
Medium	1.894	1.337	0.557
Large	1.894	1.337	0.557
Carrots:			
Medium	0.966	0.729	0.397
Large	0.966	0.729	0.397
Corn:			
Canned:			
Medium	0.446	0.360	0.240
Large	0.446	0.360	0.240
Frozen:			
Medium	0.987	0.778	0.485
Large	0.987	0.778	0.485
Dehydrated onion/garlic:			
Medium	1.159	0.837	0.387
Large	1.159	0.837	0.387
Dehydrated vegetables:			
Medium	1.781	1.288	0.598
Large	1.781	1.288	0.598
Dry beans:			
Medium	1.403	1.021	0.486
Large	1.403	1.021	0.486
Lima beans:			
Medium	1.753	1.258	0.566
Large	1.753	1.258	0.566
Mushrooms:			
Medium	1.188	0.862	0.406
Large	1.188	0.862	0.406
Onions (canned):			
Medium	1.719	1.305	0.726
Large	1.719	1.305	0.726
Peas:			
Medium	0.995	0.758	0.427
Large	0.995	0.758	0.427
Sauerkraut:			
Canning:			
Medium	0.260	0.194	0.100
Large	0.260	0.194	0.100
Cutting:			
Medium	0.046	0.038	0.027
Large	0.046	0.038	0.027
Snap beans:			
Medium	1.048	0.747	0.326
Large	1.048	0.747	0.326
Spinach:			
Medium	1.176	0.830	0.346
Large	1.176	0.830	0.346
Squash:			
Medium	0.295	0.220	0.114
Large	0.295	0.220	0.114
Potatoes:			
Medium	0.572	0.476	0.342
Large	0.572	0.476	0.342

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by any existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the

process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets:			
Medium	1.242	0.852	0.722
Large	0.682	0.548	0.361
Broccoli:			
Medium	3.342	1.671	1.114
Large	1.894	1.337	0.557
Carrots:			
Medium	1.756	1.046	0.809
Large	0.966	0.729	0.397
Corn:			
Canned:			
Medium	0.837	0.580	0.494
Large	0.446	0.360	0.240
Frozen:			
Medium	1.832	1.204	0.994
Large	0.987	0.778	0.485
Dehydrated onion/garlic:			
Medium	2.067	1.102	0.781
Large	1.159	0.837	0.387
Dehydrated vegetables:			
Medium	3.178	1.699	1.206
Large	1.781	1.288	0.598
Dry beans:			
Medium	2.509	1.363	0.981
Large	1.403	1.021	0.486
Lima beans:			
Medium	3.117	1.633	1.138
Large	1.753	1.258	0.566
Mushrooms:			
Medium	2.122	1.146	0.820
Large	1.188	0.862	0.406
Onions (canned):			
Medium	3.135	1.893	1.480
Large	1.719	1.305	0.726
Peas:			
Medium	1.818	1.108	0.871
Large	0.995	0.758	0.427
Sauerkraut:			
Canning:			
Medium	0.470	0.270	0.204
Large	0.260	0.194	0.100
Cutting:			
Medium	0.087	0.064	0.056
Large	0.046	0.038	0.027
Snap beans:			
Medium	1.858	0.955	0.653
Large	1.048	0.747	0.326
Spinach:			
Medium	2.075	1.038	0.611
Large	1.176	0.830	0.346
Squash:			
Medium	0.534	0.307	0.232
Large	0.295	0.220	0.114
Potatoes:			
Medium	1.000	0.803	0.707
Large	0.572	0.476	0.342

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available control technology economically achievable. The effluent limitations do not apply to single-commodity 100 percent canned corn processing plants of all sizes, and multi-commodity 100 percent frozen vegetable processing plants with total annual raw material production less than 7,264 kkg (8,000 tons) per year.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.

§ 407.75 Standards of performance for new sources.

(a) The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets:			
Medium	0.682	0.548	0.361
Large	0.682	0.548	0.361
Broccoli:			
Medium	1.894	1.337	0.557
Large	1.894	1.337	0.557
Carrots:			
Medium	0.966	0.729	0.397
Large	0.966	0.729	0.397
Corn:			
Canned:			
Medium	0.446	0.360	0.240
Large	0.446	0.360	0.240
Frozen:			
Medium	0.987	0.778	0.485
Large	0.987	0.778	0.485
Dehydrated onion/garlic:			
Medium	1.159	0.837	0.387
Large	1.159	0.837	0.387
Dehydrated vegetables:			
Medium	1.781	1.288	0.598
Large	1.781	1.288	0.598

English units, lb/1,000 lb of raw material]

Commodity (fruits)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Dry beans:			
Medium	1.403	1.021	0.486
Large	1.403	1.021	0.486
Lima beans:			
Medium	1.753	1.258	0.566
Large	1.753	1.258	0.566
Mushrooms:			
Medium	1.188	0.862	0.406
Large	1.188	0.862	0.406
Onions (canned):			
Medium	1.719	1.305	0.726
Large	1.719	1.305	0.726
Peas:			
Medium	0.995	0.758	0.427
Large	0.995	0.758	0.427
Sauerkraut:			
Canning:			
Medium	0.260	0.194	0.100
Large	0.260	0.194	0.100
Cutting:			
Medium	0.046	0.038	0.227
Large	0.046	0.038	0.027
Snap beans:			
Medium	1.048	0.747	0.326
Large	1.048	0.747	0.326
Spinach:			
Medium	1.176	0.830	0.346
Large	1.176	0.830	0.346
Squash:			
Medium	0.295	0.220	0.114
Large	0.295	0.220	0.114
Potatoes:			
Medium	0.572	0.476	0.342
Large	0.572	0.476	0.342

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Beets:			
Medium	1.242	0.852	0.722
Large	0.682	0.548	0.361
Broccoli:			
Medium	3.342	1.671	1.114
Large	1.894	1.337	0.557
Carrots:			
Medium	1.756	1.046	0.809
Large	0.966	0.729	0.397
Corn:			
Canned:			
Medium	0.837	0.580	0.494
Large	0.446	0.360	0.240
Frozen:			
Medium	1.832	1.204	0.994
Large	0.987	0.778	0.485
Dehydrated onion/garlic:			
Medium	2.067	1.102	0.781
Large	1.159	0.837	0.387

[Metric units, kg/kkg of raw material; English units, lb/1,000 lb of raw material]

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Dehydrated vegetables:			
Medium	3.178	1.699	1.206
Large	1.781	1.288	0.598
Dry beans:			
Medium	2.509	1.363	0.981
Large	1.403	1.021	0.486
Lima beans:			
Medium	3.117	1.623	1.138
Large	1.753	1.258	0.566
Mushrooms:			
Medium	2.122	1.146	0.820
Large	1.188	0.862	0.406
Onions (canned):			
Medium	3.135	1.893	1.480
Large	1.719	1.305	0.726
Peas:			
Medium	1.818	1.108	0.871
Large	0.995	0.758	0.427
Sauerkraut:			
Canning:			
Medium	0.470	0.270	0.204
Large	0.260	0.194	0.100
Cutting:			
Medium	0.087	0.064	0.056
Large	0.046	0.038	0.027
Snap beans:			
Medium	1.858	0.955	0.653
Large	1.048	0.747	0.226
Spinach:			
Medium	2.075	1.038	0.611
Large	1.176	0.830	0.346
Squash:			
Medium	0.534	0.307	0.232
Large	0.295	0.220	0.114
Potatoes:			
Medium	1.090	0.803	0.707
Large	0.572	0.476	0.342

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Standard Pretreatment*
BOD5	No limitation.
TSS	Do.

Subpart H—Canned and Miscellaneous Specialties Subcategory

§ 407.80 Applicability; description of the canned and miscellaneous specialties subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato, and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "added ingredients" shall mean the prepared sauces (prepared from items such as dairy products, starches, sugar, tomato sauce and concentrate, spices, and other related preprocessed ingredients) which are added during the canning and freezing of fruits and vegetables.

(c) The term "baby foods" shall mean the processing of canned fresh fruits and vegetables, meats, eggs, fruit juices, cereal, formulated entrees, desserts and snacks using fresh, pre-processed, or any combination of these and other food ingredients necessary for the production of infant foods.

(d) The term "chips, potato" shall mean the processing of fried chips, made from fresh or stored white potatoes, all varieties. In terms of finished potato chips, 1 kg (lb) of finished product is equivalent to 4 kg (lb) of raw material.

(e) The term "chips, corn" shall mean the processing of fried corn, made by soaking, rinsing, milling and extruding into a fryer without toasting. In terms of finished corn chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(f) The term "chips, tortilla" shall mean the processing of fried corn, made by soaking, rinsing, milling, rolling into sheets, toasting and frying. In terms of finished tortilla chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(g) The term "ethnic foods" shall mean the production of canned and frozen Chinese and Mexican specialties utilizing fresh and pre-processed bean sprouts, bamboo shoots, water chestnuts, celery, cactus, tomatoes, and other similar vegetables necessary for the production of the various characteristic product styles.

(h) The term "jams and jellies" shall include the production of jams, jellies and preserves defined as follows: the combination of fruit and fruit concentrate, sugar, pectin, and other additives in an acidic medium resulting in a gelatinized and thickened finished product.

(i) The term "mayonnaise and salad dressings" shall be defined as the emulsified and non-emulsified semisolid food prepared from the combining of edible vegetable oil with acidifying, and egg yolk containing ingredients, or gum and starch combinations to which certain colorings, spices, and flavorings have been added.

(j) The term "soups" shall mean the combination of various fresh and preprocessed meats, fish, dairy products, eggs, flours, starches, vegetables, spices, and other similar raw ingredients into a variety of finished mixes and styles but not including dehydrated soups.

(k) The term "tomato-starch-cheese canned specialties" shall mean canned specialties resulting from a combination of fresh and pre-processed tomatoes, starches, cheeses, spices, and other flavorings necessary to produce a variety of products similar to but not exclusively raviolis, spaghetti, tamales, and enchiladas.

(l) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(m) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

(n) The term "annual average" shall mean the maximum allowable discharge of BOD5 or TSS, as calculated by multiplying the total mass (kkg or 1000 lb) of each final product produced for the entire processing season or calendar year by the applicable annual average limitation.

(o) The terms "maximum for any one day" and "average of daily values for thirty consecutive days" shall be based on the daily average mass of final product produced during the peak thirty consecutive day production period.

§ 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which could affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result,

these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and release at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

[Metric units, kg/kkg of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingredients	0.95	0.55	0.36
Baby food	1.23	0.73	0.51
Chips:			
Corn	1.58	1.04	0.80
Potato	3.46	2.17	1.58
Tortilla	2.41	1.50	1.09
Ethnic foods	2.39	1.41	0.96
Jams/jellies	0.42	0.26	0.19
Mayonnaise and dressings	0.37	0.24	0.17
Soups	4.14	2.46	1.69
Tomato-starch-cheese canned specialties	1.87	1.08	0.72

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

[Metric units, kg/kkg of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingredients	0.00	0.00	0.00
Baby food	2.23	1.55	0.95
Chips:			
Corn	2.90	2.17	1.53
Potato	6.25	4.49	2.97
Tortilla	4.34	3.11	2.04
Ethnic foods	4.23	2.91	1.73
Jams/jellies	0.76	0.54	0.36
Mayonnaise and dresssings	0.67	0.49	0.33
Soups	7.38	5.09	3.10
Tomato-starch-cheese canned specialties	3.31	2.23	1.30

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20mg/1.
pH	At all times within the range 6.0 to 9.5.

§ 407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

[Metric units, kg/kkg of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingredients:			
Medium	0.780	0.550	0.230
Large	0.780	0.550	0.230
Baby food:			
Medium	0.839	0.611	0.290
Large	0.839	0.611	0.290
Chips:			
Corn:			
Medium	1.142	0.898	0.557
Large	1.142	0.898	0.557
Potato:			
Medium	1.683	1.244	0.629
Large	1.683	1.244	0.629
Tortilla:			
Medium	1.665	1.253	0.676
Large	1.665	1.253	0.676
Ethnic foods:			
Medium	1.588	1.143	0.520
Large	1.588	1.143	0.520
Jams/jellies:			
Medium	0.187	0.142	0.080
Large	0.187	0.142	0.080
Mayonnaise and dressings:			
Medium	0.210	0.163	0.097
Large	0.210	0.163	0.097
Soups:			
Medium	2.766	2.000	0.929
Large	2.766	2.000	0.929
Tomato-starch-cheese canned specialties:			
Medium	0.981	0.705	0.319
Large	0.981	0.705	0.319

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

[Metric units, kg/kkg of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingredients:			
Medium	0.000	0.000	0.000
Large	0.000	0.000	0.000
Baby food:			
Medium	1.501	0.815	0.586
Large	0.839	0.611	0.290
Chips:			
Corn:			
Medium	2.117	1.386	1.143
Large	1.142	0.898	0.557
Potato:			
Medium	3.032	1.714	1.274
Large	1.683	1.244	0.629
Tortilla:			
Medium	3.025	1.789	1.377
Large	1.665	1.253	0.676
Ethnic foods:			
Medium	2.826	1.491	1.046
Large	1.588	1.143	0.520
Jams/jellies:			
Medium	0.342	0.208	0.164
Large	0.187	0.142	0.080
Mayonnaise and Dressings:			
Medium	0.386	0.245	0.198
Large	0.210	0.163	0.097
Soups:			
Medium	4.934	2.638	1.872
Large	2.766	2.000	0.929
Tomato-starch-cheese canned specialties:			
Medium	1.745	0.918	0.643
Large	0.981	0.705	0.319

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 10 mg/l.
pH	At all times within the range 6.0 to 9.5.

§ 407.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and miscellaneous specialties subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD[1]	No limitation
TSS	Do.
Oil and grease	Do.

§ 407.85 Standards of performance for new sources.

(a) The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

[Metric units, kg/kkf of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingredients:			
Medium	0.780	0.550	0.230
Large	0.780	0.550	0.230
Baby food:			
Medium	0.839	0.611	0.290
Large	0.839	0.611	0.290
Chips:			
Corn:			
Medium	1.142	0.898	0.557
Large	1.142	0.898	0.557
Potato:			
Medium	1.683	1.244	0.629
Large	1.683	1.244	0.629
Tortilla:			
Medium	1.665	1.253	0.676
Large	1.665	1.253	0.676
Ethnic foods:			
Medium	1.588	1.143	0.520
Large	1.588	1.143	0.520
Jams/jellies:			
Medium	0.187	0.142	0.080
Large	0.187	0.142	0.080
Mayonnaise and dressings:			
Medium	0.210	0.163	0.097
Large	0.210	0.163	0.097
Soups:			
Medium	2.766	2.000	0.929
Large	2.766	2.000	0.929
Tomato-starch-cheese canned specialties:			
Medium	0.981	0.705	0.319
Large	0.981	0.705	0.319

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

[Metric units, kg/kkg of final product; English units, lb/1,000 lb of final product]

Commodity (specialties)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average shall not exceed—
Added ingedients:			
Medium	0.000	0.000	0.000
Large	0.000	0.000	0.000
Baby food:			
Medium	1.501	0.815	0.586
Large	0.839	0.611	0.290
Chips:			
Corn:			
Medium	2.117	1.386	1.143
Large	1.142	0.898	0.557
Potato:			
Medium	3.032	1.714	1.274
Large	1.683	1.244	0.629
Tortilla:			
Medium	3.025	1.789	1.377
Large	1.665	1.253	0.676
Ethnic foods:			
Medium	2.826	1.491	1.046
Large	1.588	1.143	0.520
Jams/jellies:			
Medium	0.342	0.208	0.164
Large	0.187	0.142	0.080
Mayonnaise and dressings:			
Medium	0.386	0.245	0.198
Large	0.210	0.163	0.097
Soups:			
Medium	4.934	2.638	1.872
Large	2.766	2.000	0.929
Tomato-starch-cheese canned specialties:			
Medium	1.745	0.918	0.643
Large	0.981	0.705	0.319

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 10 mg/l.
pH	At all times within the range 6.0 to 9.5.

§ 407.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and miscellaneous specialty subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
Oil and grease	Do.

[FR Doc.76-10640 Filed 4-15-76;8:45 am]

federal register

FRIDAY, APRIL 16, 1976



PART III:

COMMODITY FUTURES TRADING COMMISSION

■

COMMISSION RECORDS AND INFORMATION

Implementation of the Requirements of The Freedom of Information Act

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 145—COMMISS'ON RECORDS AND INFORMATION

Implementation of the Requirements of The Freedom of Information Act and Repeal of Prior Rules

On August 14, 1975, the Commodity Futures Trading Commission published in the FEDERAL REGISTER, 40 Fed. Reg. 34146, notice that it was considering adoption of rules to implement the Freedom of Information Act, as amended, 5 U.S.C. 552. These rules generally concern the information to be published by the Commission in the FEDERAL REGISTER, Commission records available for public inspection and copying, the procedure for requesting access to publicly available information, and petitions for confidential treatment of information.

As required by the Freedom of Information Act, 5 U.S.C. 552(a)(4)(A), the Commission published for comment as part of those rules a proposed schedule of fees for search, duplication and other services performed in response to requests for records or information. The Commission has received no comments concerning the fee schedule. Nevertheless, it has further considered the merits of its original proposal and has determined to adopt a somewhat modified schedule of fees in a somewhat different form, although the fees to be charged will remain substantially unchanged.

The Commission also solicited comments on its proposal to adopt these rules to implement the Freedom of Information Act. Two letters of comment were received; they contained several useful suggestions that have been adopted and are reflected in these rules. In other respects, however, proposals that were made were not adopted for reasons that will be discussed below.

With the changes indicated below, the rules have been adopted substantially in the form proposed and will become effective on May 17, 1976. They comprise a new Part 145 of Title 17 of the Code of Federal Regulations. At the same time, the information and record disclosure rules of the Commodity Exchange Authority, 17 CFR 140.3 through 140.6 which have temporarily continued in effect, will be repealed.

SUMMARY OF THE RULES' PROVISIONS

Section 145.1 of Part 145 generally describes the information that the Commission will publish in the Federal Register for the guidance of the public. This will include a description of its organizational structure and functional responsibilities, as well as procedural and substantive requirements adopted by the Commission that affect members of the public.[1] Certain other records of the Commission having importance as legally authoritative documents, such as final opinions and orders of the Commission in adjudicated matters, will be available for public inspection and copying and will be indexed by the Commission. Those categories of records are described in § 145.2.

Section 145.3 emphasizes that the Commission will generally make all other records available to any person upon request. Moreover, consistent with the Commission's desire to permit the fullest possible public access to the records it maintains, § 145.4 describes circumstances in which identifying details may be deleted from a document in order to prevent a clearly unwarranted invasion of personal privacy, while permitting the document otherwise to be made public. That section also expresses the Commission's intention, where there is a public interest in disclosure of the substance of a document that cannot be disclosed in its original form, to make the material public in an abridged or summary form or with identifying details deleted.

Certain matters that are permitted by the Freedom of Information Act to be treated as nonpublic and which the Commission may find it necessary to withhold in particular situations are described in § 145.5. The introductory language of § 145.5 emphasizes, however, that any reasonably segregable portion of a record shall be provided upon request, even where it may be necessary to delete a part of the the record.

The public reference facilities that the Commission will maintain are described in § 145.6 and the manner in which requests are to be made for access to Commission records or copies thereof are set forth in § 145.7. The fees that the Commission intends to charge are referred to in § 145.8, and the schedule of fees that the Commission has determined to charge is set forth in Appendix B to Part 145.

In certain circumstances, where there is a risk of disclosure of trade secrets or processes or of other sensitive commercial information, where there is a risk of invasion of the personal privacy of any person, or where other adverse consequences would flow from disclosure of investigatory records, a person who has supplied information to the Commission, in an application, in the course of an investigation, or otherwise, may reasonably wish to have that information protected from public disclosure for a specified time or, in rare cases, for an indefinite period. Accordingly, in § 145.9 the Commission is establishing a procedure pursuant to which a petition may be filed seeking confidential treatment of information supplied to the Commission.

[1] The Commission is still in its organizational stage. For that reason, it may be some time before the Commission fully describes its organization and sets forth the manner in which its functions will be channeled and the procedures to be followed by members of the public in dealing with the Commission. Every effort is being made, however, consistent with the Commission's performance of its basic responsibilities under the Commodity Exchange Act, as amended, to prepare and publish information within these categories.

PROCEDURE TO BE FOLLOWED FOR REQUESTING COPIES OF COMMISSION RECORDS

Consistent with the Freedom of Information Act, as amended, under proposed § 145.7(f) the Commission within 10 business days after a request for records has been received will make an initial decision whether to comply with the request. Where a request has been denied, the Commission will afford an administrative appeal of that determination, which will generally be decided by the Commission within 20 business days after receipt of the appeal. Of course, many records of the Commission have been and will continue to be routinely available to any person immediately upon request. The Commission intends ultimately to set forth in these rules those records which will be available immediately upon request both at the Commission's principal office in Washington, D.C., and at its regional offices.[2] The present rules, however, do not contain this detailed information.

In order to assure that the required prompt attention may be given to requests for records other than those which are routinely made available, the rules generally require in § 145.7(c) that a request be made either in person during normal business hours at the Commission's principal office or by mail directed to the Office of Public Information at its principal office. Requests that are misdirected will promptly be forwarded to the Office of Public Information, but a failure to address a request properly may impair the ability of the Commission to provide a timely or satisfactory response, and may make it impossible for the Commission to entertain an administrative appeal from an alleged failure of its staff to comply with a request. The 10-business-day period which the Commission will normally respond to a request will begin only upon actual receipt of the request by the Office of Public Information. § 145.7(j)(2).

NONPUBLIC TREATMENT OF CERTAIN RECORDS

The provisions of § 145.5 implement the exemptions from disclosure that are

[2] A complete listing of addresses of Commission offices is set forth in Section 145.6.

contained in the Freedom of Information Act. That subsection constitutes an instruction by the Commission to its staff concerning those records that the Commission believes are not required to be disclosed under the Freedom of Information Act and which it has decided should generally not be disclosed.

Significantly, § 145.5(d) reflects the Commission's specific recognition that certain information it obtains in the performance of its regulatory responsibilities should generally not be disclosed because it is the type of sensitive commercial or financial information that would not generally be disclosed by the person from whom it was obtained and is exempt from the disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552(b)(4).[3] In other records, sensitive personal information has been revealed to the Commission in accordance with law. In order to assure that no unwarranted invasion of personal privacy will occur, records of that type, some of which are enumerated in § 145.5(f), will not generally be disclosed.

A comment letter was received which suggested that those investigative and disciplinary files of a contract market which have been provided to the Commission should expressly be considered among the class of documents exempt from public inspection and copying. While the Commission agrees with the thrust of this comment, it feels that investigative and disciplinary files of a contract market are entitled to no greater confidentiality under the Freedom of Information Act than the Commission's own investigative records. The extent to which the Commission's investigative records may be withheld from public examination is determined under the seventh exemption from the Freedom of Information Act's disclosure requirements, 5 U.S.C. 552(b)(7). The Commission intends to apply principles comparable to those established in that exemption in determining whether the investigative and disciplinary files of a contract market may be withheld from any person who has requested access to them under the Freedom of Information Act.

Under the Commission's rules, it will be the responsibility of the Director of the Commission's Office of Public Information to determine whether a request concerns a record that the Commission by its rules has decided is generally to be treated as nonpublic. In making that decision, it is contemplated that he will consult with members of the Commission's staff whose area of responsibility relates to the requested record. Moreover, the Commission's rules explicitly provide that the Director shall not deny access to any record without first having consulted with the Office of the Commission's General Counsel and may consult with the Office of the General Counsel as to other matters as well.

ADMINISTRATIVE REVIEW OF A DENIAL OF ACCESS TO RECORDS

Provisions for administrative review by the Commission of a denial of any request for a record are contained in § 145.7(g). All appeals are required to be made in writing and to be delivered or mailed to the Office of Public Information of the Commission. Since the Commission may determine to disclose records that it might lawfully withhold, it is significant that an application for administrative review of a denial may state such facts and cite such authorities as the applicant may consider appropriate, not only on the question of the applicant's right to have access to the record, but also on why access should be granted even if no right to access exists.

The Commission will generally make a determination with respect to an appeal within 20 business days after receipt of the appeal. If the denial of a request should be upheld, the Commission will notify the person making the request of the names and titles of the members of the Commission who voted to deny the request and will advise the requesting person of those provisions of the Freedom of Information Act that provide for judicial review of the Commission's determination.

REQUEST FOR CONFIDENTIAL TREATMENT BY PERSONS FILING DOCUMENTS WITH, SUBMITTING DOCUMENTS OR GIVING TESTIMONY TO THE COMMISSION

The Commission does not intend publicly to disclose the trade secrets or processes of any registrant or other person who may have submitted that information to the Commission in an application, in the course of an investigation or otherwise. Nor does the Commission wish, through inadvertence, to disclose other sensitive business information, or information the disclosure of which would invade the personal privacy of any person, except in circumstances where the public interest in access to such information clearly outweighs the business or personal interests of any person that might be adversely affected by the disclosure. Accordingly, the Commission is adopting a procedure pursuant to which persons who have supplied sensitive business or personal information to the Commission may petition the Commission to grant it confidential treatment.[4]

Under the procedure, which is set forth in § 145.9 of the rules, a petition for confidential treatment will generally be made at the time or shortly after the time when sensitive information is supplied to the Commission. Information for which confidential treatment may be requested is limited to that which involves a trade secret or process or other sensitive commercial or financial information or, if disclosed, would constitute an invasion of personal privacy or constitutes investigatory records in certain cases. Whenever possible, the information for which confidential treatment is sought should be provided to the Commission in a document separate from documents for which confidential treatment is not being sought.

Although the information that is the subject of a petition will be identified as such among the records of the Commission, under § 145.9(c) no decision on the petition will be made unless and until a member of the public should request to inspect or to obtain a copy of the document containing the information. At that time, the Director of the Commission's Office of Public Information is authorized to grant confidential treatment to the extent that the information appears to be exempt from the disclosure requirements of the Freedom of Information Act under exemptions relating to sensitive business information, to unwarranted invasions of personal privacy, and to investigatory records in certain cases, 5 U.S.C. 552(b)(4), 552(b)(6) and 552(b)(7).

A person who has requested access to a record that is granted confidential treatment under this provision may seek administrative review by the Commission in the same manner as when access to any record has been denied. A person who has petitioned for confidential treatment which has been denied will be notified by telegram on the day of denial; he will have a right to appeal the denial of confidential treatment to the Commission within five business days. For this purpose, a brief written statement that review of the denial is sought will be sufficient when filed with the Office of Public Information.

In order to permit the Commission to decide the question of confidential treatment, the Commission's rule invokes the provision of the Freedom of Information Act that allows an extension for up to ten business days of the time in which an initial determination must be made whether or not to grant access to the record. During that period the Commission will determine whether confidential treatment is appropriate under law and whether, in any event, it might be more appropriate to disclose the record.

Pursuant to suggestions made in a letter of comment, the Commission has decided to adopt § 145.9 in a form somewhat different from that originally proposed. As modified, § 145.9(d) will now expressly recognize that a person who has sought confidential treatment may serve and file an opposition to an administrative appeal taken by a person who has unsuccessfully requested access to that information. The Commission has not, however, expressly provided a specific period in which that opposition may be filed. The time limits within

[3] It was suggested that the Commission should broadly treat the research and development data submitted in connection with contract market designation as trade secrets that are invariably to be withheld. The Commission is not willing to adopt so ill-defined an exception to its basic policy of public disclosure. The procedures set forth in Section 145.9, discussed below, will permit a request for confidential treatment to be made and honored in specific situations when demonstrably warranted.

[4] Of course, no petition will be required with respect to materials submitted to the Commission that have explicitly been described as generally nonpublic under Section 145.5.

which the Commission must act under the Freedom of Information Act are narrow; accordingly, the Commission will review these matters promptly and will consider opposing papers only if they are promptly submitted.

Paragraph 145.9(g) of the Rule as adopted will effect another change that was suggested to the Commission. It provides for same-day notification by telegram to a person who petitioned for confidential treatment if his petition should be denied by the Commission. The telegram will set forth a specific date not less than ten business days after the denial before which the information will not be publicly disclosed. It was pointed out to the Commission that its original proposal would have provided no opportunity for judicial review when confidentiality is denied by the Commission. While the Commission believes it has discretion under law to disclose virtually all records that are not protected under the Privacy Act, it recognizes that it must afford affected persons a fair opportunity to present this and similar questions for judicial determination.

It was also suggested that the Commission should adopt a procedure by which it would state in advance whether it is willing to afford confidential treatment to specific materials that are being offered to it on a voluntary basis. Presumably, this procedure, if adopted, would encourage the voluntary submission of information that is not formally required to be filed with the Commission. But the effort involved in deciding whether confidentiality would be appropriate in particular cases could become quite burdensome, and the Commission is not willing to assume that burden. Frequently, it will be in the interest of a person to make a voluntary submission whether or not confidentiality is assured; should the Commission have a need for information not voluntarily submitted, it has ample authority under law to compel the disclosure.

The information and record disclosure rules of the Commodity Exchange Authority, 17 CFR 140.3 through 140.6, are repealed effective May 17, 1976.

Chapter I of Title 17 of the Code of Federal Regulations is amended by adding a new Part 145, reading as follows:

PART 145—COMMISSION RECORDS AND INFORMATION

Sec.

145.1 Information published in the FEDERAL REGISTER.
145.2 Records available for public inspection and copying; documents published and indexed.
145.3 Other records available upon request.
145.4 Records available with identifying details deleted.
145.5 Nonpublic matters.
145.6 Public reference facilities.
145.7 Requests for Commission records and copies thereof.
145.8 Fees for records services.
145.9 Petition for confidential treatment of certain information submitted to the Commission.
145a Appendix A Compilation of Commission Records available to the public.
145b Appendix B Schedule of fees.

AUTHORITY: Pub. L. 89-554, 80 Stat. 383, Pub. L. 90-23, 81 Stat. 54, and Pub. L. 93-502, 88 Stat. 1561-1564 (5 U.S.C. 552); Sec. 101(a), Pub. L. 93-463, 88 Stat. 1389 (7 U.S.C. 4a(j)).

§ 145.1 Information published in the Federal Register.

Except as provided in § 145.5, pertaining to nonpublic matters, the following materials shall be published in the FEDERAL REGISTER for the guidance of the public:

(a) Description of the Commission's central and field organization and the established place at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions;

(b) statements of the general course and method by which the Commission's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Commission; and

(e) each amendment, revision, or repeal of the foregoing.

§ 145.2 Records available for public inspection and copying; documents published and indexed.

Except as provided in § 145.5, pertaining to nonpublic matters, the following materials shall be available for public inspection and copying during normal business hours at the principal office of the Commission in Washington, D.C. and at the regional offices of the Commission:

(a) Final opinions of the Commission, including concurring and dissenting opinions, as well as orders made by the Commission in the adjudication of cases;

(b) statements of policy and interpretations which have been adopted by the Commission and are not published in the FEDERAL REGISTER;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) a record of the final votes of each member of the Commission in every Commission proceeding; and

(e) current indices (published quarterly or more frequently) providing identifying information to the public as to the materials made available pursuant to paragraphs (a), (b) and (c) of this section.

§ 145.3 Other records available upon request.

Except with respect to the records made available under §§ 145.1 and 145.2, and subject to the provisions of § 145.5 (pertaining to nonpublic matters) and § 145.9 (pertaining to confidential treatment of certain documents filed with or submitted to the Commission), the Commission, upon request for records which (a) reasonably describes such records and (b) is made in accordance with the rules set forth in §§ 145.7 and 145.8, stating the time, place, fees (if any) and procedures to be followed, shall make the records promptly available to any person. A compilation of records generally available at the principal office of the Commission and at the regional offices of the Commission appears below as Appendix A to this Part 145 (17 CFR 145a).

§ 145.4 Records available with identifying details deleted.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted from materials made public as set forth in §§ 145.1, 145.2 and 145.3, e.g., apparently defamatory statements made about any person, information received by or given to the Commission in confidence, or any contents of personnel and medical and similar files. In addition, certain materials which are considered to be nonpublic, as described in § 145.5, may, as authorized by the Commission from time to time, be made available for public inspection and copying in an abridged or summary form or with identifying details deleted.

§ 145.5 Nonpublic matters.

Certain records may be treated as nonpublic, but any reasonably segregable portions of a record shall be provided to a person who has requested the record after deletion of the portions which are considered nonpublic under this section. Except for such reasonably segregable portions of records, the Commission may decline to publish or make available to any person matters that are:

(a) (1) specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy, and (2) are in fact properly classified pursuant to such executive order;

(b) related solely to the internal personnel rules and practices of the Commission or any other agency of the Government of the United States, including operation rules, guidelines, and manuals of procedure for investigators, auditors, and other employees (other than those rules and practices which establish legal requirements to which members of the public are expected to conform);

(c) specifically exempted from disclosure by statute, including data and information which would separately disclose the business transactions of any person and trade secrets or names of customers that have been obtained by the Commission in an investigation conducted pursuant to section 8 or section

16 of the Commodity Exchange Act, as amended, 7 U.S.C. 12 to 12–3 and 20, for the efficient execution of the provisions of the Act or in order to provide information for the use of Congress;

(d) trade secrets and commercial or financial information obtained from a person and privileged or confidential, including, but not limited to:

(1) information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, and the information is of a kind not normally disclosed by the person from whom it was obtained including:

(i) certain information on Form 1–FR required filed pursuant to 17 CFR 1.10 and schedules 1, 2, 4, 5, 6, 7, 8 and 9 thereto;

(ii) reports of stocks of grain, such as Forms 38, 38C, 38M and 38T required to be filed pursuant to 17 CFR 1.44;

(iii) statements of reporting traders on Form 40 required to be filed pursuant to 17 CFR 18.04;

(iv) statements concerning special calls on positions required to be filed pursuant to 17 CFR 21.00;

(v) statements concerning identification of special account on Form 102 required to be filed pursuant to 17 CFR 17.01; and

(vi) reports filed on forms in the 01, 03 and 04 series required to be filed pursuant to 17 CFR 17.00, 18.00 and 19.00;

(2) information contained in reports, summaries, analyses, transcripts, letters or memoranda arising out of, in anticipation of or in connection with an examination or inspection of the books and records of any person or any other formal or informal inquiry or investigation; and

(3) information for which confidential treatment has been requested and granted in accordance with § 145.9;

(e) Inter-agency or intra-agency memoranda or letters, except those which by law would routinely be made available to a party other than an agency in litigation with the Commission, including:

(1) records which reflect discussions between or consideration by members of the Commission or members of its staff, or both, of any action taken or proposed to be taken by the Commission or by any member of its staff; and

(2) reports, summaries, analyses, conclusions, or any other work product of members of the Commission or of attorneys, accountants, economists, analysts, or other members of the Commission's staff, prepared in the course of an inspection of the books or records of any person whose affairs are regulated by the Commission, or prepared otherwise in the course of any formal or informal inquiry, examination or investigation or related litigation conducted by or on behalf of the Commission;

(f) Personnel files, medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, including but not limited to, information of that character contained in:

(1) files concerning employees of the Commission;

(2) files concerning persons subject to regulation by the Commission, including the applications for registration as a futures commission merchant, an associated person, a floor broker, a commodity pool operator, a commodity trading advisor, and biographical data forms submitted with such applications. Examples of the information on the applications or forms which may be protected are a person's home address, social security number, date and place of birth and, in appropriate cases, some of the information concerning prior criminal convictions or other actions by legal or regulatory authorities;

(3) files containing information for which confidential treatment has been requested and granted in accordance with § 145.9;

(g) Investigatory records compiled for law enforcement purposes to the extent that production of such records would interfere with enforcement proceedings, deprive a person of a right to a fair trial or an impartial adjudication, or disclose the identity of a confidential source. In a particular case the Commission may also withhold investigatory records that would constitute an unwarranted invasion of personal privacy, disclose investigative techniques and procedures or endanger the life or physical safety of law enforcement personnel, whether or not confidential treatment has been requested in accordance with § 145.9. Investigatory records include all documents, records, transcripts, correspondence and related memoranda and work product concerning examinations and other inquiries or investigations and related litigation as authorized by law, which pertain to or may disclose the possible violations by any person of any provision of law including the Commodity Exchange Act, as amended, or of any rule or regulation adopted by the Commission or which pertain to the qualifications of any person registered or seeking registration under that Act or of any person affiliated with such person; and all written communications from or to any person who has confidentially complained or otherwise furnished information respecting such possible violations, as well as all correspondence and memoranda in connection with such confidential complaints or information;

(h) Contained in or related to examinations, operating, or condition reports prepared by, on behalf of, or for the use of the Commission or any other agency responsible for the regulation or supervision of financial institutions; and

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 145.6 Public reference facilities.

The Commission shall have public reference facilities at its principal offices at 2033 K Street, N.W., Washington, D.C. 20581, telephone (202) 254–8630 and at its regional offices:

141 West Jackson Boulevard, Room A–1, Chicago, Illinois 60604, Telephone: (312) 353–5990.

510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725–2025.

4800 Main Street, Room 356, Kansas City, Missouri 64112, Telephone: (816) 374–2994.

Two Embarcadero Center, Suite 975, San Francisco, California 94111, Telephone: (415) 556–7503.

61 Broadway, Room 2101, New York, New York 10006, Telephone: (212) 264–1028.

(a) The public reference room in Washington shall have available for public examination all of the publicly-available records of the Commission as described in §§ 145.1, 145.2 and 145.3.

(b) Each regional office shall have available for public examination the materials set forth in § 145.2, and the following materials with respect to persons and companies who have their principal offices within the geographic area it serves (as described in § 140.2):

(1) All applications for designation as contract markets or for registration with the Commission as a futures commission merchant, associated person, floor broker, commodity trading advisor, commodity pool operator or a registered futures association, as well as all supplemental material filed with or submitted to the Commission by the applicant;

(2) [Reserved]

§ 145.7 Requests for Commission records and copies thereof.

(a) *Public Reference Inquiries.* Inquiries concerning the nature and extent of records available at the Commission's principal office in Washington or at its regional offices may be made in person, by mail or by telephone. The addresses and telephone numbers of all Commission regional offices are set forth in § 145.6. Written inquiries may be addressed to the Office of Public Information, Commodity Futures Trading Commission, Washington, D.C. or to a particular regional office.

(b) *Time and place of request for inspection of records.* Requests for inspection of Commission records may be made in person during normal business hours at the principal office of the Commission in Washington, D.C. Requests for inspection of Commission records located in a regional office may be made in person during normal business hours at that regional office.

(c) *Requests for copies of records.* Requests for copies of Commission records may be made either in person at the principal office of the Commission or by mail addressed to the Office of Public Information, Commodity Futures Trading Commission, Washington, D.C. With respect to records described in § 145.6(b), a request may be addressed to the appropriate regional office.

(d) *Description of requested records.* Each request for inspection of Commission records or copies thereof shall rea-

sonably describe the records sought with sufficient specificity with respect to names, dates and subject matter to permit the records to be located among the records maintained by or for the Commission. A person who has requested Commission records or copies thereof will be promptly advised if the records cannot be located on the basis of the description given and that further identifying information must be provided before his request can be satisfied.

(e) *Normal availability.* Records or copies will normally be made available at the office of the Commission at which the records are maintained either immediately upon receipt of a request or within ten business days thereafter, unless the request relates to matters that may be treated as nonpublic as described in § 145.5. Records may be made available, upon request, at another office of the Commission, if the Commission determines that transmittal of the records to that office will not significantly interfere with the effective performance of any Commission function, and if the requesting person has undertaken to pay the cost of transportation of the records to that office in accordance with the Commission's schedule of fees set forth in Appendix B to this Part (§ 145b). An estimate of costs under the schedule of fees shall be given to the requesting person before any action is taken to transmit requested records, and he may elect to withdraw his request and examine the records at the office at which they are normally maintained.

(f) *Initial determinations, denials.* With respect to any record that may be treated as nonpublic as described in § 145.5, the Director of the Commission's Office of Public Information will determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of a request for inspection of the record or for a copy (or within such extended periods as may be permitted in accordance with paragraph (h) of this section) whether to comply with such request, and shall immediately notify the person making such request of his determination. Where it is determined not to comply, the Director will also notify him of the reasons therefor, and of his right to appeal to the Commission an adverse determination. No request shall be denied without the Director first having consulted with the Office of the Commission's General Counsel, and the Director may consult with the Office of General Counsel as to other matters as well.

(g) *Administrative review.* Any person who has been notified pursuant to paragraph (f) of this § 145.7 that his request for inspection of a record or for a copy has been denied in whole or in part, or who has received no response to a request for a record or copy within ten business days (or within such extended period as may be permitted in accordance with paragraph (h) of this section) after his request was received by the Commission's staff, may appeal the adverse determination or the failure to respond by applying for an order of the Commission determining and directing that the record be made available.

(1) The application to the Commission shall be in writing and shall identify the record in the form in which it was originally requested.

(2) The application should be delivered to the Office of Public Information or sent by mail to the Office of Public Information, Commodity Futures Trading Commission, Washington, D.C.

(3) The applicant may, if he wishes, state such facts and cite such legal or other authorities as the applicant may consider appropriate.

(4) The Commission may determine to withhold any record that it finds to be exempt from the disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, although it may disclose a record, even if exempt, if good cause why it should do so is either shown by the application or otherwise appears.

(5) The Commission will make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt by the Office of Public Information of such appeal or within such extended period as may be permitted in accordance with paragraph (h) of this § 145.7.

(6) If on appeal the denial of the request for a record or copy is overruled, the Commission shall advise the person who made the request that the record will be made available on or after a specific date. If on appeal the denial of the request for a record or copy is in whole or in part upheld, the Commission shall (i) advise the person who made the request of the denial, (ii) notify him of the names and positions of the members of the Commission responsible for the denial, and (iii) notify him of the provisions for judicial review of that determination that are set forth at 5 U.S.C. 552(a)(4).

(h) *Extension of time to consider requests and to consider administrative appeals.* In unusual circumstances, as defined in this paragraph, the time limits prescribed in either paragraph (f) or (g) of this § 145.7 may be extended by written notice to the person making a request for a record or a copy. The notice shall set forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten business days. As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of a particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request. Many records of the Commission are stored in Federal Record Centers in accordance with law and cannot be made available for several days after a request has been made. Other records may be located at a regional office of the Commission. Any person who has requested for personal examination a record stored at the Federal Record Center or located in a regional office of the Commission (other than the office at which the request was made) will be notified when the record will be made available to him. Any person who has ordered a copy of such record will be provided with a copy as soon as practicable;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request. While every reasonable effort will be made fully to comply with each request as promptly as possible on a first-come, first-served basis, work done to search for, collect and appropriately examine records in response to a request for a large number of records will be contingent upon the availability of processing personnel in accordance with an equitable allocation of time to all members of the public who have requested or wish to request records;

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components within the Commission having substantial subject matter interest therein.

(i) *Inability to comply with time requirements.* If the Commission should be unable to comply with the applicable time limits contained in this § 145.7 in responding to a request for records, it shall give written notice of the reason for delay to the person who made the request and shall be prepared to demonstrate to a court, if need be, the existence of exceptional circumstances and that the Commission is exercising due diligence in responding to the request for records.

(1) *Records in use by another member of the public.* Any record being inspected by or copied for another member of the public will be made available as soon as practicable.

(2) *Records in use by a member of the Commission or its staff.* Although every effort will be made to make a record in use by a member of the Commission or its staff available when requested, it may occasionally be necessary to delay making such a record available when doing so at the time the request is made would seriously interfere with the work of the Commission or its staff.

(3) *Missing or lost records.* Any person who has requested a record or copy will be notified if the record sought cannot be found. If he so requests, he will be notified if it should subsequently be located.

(j) *Oral requests; misdirected written requests.* (1) *Telephone and other oral requests.* While the Commission's staff will attempt in good faith to comply with requests for copies of records made orally, by telephone or otherwise, the Commission cannot assure a timely or satisfactory response to such requests

due to the risk of misunderstanding inherent in the use of oral communication. The Commission will not entertain any appeal under paragraph (g) of this § 145.7 from an alleged denial or failure to comply with an oral request. Any person who has orally requested a copy of a record that he believes to have been improperly denied to him should resubmit his request in appropriate written form in order to obtain proper consideration and, if need be, administrative review.

(2) *Misdirected written requests.* The Commission cannot assure that a timely or satisfactory response will be given to written requests for inspection or copies of records that are directed to the Commission other than in the manner prescribed in paragraphs (b) and (c) of this § 145.7. Any staff member who receives a written request for records should promptly forward the request to the Office of Public Information. Misdirected requests for records will be considered to have been received for purposes of this § 145.7 only when they have been actually received by the Office of Public Information. The Commission will not entertain any appeal from an alleged denial or failure to comply with a misdirected request, unless it is shown that the request was in fact received by the Office of Public Information.

§ 145.8 Fees for records services.

A schedule of fees for record services, including locating, and making records available, and copying, appears in Appendix B to this Part 145 (17 C.F.R. 145b). Copies of the schedule of fees may also be obtained upon request made in person, by telephone or by mail from the Office of Public Information or at any regional office of the Commission.

§ 145.9 Petition for confidential treatment of certain information submitted to the Commission.

(a) A petition may be made that specific information be accepted or retained in confidence by the Commission where the information is contained in an application, supplemental submission, transcript or other document that has been filed with the Commission or has been submitted to or created by the Commission in the course of an investigation or otherwise, and the information either (1) involves a trade secret or process or other sensitive commercial or financial information; (2) if disclosed would constitute an invasion of personal privacy; or (3) constitutes investigatory records compiled for law enforcement purposes to the extent that disclosure of such information would deprive a person of a right to a fair trial or impartial adjudication or disclose the identity of a confidential source.

(b) (1) A petition for confidential treatment shall contain a concise statement of the reasons why the information should be accepted or retained in confidence, shall state the length of time for which confidential treatment is required, and may state on what basis, if any, the petition itself should be afforded confidential treatment. The petition shall also set forth an address at which the petitioner may promptly be reached by telegram and by mail, and it shall be the obligation of the petitioner to advise the Commission of any change in its address.

(2) Information for which confidential treatment is being sought shall be supplied, whenever possible, in a document separate from documents containing information for which confidential treatment is not being sought.

(3) Information that is the subject of a petition for confidential treatment shall be identified as such among the records of the Commission.

(c) When any person has made a request, pursuant to § 145.7, for inspection or for a copy of any record containing information for which confidential treatment has been sought, the Director of the Office of Public Information shall determine within five days (except Saturdays, Sundays and legal public holidays) whether confidential treatment may and should be granted. Where a proper showing has been made, the petition for confidential treatment will normally be granted by the Director to the extent that sections 552(b)(4) (relating to sensitive business information), 552(b)(6) (relating to invasions of personal privacy) and 552(b)(7) (relating to investigatory records) of Title 5 of the United States Code appear to permit the information supplied to be withheld from public disclosure.

(d) Any person who has made a request, pursuant to § 145.7, for inspection or for a copy of any record containing information that has been granted confidential treatment by the Director of the Office of Public Information, may, to the extent that he has been denied access to requested records, seek administrative review by the Commission of the denial in accordance with the procedure set forth in § 145.7(g). If administrative review is sought, the person who petitioned for confidential treatment shall promptly be notified and provided with a copy of the application for administrative review; his opposition to the application, if timely served upon the applicant and received by the Commission, will be considered by the Commission.

(e) A person who has petitioned for confidential treatment which has been denied by the Director of the Office of Public Information shall be notified by telegram on the day of denial. The telegram shall advise him of the denial and that the information will be publicly disclosed unless an appeal to the Commission should be taken within five business days in accordance with paragraph (f) of this § 145.9.

(f)(1) Any person who has been denied confidential treatment for specific information may seek Commission review of that denial by filing with the Office of Public Information, within five business days after the denial, a brief written statement that review of the denial is sought.

(2) When the Commission review of a denial of confidential treatment is sought, the time in which the Director of the Office of Public Information must initially determine whether to grant or deny the request for access to the record containing the information, as prescribed in § 145.7(f), shall be extended for ten business days, by written notice to the person making the request. This will enable the Commission to consult with the Office of its General Counsel and other components within the Commission having substantial interest in the subject matter. Within that ten-business-day period the Commission shall determine whether the request for records shall be granted to include the information for which confidential treatment has been sought. If confidential treatment of a record should be granted, the person who had requested access to that record and has, accordingly, been denied access to the record will be notified in the manner prescribed in § 145.7(g)(6).

(3) Except with respect to trade secrets and processes, which shall in no event be publicly disclosed, and except with respect to matters the disclosure of which would violate the Privacy Act of 1974, 5 U.S.C. 552a, or the rules of the Commission thereunder, which are contained in Part 146, nothing in this § 145.9 shall be interpreted to prevent the Commission from publicly disclosing information or records. The Commission may deny confidential treatment to a document that might lawfully be withheld from the public or limit the length of time for which confidential treatment shall be accorded, if the public interest in access to the information appears to the Commission to outweigh the business or personal interest of any person that might be adversely affected by the disclosure.

(g) A person who has petitioned for confidential treatment which has been denied by the Commission shall be notified by telegram on the day of the denial. The telegram shall advise him of the denial and that the information will be publicly disclosed on or after a specified date, which shall be no less than ten business days after the day of the denial.

(h) Neither the Director of the Office of Public Information nor the Commission will (1) honor oral requests for confidential treatment of information or requests made otherwise than in conformity to this rule, (2) honor requests that are unnecessarily broad in scope or where inadequate explanation is given, or (3) permit the Commission's staff to devote its time to remedy deficiencies in the request.

(i) No request for confidential treatment of information should be made by any person who does not intend in good faith to aid the Commission in the defense of any proceeding that might thereafter be brought to compel the Commission to disclose the information. Unless such information was submitted for the convenience and at the request of the Commission or its staff, the Commission will make available to the public any information it has previously retained in confidence under paragraph (c) of this § 145.9 if the person requested and obtained confidential treatment of that in-

formation (or those on whose behalf he acted) is unwilling, upon request, to aid in the defense of an action brought against the Commission to compel the Commission to disclose the information.

* * * * *

§ 145a Appendix A—Compilation of Commission records available to the public.

[Reserved]

* * * * *

§ 145b Appendix B—Schedule of fees.

(a) The following charges will be made for services in locating or making available records or copies thereof:

(1) One dollar for each one-quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record.

(2) Where, because of the generality of a request or otherwise, a search cannot successfully be performed by clerical personnel, $2 for each one-quarter hour spent in excess of the first-quarter hour by professional or managerial personnel in searching for a requested record.

(3) No fee shall be charged for copies of documents if the number of pages requested by that individual totals less than 10. This limit applies to the total requests under this section during any 180-day period.

(4) For requests for copies of documents in excess of 10 pages the charge will be $0.10 per page.

(5) For materials other than paper records, the direct cost of the materials shall be charged, but the person making the request shall be notified of the amount of the charge and shall give specific approval prior to the preparation of copies.

(6) When, in accordance with § 145.7 (e), a request has been made and granted to examine Commission records at an office of the Commission other than the office at which those records are normally maintained, the Commission shall transmit the records in a manner which the Director of the Office of Public Information considers best calculated to assure that the records will not be lost or damaged in transit, and the requesting party (i) shall reimburse the Commission for the actual cost to the Commission for transporting the records; and (ii) shall be charged at the rate of $1 for each one-quarter hour devoted by a Commission employee in preparing the records to be transported.

(7) The Commission may, upon application by the individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fees is in the public interest.

(8) No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents or for the time involved in examining records to determine whether they are exempt from the disclosure requirements of the Freedom of Information Act and should be withheld.

(9) No fee will be charged in connection with any record which is not made available because:

(i) It is found to be nonpublic as described in § 145.5; or

(ii) After reasonable search, a record adequately identified cannot be located, provided that a fee will be charged if after the person who requested the record or copy has been notified that it cannot be located, the search is continued beyond that time at his insistence.

(b) Requests for copies of documents should be addressed to the Office of Public Information, Commodity Futures Trading Commission, Washington, D.C. or to the appropriate regional office.

(c) A request for Commission records may state that the requesting party is willing to pay fees up to a stated limit for services to be provided in locating and making available requested records. In such circumstances, no work will be done that will result in fees beyond the stated limit without further written authorization. If not limit is initially stated by the person requesting records or copies, services in locating and making available the requested records will not be done so as to exceed fees of $25.00, and copying services will not be provided in excess of $25.00, without the express written authorization by the requesting person, and he will be so advised. Where it is anticipated that fees for requested services will exceed $50.00 an advance deposit of 25 percent of the anticipated fee or $25.00, whichever is greater, may be required.

(d) Payment must be made by check or money order payable to the Treasury of the United States. No employee of the Commission is authorized to accept payment of fees in cash.

(e) Advance payment of all or part of the fee may be required at the discretion of the Commission. Generally, advance payment will not be required where the anticipated fee is less than $25.00.

* * * * *

The foregoing rules shall be effective May 17, 1976.

Issued in Washington, D.C., on April 9, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-10865 Filed 4-15-76;8:45 am]

federal register

FRIDAY, APRIL 16, 1976



PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

PRIVACY ACT 1974

Systems of Records

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Privacy Act of 1974

System of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 930579) as prescribed in 5 USC 552a(e)(4), the following notice of a proposed system of records that will be maintained by the Department of Health, Education, and Welfare is published as set forth below.

Prior to the final adoption of the proposed routine uses, consideration in accordance with the requirements of 5 USC 552a(e)(11), will be given to comments which are submitted in writing on or before the 30th day following the date of publication of this notice.

Public comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

April 5, 1976

John Ottina
Assistant Secretary for Administration and Management

NIH/NICHD 0305.00

System name: Clinical trials dealing with fertility regulating methods, DHEW/NIH/NICHD.

Security classification: None

System location: Landow Building, Room C625, 7910 Woodmont Ave., Bethesda, Md.—and at hospitals and medical centers under contract.

Categories of individuals covered by the system: Vounteers and patients in clinical trials dealing with male and female fertility regulating methods.

Categories of records in the system: Individuals, medical records of subjects participating in clinical trials.

Authority for maintenance of the system: 42 U.S.C. 241(g), 289d

Authority for maintenance of the system: 1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

2. Certain infectious diseases are reported to state governments as required by law.

3. See Appendix B Departmental Regulations (45 CFR Part 5b), Item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, computer tapes or discs.

Retrievability: Name or identifier code. NIH Uses: Data analyusis; program management; DHEW user (Contraceptive Development Branch, Center for Population Research) will receive data extracted by principal investigators from volunteer records describing the effects of various fertility regulating approaches in male and female.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

Retention and disposal: One year to indefinitely, depending on the requirements of the specific study. Records are shredded, burned or erased.

System manager(s) and address: Chief, Contraceptive Development Branch, Center for Population Research, NICHD, NIH, Landow Building, Room A704, 7910 Woodmont Ave., Bethesda, Md. 20014.

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the Study, if known.

3. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and speify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Information provided by subjects and clinical investigators.

Systems exempted from certain provisions of the act: None

[FR Doc.76-10477 Filed 4-14-76;8:45 am]

federal register

FRIDAY, APRIL 16, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions; Modifications and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Indiana	IN76–2046
Ohio	OH76–2056

MODIFICATIONS TO GENERAL WAGE DETERMINATION

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA76–5019; CA76–5020	Mar. 5, 1976.
Florida:	
FL76–1043	Apr. 19, 1976.
Georgia:	
GA76–1023	Feb. 13, 1976.
GA76–1039	Mar. 12, 1976.
Idaho:	
ID76–5016	Feb. 13, 1976.
Illinois:	
IL76–2009	Feb. 6, 1976.
Kentucky:	
KY75–1054	June 20, 1975.
Mississippi:	
MS76–1020	Jan. 30, 1976.
MS76–1106	Oct. 31, 1975.
MS76–1109	Nov. 14, 1975.
Nevada:	
NV76–5005	Jan. 16, 1976.
New Mexico:	
NM75–4204	Dec. 19, 1975.
New Jersey:	
NJ76–3127; NJ76–3128	Feb. 27, 1976.
New York:	
NY75–3115	Dec. 12, 1975.
Oklahoma:	
OK76–4002	Jan. 16, 1976.
OK76–4023	Feb. 6, 1976.
Pennsylvania:	
PA75–3027	Mar. 28, 1975.
PA75–3053	May 23, 1975.
PA75–3060	Nov. 21, 1975.
PA75–3112	Dec. 5, 1975.
Texas:	
TX75–4196	Nov. 21, 1975.
TX76–4027; TX76–4031; TX 76–4034; TX76–4041.	Feb. 13, 1976.
TX76–4045; TX76–4046; TX 76–4050.	Feb. 20, 1976.
Utah:	
UT76–5017	Feb. 13, 1976.
Vermont:	
VT76–2040	Mar. 26, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their date of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AL75–1086 (AL76–1049)	Sept. 26, 1975.
Colorado:	
CO75–5143 (CO76–5030); CO 75–5144 (CO76–5031); CO 5145 (CO76–5032); CO75–5146 (CO76–5033); CO75–5147 (CO74–5034). 5147 (CO76–5034).	Dec. 19, 1975.
Florida:	
FL75–1087 (FL76–1048)	Sept. 5, 1975.
Georgia:	
FA76–1034 (GA76–1050))	Mar. 5, 1976.

Illinois:	
IL76–2012 (IL76–2047)	Feb. 13, 1976.
IL76–2018 (IL76–2048)	Feb. 20, 1976.
IL75–5079 (IL76–5038)	July 11, 1975.
Indiana:	
IN75–2131 (IN76–2056); IN 75–2132 (IN76–2057).	Dec. 19, 1975.
IL75–5079 (IL76–5038	July 11, 1975.
Michigan:	
IL75–5079 (IL76–5038)	Do.
AR–3054 (MI76–2049)	July 12, 1974.
MI76–2032 (MI76–2050)	Mar. 12, 1976.
MI76–2035 (MI76–2052)	Mar. 19, 1976.
Minnesota:	
IL75–5079 (IL76–5038)	July 11, 1975.
Nebraska:	
NE76–4025 (NE76–4072)	Feb. 13, 1976.
New York:	
IL75–5079 (IL76–5038)	July 11, 1975.
NY75–3111 (NY76–3162)	Dec. 5, 1975.
North Dakota:	
ND75–5130 (ND76–5037)	Oct. 17, 1975.
Ohio:	
IL75–5079 (IL76–5038)	July 11, 1975.
Oklahoma:	
OK76–4071 (OK76–4073)	Apr. 2, 1976.
Pennsylvania:	
IL75–5079 (IL76–5038)	July 11, 1975.
Wisconsin:	
IL75–5079 (IL76–5038)	Do.
WI75–2048 (WI76–2045)	Mar. 14, 1975.

Signed at Washington, D.C., this 9th day of April 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Indiana COUNTY: Vanderburgh
DECISION NO.: IN76-2046 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.70				
CARPENTERS	4.07				
CEMENT MASONS	8.06				
DRYWALL FINISHERS	6.34				
DRYWALL HANGERS	6.50				
ELECTRICIANS	5.00				
LABORERS	3.93				
PLUMBERS	5.58				
SHEET METAL WORKERS	5.25				
TILE SETTERS	8.00				
TRUCK DRIVERS	6.45				

STATE: Ohio COUNTY: Richland
DECISION NO. OH76-2053 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.635	.34	.80		.02
BOILERMAKERS	11.90	.50	.60		.01
BRICKLAYERS, Blocklayers, Marble Masons, Stone masons, Tile layers & Terrazzo workers	9.79	.45	.60		.02
CARPENTERS & SOFT FLOOR LAYERS	9.91	.45	.60	c	.04
CEMENT MASONS	9.75				
ELECTRICIANS	10.30	.33	1%+.25		.1%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	10.285	.495	.32	4%+a+b	.02
Elevator Constructors' helpers	7.20	.495	.32	4%+a+b	.02
Elevator Constructors' helpers (prob.)	5.14				
IRONWORKERS	9.97	.60	.50		.03
LABORERS:					
General laborer, Carpenter tender, Concrete handler	7.46	.55	.35		.02
Mason and Plaster tenders, air & power driven tools, pipelayer, dynamite blaster, mortar mixer & formsetter	7.66	.55	.35		.02
Gunnite Operator	8.06	.55	.35		.02
LINEMEN:					
Lineman & Equipment Operator	10.30	.33	1%+.25		.25%
Line Truck Driver	6.70	.33	1%+.25		.25%
Groundman	6.18	.33	1%+.25		.25%
MILLWRIGHTS AND PILEDRIVERMEN	10.85	.57	1.00		.03
PAINTERS:					
Brush, roller, Washer & Cleaner	7.85		.30		
Drywall, paperhanger, Wall coverer, Pot Tender,	8.30		.30		
Structural steel, tanks & Towers hazardous materials incl. epoxy	8.35		.30		
PLASTERERS	9.25				
PLUMBERS AND STEAMFITTERS	10.905	.45	.80		.025
ROOFERS	10.04	.57	.40		.02
SHEET METAL WORKERS	9.86	.45	.60		.02
SPRINKLER FITTERS	11.15	.50	.80		.08

DECISION NO OH76-2053

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employer 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. Two paid holidays: Memorial Day and Labor Day

DECISION NO OH76-2053

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.74	.46	.80		.11
GROUP B	10.58	.46	.80		.11
GROUP C	10.23	.46	.80		.11
GROUP D	9.42	.46	.80		.11
GROUP E	9.09	.46	.80		.11
GROUP F	7.98	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableway, 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 macine (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat

GROUP C - Air Compressor (pressureizing shafts or tunnels), asphalt roller, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material) generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 2" discharge, hydro seeders, self propelled power spreader, self propelled subgrader, 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 boiler (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA76-5019 - Mod. #1					
(41 FR 9725 - March 5, 1976)					
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
San Benito and Santa Clara Counties	$ 11.15	.95	.95		.20
Electricians:					
Alameda County					
Electricians	11.41	.80	1% + .90		.03
Cable Splicers	12.84	.80	1% + .90		.03
Elevator Constructors	12.39	.495	.32	3% + a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3% + a	.02
Piledrivermen, bridge, wharf and dock builders	11.15	.84	1.26	.75	.04
Roofers:					
Fresno, Kings, Madera and Tulare Counties	10.20	.60	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA76-5020-Mod. #1					
(41 FR 9742 - March 5, 1976)					
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
San Benito and Santa Clara Counties	$11.15	.95	.95		.20
Electricians:					
Alameda County					
Electricians	11.41	.80	1%+.90		.03
Cable Splicers	12.84	.80	1%+.90		.03
Fresno County					
Electricians (3-4 stories)	11.01	.60	1%+.95		.05
Elevator Constructors	12.39	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Piledrivermen, bridge, wharf and dock builders	11.15	.84	1.26	.75	.04
Roofers					
Fresno County	10.20	.60	.80		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #FL76-1043 - Mod. #1 (41 FR - April 9, 1976) Broward County, Florida					
CHANGE:					
Ironworkers	$ 9.45	.75	.58		.08
DECISION #GA76-1023 - Mod. #2 (41 FR 6956 - February 13, 1976) Chatham County, Georgia					
Change:					
Boilermakers	8.80	.60	1.00		.02
Glaziers	6.85				
Lathers	7.15				
Sprinkler fitters	10.10	.50	.80		.08
DECISION #GA76-1039 - Mod. #2 (41 FR 10826 - March 12, 1976) Richmond County, Georgia					
Change:					
Electricians	8.36	.30	1%+.20		½ of 1%
Plumbers & Steamfitters	9.03	.35	.30		c
Sheet Metal workers	7.50				.04
Sprinkler Fitters	10.10	.50	.80		.08
FOOTNOTES:					
c. Employer contributes $2.00 per month for each employee to App. Tr. fund not to exceed $50.00.					

DECISION NO. ID76-5016 - Mod. #1
(41 FR 6961-February 13, 1976)
Statewide, Idaho

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons:					
Bingham (South half); Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	$9.00	.50	.50		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	9.50	.40	.40		
Cement Masons:					
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Cement Masons	8.32	.45	.40	.30	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.52	.45	.40	.30	.10
Electricians:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties					
Cable Splicers	10.40	.45	1%+.25		1%
Remaining Counties					
Electricians - Technicians	9.75	.45	1%+.25		1%
Cable Splicers	10.72	.45	1%+.25		1%
Elevator Constructors:					
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Elevator Constructors	9.155	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Glaziers:					
Bonner, Boundary, Kootenai, and Shoshone Counties	8.79	.35	.10	.64	

DECISION #ID76-5016 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and Idaho County (north of 46th Parallel)					
Ornamental, Structural and Reinforcing	$10.15	.58	1.00		.05
Those portions of Idaho, Adams, Valley and Washington Counties located south of the 46th Parallel and north of the Weiser-Gibbonsville Line					
Ornamental, Structural and Reinforcing	9.90	.58	1.00	.25	.05
Remaining Counties and those portions of Idaho, Adams, Valley and Washington Counties located south of the Weiser-Gibbonsville Line					
Ornamental, Structural and Reinforcing	9.39	.55	.85		.02
Lathers:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	9.58	.50			
Plasterers:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai Latah, Lewis, Nez Perce and Shoshone Counties	9.68	.50			
Remaining Counties	8.22	.40	.35	.30	
Roofers:					
Benewah, Bonner, Boundary, Kootenai, and Shoshone Cos. Roofers	8.39	.55	.40		.01
Sheet Metal Workers:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.10	.52	.80		.05

DECISION NO. ID76-5016 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Terrazzo Workers' and Tile Setters' Helpers:					
Tile Setters' and Terrazzo Workers' Helpers	$6.10				
Finisher Helpers	6.55				
Laborers: (Area 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.62	.55	.72	.20	.10
Group 2	6.72	.55	.72	.20	.10
Group 3	6.82	.55	.72	.20	.10
Group 4	6.92	.55	.72	.20	.10
Group 5	6.97	.55	.72	.20	.10
Group 6	7.22	.55	.72	.20	.10
Group 7	7.47	.55	.72	.20	.10
Underground Work:					
Group 8	6.77	.55	.72	.20	.10
Group 9	6.92	.55	.72	.20	.10
Group 10	7.22	.55	.72	.20	.10
Power Equipment Operators: See attached -(Zone Descriptions)					
Truck Drivers (Area 1): (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and that portion of Idaho County North of the 46th Parallel)					
Group 1	8.15	.92	.75		
Group 2	8.20	.92	.75		
Group 3	8.25	.92	.75		
Group 4	8.35	.92	.75		
Group 5	8.55	.92	.75		
Group 6	8.60	.92	.75		
Group 7	8.65	.92	.75		
Group 8	8.70	.92	.75		
Group 9	8.80	.92	.75		
Group 10	8.85	.92	.75		
Group 11	9.15	.92	.75		
Group 12	9.30	.92	.75		
Group 13	9.45	.92	.75		
Group 14	9.60	.92	,75		

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL76-2009 - Mod. #1					
(41 FR 5534 - February 6, 1976)					
DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
ADD:					
DuPage, Kane, Kendall, Lake & McHenry Counties:					
Line Construction					
Linemen, Digger Operator, Crane Operator (15 Ton or Over)	$10.21	.35	1%		.50%
Equipment Operator	8.70	.35	1%		.50%
Truck Driver	6.94	.35	1%		.50%
Groundman	6.70	.35	1%		.50%
DECISION #KY75-1065 - Mod. #3					
(40 FR 26201 - June 20, 1975)					
McCracken County, Kentucky)					
Change:					
Sheet metal workers	11.36	.60+d	.60		.07
FOOTNOTES:					
d. Employer contributes 3% of gross income to Stabilization Agreement of Sheet Metal Industry fund.					

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS76-1020 - Mod. # 1					
(41 FR 4780 - January 30, 1976)					
Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Carpenters:					
Carpenters; Soft floor layers	7.55	.30	.20		.05
Millwrights	7.87	.30	.20		.05
Laborers:					
Laborers	4.70	.15	.10		.05
Air tool operator; asphalt rakers; mason tenders; masonry cleaners; mortar mixers; pipe wrappers; power post hole digger operators; railroad men.	4.85	.15	.10		.05
Decision # MS75-1106 - Mod. # 3					
(40 FR 50914 - October 31, 1975)					
Hinds County, Mississippi					
Change:					
Boilermakers	8.80	.60	1.00		.02
Bricklayers:					
Bricklayers	7.50	.15	.10		.03
Tile & terrazzo workers	7.40	.15	.10		.03
Stonemasons	7.50	.15	.10		.03
Electricians:					
Electricians	8.35	.35	1%+.50		.04
Cable splicers	8.60	.35	1%+.50		.04
Lathers	8.05				.01
Plasterers	7.40	.25	.30		.05

Decision # MS75-1109 - Mod. # 2 (40 FR-53208 - November 14, 1975) Warren County, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Ed ar Ap
Change:					
Bricklayers:					
Bricklayers: Stonemasons	7.50	.15	.10		
Tile & Terrazzo workers	7.40	.15	.10	-	
Carpenters:					
Carpenters; Soft floor layers	7.20	.30	.25		•
Millwrights; Piledrivermen	7.80	.30	.25		•
Pneumatic nailer or power saw (over 1hp) operator	7.75	.30	.25		•
Working with creosoted or treated material	7.45	.30	.25		•
Plumbers & Pipefitters	8.90		.55	*	
*Two paid holidays - Labor Day and Christmas Day.					

DECISION NO. NV76-5005 - Mod. #1 (41 FR 2601 - January 16, 1976) Nevada Test Site including Tonopah Test Range in Clark and Nye Counties					
Change:					
Sheet Metal Workers	9.53	.83	1.60	1.00	

DECISION NO. NM75-4204 - Mod. #3 (40 FR 59167 - December 19, 1975) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
ZONE VI					
6-A	$9.00	.40	1%		.01
6-B	9.35	.40	1%		.01
6-C	9.50	.40	1%		.01
6-D	9.75	.40	1%		.01
CABLE SPLICERS:					
ZONE V					
5-A	9.35	.40	1%		.01
5-B	9.70	.40	1%		.01
5-C	9.85	.40	1%		.01
5-D	10.10	.40	1%		.01
OMIT:					
Electricians and Cable splicers Zone Definitions.					
ADD:					
Electricians and Cable splicers Zone Definitions (attached)					

ELECTRICIANS' ZONE DEFINITIONS

ELECTRICIANS:

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B

Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation

ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 4-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo

Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE V - McKinley County

Zone 5-A - Includes that City of Gallup and extending 10 road miles from main post office

Zone 5-B - Extending up to 20 road miles beyond Zone 5-A

Zone 5-C - Extending up to 30 road miles beyond Zone 5-A

Zone 5-D - Anything extending 30 road miles beyond Zone 5-A

ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Arteasia, Carlsbad, hobbs and Lovington:

Zone 6-A - 0 to 12 miles from main post office

Zone 6-B - 12 to 22 miles from main post office

Zone 6-C - 22 to 40 miles beyond main post office

Zone 6-D - 40 miles and beyond main post office

CABLE SPLICERS' ZONE DEFINITIONS

CABLE SPLICERS

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B

Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties

3-A - Within 5 miles radius from the post office in Las Cruces and Alamogordo

3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)

ZONE IV - McKinley County

4-A - Includes that city of Gallup and extending 10 road miles from main post office

4-B - Extending up to 20 road miles beyond zone 4-A

4-C - Extending up to 30 road miles beyond Zone 4-A

4-D - Anything extending 30 road miles beyond Zone 4-A

ZONE V - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs, and Lovington:

Zone 5-A - 0 to 12 miles from main post office

Zone 5-B - 12 to 22 miles from main post office

Zone 5-C - 22 to 40 miles beyond main post office

Zone 5-D - 40 miles and beyond main post office

DECISION #NJ76-3127 - Mod. #3
(41 FR 8702 - February 27, 1976)

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:					
Laborers, Heavy & Highway Construction:					
Zone 1:					
Group 1	$ 8.25	.60	.95	d	.05
Group 2	7.95	.60	.95	d	.05
Group 3	7.90	.60	.95	d	.05
Group 4	7.75	.60	.95	d	.05
Group 5	7.65	.60	.95	d	.05
Group 6	7.40	.60	.95	d	.05
Group 7	7.35	.60	.95	d	.05
Group 8	7.25	.60	.95	d	.05
Zone 2:					
Group 1	8.75	.60	.95	d	.05
Group 2	8.60	.60	.95	d	.05
Group 3	8.35	.60	.95	d	.05
Group 4	8.30	.60	.95	d	.05
Group 5	8.20	.60	.95	d	.05
Group 6	8.10	.60	.95	d	.05
Group 7	7.85	.60	.95	d	.05
Group 8	7.70	.60	.95	d	.05
Group 9	7.65	.60	.95	d	.05
Free Air Tunnel Jobs:					
Group 1	9.12	.60	.95	d	.05
Group 2	8.72	.60	.95	d	.05
Group 3	8.56	.60	.95	d	.05
Group 4	8.05	.60	.95	d	.05
Add:					
Ironworkers - Structural, Ornemental & Reinforcing:					
Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twps.), Camden, Gloucester & Salem Counties	10.30	.64	1.06		.03
Burlinton (remainder of county) & Mercer Counties	10.36	.79	1.11		.05

DECISION #NJ76-3128 - Mod. #2
(41 FR 8717 - February 27, 1976)

Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers, Heavy & Highway Construction:					
Group 1	$ 8.75	.60	.95	e	.05
Group 2	8.60	.60	.95	e	.05
Group 3	8.35	.60	.95	e	.05
Group 4	8.30	.60	.95	e	.05
Group 5	8.20	.60	.95	e	.05
Group 6	8.10	.60	.95	e	.05
Group 7	7.85	.60	.95	e	.05
Group 8	7.70	.60	.95	e	.05
Group 9	7.65	.60	.95	e	.05
Free Air Tunnel Jobs:					
Group 1	9.12	.60	.95	e	.05
Group 2	8.72	.60	.95	e	.05
Group 3	8.56	.60	.95	e	.05
Group 4	8.05	.60	.95	e	.05
Laborers, Asphalt Construction:					
Zone 1:					
Street:					
Head raker	8.05	.61	.69	e	.10
Rakers & screed men	7.90	.61	.69	e	.10
Tampers, smoothers, kettlemen, painters, top shovelers & roller boys	7.65	.61	.69	e	.10
Plant:					
Scale mixer & burner men	7.90	.61	.69	e	.10
Feeders & dust men	7.65	.61	.69	e	.10
Zone 2:					
Street:					
Head rakers	7.40	.60	.95	e	.05
Rakers & screed men	7.25	.60	.95	e	.05
Tampers, smoothers, kettlemen, painters, shovelers & roller boys	7.00	.60	.95	e	.05
Plant:					
Scale mixer & burner men	7.25	.60	.95	e	.05
Feeders & dust men	7.00	.60	.95	e	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NY75-3115 - Mod. #3					
(40 FR 58048 - December 12, 1975)					
Bronx, Kings, Queens, New York and Richmond County, New York					
Change:					
Asbestos Workers	$10.00	1.37	.90	1.20	
Bricklayers	11.10	.78	2.92		
Ironworkers, Ornamental Finisher	9.59	.86	2.35	.78	.03
Ironworker, Structural	10.90	1.10	2.45	1.35+p	.06
Plasterers' Helpers (Kings)	8.20	2.45		.80	
Sheet Metal Workers	11.67	1.61	.94	.40	.02
Sprinkler Fitters and Steam Fitters	9.62	2.65	1.12	.86	.07
Stone Derrickmen and Riggers	10.81	.98	.77		.01
Terrazzo Workers' Helpers	8.49	1.21	1.50		
Terrazzo Workers', Machine Operator	8.64	1.21	1.50		
Tile Setters	8.50	.80	2.05		
Tile Setters' Helpers	7.90	.50	1.27		
DECISION NO. OK76-4002 - Mod. #1					
(41 FR 2604 - January 16, 1976)					
Comanche County, Oklahoma					
CHANGE:					
CEMENT MASONS	$7.00				
ELECTRICIANS	8.45	.20	1%		1/4%
ROOFERS	5.15				
TRUCK DRIVERS	3.00				
DECISION NO. OK76-4023 - Mod. #1					
(41 FR 5562 - February 6, 1976)					
Comanche County, Oklahoma					
CHANGE:					
BOILERMAKERS	$9.00	.50	.76		.02
PAINTERS:					
Brush and roller	7.50				.05
Brush & roller (structural steel)	7.75				.05
Spray	8.25				.05
Swing stage, bosun chair work	7.75				.05
Taping & bedding (hand tools)	7.90				.05
Sandblasting	8.25				.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #PA75-3027 - Mod. # 7					
(40 FR 14268 - March 28, 1975)					
Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Painters:					
Brush	$7.83	.24	.21		
Structural Steel	8.28	.24	.21		
Spray	8.58	.24	.21		
Tank, bridges, Stacks	9.08	.24	.21		
Decision #PA75-3053 - Mod. # 6					
(40 FR 22782 - May 23, 1975)					
Lebanon County, Pennsylvania					
Change:					
Painters:					
West of Route # 72					
Brush	7.83	.24	.21		
Structural Steel	8.28	.24	.21		
Spray	8.58	.24	.21		
Decision #PA-75-3060 - Mod. # 2					
(40 FR 54412 - November 21, 1975)					
Franklin County, Pennsylvania					
Change:					
Cement masons	8.875	.30	.40		
Ironworkers:					
Structural	9.98	.79	1.11		.03
Painters, brush	7.83	.24	.21		
Power Equipment Operators:					
Bulldozers	11.475	.50	.60		.09
Backhoe	11.625	.50	.60		.09
Cranes	10.625	.50	.60		.09
Loaders	11.475	.50	.60		.09
Add:					
Grader	10.475	.50	.60		.09
Fork Lift	9.35	.50	.60		.09
Omit:					
Air Compressor	4.25				

Decision #PA75-3112 - Mod. # 4 (40 FR 57136 - December 5, 1975) Lancaster County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
Elizabeth & Dowetal Township					
Brush	$7.83	.24	.21		
Steel	8.28	.24	.21		
Spray	8.58	.24	.21		
DECISION #TX75-4196 - Mod. #4 (40 FR 54417 - November 21, 1975) Bexar County, Texas					
Change:					
Painters:					
Brush	$ 7.55		.20		.05
Spray	7.80		.20		.05
Structural steel	7.80		.20		.05
Spray on structural steel; sandblasting	8.05		.20		.05
Paperhanger	7.55		.20		.05
Taper and floater	7.55		.20		.05
DECISION #TX76-4027 - Mod. #2 (41 FR 7028 - February 13, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Ironworkers	8.55	.55	.70		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4031 - Mod. #5 (41 FR 7040 - February 13, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Painters:					
Brush	$ 6.45				.04
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers & boatswain chair	6.95				.04
Ames tools for dry walls	7.05				.04
Spray work & self feeding rollers	7.20				.04
Steam cleaning, sandblasting & hazardous work	7.55				.04
DECISION #TX76-4034 - Mod. #2 (41 FR 7021 - February 13, 1976) Brazos County, Texas					
Change:					
Bricklayers	10.13	.38	.50		.05
Cement masons	9.25	.49	.42		.05
Ironworkers	9.63	.55	.85		.075
Power Equipment Operators:					
Group 1	9.87	.35	.65		.06
Group 2	8.38	.35	.65		.06
Group 3	7.84	.35	.65		.06
Group 4	7.66	.35	.65		.06

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4041 - Mod. #3 (41 FR 7037 - February 13, 1976) Galveston & Harris Cos., Texas					
Change:					
Bricklayers & stonemasons	$10.13	.38	.50		.05
Carpenters:					
Carpenters	9.65	.50	.50		.05
Millwrights	10.01	.50	.50		.05
Piledrivermen	9.65	.50	.50		.05
Cement masons:					
Harris County	9.25	.49	.42		.05
Galveston County	9.25	.49	.42		
Ironworkers	9.63	.55	.85		.075
Laborers:					
Group 1	6.93	.28	.40		.02
Group 2	7.105	.28	.40		.02
Group 3	7.205	.28	.40		.02
Group 4	7.48	.28	.40		.02
Group 5	7.055	.28	.40		.02
Group 6	7.355	.28	.40		.02
Truck drivers:					
Group 1	7.84				
Group 2	8.23				
Group 3	8.45				
Group 4	8.61				
Group 5	8.10				
Group 6	9.14				
Power Equipment Operators:					
Group 1	9.87	.35	.65		.06
Group 2	8.38	.35	.65		.06
Group 3	7.84	.35	.65		.06
Group 4	7.66	.35	.65		.06

MODIFICATIONS P. 20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4045 - Mod. #3 (41 FR 7914 - February 20, 1976) Jefferson & Orange Cos., Texas					
Change:					
Carpenters:					
Commercial	$ 9.685		.30		.05
Cement masons	9.30				
Ironworkers	9.10	.55	.85		.10
Plumbers	9.79				.03
Power Equipment Operators:					
Group 1	10.035		.25		
Group 2	8.50		.25		
Group 3	7.88		.25		
Group 4	7.69		.25		
DECISION #TX76-4046 - Mod. #4 (41 FR 7916 - February 20, 1976) Kleberg & Nueces Cos., Texas					
Change:					
Carpenters	7.09	.27	.30		.03
Cement masons	7.65				
Ironworkers	6.64	.55	.60		.04
DECISION #TX76-4050 - Mod. #3 (41 FR 7922 - February 20, 1976) Travis County, Texas					
Change:					
Cement masons	8.04	.40	.20		
Laborers:					
Group 1	5.105	.275	.30		.02
Group 2	5.255	.275	.30		.02
Group 3	5.43	.275	.30		.02
Group 4	5.505	.275	.30		.02

DECISION No. UT76-5017 - Mod. #1
(41 FR 7043-February 13, 1976)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$9.99	.52	1.02		
Carpenters:					
Zone 1:	8.51	.50	.60	.25	.03
Zone 2:	9.26	.50	.60	.25	.03
Zone 3:	9.385	.50	.60	.25	.03
Zone 4:	10.51	.50	.60	.25	.03
Cement Masons:					
Machine operator; Mastic floor materials; Swing scaffold; Swing stage	8.405	.50	.60	.25	
Drywall Installers:					
Taping, finishing and texturing (hand or machine)	9.45	.21	.20		.03
Electricians:					
Zone 2: Remainder Counties and all portions of Counties not included in Zone 1					
Electricians	12.75	.45	1%+.50		8/10%
Cable Splicers	13.00	.45	1%+.50		8/10%
Elevator Constructors	9.155	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Glaziers	7.86	.21		.82	
Lathers	8.88	.50	.50		.01
Painters:					
Remaining part of State; Brush; Roller	8.57	.21	.18		.02
Brush (swing stage); Brush, (steel and bridge); Spray, Sandblaster; Steeple Jack Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	8.87	.21	.18		.02
	9.12	.21	.18		.02
Wall coving hanger	8.82	.21	.18		.02
Piledrivermen:					
Bridge, Wharf and Dock Carpenters; Riggers, Boom Men	11.13	.84	1.26	.75	.04
Ironworkers:					
Ornamental, Reinforcing, Fence Erector, Structural	9.35	.55	.85		.05

DECISION No. UT76-5017 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers; Pipefitters:					
Zone 1:	$9.40	.51	1.00		.04
Zone 2:	9.70	.51	1.00		.04
Zone 3:	10.05	.51	1.00		.04
Zone 4:	11.40	.51	1.00		.04
Zone 5:	11.90	.51	1.00		.04
Roofers:	8.30	.20	.25		
Soft Floor Layers	8.28	.51	.12		.07
Power Equipment Operators:					
Group 7 - Area 2	9.84	.69	1.475	.75	.10
Line Construction:					
Lineman	8.91	.35	1%		3/4%
Cable Splicers	9.80	.35	1%		3/4%
Line Equipment Operators	8.03	.35	1%		3/4%
Line Equipment Mechanic	8.44	.35	1%		3/4%
Line Equipment Serviceman	7.90	.35	1%		3/4%
Groundman	6.63	.35	1%		3/4%
Truck Drivers:					
Dump Trucks - water level capacity (bottom, end or side)(including Dumpster trucks, Euclid type trucks, Turnawagons, Turnarockers and Dumpcrete)					
Less than 8 yds.					
Area 1	7.60	.54	.65	.82	.10
Area 2	8.60	.54	.65	.82	.10
8 yds. and less than 14 yds.					
Area 1	7.75	.54	.65	.82	.10
Area 2	8.75	.54	.65	.82	.10
14 yds. and less than 35 yds.					
Area 1	7.90	.54	.65	.82	.10
Area 2	8.90	.54	.65	.82	.10
35 yds. and less than 55 yds.					
Area 1	8.10	.54	.65	.82	.10
Area 2	9.10	.54	.65	.82	.10

MODIFICATIONS P. 23

DECISION NO. UT76-5017 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers: (Cont'd)					
55 yds. and less than 75 yds.					
Area 1	$8.30	.54	.65	.82	.10
Area 2	9.30	.54	.65	.82	.10
75 yds. and less than 95 yds.					
Area 1	8.50	.54	.65	.82	.10
Area 2	9.50	.54	.65	.82	.10
95 yds. and less than 105 yds.					
Area 1	8.70	.54	.65	.82	.10
Area 2	9.70	.54	.65	.82	.10
105 yds. and less than 130 yds.					
Area 1	8.82	.54	.65	.82	.10
Area 2	9.82	.54	.65	.82	.10
All over 130 cu. yds. to be paid one-half cent ($.005) per cu. yds. capacity per hour in addition to rate for 105 yds. and less than 130 yds.					
Flat Rack Trucks, Bulk cement trucks, Transport trucks, semi-trailer (carrying capacity); Pickup					
Less than 10 tons					
Area 1	7.425	.54	.65	.82	.10
Area 2	8.425	.54	.65	.82	.10
10 tons and less than 15 tons					
Area 1	7.50	.54	.65	.82	.10
Area 2	8.50	.65	.65	.82	.10
15 tons and less than 20 tons					
Area 1	7.75	.54	.65	.82	.10
Area 2	8.75	.54	.65	.82	.10
20 tons and over					
Area 1	7.90	.54	.65	.82	.10
Area 2	8.90	.54	.65	.82	.10

MODIFICATIONS P. 24

DECISION NO. UT76-5017 -(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers: (Cont'd)					
Transit Mix Trucks:					
4½ yds. capacity and less					
Area 1	$7.625	.54	.65	.82	.10
Area 2	8.625	.54	.65	.82	.10
Over 4½ yds. capacity to and including 6½ yds.					
Area 1	7.725	.54	.65	.82	.10
Area 2	8.725	.54	.65	.82	.10
Over 6½ yds.					
Area 1	7.825	.54	.65	.82	.10
Area 2	8.825	.54	.65	.82	.10
Concrete pumping trucks					
Area 1	7.825	.54	.65	.82	.10
Area 2	8.825	.54	.65	.82	.10
Water, Fuel and Oil Tank Trucks					
0 to 1200 gallons					
Area 1	7.475	.54	.65	.82	.10
Area 2	8.475	.54	.65	.82	.10
1200 gallons to 2500 gallons					
Area 1	7.60	.54	.65	.82	.10
Area 2	8.60	.54	.65	.82	.10
2500 gallons to 4000 gallons					
Area 1	7.75	.54	.65	.82	.10
Area 2	8.75	.54	.65	.82	.10
4000 gallons to 6000 gallons					
Area 1	8.05	.54	.65	.82	.10
Area 2	9.05	.54	.65	.82	.10
6000 gallons to less than 10,000 gallons					
Area 1	8.30	.54	.65	.82	.10
Area 2	9.30	.54	.65	.82	.10
10,000 gallons to less than 15,000 gallons					
Area 1	8.55	.54	.65	.82	.10
Area 2	9.55	.54	.65	.82	.10
15,000 gallons to less than 20,000 gallons					
Area 1	8.80	.54	.65	.82	.10
Area 2	9.80	.54	.65	.82	.10
20,000 gallons to less than 25,000 gallons					
Area 1	9.05	.54	.65	.82	.10
Area 2	10.05	.54	.65	.82	.10

DECISION #UT76-5017 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Cont'd)					
Over 25,000 gallons					
Area 1	$9.30	.54	.65	.82	.10
Area 2	10.30	.54	.65	.82	.10
Oil spreader Operator (on single man operation where boot man is not required)					
Area 1	8.30	.54	.65	.82	.10
Area 2	9.30	.54	.65	.82	.10
Construction Job Servicemen:					
Telescopic Manlift Truck					
Area 1	7.80	.54	.65	.82	.10
Area 2	8.80	.54	.65	.82	.10
Forklift (under 6 tons) and Straddle Truck					
Area 1	7.80	.54	.65	.82	.10
Area 2	8.80	.54	.65	.82	.10
Truck Driver Helper					
Area 1	7.375	.54	.65	.82	.10
Area 2	8.375	.54	.65	.82	.10
Chauffeurs					
Area 1	7.375	.54	.65	.82	.10
Area 2	8.375	.54	.65	.82	.10
Bunkers and Truck Loaders					
Area 1	7.50	.54	.65	.82	.10
Area 2	8.50	.54	.65	.82	.10
Warehousemen (Counter Clerk)					
Area 1	7.55	.54	.65	.82	.10
Area 2	8.55	.54	.65	.82	.10
Warehousemen					
Area 1	7.425	.54	.65	.82	.10
Area 2	8.425	.54	.65	.82	.10
Washers, Greasers and Tire-Men					
Area 1	7.575	.54	.65	.82	.10
Area 2	8.575	.54	.65	.82	.10
Gas Station Attendants					
Area 1	7.425	.54	.65	.82	.10
Area 2	8.425	.54	.65	.82	.10
Fork Lift (over 6 tons)					
Area 1	7.90	.54	.65	.82	.10
Area 2	8.90	.54	.65	.82	.10
Teamster Mechanic					
Area 1	8.61	.54	.65	.82	.10
Area 2	9.61	.54	.65	.82	.10

DECISION NO. UT76-5017 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers: Cont'd)					
Teamster Mechanic Helper					
Area 1	$8.36	.54	.65	.82	.10
Area 2	9.36	.54	.65	.82	.10
Teamster Welder					
Area 1	8.61	.54	.65	.82	.10
Area 2	9.61	.54	.65	.82	.10
Teamster Driving two horses					
Area 1	8.375	.54	.65	.82	.10
Area 2	9.375	.54	.65	.82	.10
Teamster Driving three or more horses					
Area 1	8.475	.54	.65	.82	.10
Area 2	9.475	.54	.65	.82	.10
Sweeper or Vacuum Truck					
Area 1	7.75	.54	.65	.82	.10
Area 2	8.75	.54	.65	.82	.10
Omit:					
Marble Setters				.25	

Power Equipment Operators: (Cont'd)

Zone 1: Area within a fifteen (15) mile radius from the Center of the following Cities: Lewiston, Idaho and Spokane, Washington

Zone 2: Area from within a fifteen (15) mile radius to forty-five (45) mile radius from the center of the above named Cities.

Zone 3: Area over a forty-five (45) mile radius from the center of the above named Cities.

With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d'Alene, Idaho, shall be considered within Zone 1.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Soft Floor Layers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County north of the 46th Parallel, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$7.89	.25	.40	.31	
Remaining Counties	7.50				

DECISION NO. VT76-4040- Mod #1
(41 FR 12873- March 26, 1976)
Statewide, except Rutland County, Vermont

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Change:					
Laborers:					
Addison, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Windsor Counties					
Laborers, Chuck tenders	$3.85	.15		a	
Air tool ops, Drillers, Pipelayers, Powdermen, Scalers, & Vibrator ops	4.10	.15		a	
Blasters	4.35	.15		a	
Bennington and Windham Counties:					
Laborers, Asphalt rakers	3.95	.15	.15		
Air tool ops, Concrete pipelayers, Scalers on boatmen's chair, Vibrators and Wagon drillers	4.20	.15	.15		
Blasters & Powdermen	4.45	.15	.15		

STATE: Alabama COUNTIES: Jefferson & Shelby
DECISION NUMBER: AL76-1049 DATE: Date of Publication
Supersedes Decision No.: AL75-1086 dated September 26, 1975 in 40 FR 44447
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.61	.30	.30		.05
Boilermakers	8.80	.60	1.00		.02
Bricklayers: pointers; caulkers: stonemasons	8.75	.25	.25		.05
Carpenters:					
Carpenters, soft floor layers	7.75	.40	.25		.06
Millwrights	9.15				.06
Piledrivermen	7.95	.40	.25		.06
Cement masons	7.33	.50			
Electricians:					
Electricians	9.10	.30	1%		3%
Cable splicers	9.35	.30	1%		3%
Elevator constructors	9.14	.495	.32	1%+a+b	.02
Elevator constructors' helpers	6.40	.495	.32	1%+a+b	.02
Elevator constructors' helpers (Prob.)	4.905				
Glaziers	7.73	.40	.40		.01
Ironworkers	8.50	.60	.815		.04
Lathers	6.90		.01		.01
Linemen:					
Linemen	7.15	.20	1%		3%
Groundmen under one year	3.44	.20	1%		3%
Groundmen one year and over	4.04	.20	1%		3%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	6.08	.20	1%		3%
Tractor with towing machine, truck with winch only	5.01	.20	1%		3%
Truck without winch	4.29	.20	1%		3%
Marble setters	5.85				
Painters:					
Brush	7.45		.40		
Spray; Structural steel	7.95		.40		
Paperhangers	7.60		.40		
Plasterers	7.47	.50			
Plumbers: Pipefitters	9.75	.40	.65		.07
Roofers	7.15		.20		.10
Sheet metal workers	9.00	.45	.40		.05
Sprinkler fitters	9.35	.50	.80		.08
Terrazzo workers: Tile setters	7.60		.30		
Tile, Marble terrazzo helpers	5.60				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Up to but not including 1½ tons	5.75	.20			
1½ to but not including 3 tons	5.95	.20			
3 tons but not including 5 tons	6.20	.20			
5 tons and over including special equipment	6.35	.20			
Heavy Duty - off the road trucks	6.45	.20			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers, and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day; D-Labor Day: E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 1% 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.

AL76-1049 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.55	.20	.30		.03
GROUP B	5.50	.20	.30		.03
GROUP C	5.45	.20	.30		.03
GROUP D	5.40	.20	.30		.03
GROUP E	5.80	.20	.30		.03
GROUP F	6.25	.20	.30		.03
GROUP G	6.15	.20	.30		.03
GROUP H	6.20	.20	.30		.03
GROUP I	6.10	.20	.30		.03
GROUP J	5.95	.20	.30		.03

GROUP A
Air or electric tool operator and asphalt rakers

GROUP B
Vibrator operators, chain saw, ops. of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers

GROUP C
Plasterers' tenders and hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

AL76-1049 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.14	.30	.20		.10
GROUP B	7.91	.30	.20		.10
GROUP C	7.14	.30	.20		.10
GROUP D	8.84	.30	.20		.10
GROUP E	8.43	.30	.20		.10
GROUP F	7.27	.30	.20		.10

GROUP A
Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B
Air compressor (over 125), asphalt spreaders, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C
Air compressor (125 & under), oilers-firemen, conveyor (1) tended by oiler), pumps (under 4 inches), welding machines (3 or under), mechanic helpers

GROUP D
ON STEEL ERECTION: Crane, dragline, derrick, hoist, piledriver, winch truck, fork lift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E
Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less), mechanic helper, air compressc 125 and under (2 or less), oiler, fireman, small boat

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO76-5030

DATE: Date of Publication

Supersedes Decision No. CO75-5143 dated December 19, 1975, in 40 FR 59104

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.25	.50	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	9.25	.50	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.635	.53	.70	.50	.055
Zone II (20 to 50 miles)	9.71	.53	.70	.50	.055
Zone III (50 miles and over)	10.79	.53	.70	.50	.055
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.635	.53	.70	.50	.055
Zone II (20 to 50 miles)	9.71	.53	.70	.50	.055
Zone III (50 miles and over)	10.79	.53	.70	.50	.055
Larimer County (S.E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
DRYWALL INSTALLERS	8.54	.53	.70	.50	.055
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	1%+.45		.015
Electricians (Remaining Cos.)	10.24	.65	1%+.25		2/10%
Cable Splicers (Remaining Cos.)	10.49	.65	1%+.25		2/10%
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.55				
IRONWORKERS	9.20	.63	.90		.08
LATHERS	9.44				.01
MARBLE SETTERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and Paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert and Park Counties*	$ 9.05	.60	.75	$ 1.17	.08
Boulder County	9.45	.60	.65	.50	.10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	9.50	.60	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties**	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	9.00	.65	.11		.08
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	9.20	.35	.61		.04
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	6.87	.61	.55	.40	
Floor Grinders	7.02	.61	.55	.40	
Base Grinder	7.57	.61	.55	.40	

*Park County dividing line: A line from the S. W. corner of Jefferson County to the S. E. corner of Lake County

**Area South of a east-west line from west border of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS (Building Construction)	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Educatio and/or Appr. Tr
Area A							
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	5.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
Area B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.,; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

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LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.69	.53	.70	.50	.055
*Zone II	8.19	.53	.70	.50	.055
Underground Carpenters					
*Zone I	7.89	.53	.70	.50	.055
*Zone II	8.39	.53	.70	.50	.055
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	7.99	.53	.70	.50	.055
*Zone II	8.44	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
LABORERS (Heavy Construction)	*Zone I	*Zone II				
Group 1	$5.55	$6.05	.44	.50		.05
Group 2	5.65	6.15	.44	.50		.05
Group 3	5.95	6.45	.44	.50		.05
Group 4	6.10	6.60	.44	.50		.05
Group 5	6.30	6.80	.44	.50		.05
LABORERS (Tunnels)						
Group 1	5.55	6.05	.44	.50		.05
Group 2	6.45	6.95	.44	.50		.05
Group 3	6.55	7.05	.44	.50		.05
Group 4	6.63	7.13	.44	.50		.05
Group 5	6.70	7.20	.44	.50		.05
Group 6	6.85	7.35	.44	.50		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	6.55	7.05	.44	.50		.05
Group 2	6.70	7.20	.44	.50		.05
Group 3	6.80	7.30	.44	.50		.05
Group 4	6.98	7.48	.44	.50		.05
Group 5	7.08	7.58	.44	.50		.05
Group 6	7.13	7.63	.44	.50		.05

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LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Strercherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work
Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a sefety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educa and/ Appr.
	*Zone I	*Zone II				
Group 1	$6.75	$7.25	.40	.69	.3	.06
Group 2	7.10	7.60	.40	.69	.30	.06
Group 3	7.45	7.95	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	7.90	8.40	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	6.90	7.40	.40	.69	.30	.06
Group 2	7.25	7.75	.40	.69	.30	.06
Group 3	7.35	7.85	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	8.15	8.65	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	$6.95	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	7.05	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	7.15	.40	.30	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	7.20	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	7.25	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	7.30	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	7.35	.40	.30	.30	

DECISION NO. C076-5030

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$6.90	$7.40	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	7.50	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	7.55	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	7.65	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	7.80	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	7.85	.40	.30	.30	
MECHANIC	7.45	7.95	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	8.05	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	8.15	.40	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	7.75	8.25	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	8.45	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C076-5030

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: C076-5031 DATE: Date of Publication
Supersedes Decision No. C075-5144 dated December 19, 1975, in 40 FR 59112
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS; Stonemasons	9.10	.50	.60		.04
CARPENTERS:					
Zone I (0-30 miles from Post Office in Colorado Springs)	7.94	.53	.70	.50	.055
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.19	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.49	.44	1.10	.60	.08
Working with composition materials and color	7.99	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
DRYWALL INSTALLERS	8.54	.53	.70	.50	.055
ELECTRICIANS	10.07	.42	1%+.45		.015
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.55				
IRONWORKERS	9.20	.63	.90		.08
LATHERS	8.69				.01
MARBLE SETTERS	8.36	.50	.50		
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush and roller; Tapers, hand texture	7.94	.50	.20		.04
Paperhangers; Steel	8.44	.50	.20		.04
Spray	8.69	.50	.20		.04
Steel Spray	9.19	.50	.20		.04
PLASTERERS	9.44				.01
PLUMBERS; Pipefitters	9.05	.60	.75	1.17	.08
ROOFERS	8.54	.42	.20		
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS	8.29	.40	.75	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS	9.20	.55	.61		.04
TILE SETTERS	8.36	.50	.50		

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FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	ZONE 1	ZONE 2	ZONE 3	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction)							
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.69	.53	.70	.50	.055
*Zone II	8.19	.53	.70	.50	.055
Underground Carpenters					
*Zone I	7.89	.53	.70	.50	.055
*Zone II	8.39	.53	.70	.50	.055
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	7.99	.53	.70	.50	.055
*Zone II	8.44	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08

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LABORERS (Heavy Construction)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
	*Zone I	*Zone II				
Group 1	$5.55	$6.05	.44	.50		.05
Group 2	5.65	6.15	.44	.50		.05
Group 3	5.95	6.45	.44	.50		.05
Group 4	6.10	6.60	.44	.50		.05
Group 5	6.30	6.80	.44	.50		.05
LABORERS (Tunnels)						
Group 1	5.55	6.05	.44	.50		.05
Group 2	6.45	6.95	.44	.50		.05
Group 3	6.55	7.05	.44	.50		.05
Group 4	6.63	7.13	.44	.50		.05
Group 5	6.70	7.20	.44	.50		.05
Group 6	6.85	7.35	.44	.50		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	6.55	7.05	.44	.50		.05
Group 2	6.70	7.20	.44	.50		.05
Group 3	6.80	7.30	.44	.50		.05
Group 4	6.98	7.48	.44	.50		.05
Group 5	7.08	7.58	.44	.50		.05
Group 6	7.13	7.63	.44	.50		.05

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LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Ciassons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 1: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' t0 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air, hydraulic); Automatic Concrete Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any Laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Varners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

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LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setter; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing materials

Group 4: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plant Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Crete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educa and/ Appr.
	*Zone I	*Zone II				
Group 1	$6.75	$7.25	.40	.69	.3	.06
Group 2	7.10	7.60	.40	.69	.30	.06
Group 3	7.45	7.95	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	7.90	8.40	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	6.90	7.40	.40	.69	.30	.06
Group 2	7.25	7.75	.40	.69	.30	.06
Group 3	7.35	7.85	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	8.15	8.65	.40	.69	.30	.06

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POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to heavy duty Mechanics and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, Single unit Conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or withour a Spray Bar; Screening Plants, with Classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and Service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable Crusher, with or withour washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on Truck

Group 4: Cable Operated Crane, Truck mounted; Cable operated Power Shovels, Draglines, Clamshells and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-Welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in TUNNELS, SHAFTS and RAISES)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, under-ground; Slusher; Mine Hoist Operator

Group 6: Mole

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	$6.95	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	7.05	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	7.15	.40	.30	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	7.20	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	7.25	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	7.30	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	7.35	.40	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$6.90	$7.40	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	7.50	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	7.55	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	7.65	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	7.80	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	7.85	.40	.30	.30	
MECHANIC	7.45	7.95	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	8.05	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	8.15	.40	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	7.75	8.25	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	8.45	.40	.30	.30	

DECISION NO. C076-5031

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C076-5031

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO76-5032 DATE: Date of Publication

Supersedes Decision No. CO75-5145 dated December 19, 1975, in 40 FR 59117

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.40	.60	1.00		.02
BRICKLAYERS	9.22	.50	.60		.04
CARPENTERS	7.94	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.39	.44	1.10	.60	.08
Working with composition material and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
DRYWALL INSTALLERS	8.54	.53	.70	.50	.055
ELECTRICIANS:					
Zone I (o-12 miles from P. O.)					
Electricians	10.15	.42	1%+.45		1%
Cable Splicers	11.17	.42	1%+.45		1%
Zone II (12-20 miles from P. O.)					
Electricians	10.55	.42	1%+.45		1%
Cable Splicers	11.55	.42	1%+.45		1%
Zone III (20-40 miles from P. O.					
Electricians	10.90	.42	1%+.45		1%
Cable Splicers	11.92	.42	1%+.45		1%
Zone IV (Over 40 miles from P.O.					
Electricians	12.03	.42	1%+.45		1%
Cable Splicers	13.05	.42	1%+.45		1%
Electrical contracts under $20,000 in Zones III and IV	9.65	.42	1%+.45		1%
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.55				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
LATHERS	9.56				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush, roller, tapers, hand texture	6.97	.50			.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Steel; Paperhangers	$7.47	.50			.04
Spray, Tapers using Automatic Tools	7.97	.50			.04
Spray Steel	8.47	.50			.04
PLASTERERS	9.44				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P.O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P.O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P.O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS:					
Las Animas County	8.29	.35	.55	.30	.05
Pueblo County	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	10.55	.50	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. C076-5032

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C076-5032

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: JackHammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

DECISION NO. C076-5032

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.69	.53	.70	.50	.055
*Zone II	8.19	.53	.70	.50	.055
Underground Carpenters					
*Zone I	7.89	.53	.70	.50	.055
*Zone II	8.39	.53	.70	.50	.055
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	7.99	.53	.70	.50	.055
*Zone II	8.44	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08

DECISION NO. C076-5032

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educat and/o Appr.
LABORERS (Heavy Construction)	*Zone I	*Zone II				
Group 1	$5.55	$6.05	.44	.50		.05
Group 2	5.65	6.15	.44	.50		.05
Group 3	5.95	6.45	.44	.50		.05
Group 4	6.10	6.60	.44	.50		.05
Group 5	6.30	6.80	.44	.50		.05
LABORERS (Tunnels)						
Group 1	5.55	6.05	.44	.50		.05
Group 2	6.45	6.95	.44	.50		.05
Group 3	6.55	7.05	.44	.50		.05
Group 4	6.63	7.13	.44	.50		.05
Group 5	6.70	7.20	.44	.50		.05
Group 6	6.85	7.35	.44	.50		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	6.55	7.05	.44	.50		.05
Group 2	6.70	7.20	.44	.50		.05
Group 3	6.80	7.30	.44	.50		.05
Group 4	6.98	7.48	.44	.50		.05
Group 5	7.08	7.58	.44	.50		.05
Group 6	7.13	7.63	.44	.50		.05

DECISION NO. C076-5032

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams: Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a sefety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C076-5032

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5032

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educa and/ Appr.
	*Zone I	*Zone II				
Group 1	$6.75	$7.25	.40	.69	.3	.06
Group 2	7.10	7.60	.40	.69	.30	.06
Group 3	7.45	7.95	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	7.90	8.40	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	6.90	7.40	.40	.69	.30	.06
Group 2	7.25	7.75	.40	.69	.30	.06
Group 3	7.35	7.85	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	8.15	8.65	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C076-5032

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	$6.95	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	7.05	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	7.15	.40	.30	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	7.20	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	7.25	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	7.30	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	7.35	.40	.30	.30	

DECISION NO. C076-5032

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$6.90	$7.40	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	7.50	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	7.55	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	7.65	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	7.80	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	7.85	.40	.30	.30	
MECHANIC	7.45	7.95	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	8.05	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	8.15	.40	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	7.75	8.25	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	8.45	.40	.30	.30	

DECISION NO. C076-5032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. C076-5032

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO76-5033

DATE: Date of Publication

Supersedes Decision No. CO75-5146 dated December 19, 1975, in 40 FR 59124

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.01	.38	1.02		
BOILERMAKERS	9.45	.60	1.00		.02
BRICKLAYERS: Stonemasons:					
Pitkin County	9.25	.50	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs; Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.94	.53	.70	.50	.055
Zone II (30-60 miles from nearest basing point)	8.19	.53	.70	.50	.055
Zone III (60 miles and over from nearest basing point)	8.44	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
DRYWALL INSTALLERS	8.54	.53	.70	.50	.055
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.55				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
LATHERS	9.44				.01
MARBLE AND TILE SETTERS, TERRAZZO WORKERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$9.31	.50	.60		.05
Drywall Finisher; Paperhangers	9.51	.50	.60		.05
Spray; Swing stage	9.79	.50	.60		.05
PLUMBERS	8.75	.60	.30	1.50	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	10.02	3%+.35	1.15		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction) Garfield and Pitkin Counties	ZONE 1* Basic Hourly Rates	ZONE 2* Basic Hourly Rates	ZONE 3* Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Educatic and/or Appr. T
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Delta, Gunnison, Mesa and Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.30	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

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HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$7.69	.53	.70	.50	.055
*Zone II	8.19	.53	.70	.50	.055
Underground Carpenters					
*Zone I	7.89	.53	.70	.50	.055
*Zone II	8.39	.53	.70	.50	.055
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	7.99	.53	.70	.50	.055
*Zone II	8.44	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatic and/or Appr. T
LABORERS (Heavy Construction)	*Zone I	*Zone II				
Group 1	$5.55	$6.05	.44	.50		.05
Group 2	5.65	6.15	.44	.50		.05
Group 3	5.95	6.45	.44	.50		.05
Group 4	6.10	6.60	.44	.50		.05
Group 5	6.30	6.80	.44	.50		.05
LABORERS (Tunnels)						
Group 1	5.55	6.05	.44	.50		.05
Group 2	6.45	6.95	.44	.50		.05
Group 3	6.55	7.05	.44	.50		.05
Group 4	6.63	7.13	.44	.50		.05
Group 5	6.70	7.20	.44	.50		.05
Group 6	6.85	7.35	.44	.50		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	6.55	7.05	.44	.50		.05
Group 2	6.70	7.20	.44	.50		.05
Group 3	6.80	7.30	.44	.50		.05
Group 4	6.98	7.48	.44	.50		.05
Group 5	7.08	7.58	.44	.50		.05
Group 6	7.13	7.63	.44	.50		.05

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LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams: Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a sefety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Calleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatic and/or Appr. T
	*Zone I	*Zone II				
Group 1	$6.75	$7.25	.40	.69	.3	.06
Group 2	7.10	7.60	.40	.69	.30	.06
Group 3	7.45	7.95	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	7.90	8.40	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	6.90	7.40	.40	.69	.30	.06
Group 2	7.25	7.75	.40	.69	.30	.06
Group 3	7.35	7.85	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	8.15	8.65	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

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TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	$6.95	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle ; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	7.05	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	7.15	.40	.30	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	7.20	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	7.25	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	7.30	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	7.35	.40	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educ and Appr.
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$6.90	$7.40	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	7.50	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	7.55	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	7.65	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	7.80	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	7.85	.40	.30	.30	
MECHANIC	7.45	7.95	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	8.05	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	8.15	.40	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	7.75	8.25	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	8.45	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. CO76-5033

HEAVY CONSTRUCTION

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: CO76-5034 DATE: Date of Publication
Supersedes Decision No. CO75-5147 dated December 19, 1975, in 40 FR 59131
DESCRIPTION OF WORK: Highway Construction

DECISION NO. CO76-5034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
*Zone I	$7.69	.53	.70	.50	.055
*Zone II	8.19	.53	.70	.50	.055
CEMENT MASONS:					
*Zone I	7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties					
Electricians	10.24	.65	1%+.25		
Cable Splicers	10.49	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone I (within 12 miles from Pueblo Main P. O.)					
Electricians	10.15	.42	1%+.45		1/10%
Cable Splicers	11.17	.42	1%+.45		1/10%
Zone II (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	10.55	.42	1%+.45		1/10%
Cable Splicers	11.55	.42	1%+.45		1/10%
ELECTRICIANS: (Cont'd)					
Zone 3 (30 to 40 miles from Pueblo Main P. O.)					
Electricians	$10.90	.42	1%+.45		1/10%
Cable Splicers	11.92	.42	1%+.45		1/10%
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	12.03	.42	1%+.45		1/10%
Cable Splicers	13.05	.42	1%+.45		1/10%
Electricians on electrical contracts less than $20,000 in Zones 3 and 4	9.65	.42	1%+.45		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	10.07	.42	1%+.45		.015
IRONWORKERS	9.20	.63	.90		.08
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	9.31	.50	.60		.05
Spray, Swing Stage	9.79	.50	.60		.05
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30		.02	

DECISION NO. C076-5034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Cardon, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Northern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	$7.94	.50	.20		.04
Spray	8.69	.50	.20		.04
Steel	8.44	.50	.20		.04
Steel Spray	9.19	.50	.20		.04
PILEDRIVERMEN	7.29	.48	.60	.40	.05

DECISION NO. C076-5034

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
LABORERS	*Zone I	*Zone II				
Group 1	$5.55	$6.05	.44	.50		.05
Group 2	5.65	6.15	.44	.50		.05
Group 3	5.95	6.45	.44	.50		.05
Group 4	6.10	6.60	.44	.50		.05
Group 5	6.30	6.80	.44	.50		.05
LABORERS (Tunnels)						
Group 1	5.55	6.05	.44	.50		.05
Group 2	6.45	6.95	.44	.50		.05
Group 3	6.55	7.05	.44	.50		.05
Group 4	6.63	7.13	.44	.50		.05
Group 5	6.70	7.20	.44	.50		.05
Group 6	6.85	7.35	.44	.50		.05
(Shafts, Raises, Missile Silos and all Underground work other than Tunnels)						
Group 1	6.55	7.05	.44	.50		.05
Group 2	6.70	7.20	.44	.50		.05
Group 3	6.80	7.30	.44	.50		.05
Group 4	6.98	7.48	.44	.50		.05
Group 5	7.08	7.58	.44	.50		.05
Group 6	7.13	7.63	.44	.50		.05

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LABORERS

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams: Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Snnd Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5034

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	*Zone I	*Zone II				
Group 1	$6.75	$7.25	.40	.69	.30	.06
Group 2	7.10	7.60	.40	.69	.30	.06
Group 3	7.45	7.95	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	7.90	8.40	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	6.90	7.40	.40	.69	.30	.06
Group 2	7.25	7.75	.40	.69	.30	.06
Group 3	7.35	7.85	.40	.69	.30	.06
Group 4	7.60	8.10	.40	.69	.30	.06
Group 5	7.75	8.25	.40	.69	.30	.06
Group 6	8.15	8.65	.40	.69	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C076-5034

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	$6.95	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	7.05	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	7.15	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	7.20	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	7.25	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	7.30	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	7.35	.40	.30	.30	

DECISION NO. C076-5034

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educati and/or Appr. T
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi.; Cab operated Distributor Truck Driver, semi.; Liquid and Bulk Tankers, euclid, electric, or similar; Truck Driver, Dumptor type, Youngbuggy, Jumbo and similar type equipment	$6.90	$7.40	.40	.30	.30	
TRUCK DRIVERS, Snow Plow	7.00	7.50	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	7.55	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	7.65	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	7.80	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	7.85	.40	.30	.30	
MECHANIC	7.45	7.95	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	8.05	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	8.05	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	7.75	8.25	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	8.45	.40	.30	.30	

DECISION NO. CO76-5034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operators	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

DECISION NO. CO76-5034

(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

*Zone Descriptions:

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Florida
COUNTIES: *See below
DECISION NUMBER: FL76-1048
DATE: Date of Publication
Supersedes Decision No.: FL75-1087 dated September 5, 1975 in 40 FR-41364
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction.

*COUNTIES: Brevard & Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.91	.35	.35		.06
Boilermakers	8.20	.60	.90		.02
Bricklayers:					
Bricklayers and blocklayers	6.71	.40	.25		
Cement masons	6.56	.40	.25		
Masonry cutting or grinding machines	6.86	.40	.25		
Plasterers and manhole bricklayers	6.71	.40	.25		
Terrazzo workers	6.71	.40	.25		
Tile setters	6.71	.40	.25		
Carpenters:					
Carpenters, gypsum dry wall hangers	7.31	.35	.25		.05
Millwrights	9.80	.45	.45		.06
Piledrivermen	7.56	.35	.25		.05
Saw operator (radial)	7.56	.35	.25		.05
Soft floor layers	7.31	.35	.25		.05
Electricians:					
Base Zone (within 40 miles of the Union Office, 215 Ridgewood Ave., Daytona Beach):					
Electricians	8.51	.35	1%+.46		1%
Cable splicers	8.76	.35	1%+.46		1%
Zone 1 (beyond 40 miles from the Union Office):					
Electricians	8.96	.35	1%+.46		1%
Cable splicers	9.21	.35	1%+.46		1%
Ironworkers:					
Structural, finishers, burners, rodmen, welders, riggers and machinery movers	8.90	.55	.50	.63	.05
Sheeters	8.90	.55	.50	.63	.05
Laborers:					
Common laborers	5.20	.45	.30		.01
Hod carriers, kettlemen, mason tenders, mortar mixers, pipelayers (conc. & clay), air tool op., vibrator, plasterers tenders, well point dewatering, powdermen, paving form setters, concrete workers	5.35	.45	.30		.01

FL76-1048 - (Cont'd)

Laborers (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Nozzlemen (handling the nozzle of cement gun)	6.02	.45	.30		.01
Curb and gutter form setters	5.35	.45	.30		.01
Sidewalk	5.35	.45	.30		.01
Linemen:					
Linemen	7.61	.25	1%		½ of 1%
Cable splicer	7.76	.25	1%		½ of 1%
Class A operators	7.61	.25	1%		½ of 1%
Class B operators	5.38	.25	1%		½ of 1%
Groundman over 1 year	4.01	.25	1%		½ of 1%
Groundman under 1 year	3.39	.25	1%		½ of 1%
Painters:					
Commercial repainting:					
Brush and roller	7.30		.20		.05
Sandblasting	7.80		.20		.05
All other painting:					
Brush and roller	7.70		.20		.05
Sandblasting and spray	8.40		.20		.05
Hand drywall taping and finishing	7.70		.20		.05
Drywall work using Ames Tools Tools or automatic taperr	8.40		.20		.05
Gloves and mittens, paperhanging, steam cleaning or power driven tools, grouting or caulking	8.40		.20		.05
Hot or cold tar materials, bituminous, martite, flame mastic or any similar materials	8.40		.20		.05
Asphalt excluding asphalt base aluminum and varnish	8.40		.20		.05
Plumbers and pipefitters	10.00	.49	.60		.05
Roofers:					
Roofers	6.95	.35	.25		
Helpers and tile tenders	5.50	.35	.25		
Kettlemen	4.85	.35	.25		
Sheet metal workers	9.89	.40	.30		.06
Sprinkler fitters	9.61	.50	.80		.10
Welders - Rate for Craft.					

FL76-1048 - (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	4.40				
GROUP II	4.50				
GROUP III	4.60				
GROUP IV	4.65				
GROUP V	5.00				
GROUP VI	5.10				

GROUP I: Buses, jeeps, station wagons, pilot or escort cars, trucks up to 6 cu. yds. or 2-ton capacity, water trucks (single axle), dumpmen & tire repairmen

GROUP II: Dump trucks 6 cu. yds. to 13 cu. yds. capacity, transit mix trucks (single axle), 3 axle trucks

GROUP III: Dump trucks 13 cu. yds. capacity, truck mechanic helper

GROUP IV: Asphalt distributor trucks, lumber carriers & similar type equipment, lift gate trucks, transit mix trucks (tandem axle), dump trucks 16 cu. yds. or more, fuel & grease trucks, and 4-axle trucks

GROUP V: A-frame trucks, boom trucks, gin pole trucks, winch trucks (when used for hauling material & equipment), trucks with 5-axle or more, fork lift trucks

GROUP VI: Euclids, euclid water truck, caterpillars, or similar off highway earth moving equipment (not self-loaded), truck mechanic

SUPERSEDEAS DECISION

STATE: Georgia COUNTIES: *See below
DECISION NUMBER: GA76-1050 DATE: Date of Publication
Supersedes Decision No.: GA76-1034 dated March 5, 1976 in 41 FR-9757
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bulloch, Bryan, Chatham, Effingham, Evans, Liberty, Long, and Screven

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.75				
Bricklayers	7.00				
Carpenters	5.19				
Cement masons	5.34				
Drywall finishers	6.00				
Drywall hangers	5.00				
Electricians	6.16				
Ironworkers, Ornamental & Structural	4.00				
Laborers:					
Laborers	3.17				
Mason tenders	4.70				
Painters	5.03				
Plumbers & Pipefitters	6.48				
Roofers	4.59				
Sheet metal workers	5.32				
Soft floor layers	6.13				
Tile setters	6.25				
Truck drivers	3.28				
POWER EQUIPMENT OPERATORS:					
Asphalt roller	4.99				
Asphalt mixer	5.18				
Backhoe	4.43				
Bulldozers	5.07				
Cranes, derricks, draglines	4.70				
Graders	6.08				
Front end loaders	4.59				
Scrapers	4.47				
Tractor, farm type	4.00				

STATE: Illinois

COUNTIES: Christian, DeWitt, Macon, Macoupin, Moultrie, Piatt, & Shelby

DECISION NUMBER: IL76-2047

DATE: Date of Publication

Supersedes Decision No. IL76-2012 dated February 13, 1976, in FR 6972

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		
BOILERMAKERS:					
DeWitt County	10.15	.65	.85		.03
Remainder of Counties	10.05	.65	1.10		.03
BRICKLAYERS & STONEMASONS:					
Macoupin County:					
East ½ of Co., Incl. Gillespie, Benld, Mt. Olive & Stauton	6.25				
Balance of the County	8.55	.35	.52		.02
Christian County	9.00		.25		
DeWitt County	9.20	.45	.30		
Piatt County	8.90	.40	.50		.02
Macon, Moultrie & Shelby Cos.	9.50	.325	.50		.005
CARPENTERS:					
Macoupin County:					
S.W. Corner of the County					
Carpenters, SFL, Millwrights & Piledrivermen	10.935	.50	.50		
Girard & North Thereof					
Carpenters & Soft Floor Layers	9.20	.45	.45		.06
Millwrights & Piledrivermen	9.70	.45	.45		.06
Remainder of the County					
Carpenters, SFL, Millwrights & Piledrivermen	10.035	.50	.50		
Shelby Co., Remainder of Moultrie Co., Millerville, Rosamond, Radford & Pana in Christian Co.					
Carpenters & SFL	9.65	.45	.30		.07
Millwrights & Piledrivermen	10.15	.45	.30		.07
Remainder of Christian County					
Carpenters, Piledrivermen & Soft Floor Layers	6.90	.40	.30		
Millwrights	7.40	.40	.30		
DeWitt County					
Carpenters & SFL	9.36	.40	.40		.05
Millwrights & Piledrivermen	9.86	.40	.40		.05
Macon Co., Moultrie Co:(Bethany, Okaw River, Lovington, Williamsbury, Lake City & All Areas North; Piatt Co:(Cisco, Bement Allerton Park & All Areas South thereof:					

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CARPENTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters, Piledrivermen & Soft Floor Layer	$9.65	.325	.475		.02
Millwrights	9.96	.325	.475		.02
Remainder of Piatt County:					
Carpenters & Soft Floor Layers	9.565	.30	.70		.08
Millwrights & Piledrivermen	9.915	.30	.70		.08
CEMENT MASONS:					
Macoupin County	8.305	.35	.52		.02
Macon Co., Christian Co:(Northern part-south to a line running east & west established north of Humphrey & including Stonington); Shelby Co:(Northern part including Moweaqua); Moultrie Co:(Northeastern part including Lovington) Piatt Co: (Southern portion) DeWitt Co: (Southern ½ of Co., including Clinton	9.65	.325	.275		
Remainder of DeWitt County	9.73	.40			.10
Remainder of Moultrie & Shelby	9.35				
Remainder of Christian County	8.75	.30	.35		.02
Northern ½ of Piatt County	9.275	.30			.025
ELECTRICIANS:					
Macoupin County:					
Athenville, Scottville, Girard & Areas North thereof	9.87	.40	17%+.30		.2%
Remainder of County	10.28	4%	17%+.65		6%
Macon & Christian Cos; DeWitt Co:(Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas, Creek & Nixon); Piatt Co:(Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity); Shelby Co:(Twps. of Moweaqua, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Spring, Lakewood, Clarkburg, Herrick, Dry Point & Holland)					

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Moultrie Co:(Twps. of Dora, Lovington, Marrowbone & Sullivan at the Ill. Masonic Home & Farm in East Nelson	$10.19	.40	17%+.35		.0035%
Remainder of Moultrie & Shelby	9.90	.40	17%+.20		.2%
Remainder of DeWitt County	9.65	.40	17%+.30		.2%
Remainder of Piatt County	10.20	.40	17%+.20		.3%
IRONWORKERS:					
Macoupin County:					
Northern Part of County	9.50	.55	.70		
Southern Part of County	10.00	.55	.75		
Moultrie, Piatt, DeWitt(Eastern ½ of Co.,) Macon (East of Decatur) Shelby (Eastern ½ of County	9.55	.40	.60		.08
Christian Co., DeWitt(Western ½ of Co.) Macon (Remainder of County)	9.50	.55	.70		.05
LABORERS:					
Macoupin County:					
Carlinville, Mt. Olive & Shipman & Vicinity					
Common	9.50		.20		.035
All Brick & Plaster Mason Tenders	10.00		.20		.035
Workmen cutting & burning w/a torch; Men working on the bottom of sewer trenches, etc.	9.75		.20		.035
Dynamite Men	11.10		.20		.035
Gillespie & Vicinity					
Common	9.30		.40		.035
All Brick & Plaster Mason Tenders	9.80		.40		.035
Workmen cutting & burning w/a Torch; Men working on the bottom of sewer trenches, etc.	9.55		.40		.035
Dynamite Men	10.90		.40		.035

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Staunton & Vicinity					
Common	$9.40		.30		.035
All Brick & Plaster Mason Tenders	9.90		.30		.035
Workmen cutting & burning w/a torch; Men working on the bottom of sewer trenches, etc.	9.65		.30		.035
Dynamite Men	11.00		.30		.035
LATHERS:					
Macoupin County:					
Northern Part of County	9.10				
Southern Part of County	10.735			.65	.01
Macon & DeWitt Counties	8.95	.325			
Christian County	9.10				
Piatt County	9.95				
PAINTERS:					
Macoupin County:					
Commercial	9.53	.45	.15		
Industrial	9.78	.45	.15		
Christian County:					
Brush & Roller	8.20	.45	.15		
Spray	8.70	.45	.15		
DeWitt County					
Brush	8.30	.45			
Spray	8.80	.45			
Macon, Shelby, Moultrie & Piatt					
Brush & Roller	8.50	.40	.30		
Spray over Quart Cup	9.25	.40	.30		
PLASTERERS:					
Macoupin County:(Carlinville & Vicinity	8.55	.35	.52		.02
Macon Co., Christian Co:(Northern part-south to a line running east & west established north of Humphrey & including Stonington); Shelby Co:(Northern part including Moweaqua) Moultrie Co:(Northeastern part including Lovington) Piatt Co:(Southern portion) DeWitt Co:(Southern ½ incl. Clinton)	9.87	.325	.325		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS (CONT'D)					
Remainder of Moultrie & Shelby Counties	$8.85				.01
Southern ½ of Christian County	8.75	.30	.35		.02
Northern ½ of Piatt County	8.715	.30			.025
Remainder of DeWitt County	10.25				.01
PLUMBERS & STEAMFITTERS:					
Macoupin County:					
North of Route #108	10.91	.35	.55		
South of Route #108	11.50	.46	.92		.37
Macon; DeWitt; Moultrie Cos; Twps. of Pana, Assumption & Radford in Christian County; West of Rt. #105 in Piatt Co.	10.26	.35	.50		.11
Shelby Co;(East of Rt. #105) in Piatt County	9.75	.35	.80		.12
Remainder of Christian County	9.91	.35	.55		
ROOFERS:					
Macoupin County:					
Northern ½ of County					
Composition	10.83				
Slate, Tile & Precast Slab	11.08				
Southern ½ County	8.50	.32	.30	.75	.03
Macon; Shelby; Moultrie; DeWitt Co:(Southern ½ of Co., incl. Clinton); Christian Co:(Twps. of Assumption, Pinkle, Dollville, Mt. Auburn, Millerville, Oshbernville, Owaneea, Pana, Radford, Rosamond, Stonington, Velma, Vanderville, Willeys	9.48	.20	.20		
Piatt County	9.90	.35	.30		
SHEET METAL WORKERS:					
Macoupin County	9.93	.25	.25	6%	.02
Macon; Christian, DeWitt Cos.	10.05	.35	.40		.05
Moultrie; Piatt & Shelby Cos.	9.605	.45	.325		.12
SPRINKLER FITTERS	11.40	.60	.90		.08
TILE-TERRAZZO-MARBLE WORKERS:					
Macoupin County:					
Marble Setters	6.25				
Tile & Terrazzo Workers	10.20	.50	.75		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE-TERRAZZO-MARBLE WORKERS (CONT'D)					
Macon & Shelby Counties	$8.85	.325	.50		
Christian County	9.00		.25		
DeWitt County	9.20	.45	.30		
Piatt County	9.95				
Welder - receive rate prescribed for craft performing operation to which welding is incidental.					

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:

Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:

2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:

2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:

a.-Per Week Per Employee.

DECISION NO. IL76-2047

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEWITT COUNTY					
UNSKILLED	$7.55	.30	.30		.035
SEMI-SKILLED	7.75	.30	.30		.035
SKILLED	7.90	.30	.30		.035
SHELBY COUNTY					
UNSKILLED	8.10	.35	.30		.035
SEMI-SKILLED	8.30	.35	.30		.035
SKILLED	8.45	.35	.30		.035
CHRISTIAN COUNTY					
UNSKILLED	7.24	.30	.30		.035
SEMI-SKILLED	7.44	.30	.30		.035
SKILLED	7.59	.30	.30		.035
MACON COUNTY & THE WESTERN ½ OF MOULTRIE COUNTY					
UNSKILLED	8.00	.35	.40		.035
SEMI-SKILLED	8.20	.35	.40		.035
SKILLED	8.35	.35	.40		.035
IVESDALE & SOUTH THEREOF IN PIATT COUNTY & ALL AREA EAST OF RT. #21 IN MOULTRIE COUNTY					
UNSKILLED	8.05	.35	.35		.035
SEMI-SKILLED	8.25	.35	.35		.035
SKILLED	8.40	.35	.35		.035
REMAINDER OF PIATT COUNTY					
UNSKILLED	8.15	.30	.30		.035
SEMI-SKILLED	8.35	.30	.30		.035
SKILLED	8.50	.30	.30		.035

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LABORERS (CONT'D)

CLASSIFICATIONS

UNSKILLED: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Material Handlers; Pit Men; Plaster Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading explosives; Unloading and carrying Lath; Unloading and carrying or Re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Wreter or Scale Tickets.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling or materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar Men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unionused for wer concrete or handling of building materials; On concrete paving, placing, cutting and typing or Reinforcing; Signal man on Crane Tank cleaning tunnel helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson workers plus depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzlemen; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Luteman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - street and highway; Welders, Cutters, Burners, and Torchmen

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ILL-1-PEO-1

POWER EQUIPMENT OPERATORS: MOULTRIE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.55	.40	.50		.05
CLASS II	9.45	.40	.50		.05
CLASS III	9.25	.40	.50		.05
CLASS IV	7.00	.40	.50		.05

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wraaping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL76-2047

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MACOUPIN COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.85	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	8.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floata, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI

a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

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POWER EQUIPMENT OPERATORS: MACON, PIATT, SHELBY, CHRISTIAN, & DEWITT

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

STATE: Illinois COUNTIES: See Below
DECISION NUMBER: IL76-2048 DATE: Date of Publication
Supersedes Decision No. IL76-2018, dated February 20, 1976 in 41 FR 7901
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Alexander, Jackson, Jefferson, Marion, Perry & Union Cos.	$11.38	.45	.62		
Remainder of Counties	10.09	.35	.30		
BOILERMAKERS	10.05	.65	1.10		.03
BRICKLAYERS & STONEMASONS:					
Marion County:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners & Caulkers	9.70	.35	.50		
Jackson & Perry Counties:					
Bricklayers, Stonemasons, Terrazzo & Tile Workers	9.35		.40		
Remainder of Counties:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Caulkers & Cleaners	9.20	.35	.35		
CARPENTERS:					
Marion County:					
Centralia & Vicinity					
Carpenters, Piledrivermen & Soft Floor Layers	8.77	.45	.50		.02
Millwrights	9.17	.45	.50		.02
Salem & Vicinity					
Carpenters, Piledrivermen & Soft Floor Layers	8.66	.45	.50		.02
Millwrights	9.01	.45	.50		.02
CEMENT MASONS & PLASTERERS:					
Marion County:					
Centralia & Vicinity					
Cement Masons	9.50				.01
Plasterers	9.60				.01
Salem & Vicinity					
Cement Masons	8.40				
Northern 2/3 of Marion County, Incl. Salem & Vicinity:					
Plasterers	6.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS (CONT'D)					
Franklin, Hamilton, Jefferson & Williamson Counties	$8.00	.30			
Saline, Gallatin, Hardin, Pope, Johnson, Massac & White Cos.	8.15	.15			.02
Alexander, Jackson, Perry, Pulaski & Union Counties	8.30				.02
ELECTRICIANS	10.80	.40	17+.65		½ of 1%
IRONWORKERS:					
Marion & Perry Cos; Jefferson (Mt. Vernon & All Area West thereof) County	10.00	.55	.75		
White & Hamilton Cos; Saline (Vic. of El Dorado & Area Northeast) Co., Jefferson (all Areas East of Mt. Vernon) Co.	8.15	.25	.25		
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union & Willimason Counties	8.45	.45	.50		.02
LABORERS:					
Marion County	7.75		.30		.035
Hamilton, Jefferson & White Cos	7.20		.30		.035
Remainder of Counties	7.30		.30		.035
LEADBURNERS	9.25	.35		a	.01
PAINTERS:					
Marion County:					
Centralia & Vicinity					
Brush & Structural Steel	7.75				
Roller	8.00				
Spray	8.75				
Salem, Flora, Clay & Vicinity					
Brush	7.00				
Roller, Spray & Struc. Steel	8.25				
Union County:					
Commercial	7.25				
Industrial	7.75				
White County:					
Brush & Roller	7.75	.55	.30		
Spray & Sandblast	8.50	.55	.30		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Massac County:					
Brush & Roller	$6.35	.25			
Spray & Sandblast	7.25	.25			
Jackson & Perry Counties:					
Commercial	7.90				
Industrial	8.45				
Franklin & Williamson Counties:					
Commercial	6.95				
Industrial	7.20				
Gallatin, Hardin, Pope, Saline Counties:					
Brush	5.15				
Struct. Steel & Drywall	5.40				
Spray	5.50				
Alexander, Johnson & Pulaski Counties:					
Commercial	5.75				
Industrial	7.00				
PLUMBERS & STEAMFITTERS:					
Marion County	11.20	.95	1.05		.15
White County:					
Crossville, Phillipstown, Emma & Maunie	11.05	.40	.60	10%	.04
Remainder of County	10.98	.40	.60	10%	.04
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Counties	10.35	.30	.70		.04
Franklin, Hamilton, Jefferson, Saline, Williamson & Gallatin Counties	10.45	.35	.55		.04
ROOFERS:					
Gallatin, Hardin & White Cos.	8.68	.40	.25		
Remainder of Counties	7.20				
SHEET METAL WORKERS	9.93	.25	.25	6%	.02
SPRINKLER FITTERS	11.40	.60	.90		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO IL76-2048

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day, C-Independence Day; D-Labor Day; E-Thanksgiving Day; Christmas Day.

FOOTNOTE: a-Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular schedule work days immediately receding & following the Holiday.

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for tranportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

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ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: JEFFERSON, PERRY & MARION COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.85	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	8.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floata, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

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ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type, Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

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POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

DECISION NUMBER: IL76-5038 DATE: Date of Publication

Supersedes Decision No. IL75-5079 dated July 11, 1975 in 40 FR 29490

DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributory waters, including the Illinois waterway to the lock at Lockport, Illinois; and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundary near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dipper and Hydraulic Dredging:					
Chief Engineer	$12.45	.35	.35	a	
Operators	12.40	.35	.35	a	
Assistant Engineer	11.95	.35	.35	a	
Welder	11.85	.35	.35	a	
Cranemen - Dipper Dredging	11.85	.35	.35	a	
Spill Barge Operator - Hydraulic Dredging	11.85	.35	.35	a	
Drill Boats:					
Engineers	9.62	.35	.35	c	
Blasters	9.75	.35	.35	c	
Firemen	9.24	.35	.35	c	
Drillers, Welders or Machinists	9.63	.35	.35	c	
Oilers	9.04	.35	.35	c	
Tug Engineers	11.15		.60	a	
Tug Operators - on Launch	10.85		.60	a	
Floating Equipment: (Clamshell, Dragline and Marine Construction)					
Engineers and Operators	11.75	f		d & e	
Equipment Operators	10.60	f		d & e	
Firemen	10.00	f		d & e	
Oilers	9.00	f		d & e	
Tug Workers:					
Firemen, Linesmen, Oilers, Deckhands, Scowmen (on/or with tugboats, launches or other selfpropelled boats)	10.10	b	.50	a	
Dredge Workers:					
Firemen, Oiler, Deckhands and Scowmen (with dipper dredges, hydraulic dredges or other floating equipment engaged in dredging operations); Pipeline men (both afloat and ashore, including loading, unloading, installing, maintaining and handling pipe lines for hydraulic dredges and sandboats)	10.10	b	.50	a	
Range and Sweepmen, Service Truck Drivers	7.60	b	.50	a	

FOOTNOTES:

a. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, 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 24 days of service in one calendar year.

b. $5.00 per day, per employee.

c. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day; 6½ 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.

d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. $1.65 per hour in fringe benefits (excluding vacation payments).

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Indiana
COUNTIES: *See Below
DECISION NUMBER: IN76-2056
DATE: Date of Publication
Supersedes Decision No. IN75-2131, dated December 19, 1975 in 40 FR 59137
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO IN76-2056

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh & Vigo	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Counties	$10.95	.35	.55		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	10.31	.35	.35		.05
Dearborn County	9.96	.45	.85		.02
Vanderburgh County	10.09	.35	.30		
BOILERMAKERS:					
Dearborn County	8.30	.30	.70		.01
Remainder of Counties	10.85	.80	1.00		.03
BRICKLAYERS:					
Allen County:					
Bricklayers; Marble setters & Stonemasons	8.79	.30	.25		.01
Bartholomew, & Monroe Counties:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.75	.30	.30		.02
Benton & Tippecanoe Counties:					
Bricklayers; Marble Setters & Stonemasons	8.85	.48	.35		.01
Terrazzo workers & Tile setters	8.85	.48	.35		.01
Dearborn County	8.25		.30		
Delaware County:					
Bricklayers; Marble setters; & Stonemasons	8.75	.40	.25		.01
Tile setters	8.50	.40	.25		.01
Grant County:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers & Tile setters	8.40	.40	.30		
Marion County:					
Bricklayers; & Stonemasons	10.05	.30	.30		.06
Marble setters ; & Tile setters	9.66	.30	.30		.04
Terrazzo workers	9.40	.30	.30		.03
Vanderburgh County:					
Bricklayers; Stonemasons	9.33	.50	.30		
Marble setters; Terrazzo workers; & Tile setters	8.90		.30		
Vigo County:					
Bricklayers; Stonemasons	9.85	.30	.50		.01
Marble setters; Terrazzo workers & Tile setters	9.45	.30	.50		.01

CARPENTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Allen County:					
Carpenters; & Soft floor layers	$ 8.73	6%a			.04
Millwrights; & Piledrivermen	9.06	6%a			.04
Bartholomew County (Camp Atterbury) & Marion County:					
Carpenter; Millwrights	10.20	.50	.60		.08
Bartholomew County (Remainder of County):					
Carpenters; & Soft floor layers	8.49	.35	.45		.03
Millwrights	8.99	.35	.45		.03
Piledrivermen	8.74	.35	.45		.03
Benton; & Tippecanoe Counties;					
Carpenters & Soft floor layers	8.81	.40	.30		.02
Millwrights; & Piledrivermen	9.16	.40	.30		.02
Dearborn County:					
Carpenters; & Soft floor layers	8.54	.35	.45		.03
Millwrights	9.04	.35	.45		.03
Piledrivermen	8.79	.35	.45		.03
Delaware County:					
Carpenters; Soft Floor layers	8.35	.40	.25		.05
Piledrivermen	8.55	.40	.25		.05
Millwrights	8.65	.40	.25		.05
Grant County:					
Carpenters	8.58	.45	.45		.05
Piledrivermen	8.78	.45	.45		.05
Millwrights	9.08	.45	.45		.05
Monroe County:					
Carpenters; Soft floor layers	8.65	.45	.25		.01
Millwrights & Piledrivermen	8.90	.45	.25		.01
Vanderburgh County:					
Carpenters & Soft Floor layers	8.85	.40	.35		
Millwrights; & Piledrivermen	9.10	.40	.35		
Vigo County:					
Carpenters; & Soft Floor layers	8.83	.35	.40		.02
Piledrivermen	9.28	.35	.40		.02
Millwrights	9.88	.35	.40		.02
CEMENT MASONS:					
Allen County	8.70	.40			
Bartholomew County	8.30				
Benton & Tippecanoe Counties	8.10	.45	.40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Dearborn County	$ 6.50				
Delaware & Grant Counties	8.40	.40			
Marion County	8.96	.50			.04
Monroe County	8.25				
Vanderburgh County	8.55	.45	.40		
Vigo County	8.00	.45	.25		
ELECTRICIANS:					
Allen County	9.85	.25	1%+.30		.06
Bartholomew & Marion Counties	10.15	3%	5%		.5%
Benton & Tippecanoe Counties	9.95	.40	1%		1/2 of 1%
Dearborn County:					
Up to & including 18-mile radius from Hamilton County, Ohio Court House	10.00	.60	1%+.30		.5%
Over 18-mile radius up to & including 21 mile-radius from Hamilton County, Ohio Court House	10.30	.60	1%+.30		.5%
Over 21-mile radius up to & including 25-mile radius from Hamilton County, Ohio Court House	10.40	.60	1%+.30		.5%
Over 25-mile radius from Hamilton County, Ohio Court House	10.55	.60	1%+.30		.5%
Delaware County	9.70	.40	1%+.30		.2%
Grant County	9.45	.40	1%+.30		.2%
Monroe County	9.60	.40	1%+.40		.01
Vanderburgh County	10.65	.40	1%		1/2 of 1%
Vigo County	9.75	.30	1%+.40		.02
ELEVATOR CONSTRUCTORS:					
Allen & Grant Counties:					
Elevator constructors	9.66	.495	.32	4%+b+c	.02
Helpers	6.76	.495	.32	4%+b+c	.02
Helpers (Prob,)	4.83				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties:					
Elevator Constructors	9.95	.495	.32	4%+b+c	.02
Helpers	6.965	.495	.32	4%+b+c	.02
Helpers (Prob.)	4.975				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS: (cont'd)					
Dearborn County:					
Elevator constructors	10.635	.495	.32	4%+b+c	.02
Helpers	7.44	.495	.32	4%+b+c	.02
Helpers (Prob.)	5.32				
Vanderburgh County:					
Elevator Constructors	10.03	.495	.32	4%+b+c	.02
Helpers	7.02	.495	.32	4%+b+c	.02
Helpers (Prob.)	5.015				
GLAZIERS:					
Allen & Grant Counties	8.88	d		.30+e	.04
Bartholomew, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	9.89				
Benton County	7.80	.25	.25	.25	
Dearborn County	10.10		.35		.005
Vanderburgh County	8.875	.41	.20	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant (excluding s/w portion) Counties	10.20	.65	.80		.01
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Counties	10.15	.65	.90		.05
Marion County	10.00	.65	.90		.05
Benton, & Tippecanoe Counties	9.49	.65	.90		.05
Dearborn County:					
Ornamental; Structural	10.545	.65	.70		.03
Reinforcing	9.895	.65	1.30		.02
Vanderburgh County	8.15	.25	.25		
Vigo County	9.75	.65	1.55		
LABORERS (Wrecking):					
Marion County:					
Wrecking laborers; Mason tenders	6.20	.35	.35		.07
Jackhammer; drill & compactor operators	6.40	.35	.35		.07
Cutting torch or burner	6.75	.35	.35		.07
LATHERS:					
Bartholomew, Marion, Monroe, & Vigo Counties	10.45	.45			.04
Benton & Tippecanoe Counties	8.54	.40	.35		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS: (Cont'd)					
Dearborn County	$11.145		.25		.025
Delaware & Grant Counties	8.15		.25		.01
Vanderburgh County	9.07				.01
LEADBURNERS	9.25	.35		f	.01
MARBLE & TILE SETTERS' HELPERS:					
Bartholomew, Dearborn, Delaware, Grant, Marion, Monroe, & Tippecanoe Counties	7.60				
PAINTERS:					
Allen & Grant Counties:					
Brush; Paperhangers; Roller; & Tapers	7.75	.37	.35		.10
Sandblasters; Spray	8.75	.37	.35		.10
Bartholomew County:					
Brush; Drywall Taping & Finishing; & Rollers	8.05				
Sandblasting; Spray; swing stage	9.05				
Structural steel	8.05				
Benton & Tippecanoe Counties:					
Brush	8.45				
Structural Steel	8.70				
Sand blasting	9.50				
Spray	11.72				
Dearborn County:					
Brush; Roller; Wallwashing; Drywall taping & finishing, wallpaper & vinyl hanging; floor sanding; seamless flooring & finishing; Sandblasting; hopper tending; steamcleaning	8.10				
Spray	8.60				
Delaware County:					
Brush; Taping	7.55		.50		
Sandblasters; Spray	8.30		.50		
Steeplejack; Water towers	8.55		.50		
Marion County:					
Brush; Drywall tapers & Finishers; Rollers	8.70	.30	.20		
Sandblasters; Spray	9.70	.30	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Monroe County:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	7.90			.30	
Structural Steel	8.65			.30	
Sandblasting; Spray	8.90			.30	
Vanderburgh County:					
Brush; Roller	7.75	.55	.30		
Sandblasting; Spray	8.50	.55	.30		
Vigo County:					
Brush, Drywall finishing; Paperhangers; & Rollers	7.90			.25	
Spray	8.90			.25	
Structural Steel to 30'	8.15			.25	
Structural Steel 30' to 100'	8.90			.25	
Structural Steel over 100'	9.90			.25	
PIPEFITTERS; Steamfitters:					
Dearborn County	10.80	.70	.975		.06
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Counties	10.40	.40	.70		.02
PLASTERERS:					
Allen County	7.59	.40			
Bartholomew County	9.10				
Benton (Eastern 2/3 west to & incl. Boswell, Eark Park, & Raub) & Tippecanoe Counties	9.00	.45			
Dearborn County	6.50				
Delaware & Grant Counties	8.25	.45			.01
Marion County	10.50	.40			.01
Vanderburgh County	9.64				
Vigo County	8.25	.50	.50		
PLUMBERS:					
Dearborn County	9.92	.65	.90		.05
PLUMBERS; Steamfitters:					
Allen County	10.05	.35	.65		.07
Bartholomew (Excluding Camp Atterbury) County	10.50	.40	.30		.05
Benton & Tippecanoe Counties	10.30	.40	.75		.10
Delaware County	10.28	.40	.35	g	.10
Grant County	10.15	.40	.55		.05
Monroe County	10.15	.40	.70		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Vanderburgh County	$10.73	.40	.60	10%	.04
Vigo County	10.30	.40	.75		.10
ROOFERS:					
Allen County	8.75		.10		
Bartholomew, Marion, Monroe, Counties					
Composition; Waterproofers	9.76	.30	.40		
Slate, Tile, Asbestos, & Precast slab	10.01	.30	.40		
Helpers	8.26	.30	.40		
Benton & Tippecanoe Counties:					
Composition	9.30	.40	.28		
Slate, Tile, Asbestos	9.55	.40	.28		
Dearborn County	10.745		.85		.01
Delaware County:					
Slate, tile and Asbestos; Composition, damp & Waterproofers	8.25	.25	.10		
Coal tar pitch	8.75	.25	.10		
Grant County	6.80		.10		
Vanderburgh County:					
Composition	8.68	.40	.25		
Concrete slab & gypsum plank	8.93	.40	.25		
Slate & Tile	8.93	.40	.25		
Helpers	6.06	.40	.25		
Vigo County:					
Roofers; Kettlemen	8.50	.40	.20		
SHEET METAL WORKERS:					
Allen & Grant Counties	9.89	.40	.35		.06
Bartholomew, Delaware, Marion & Monroe Counties	10.36	.55	.55		.06
Benton & Tippecanoe Counties	9.63	.40	.30		.06
Dearborn County	8.995	.40	.70		.02
Vanderburgh County	8.80	.35	.35		.02
Vigo County	8.90	.31&h	.45		.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS; Tile Setters:					
Allen County	8.85				
TERRAZZO WORKERS' HELPERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe & Vigo Counties	8.25				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Allen County:					
Up to & incl. 1 ton	$ 7.8675	i	j		
Sweeper attached & Dist. water wagon	8.1675	i	j		
1½ to & incl. 3 tons; forklift	7.9675	i	j		
Tandem; Double bottoms; lowboys; Tri-axle; winch; boom	8.0675	i	j		
Semi	8.0175	i	j		
Euclid; Earthmover	8.3175	i	j		
Benton & Tippecanoe Counties:					
Single axles; Straight trucks; Warehousemen	6.30	k	l	m	
Helpers; Greasers; Tiremen	6.25	k	l	m	
Tandem axles; Straight trucks & Doglegs	6.40	k	l	m	
Bituminous distributors	6.45	k	l	m	
Semi-trucks & mechanics	6.60	k	l	m	
Marion County:					
Up to & incl. 3 tons & Helpers	7.325	n	o	p	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	7.475	n	o	p	
Truck mechanics	7.40	n	c	p	

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6% for Health & Welfare includes pension
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, & 2% for employee who has worked in business less than 5 years.
d. When an employee has been employed by an employer for 6 continuous months, the employer will contribute $5.00 per week toward his Hospital/Medical premiums if the employer does not have a pre-established Hospital/Medical plan. If an employee has met the 6-month qualification & is off work for any reason for over 30 continuous calendar days, the employer will not make the above $5.00 weekly contribution to the employee until the employee returns to work on a regular basis
e. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer
f. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
g. 2 paid holidays: C&D
h. 3% of gross earnings to SASMI
i. $18.00 per week per employee
j. $19.50 per week per employee
k. $16.00 per week per employee
l. $13.00 per week per employee
m. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
n. $16.00 per week per employee
o. $19.50 per week per employee
p. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

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LABORERS Allen, Benton, Delaware, Grant, & Tippecanoe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.25	.35	.35		.09
GROUP B	6.45	.35	.35		.09
GROUP C	6.55	.35	.35		.09
GROUP D	7.25	.35	.35		.09

Bartholomew, Dearborn, Marion, Monroe, Vanderburgh, & Vigo Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.40	.35	.35		.09
GROUP B	6.60	.35	.35		.09
GROUP C	6.70	.35	.35		.09
GROUP D	7.40	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders

GROUP D: Dynamite Men

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POWER EQUIPMENT OPERATORS:
Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.90	.40	.40		.05
GROUP 2	9.05	.40	.40		.05
GROUP 3	7.95	.40	.40		.05
GROUP 4	7.20	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

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POWER EQUIPMENT OPERATORS:
Bartholomew, Dearborn, & Vanderburgh Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP A	$9.13	.30	.30		
GROUP B	8.21	.30	.30		
GROUP C	7.57	.30	.30		

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

POWER EQUIPMENT OPERATORS (Sewer & Water Construction) Monroe, & Vigo Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.55	.40	.50		.06
GROUP II	9.45	.40	.50		.06
GROUP III	9.25	.40	.50		.06
GROUP IV	7.00	.40	.50		.06

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 1¼S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS
(Sewer & Water Construction)

GROUP IV Mixers 1¼S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

LINE CONSTRUCTION Grant County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN; Heavy equipment operators "A"	$9.43	.35	1%		½ of 1%
CABLE SPLICERS	10.23	.35	1%		½ of 1%
HEAVY EQUIPMENT OPERATORS"B"	7.61	.35	1%		½ of 1%
POWDERMAN; Equipment mechanic	7.44	.35	1%		½ of 1%
SENIOR GROUNDMAN - truck driver with winch	6.25	.35	1%		½ of 1%
GROUNDMAN - truck driver with winch	5.98	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 5 YEARS	5.96	.35	1%		½ of 1%
SENIOR GROUNDMAN AFTER 12 MONTHS	5.78	.35	1%		½ of 1%
GROUNDMAN - truck driver without winch	5.35	.35	1%		½ of 1%
GROUNDMAN 0 to 12 MONTHS	4.96	.35	1%		½ of 1%

LINE CONSTRUCTION Allen, Bartholomew, Benton, Dearborn, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
EXCLUSIVE OF CALUMET AREA					
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

LINE CONSTRUCTION Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$10.65	.40	1%		
GROUNDMAN	9.29	.40	1%		
TRUCK DRIVER	9.60	.40	1%		

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TRUCK DRIVERS Bartholomew, Dearborn, Delaware, Grant, & Monroe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.45	12.50a	13.00a	b	
GROUP 2	7.50	12.50a	13.00a	b	
GROUP 3	7.55	12.50a	13.00a	b	
GROUP 4	7.60	12.50a	13.00a	b	
GROUP 5	7.65	12.50a	13.00a	b	
GROUP 6	7.70	12.50a	13.00a	b	
GROUP 7	7.80	12.50a	13.00a	b	
GROUP 8	7.85	12.50a	13.00a	b	
GROUP 9	7.90	12.50a	13.00a	b	
GROUP 10	7.95	12.50a	13.00a	b	
GROUP 11	8.10	12.50a	13.00a	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

TRUCK DRIVERS: Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.345	.325	12.00a		
GROUP 2	7.455	.325	12.00a		
GROUP 3	7.565	.325	12.00a		
GROUP 4	7.635	.325	12.00a		
GROUP 5	7.675	.325	12.00a		
GROUP 6	7.405	.325	12.00a		
GROUP 7	7.515	.325	12.00a		
GROUP 8	7.175	.325	12.00a		
GROUP 9	7.245	.325	12.00a		

CLASSIFICATIONS

GROUP 1
Single axle straigh trucks, batch truck, wet or dry, over 3(3/4E) batches

GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3/4E) batches, farm tractors pulling trailers

GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers

GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)

GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types

GROUP 6
Drivers on bituninous distributors two-man

GROUP 7
Drivers on bituminous distributors one-man

GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.

GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

TRUCK DRIVERS: Vigo County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 7.085	.50	14.00a		
GROUP II	7.585	.50	14.00a		
GROUP III	7.785	.50	14.00a		
GROUP IV	7.935	.50	14.00a		

FOOTNOTE:
a. Per Week Per Employee

CLASSIFICATIONS

GROUP I
Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3/4E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and tiremen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles

GROUP II
Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tons, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-"3/4E" batches, two (2) men oil distributors

GROUP III
Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, tractor trailers, tandem, A-Frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-"3/4E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors

GROUP IV
Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Koehring or similar dumpsters, track trucks, Euclids, hug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, pole trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN76-2057
COUNTIES: *See Below
DATE: Date of Publication
Supersedes Decision No. IN75-2132, dated December 19, 1975 in 40 FR 59147
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

DECISION NO IN76-2057

*Lake, LaPorte, Porter, & St. Joseph	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Lake & Porter Counties	$10.36	.58	.67		.05
LaPorte & St. Joseph Counties	11.32	.35	.15		
BOILERMAKERS	10.85	.80	1.00		.03
BRICKLAYERS:					
Lake, LaPorte & Porter Counties:					
Bricklayers; Marble setters & Stonemasons	10.55	.45	.55		.02
Tile setters	10.30	.45	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.04	.50	.35		.05
Marble setters	8.70	.40	.35	a	.01
Terrazzo workers & Tile setters	8.10	.40	.35	a	.01
CARPENTERS:					
Lake, LaPorte, & Porter Counties					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	10.63	.50	.57		.05
St. Joseph County:					
Building construction:					
Carpenters; Millwrights; Pile-drivermen; Soft floor layers	9.08	.40	.50		.05
Heavy & Highway construction:					
Carpenters	9.01	.47	.40		.05
CEMENT MASONS:					
Building construction:					
Lake County (Hammond Area)	10.32	.60	.55		.01
Lake County (Remainder of Co.); Porter County (Western ½ of Co.)	9.47	.60	.65		.01
LaPorte County; Porter County (Eastern ½ of Co.)	9.58	.60	.90		.03
St. Joseph County	8.61	.40	.50		.01
Heavy and Highway construction:					
Porter County (Eastern ½ of Co.)	8.62	.45	.70		.03
Porter County (Western ½ of Co.)	9.47	.60	.65		.01
St. Joseph County	8.86	.40	.50		.01
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	10.10	.60	.55		.01
Lake County (Remainder of Co.)	10.00	.60	.65		.01
LaPorte County	9.42	.60	.90		.03
ELECTRICIANS:					
Lake County	$10.30	5%	6.3%	4%	.7%
LaPorte & Porter Counties	10.30	3½%	5½%	4%	.2%
St. Joseph County	9.60	3.8%	5%		.2%
ELEVATOR CONSTRUCTORS:					
Lake & Porter Counties:					
Elevator constructors	11.31	.495	.32	4%+b+c	.02
Helpers	7.92	.495	.32	4%+b+c	.02
Helpers (Prob.)	5.655				
LaPorte & St. Joseph Counties:					
Elevator constructors	9.57	.495	.32	4%+b+c	.02
Helpers	6.70	.495	.32	4%+b+c	.02
Helpers (Prob.)	4.785				
GLAZIERS:					
Lake County (excluding Hammond); Porter County	7.80	.25	.25	.25	
LaPorte & St. Joseph Counties	7.25	.35		4%	½of1%
IRONWORKERS:					
Lake, LaPorte (Michigan City), & Porter Counties	11.13	.50	1.00		.06
LaPorte (Remainder of Co.), & St. Joseph Counties	9.60	.65	.80		.01
LATHERS:					
Lake & Porter Counties	8.25		.35	.50	
LaPorte & St. Joseph Counties	9.07	.38	.35		.01
LEADBURNERS	9.25	.35		d	.01
PAINTERS:					
Lake County (Hammond Area):					
Commercial:					
Brush	7.90	.42	.35		.02
Sandblasting; Spray	8.65	.42	.35		.02
Paperhanging; Vinyl	8.15	.42	.35		.02
Industrial:					
Brush & Roller	8.65	.42	.35		.02
Sandblasting; Sign painters; Spray	9.40	.42	.35		.02
Lake County (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	8.50	.47	.40		.05
Sandblasting; Spray; Steam-Cleaning; machine spray stripping	9.25	.47	.40		.05
Paperhanger	8.75	.47	.40		.05

DEICSION NO IN76-2057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Industrial:					
Brush	$ 9.50	.47	.40		.05
Sandblasting; Spray; Steam-cleaning; Machine spray stripping	10.25	.47	.40		.05
Laporte County (Excluding Michigan City); St. Joseph Co.:					
Brush; Drywall Tapers & Finish;					
Paperhanging; Spray & Vinyl	7.96		.20		
LaPorte County (Michigan City):					
Brush; Roller	7.60			.19	
Sandblasting; Spray	8.60			.19	
Porter County (Remainder of Co.);					
Brush; Sandblasters; Drywall tapers	8.00				
Spray	9.00				
PIPEFITTERS:					
Lake, LaPorte, & Porter Counties	10.35	.55	.70		.02
PLASTERERS					
Lake County (Hammond Area)	9.44	.60	.55		.01
Lake County (Gary Area); Porter County (Valparaiso)	8.30	.60	.25		.01
LaPorte, Porter (Eastern ½ west to, but not including Chesterton) Counties	9.33	.60	.90		.03
St. Joseph County	8.77	.40	.50		.01
PLUMBERS:					
Lake County (Hammond Area)	10.62	.55	.70		.02
Lake County (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	10.55	.50	1.05		.02
LaPorte County (Michigan City, Trail Creek, & Long Beach)	10.92	.40	.55		.02
PLUMBERS; Steamfitters:					
LaPorte County (LaPorte City); St. Joseph County	9.95	.48	.70		.10

DECISION NO. IN76-2057

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	$11.34	.47	.35		
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	8.75	.40	.30		.03
Slate, Tile & Asbestos	8.90	.40	.30		.03
Helpers	5.00	.40	.30		.03
SHEET METAL WORKERS:					
Lake, LaPorte, & Porter Counties	10.67	.48	.67		.10
St. Joseph County	9.45	.48	.50		
SPRINKLER FITTERS:					
Lake County (30-mile radius from Chicago, Illinois City Hall)	10.00	.60	.70		.15
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	10.55	.50	.80		.08
TRUCK DRIVERS:					
Lake & Porter Counties:					
2 to 3 axles	7.60	20.00e	20.00e	.35	
4 axles	7.80	20.00e	20.00e	.35	
5 axles	8.00	20.00e	20.00e	.35	
6 axles	8.20	20.00e	20.00e	.35	
St. Joseph County (Building Construction):					
Pick-up	6.54		14.00e	f	
Single axle	6.75		14.00e	f	
Tandem or fuel	6.86		14.00e	f	
Tri axle	6.91		14.00e	f	
Semi trailer	6.96		14.00e	f	
LaPorte Co. (Bldg., Construction)					
4 wheel; sheet metal	6.80	21.50e	22.00e	g	
6 wheel; semis	6.90	21.50e	22.00e	g	
Transit mix	7.20	21.50e	22.00e	g	
Euclids	7.30	21.50e	22.00e	g	
Winch	7.05	21.50e	22.00e	g	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F providing the employee works either the 5 days preceding or the 5 days following the holiday.
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 8 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. per man per week
f. 1 week's paid vacation for 3 years' service, 2 weeks for 10 years' service, & 3 weeks for 15 years' service.
g. 1 year's service - 1 week's vacation; 3 years' service - 2 weeks' vacation; 10 years' service - 3 weeks' vacation; 20 years' service - 4 weeks' vacation

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$9.03	.35	1%		.5%
Heavy equipment operator "A"	8.58	.35	1%		.5%
Heavy equipment operator "B"	7.08	.35	1%		.5%
Powder man & equipment mechanic	6.91	.35	1%		.5%
Senior groundman truck driver w/w	5.92	.35	1%		.5%
Groundman truck driver with winch	5.69	.35	1%		.5%
Groundman truck driver w/o winch	4.99	.35	1%		.5%
Senior groundman after 5 years	5.68	.35	1%		.5%
Senior groundman after 12 months	5.52	.35	1%		.5%
Groundman 0-12 months	4.69	.35	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.33	.35	1%		.5%
Heavy equipment operator "A"	8.65	.35	1%		.5%
Heavy equipment operator "B"	7.14	.35	1%		.5%
Powder man & equipment mechanic	6.97	.35	1%		.5%
Senior groundman truck driver w/w	6.03	.35	1%		.5%
Groundman truck driver with winch	5.76	.35	1%		.5%
Groundman truck driver w/o winch	5.06	.35	1%		.5%
Senior groundman after 5 years	5.80	.35	1%		.5%
Senior groundman after 12 months	5.64	.35	1%		.5%
Groundman 0-12 months	4.79	.35	1%		.5%

Lake County, & Porter County
(North of U.S. Hwy #20)
LABORERS:
BUILDING, SEWER & TUNNEL CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.15	.35	.40		.09
GROUP B	7.35	.35	.40		.09
GROUP C	7.45	.35	.40		.09
GROUP D	8.15	.35	.40		.09

LaPorte County and Porter County
(South of U.S. Hwy #20)
LABORERS
BUILDING, SEWER & TUNNEL CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.40		.09
GROUP B	7.15	.35	.40		.09
GROUP C	7.25	.35	.40		.09
GROUP D	7.95	.35	.40		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

LABORERS: BUILDING CONSTRUCTION St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.95	.35	.35		.09
GROUP B	7.15	.35	.35		.09
GROUP C	7.25	.35	.35		.09
GROUP D	7.95	.35	.35		.09

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, car[illegible] helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

LABORERS: HEAVY & HIGHWAY CONSTRUCTION Lake County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 6.90	.35	.35		.07
GROUP II	7.05	.35	.35		.07
GROUP III	7.80	.35	.35		.07
LaPorte, Porter, & St. Joseph Counties					
CLASS I	$ 6.20	.35	.35		.07
CLASS II	6.35	.35	.35		.07
CLASS III	8.45	.35	.35		.07

CLASS I - Unskilled Laborers
CLASS II - Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment, Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III - Dynamite and Powdermen

Lake, LaPorte, & Porter Counties

POWER EQUIPMENT OPERATORS Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$ 10.30	.65	.85		.05
Class II	9.80	.65	.85		.05
Class III	8.25	.65	.85		.05
Class IV	7.25	.65	.85		.05

CLASS I Mechanic; asphalt plant; autograde; batch plant; benoto (requires two engineers); boiler & throttle valve; caisson rigs; central redimix plant; combination backhoe, front end loader with backhoe bucket of 1 cu. yd. & over; combination tugger hoist & air compressor; compressor and throttle; concrete breaker (truck mounted); concrete conveyor; concrete paver over 27E cu. ft.; concrete paver 27E cu. ft. and under; concrete tower; cranes, all; cranes, tower; derricks, all; derricks, traveling; forklift-lull type; forklift - 10 ton and over; hoists, one, two, and three drum; hoists, two tugger one floor; hydraulic boom truck; locomotive, all; pile drivers and skid rig; pit machines; pre-stress machine; pump cretes and similar types; rock drill (self-propelled); rock drill (truck mounted); slipform paver; straddle buggies; tractor with boom & side boom; trenching machine; winch tractors
CLASS II Asphalt spreader; boiler; bulldozers; combination backhoe, front-end loader with backhoe bucket, less than 1 cu. yd.; engineer acting as conductor in charge of crew; grader, elevating; greaser engineer; grouting machines; highlift shovels or front endloader; hoists, automatic; cowboy drilling machines; hoists all elevators; hoists, tugger single drum; motor patrol; post hole digger; rollers, all; scoops - tractor drawn; stone crushers; tournapull; winch trucks
CLASS III Concrete mixer (2 bag & over); conveyor, portable: steam generators; tractors, farm & similar type; air compressor small 150 & under (1 to 5 not to exceed a total of 300 ft.); air compressor - large over 150 combination - small equipment operator; forklift trucks; generators; pumps (1 to 3 not to exceed a total of 300 ft.); pumps, well points; welding machines (2 through 5); winches 4 electric drill winches
CLASS IV Heaters, mechanical (1 to 5); oilers & switchmen

St. Joseph County POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

Lake, LaPorte, & Porter Counties POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.05
CLASS II	9.05	.40	.50		.05
CLASS III	8.60	.40	.50		.05
CLASS IV	7.60	.40	.50		.05
CLASS V	6.70	.40	.50		.05

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, lead mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating, grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widener apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form grader, form tamper-motor driven hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor

CLASS IV
Air compressors, all conveyors fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington driver, assistant greaser

POWER EQUIPMENT OPERATORS
Heavy & Highway Construction

St. Joseph County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CLASS I	$9.30	.40	.50		.05
CLASS II	8.95	.40	.50		.05
CLASS III	8.50	.40	.50		.05
CLASS IV	7.50	.40	.50		.05
CLASS V	6.60	.40	.50		.05

CLASSIFICATIONS

CLASS I: Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballas regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader gradall, highlift shovel-4 yds. and over, hoist-two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver-hetherington, piledriver, road paving mixer, ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb., on horizontal or upright boiler, tournapull or similar type equipment, tractor-boom, trench machine, tug boat operator, winch truck with "A"-frame

CLASS II: Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating, asphalt waterbound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apsco or similar type

CLASS III: Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader-power driven, post digger - power driven, finishing machine and bull float, form grader, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less bituminous distributor

CLASS IV: Air compressors, all conveyors fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, stripping machine, paint-motor driven, throttle valve, welding machine, well point system.

CLASS V: Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helpers on CMI & similar type machine, hetherington, assistant greaser

TRUCK DRIVERS
Heavy & Highway Construction

LaPorte County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$7.36	$19.00a	$19.50a		
CLASS 2	7.51	19.00a	19.50a		
CLASS 3	7.56	19.00a	19.50a		
CLASS 4	7.61	19.00a	19.50a		
CLASS 5	7.66	19.00a	19.50a		
CLASS 6	7.71	19.00a	19.50a		
CLASS 7	7.76	19.00a	19.50a		
CLASS 8	7.81	19.00a	19.50a		
CLASS 9	7.86	19.00a	19.50a		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(34E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-Frame when used for transportation batch trucks (wet or dry) over 3(34E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

DECISION NO. IN76-2057

TRUCK DRIVERS: St. Joseph County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.76	17.50a	19.50a		
GROUP B	7.71	17.50a	19.50a		
GROUP C	7.66	17.50a	19.50a		
GROUP D	7.61	17.50a	19.50a		
GROUP E	7.56	17.50a	19.50a		
GROUP F	7.51	17.50a	19.50a		
GROUP G	7.46	17.50a	19.50a		
GROUP H	7.41	17.50a	19.50a		
GROUP I	7.36	17.50a	19.50a		
GROUP J	7.31	17.50a	19.50a		
GROUP K	7.26	17.50a	19.50a		
GROUP L	7.16	17.50a	19.50a		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Lo Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pushe loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bott Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tanden Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Sing Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self lo ed or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distribut (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frame used for Transportation-Batch Trucks Wet or Dry over 3 (3YD) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distribut (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3YD) Batches o less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Michigan
COUNTY: Kent
DECISION NUMBER: MI76-2049
DATE: Date of Publication
Supersedes Decision No. AR-3054 dated July 12, 1974 in 39 FR 25858
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers & Stonemasons	$7.70	.25	.25		.04
Carpenters	6.23				
Cement Masons	5.82				
Electricians	9.22	.40	1%+.25		.01
Elevator Constructor	8.12	.395	.26	2%+a&b	.02
Glaziers	6.75	.28	.20		
Ironworkers:					
Structural	6.43				
Reinforcing	7.60	.50	.50		.02
Laborers	5.81	.40	.30	.55	.04
Lathers	8.30	.44	.10		.01
Painters:					
Brush & Structural Steel	6.70	.25	.20	.10	
Tapers	6.95	.25	.20	.10	
Plasterers	8.39	.32	.18		.03
Plumbers & Steamfitters	9.59	.38	.35		
Roofers	5.14				
Sheet Metal Workers	7.50	.42+c	.30	.52	
Soft Floor Layers	7.00	.45	.40		.01
Sprinkler Fitters	9.10	.40	.60	.50	.07
Terrazzo Workers	7.05	.25	.25		
Terrazzo Workers' Helpers	6.00				
Tile Setters	7.05	.25	.25		
Tile Setters' Helpers	5.66				
Truck Drivers	5.80				
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	6.85				
Air Compressor	7.55				
Backhoe	5.20				
Bulldozer	6.82				
Crane	8.70	.50	.55		.07
Finishing Machine	5.25				
Front End Loader	5.00				
Grader	5.00				
Pumps	5.31				
Roller	6.00				
Tractor	5.42				
Trenching Machine	6.00				

DECISION NO MI76-2049

FOOTNOTES:
a. - 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
b. - Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years.
c. - $5.00 per month - Life Insurance

LC-ZONE II

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$7.88	.35	1%	a	.25%
Cable Splicer	8.21	.35	1%	a	.25%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	5.73	.35	1%	a	.25%
Over 6 Months	6.18	.35	1%	a	.25%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	4.99	.35	1%	a	.25%
Over 6 Months	5.43	.35	1%	a	.25%
Combination Winch Truck Driver Groundman:					
1st 6 Months	4.55	.35	1%	a	.25%
Over 6 Months	5.19	.35	1%	a	.25%
Combination Truck Driver Groundman	4.40	.35	1%	a	

aFOOTNOTE: 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-7-LAB

LABORERS - HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$5.41	.35	.30		.04
CLASS B	5.56	.35	.30		.04
CLASS C	5.66	.35	.30		.04
CLASS D	5.53	.35	.30		.04
CLASS E	5.63	.35	.30		.04
CLASS F	5.73	.35	.30		.04
CLASS G	5.91	.35	.30		.04

CLASS A
Laborers

CLASS B
Plaster Tenders, Material Mixers, Operators of Portable Mixers, Air, Electric or Gasoline Tools & Motor Driven Buggies & Swing Scaffolds.

CLASS C
Jackhammer Operators

CLASS D
Signal Men & Top Men on Sewer & Caisson Construction (Open Cut)

CLASS E
Windlass Operator (On Caisson Work)

CLASS F
Crocklayers or Pipelayers, Caisson Workers

CLASS G
Top Men on Chimneys or Towers over 30' in Height

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MICH-3-PEO

POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A Crane with boom & jib or leads 220' or longer	$9.70	.50	.55		.05
CLASS B Crane with boom & jib or leads 140' or longer up to 220', tower cranes, gantry cranes, whirley derrick	9.45	.50	.55		.05
CLASS C Regular equipment operator, crane, stiff leg derrick, scrapper, dozer, grader, front end loader, hust, job mechanic & head grease man	9.20	.50	.55		.05
CLASS D Pumps 6" or over, well points & freeze systems, air tugger (single drum), material hust (buck type)	9.00	.50	.55		.05
CLASS E Engineers when operating air compressor, welding machine, generators, conveyors, pumps under 6" & grease man	7.95	.50	.55		.05
CLASS F Fireman, oiler or heater operator	7.25	.50	.55		.05

DECISION NO MI76-2049 MICH -9-PEO-U

POWER EQUIPMENT OPERATORS UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$9.79	.55	.75		.05
CLASS II	9.66	.55	.75		.05
CLASS III	8.93	.55	.75		.05
CLASS IV	8.36	.55	.75		.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or lerger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over) oiler & firemen

STATE: Michigan COUNTIES: See Below
DECISION NO: MI76-2050 DATE: Date of Publication
Supersedes Decision No. MI76-2032, dated March 12, 1976 in 41 FR 10836
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including four stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Alger, Baraga, Chippewa, Dickinson, Gogebic, Houghton, Keweenaw, Mackinac, Marquette & Ontonagon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Dickinson County	$9.66	.45	.20	.50	
Chippewa & Mackinac Counties	9.01	.72	1.19		.02
Gogebic & Ontonagon Counties	10.00	.30	.25		
Remainder of Counties	9.86	.45	.50	.15	.03
BOILERMAKERS	10.07	.70	1.00	1.50	.01
BRICKLAYERS:					
Dickinson County:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile & Terrazzo Workers	8.85	.45	.50		
Alger & Marquette Counties:					
Bricklayers & Stonemasons	8.53	.45	.35	.50	.01
Plasterers	8.48	.45	.35	.50	.01
Marble-Tile-Terrazzo Workers	8.28	.45	.35	.50	.01
Chippewa & Mackinac Counties:					
Bricklayers & Stonemasons	9.04	.45	.30		
Plasterers	8.89	.45	.30		
Tile & Terrazzo Workers	8.84	.45	.30		
Remainder of Counties:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers	8.85	.45	.50		
CARPENTERS:					
Carpenters & Soft Floor Layers	8.29	.50	.40		.01
Millwrights	8.79	.50	.40		.01
Piledrivermen	8.49	.50	.40		.01
CEMENT MASONS:					
Alger & Marquette Counties	8.03	.45	.35	.50	.01
Chippewa & Mackinac Counties	8.47	.45	.30		
Remainder of Counties	8.35	.45	.50		
ELECTRICIANS:					
Dickinson County:					
Contracts $40,000 or more & all Industrial work	9.48	.40	1%		.5%
Contracts Less than $40,000	8.48	.40	1%		.5%
Alger & Marquette Counties:					
Contracts over $25,000	9.80	.30	1%		½%
Contracts $25,000 or less	9.05	.30	1%		½%

DECISION NO MI76-2050

ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chippewa & Mackinac Counties	$9.23	.40	1%		½%
Gogebic County:					
Contracts $7,000 & over	9.50	4%	1%	11%	3%
Contracts less than $7,000 except Industrial	8.075	4%	1%	11%	3%
Remainder of Counties:					
Contracts $30,000 & over	9.30	.40	1%		½%
Contracts up to $30,000	7.50	.40	1%		½%
ELEVATOR CONSTRUCTORS:					
Constructors	8.53	.445	.29	3%+a	.02
Helpers	70%JR	.445	.29	3%+a	.02
Helpers (Prob.)	50%JR				
IRONWORKERS	8.39	.25	1.00	1.31	.05
LATHERS	8.25	.64	.10	.50	.01
PAINTERS:					
Dickinson County:					
Commercial & Industrial	8.95			.75	
Alger & Marquette Counties:					
Brush	8.00				
Bridges, Water Tanks, Radio & TV	9.25				
Chippewa & Mackinac Counties:					
Commercial-Industrial & Sign Painter	6.95			1.00	
Taper-Hand, Spray, Sandblasting	7.45			1.00	
Taper-Machine	7.55			1.00	
Steel	9.45			1.00	
Baraga, Houghton, Keweenaw & the northern portion of Ontonagon County:					
Brush, Paperhangers, Tapers	7.25				
Spray & Sandblasting	7.80				
Gegobic County & the Remainder of Ontonagon County:					
Brush, Paperhangers	6.00				
Spray	6.50				

DECISION NO MI76-2050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS	$8.58	.45	.50	1.00	.02
ROOFERS	8.45		.50		
SHEET METAL WORKERS	8.52	.50	.40	1.00	.02
SPRINKLER FITTERS	11.40	.60	.90		.08
TRUCK DRIVERS:					
Truck Driver	7.02	b19.00	b12.00		
Heavy Duty, Double Axle & Semi	7.15	b19.00	b12.00		
Euclid	7.38	b19.00	b12.00		

FOOTNOTE:
b-Per Week; Per Employee

DECISION NO MI76-2050

Welders receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 4% contribution for more than 5 years

b. Per week, Per employee

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr Tr
Class A	$ 6.65	.40	.30		.04
Class B	6.75	.40	.30		.04
Class C	7.05	.40	.30		.04
Class D	7.20	.40	.30		.04

LABORERS

CLASS A: General Construction Laborers

CLASS B: Chipping Hammers; Concrete Mixers; Green Cutting (air, electric or gas); Material Mixers (hand or machine; Motor driven buggies; Mortar Mixers; Sand Blasters; Tamping Machines; Vibrator Operator; Laborers with concrete mixer to pour, including pour from trucks

CLASS C: Blasters; Buster Operators; Cement Gun Nozzleman; Drillers; Layers of all non-metallic pipe; Mixers

CLASS D: Underground Work, Tunnels and Shafts - muckers, ciasson workers, miners, drillers, blasters.

DECISION NO MI76-2050

LC-ZONE II

LINE CONSTRUCTION: ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 8.75	.35	1%	a	2%
Cable Splicer	9.11	.35	1%	a	2%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	6.36	.35	1%	a	2%
Over 6 Months	6.86	.35	1%	a	2%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.54	.35	1%	a	2%
Over 6 Months	6.03	.35	1%	a	2%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.05	.35	1%	a	2%
Over 6 Months	5.76	.35	1%	a	2%
Combination Truck Driver Groundman	4.88	.35	1%	a	2%

FOOTNOTE:

a. 7 paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving and Christmas Day

DECISION NO MI76-2050

MICH-7-PEO-1-2-SE-U

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & UNDERGROUND CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 7.95	.55	.75	10%	.05
CLASS B	7.40	.55	.75	10%	.05
CLASS C	6.87	.55	.75	10%	.05
CLASS D	6.49	.55	.75	10%	

CLASS A - Regular equipment operator, crane, dozer, front end loader, job mechanic
CLASS B - Air track drill, boom truck, concrete mixers, fork truck, material hoist & tugger, pumps 6" or over, pumpcrete, belt crete, squeeze crete, sweeping machine trencher, winches, well points and freeze systems
CLASS C - Air compressor, conveyor, concrete saw, farm tractor (without attachments) generator, guard post driver, mulching pumps under 6". welders
CLASS D - Oiler, fireman, heater operator

POWER EQUIPMENT OPERATORS: STEEL ERECTION					
CLASS 1 - Operator	8.17	.55	.75	10%	.05
CLASS 2 - Compressor & welder	7.35	.55	.75	10%	.05
CLASS 3 - Oiler & fireman	6.60	.55	.75	10%	

• SUPERSEDEAS DECISION

STATE: Michigan — COUNTIES: See Below
DECISION NO: MI76-2051 — DATE: Date of Publication
Supersedes Decision No. MI76-2034, dated March 19, 1976 in 41 FR 11754
DESCRIPTION OF WORK: Building (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Bay, Genesee, Huron, Iosco, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee & Tuscola	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
St. Clair County	$10.77	1.24	1.13		
Remainder of Counties	9.01	.72	1.19		.02
BOILERMAKERS	10.07	.70	1.00		.01
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee Cos.					
Bricklayers & Stonemasons	10.40	.40	.75		
Marble-Tile-Terrazzo Workers	9.64	.40	.75		
St. Clair & Sanilac Counties					
Bricklayers & Stonemasons	9.85	.73	.47	.73	
Marble Setters	10.28	.45	.60	.75	
Terrazzo Workers	9.55	.45	.60	.75	
Tile Setters	9.86	.45	.60	.75	
Remainder of Counties					
Bricklayers & Stonemasons	9.57	.50	.50		
Marble-Tile-Terrazzo Workers	9.45				
CARPENTERS:					
Sanilac (Except the West 5 miles) & St. Clair Counties:					
Carpenters & Piledrivermen	9.9166	.60	9%	11%	.02
Soft Floor Layers	8.92	.65	7%	8%	.03
Remainder of Counties & the West 5 Miles of Sanilac County:					
Carpenters & Piledrivermen	9.44	.50	.40		.01
Soft Floor Layers	8.58	.50	.40		.01
CEMENT MASONS:					
Genesee, Shiawassee & Lapeer Cos.	9.18	.40	.25		.02
St. Clair & Sanilac Counties	9.18	.73	.47	.73	
Remainder of Counties	8.87	.50	.50		
ELECTRICIANS:					
Iosco County; Northern ½ of Co:					
Contracts over $13,000	9.90	.40	1%+.15		1/10%
Contracts under $13,000	8.40	.40	1%+.15		1/10%
Bay Co; & Southern ½ of Iosco Co.	10.95	.40	1%+.30		½%
Genesee, Lapeer & Shiawassee Cos.	10.75	.40	1%+.45		.02
Saginaw & Tuscola Counties	11.15		1%+.30		½%
Remainder of Counties	10.70	1.63	1%+.90		.06
ELEVATOR CONSTRUCTORS:					
St. Clair County:					
Constructors	10.52	.445	.29	3%	.02
Helpers	70%JR	.445	.29	3%	.02
Helpers (Prob.)	50%JR				

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ELEVATOR CONSTRUCTORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remainder of Counties:					
Constructors	$10.42	.495	.32	4%	.02
Helpers	70%JR	.495	.32	4%	.02
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural & Ornamental	9.75	8%	14%	17%	.07
Reinforcing	9.0625	.85	15%	15%	.03
Fence Erectors	8.75	8%	14%	17%	.07
LABORERS:					
Iosco County:					
Unskilled	5.95	.40	.30		.04
Mortar & Plaster Mixers, Sewer & Caisson Workers, Plasterer Tenders, Non-Metallic Pipe Layers	6.10	.40	.30		.04
Cement Gun Nozzlemen, Blasters, Miners & Rock Drillers	6.55	.40	.30		.04
LATHERS	8.25	.64	.10	.50	.01
PAINTERS:					
Bay & Iosco Cos., Huron (West of M-53) Co., & the Townships of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta & Wisner in Tuscola County:					
Commercial	8.15	.42	.40		
Industrial	8.65	.42	.40		
Spray	9.00	.42	.40		
Saginaw Co., & the Remainder of Tuscola County:					
Brush	8.70		.35		.01
Spray	9.45		.35		.01
Genesee, Lapeer & Shiawassee Cos.	8.35	.50	.40		
Huron County (East of M-53), St. Clair & Sanilac Counties	9.29	.42	.50		.01
PLASTERERS:					
Bay, Huron, Iosco, Saginaw & Tuscola Counties	9.22	.50			
Genesee, Shiawassee & Lapeer Cos	8.83	.40	.25		.03
St. Clair & Sanilac Counties	9.38	.73	.47	.73	

DECISION NO MI76-2051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
Bay, Iosco Cos., N. ½ of Tuscola & the NW ½ of Huron (running from Port Autin south to Sanilac County Line	$8.79	.50	.50	1.00	
Genesee, Lapeer & Shiawasse Cos.	10.29	.65	1.00		
Saginaw & S. ½ of Tuscola (including Caro, Washjamerga and South to the Lapeer County Line Counties	9.29	.55	.70		.01
Remainder of Huron County, St. Clair & Sanilac Counties	9.17	1.75	1.085	1.34	.005
ROOFERS:					
Bay, Iosco, Saginaw & Tuscola	10.00	.60	.50		
Genesee, Lapeer & Shiawassee Cos.					
Composition	10.35	.60	.40		
Slate & Tile	10.70	.60	.40		
St. Clair, Sanilac & Huron Cos.	6.70				
SHEET METAL WORKERS:					
Bay, Iosco, Huron, Saginaw & Tuscola Counties	9.69	.40	.75		
Genesee, Lapeer & Shiawassee Cos.	8.14	.59	.90	1.00	
St. Clair & Sanilac Counties	9.73	1.50	.91	1.07	.11
SPRINKLER FITTERS	10.80	.50	.80		.08
TRUCK DRIVERS:					
Bay, Iosco, Saginaw & Tuscola					
Under 8 cubic yards	6.52	a20.00	a22.00	.26	
8 cubic yards & over	6.62	a20.00	a22.00	.26	
Euclid Type Equipment	6.82	a20.00	a22.00	.26	
Genesee, Lapeer & Shiawassee	7.73	a16.00	a19.50		
Huron, St. Clair & Sanilac					
Pole Trailers, Low Boys Straddle Carriers, Double Bottoms & Special Load Permit Drivers	7.87	a17.00	a14.00		
Semi-Drivers	7.77	a17.00	a14.00		
All Other Truck	7.62	a17.00	a14.00		

FOOTNOTE: a-Per Week; Per Employee
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MI76-2051

	Basic Hour' Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bay, Huron, Saginaw & Tuscola Counties:					
CLASS A	$7.09	.40	.30		.04
CLASS B	7.21	.40	.30		.04
CLASS C	7.29	.40	.30		.04
CLASS D	7.86	.40	.30		.04
Genesee, Lapeer & Shiawassee Cos:					
CLASS A	7.79	.40	.40		.04
CLASS B	7.89	.40	.40		.04
CLASS C	7.99	.40	.40		.04
CLASS D	8.09	.40	.40		.04
CLASS E	8.34	.40	.40		.04
St. Clair & Sanilac Counties:					
GROUP 1	8.58	.40	.30		.04
GROUP 2	8.70	.40	.30		.04
GROUP 3	8.83	.40	.30		.04
GROUP 4	8.75	.40	.30		.04
GROUP 5	8.72	.40	.30		.04
GROUP 6	8.87	.40	.30		.04
GROUP 7	8.93	.40	.30		.04

LABORERS:
Bay, Huron, Saginaw & Tuscola Counties
CLASS A - All Construction Laborers on Building & Heavy Construction not specified in Classes B, C, & D below; Also includes pumps with a 3" or less discharge and not hooked up in a battersy; Mechanized Buggy Operator and Mortar Mixer when done by hand.
CLASS B - Mechanized Mortar Mixers; Air, Electric and Gas Driven Tools; Vibrators.
CLASS C - Air or Electric driven pavement breakers; Plasterer Tenders, Plaster Mixers; Crock and/or Pipelayer; Signal Men & Top Man; Windlass and Tugger Operator; Caisson Worker.
CLASS D - Drillers & Blasters; Burners

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LABORERS (CONT'D)

Genesee, Lapeer & Shiawassee Counties

CLASS A - Construction Laborers not specified in Classess B & E below
CLASS B - Mortar Mixer (includes concrete mixer ½ cu. yds. or smaller); Signal Men & Top Men (on caisson work; Air, Gasoline or Electric Tool Operators.
CLASS C - Jackhammer & Air Spade; Tunnel Men; Windlass Operators (on caisson work); Burner
CLASS D - Crock or Pipe Layers; Conduit and any Vitrified Tile, except 4 " drain tile around Building; Ciasson Workers & Tunnel Muckers
CLASS E - Tunnel Miners

St. Clair & Sanilac Counties

GROUP 1 - General Laborers; Mason Tenders; All Demolition Laborers
GROUP 2 - Mortar Mixers (Hand or Machine)
GROUP 3 - Air, Electric & Gas Tool Operators
GROUP 4 - Grete Gas Buggies; Concrete Saw Operators
GROUP 5 - Signal Men & Top Men on Caisson Construction
GROUP 6 - Tunnel Men; Concrete Shovelers; Car Pushers; Windlass & Tugger Operators on Caisson Work
GROUP 7 - Crock or Pipe Layers; Caisson Workers & Muckers

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

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LC-ZONE I

LINE CONSTRUCTION: HURON, LAPEER, ST. CLAIR, SANILAC & TUSCOLA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman	$11.38	.88	7%		½%
Cable Splicer	11.87	.88	7%		½%
Combination Equipment Operator-Groundman	9.19	.88	7%		½%
Combination Driver-Groundman	8.68	.88	7%		½%
Groundman	8.02	.88	7%		½%

LC-ZONE II

LINE CONSTRUCTION: BAY, IOSCO, GENESEE, SAGINAW & SHIAWASSEE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 8.75	.35	1%	a	½%
Cable Splicer	9.11	.35	1%	a	½%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	6.36	.35	1%	a	½%
Over 6 Months	6.86	.35	1%	a	½%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.54	.35	1%	a	½%
Over 6 Months	6.03	.35	1%	a	½%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.05	.35	1%	a	½%
Over 6 Months	5.76	.35	1%	a	½%
Combination Truck Driver Groundman	4.88	.35	1%	a	½%

FOOTNOTE: 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

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MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION ST. CLAIR COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$10.7485	.55	.75	10%	.05
CLASS B	10.5212	.55	.75	10%	.05
CLASS C	10.2939	.55	.75	10%	.05
CLASS D	10.0667	.55	.75	10%	.05
CLASS E	9.1498	.55	.75	10%	.05
CLASS F	8.5258	.55	.75	10%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Regular Crane Operator
CLASS D - Regular Engineer
CLASS E - Engineer when operating Compressor (or welding machine)
CLASS F - Fireman or oiler

MICH-3-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.05	.55	.75	10%	.05
CLASS B	10.80	.55	.75	10%	.05
CLASS C	10.55	.55	.75	10%	.05
CLASS D	10.20	.55	.75	10%	.05
CLASS E	10.00	.55	.75	10%	.05
CLASS F	8.95	.55	.75	10%	.05
CLASS G	8.25	.55	.75	10%	

CLASS A - Crane with main boom and jib 220' or longer
CLASS B - Crane with main boom and jib 140' or longer, tower cranes, gantry cranes, whirley derrick
CLASS C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, fron end loader, hoist. job mechanic and head grease man
CLASS D - Air tugger (single Drum), Material Hoist, Fork Truck, Boom truck (non-swinging), boiler opr; sweeping machine, winch truck, bob cat and similar type equipment
CLASS E - Pump 6" or over, well points, freeze systems
CLASS F - Air compressor, welder, generators, pumps under 6" & grease man
CLASS G - Oiler, fireman & heater operator

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MICH-9-PEO-U 2-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION IOSCO COUNTY	Basic Hourl Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.92	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)
CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher
CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)
CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

DECISION NO. MI76-2051 MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.27	.60	.85	10%	.05
CLASS II	9.15	.60	.85	10%	.05
CLASS III	8.48	.60	.85	10%	.05
CLASS IV	7.96	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), scraper self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), endloader 1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" duscharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more-300 amp or larrer - gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4", discharge if used 3 hours or more a day - gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 h.p. or over)

STATE: Michigan
DECISION NO: MI76-2052
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. MI76-2035, dated March 19, 1976 in 41 FR 11758
DESCRIPTION OF WORK: Building (Including Residential) and Heavy (Excluding Bridge, Airport and Sewer) Construction.

COUNTIES: Macomb, Monroe, Oakland, Washtenaw & Wayne	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Monroe County	$11.23	.35	.75		.02
Twps. of Bridgewater, Dexter, Freedom, Lima, Lyndon, Manchester, Sharon & Sylvan in Washtenaw County	9.01	.72	1.19		.02
Remainder of Counties & the Remainder of Washtenaw County	10.77	1.24	1.13		
BOILERMAKERS:					
Monroe County	11.90	.50	.60		.01
Remainder of Counties	10.07	.70	1.00	1.50	.01
BRICKLAYERS & STONEMASONS:					
West of Hwy. #23 in Monroe Co	9.89	.50	.65		.05
Washtenaw County	11.95		.60		
Remainder of Counties & East of Hwy. #23 in Monroe County	10.19	.70	8%+.10	11%	.05
CARPENTERS:					
Washtenaw County	9.99	.50	.40		.01
Remainder of Counties	9.9166	.60	9%	11%	.02
CEMENT MASONS:					
South of Hw. #151 in Monroe Co.	11.69	.50			.02
Washtenaw County	11.75		.60		
Remainder of Counties & North of Hwy. #151 in Monroe County	9.2881	.70	10%	11%	.02
ELECTRICIANS:					
Monroe County	10.75	.30	1%+.55		1/10%
Washtenaw County	10.03	.50	1%+.55	10%	1%
Remainder of Counties	10.70	1.63	1%+.90		.06
ELEVATOR CONSTRUCTORS:					
Monroe County					
Constructors	11.27	.495	.32	4%	.02
Helpers	70%JR	.495	.32	4%	.02
Helpers (Prob.)	50%JR				
Washtenaw County					
Constructors	11.32	.495	.32	4%	.02
Helpers	70%JR	.495	.32	4%	.02
Helpers (Prob.)	50%JR				
Remainder of Counties					
Constructors	11.17	.495	.32	4%	.02
Helpers	70%JR	.495	.32	4%	.02
Helpers (Prob.)	50%JR				

DECISION NO MI76-2052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$9.50	.50	.65		
IRONWORKERS:					
Monroe County	11.05	.60	.89		.05
Remainder of Counties:					
Structural & Ornamental	9.75	8%	14%	17%	.07
Reinforcing	9.0625	.85	15%	15%	.03
Fence Erectors	8.75	8%	14%	17%	.07
LABORERS:					
Monroe County:					
Construction Laborer & Carpenter Helper	8.60	.40	.30	.55	.04
Mortar Mixer, Mason & Plaster Tender, Carpenter Helper, Cement Mason Helper, Tool Operator & Caisson Worker	8.80	.40	.30	.55	.04
LATHERS:					
S.W. Corner of Monroe County& Western Portion of Washtenaw Co.	8.25	.64	.10	.50	.01
Remainder of Counties; Eastern Portion of Washtenaw County & Remainder of Monroe County	9.22	.77	.58		
MARBLE MASONS:					
Washtenaw County	11.95		.60		
Remainder of Counties:					
Marble Mason	10.28	.45	.60	.75	
Marble Mason Helper	8.79	.45	.60	.75	
PAINTERS:					
Washtenaw County					
Brush	9.72	.43	.20		.02
Spray	10.47	.43	.20		.02
Taper	10.12	.43	.20		.02
Remainder of Counties					
Brush	9.30	.75	.96	.90	.05
Spray:					
to 40' height	9.80	.75	.96	.90	.05
Over 40' height	9.925	.75	.96	.90	.05
PLASTERERS:					
South of Hwy. #151 in Monroe Co.	11.25	.60			.01
Washtenaw County	11.95		.60		
Remainder of Counties & Remainder of Monroe County	10.99	.70	.50		

DECISION NO MI76-2052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS:					
Monroe County	$9.93	.55	.70		.02
Washtenaw County	9.58	.80	.75	1.25	.10
Remainder of Counties:					
Plumbers	9.17	1.75	1.085	1.34	.005
Pipefitters	9.215	1.65	1.085	1.35	.05
ROOFERS:					
Monroe County	10.99	.60	.50		.02
Washtenaw County					
Composition	8.90	.70	.25	1.05	.10
Slate	9.65	.70	.25	1.05	.10
Remainder of Counties					
Composition	9.31	.65	.80	1.00	
Slate	10.06	.65	.80	1.00	
SHEET METAL WORKERS:					
Monroe County	11.075	.60	.40		.045
Remainder of Counties	9.730	1.50	.91	1.07	.11
SOFT FLOOR LAYERS:					
Washtenaw County	9.99	.50	.40		.01
Remainder of Counties	8.92	.65	7%	8%	.03
SOUND & COMMUNICATION WORKERS:					
Wayne, Oakland & Macomb Cos:					
Electrical Technician	7.18	a1.60	a6.00		
SPRINKLER FITTERS:					
Monroe County	10.80	.50	.80		.08
Remainder of Counties	11.70	.50	.80		.055
TILE & TERRAZZO WORKERS:					
Washtenaw County	11.95		.60		
Remainder of Counties:					
Terrazzo Workers	9.55	.45	.60	.75	
Terrazzo Workers' Helpers	8.24	.35	.40	.65	
Tile Setters	9.86	.45	.60	.75	
Tile Setters' Helpers	8.25	.35	.55	.70	
TRUCK DRIVERS:					
Pole Trailers; Low Boys; Straddle Carrier; Double Bottoms & Special Load Permits	7.87	a17.00	a14.00		
Semi-Drivers	7.77	a17.00	a14.00		
All Others	7.62	a17.00	a14.00		

FOOTNOTE:
a.-Per Week; Per Employee

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MICH-8-LAB-1-2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: BUILDING & HEAVY CONSTRUCTION					
Washtenaw County:					
GROUP 1	$ 7.84	.40	.30	.60	.04
GROUP 2	8.04	.40	.30	.60	.04
GROUP 3	8.16	.40	.30	.60	.04
Wayne, Oakland & Macomb Cos.:					
GROUP 1	7.10	.65	.55	.55	
GROUP 2	7.18	.65	.55	.55	
GROUP 3	7.28	.65	.55	.55	
GROUP 4	7.35	.65	.55	.55	
GROUP 5	7.35	.65	.55	.55	
GROUP 6	7.43	.65	.55	.55	
GROUP 7	7.48	.65	.55	.55	
GROUP 8	7.85	.65	.55	.55	

LABORERS: BUILDING & HEAVY CONSTRUCTION
Washtenaw County:

GROUP 1 All Construction Laborers not specified below
GROUP 2 Mortar Mixers; Material Mixers (hand or machine); Air, Gas, Electric Tool Operators; Power Buggie Operators; Scaffold Builders or Dismantlers; Windlass Operators; Tar and Kettle Operators
GROUP 3 Crock or Pipe Layers; Caisson Workers

Wayne, Oakland & Macomb Counties:

GROUP 1 All Construction Laborers not specified below
GROUP 2 Mortar Mixers; Scaffold Builders
GROUP 3 Signal Men; Air, gas or Electric Tool Operators; Windlass and Tugger Operator; Jackhammer and Vibrator Operator
GROUP 4 Crock grade man
GROUP 5 Furnace Battery Heater Helpers
GROUP 6 Crock and Pipe Layers
GROUP 7 Caisson Workers
GROUP 8 Lancing Burners; Blasters; Powdermen

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MICH-8A-LAB-2

LABORERS: OPEN CUT CONSTRUCTION WASHTENAW COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$7.11	.40	.30	.25	.04
CLASS 2	7.19	.40	.30	.25	.04
CLASS 3	7.24	.40	.30	.25	.04
CLASS 4	7.29	.40	.30	.25	.04
CLASS 5	7.34	.40	.30	.25	.04
WAYNE, OAKLAND & MACOMB COS.					
CLASS 1	7.46	.65	.55	.55	.04
CLASS 2	7.54	.65	.55	.55	.04
CLASS 3	7.59	.65	.55	.55	.04
CLASS 4	7.64	.65	.55	.55	.04
CLASS 5	7.69	.65	.55	.55	.04
MONROE COUNTY					
CLASS 1	7.11	.40	.30	.25	.04
CLASS 2	7.21	.40	.30	.25	.04
CLASS 3	7.31	.40	.30	.25	.04
CLASS 4	7.36	.40	.30	.25	.04
CLASS 5	7.46	.40	.30	.25	.04

LABORERS: OPEN CUT CONSTRUCTION

CLASS 1 - Construction Laborer

CLASS 2 - Mortar & Material Mixers, Concrete form man, Signal Man, Well Point Man, Manhole, Headwall & Catch Basin Builder, Guard Rail Builders & Fence Erectors.

CLASS 3 - Air, Gasoline, Electric Tool Opr., Vibrator Opr., Drillers, Pumpman Tar Kettle Opr., Bracers, Rodder, Reinforced Steel or Mesh (under 40 H.P.) Windlass & Tugger Man

CLASS 4 - Trench or Excavating Grade Man

CLASS 5 - Pipelayer (incl. crock, metal pipe, multi-plate or other conduits

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MICH -8B-LAB-2

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION Washtenaw & Monroe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.66	.40	.30	.25	.04
CLASS 2	7.74	.40	.30	.25	.04
CLASS 3	7.79	.40	.30	.25	.04
CLASS 4	7.94	.40	.30	.25	.04
CLASS 5	8.14	.40	.30	.25	.04
CLASS 6	8.39	.40	.30	.25	.04
Wayne, Oakland & Macomb Cos.:					
CLASS 1	7.46	.65	.55	.55	.04
CLASS 2	7.54	.65	.55	.55	.04
CLASS 3	7.59	.65	.55	.55	.04
CLASS 4	7.74	.65	.55	.55	.04
CLASS 5	7.94	.65	.55	.55	.04
CLASS 6	8.19	.65	.55	.55	.04

LABORERS: TUNNEL, SHAFT & CAISSON CONSTRUCTION

CLASS 1 - Tunnel, Shaft & caisson Laborer, dump man, Shanty man, Hog House Tender, Testing Man (on gas)

CLASS 2 - Manhole, Headwall, Catch basin builder, Bricklayer Tender, Mortar Man, Material mixer, Fence Erector & Guard Rail Builder

CLASS 3 - Air tool operator (Jack Hammer man, Bush Hammer man & Grinding man), First Bottom man, Second bottom man, Cage, Tender, Car pusher, carrier man, Concrete man, Concrete form man, Concrete repair man, Cement invert Laborer, Cement finisher, Concrete shoveler, conveyor man, Floor man, Gasoline & Electric Tool operator, Gunnite man, grout operator, Heading dinry man, inside lock tender, pea gravel operator, pump man, outside lock tender, Scaffold man, top signal man switch man, Track man, Tugger man, Utility man, Vibrator man, Winch Operator, concrete saw operator (under 40 H.P.)

CLASS 4 - Tunnel, Shaft & caisson mucker, Bracer, man, Under Plate man, Long Haul Dinky Driver & well point man

CLASS 5 - Tunnel, Shaft & Caisson miner, Drill Runner, Key board Operator, Power Knife operator, Reinforced steel or mesh man (Wire Mesh, Steel Mats, Dowell Bars, Etc.)

CLASS 6 - Dynamite man & Powderman

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LC-ZONE I

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
WAYNE, MACOMB, OAKLAND COS; & THE REMAINDER OF WASHTENAW & MONROE COUNTIES					
Lineman	$11.38	.88	7%		½%
Cable Splicer	11.87	.88	7%		½%
Combination Equipment Operator-Groundman	9.19	.88	7%		½%
Combination Driver-Groundman	8.68	.88	7%		½%
Groundman	8.02	.88	7%		½%

LC-ZONE II

LINE CONSTRUCTION: Twps. of Lynden, Manchester, Sharon & Sylvan in Washtenaw Co; Twps. of Bedford, Erie, LaSalle & Whiteford in Monroe County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lineman; Heavy Equipment operator	$ 8.75	.35	1%	a	½%
Cable Splicer	9.11	.35	1%	a	½%
Combination Digger operator; Tractor operator Groundman:					
1st 6 Months	6.36	.35	1%	a	½%
Over 6 Months	6.86	.35	1%	a	½%
Light Equipment Operator Groundman; Distribution Line Truck Driver Operator:					
1st 6 Months	5.54	.35	1%	a	½%
Over 6 Months	6.03	.35	1%	a	½%
Combination Winch Truck Driver Groundman:					
1st 6 Months	5.05	.35	1%	a	½%
Over 6 Months	5.76	.35	1%	a	½%
Combination Truck Driver Groundman	4.88	.35	1%	a	½%

FOOTNOTE: 7 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; and Christmas Day.

DECISION NO MI76-2052

MICH-1-PEO-1-2

POWER EQUIPMENT OPERATORS: BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$10.7485	.55	.75	10%	.05
CLASS B	10.5212	.55	.75	10%	.05
CLASS C	10.2939	.55	.75	10%	.05
CLASS D	10.0667	.55	.75	10%	.05
CLASS E	9.1498	.55	.75	10%	.05
CLASS F	8.5258	.55	.75	10%	

CLASS A - Crane with boom & jib or leads 220' or longer
CLASS B - Crane with boom and jib or leads 140' or longer
CLASS C - Regular Crane Operator
CLASS D - Regular Engineer
CLASS E - Engineer when operating Compressor (or welding machine)
CLASS F - Fireman or oiler

MICH-2-PEO-SE

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$11.57	.55	.75	10%	.05
CLASS B	11.33	.55	.75	10%	.05
CLASS C	10.85	.55	.75	10%	.05
CLASS D	10.70	.55	.75	10%	.05
CLASS E	9.61	.55	.75	10%	.05
CLASS F	8.65	.55	.75	10%	

CLASS A - Engineer when operation combination of boom & jib 220' or longer
CLASS B - Engineer when operating combination of boom & jib 140' or longer Tower crane & derrick operator (where operators work station is 501 or more above first sub level
CLASS C - Crane operator & job mechanic
CLASS D - Hoisting operator
CLASS E - Compressor (or welder) operator
CLASS F - Oiler or fireman

DECISION NO MI76-2052

MICH-9-PEO-U Z-2

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION MONROE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$7.89	.60	.85	10%	.05
CLASS II	7.63	.60	.85	10%	.05
CLASS III	7.17	.60	.85	10%	.05
CLASS IV	6.92	.60	.85	10%	.05

CLASS I - Power shovel. crane (crawler, truck type or pile driving), dragline, backhoe clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cpa.), grader, scraper (self-propelled or tractor drawn), dozer (9' blade & over), concrete paver (2 drum or lerger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling rig, slip form paver slope paver, conveyor loader (euclid type)

CLASS II - Trencher (8' digging capacity & smaller), endloader (1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps or more inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors 600 cu. ft. per min or larger), pumporete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non powered type boom), welding machine or generator (2 or more - 300 amp. or larger gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum ½ dy or larger wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" cischarge if used 3 hours or more a day gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 H. p. or over)

DECISION NO MI76-2052

MICH-8-PEO-U

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 9.27	.60	.85	10%	.05
CLASS II	9.15	.60	.85	10%	.05
CLASS III	8.48	.60	.85	10%	.05
CLASS IV	7.96	.60	.85	10%	.05

CLASS I - Power shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. cap.), scraper self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), endloader 1½ cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller than type D-4 or equivalent), pump (1 or more 6" duscharge or larger - gas or diesel powered or powered by generator of 300 amps or more - inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneu-tired, other than backhoe or front endloader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumporete machine (and similar equipment), mechanic helper, maintenance man, boom truck (non-swinging, non-powered type boom), welding machine or generator (2 or more-300 amp or larfer - gas or diesel powered), pump (2 or more - 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum-½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day - gas or diesel powered - excluding submerisble pumps), trencher (service), boiler, vibrating compaction equipment, self propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 h.p. or over)

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster
DECISION NO.: NE76-4072 DATE: Date of Publication
Supersedes Decision No.: NE76-4025, dated February 13, 1976, in 41 FR 70003
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	10.91	.40	.51	4%	.03
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS: Stonemasons	7.70	.30	.20		
CARPENTERS:					
Carpenters	7.25	.20	.20		
Piledrivermen	7.50	.20	.20		
CEMENT MASONS:					
Cement masons	7.725	.45	.30		
Swing Stage	7.975	.45	.30		
ELECTRICIANS:					
Electricians:					
Zone A	10.31	.42	1%		.04
Zone B	10.61	.42	1%		.04
Zone C	10.91	.42	1%		.04
Zone D	11.31	.42	1%		.04
Cable Splicers:					
Zone A	10.56	.42	1%		.04
Zone B	10.86	.42	1%		.04
Zone C	11.16	.42	1%		.04
Zone D	11.56	.42	1%		.04

ELECTRICIANS - CABLE SPLICERS' ZONE DEFINITION

Electricians-Cable Splicers from the main Post Office in Lincoln, Nebraska:

ZONE A - 0 to 15 miles
ZONE B - 15 to 30 miles
ZONE C - 30 to 75 miles
ZONE D - Over 75 miles

ELEVATOR CONSTRUCTORS	10.41	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.45	.40	.35		.01
IRONWORKERS	8.10	.30	.20	.50	
LABORERS:					
Common Laborers	5.425	.20	.20		
Machine and air tool operators,.					
Mason tenders	5.575	.20	.20		
Plasterers tenders	5.65	.20	.20		
LATHERS	7.62				.01
MARBLE MASONS	7.65		.25		

DECISION NO. NE76-4072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	6.525	.20	.10		
Spray, Steel , Swing stage	7.025	.20	.10		
Paperhangers, Taper	6.775	.20	.10		
PLASTERERS	7.475	.30	.20		
PLUMBERS: Pipefitters	8.86	.58	.60		.10
ROOFERS:					
Composition	6.55				
Slate and Tile	6.80				
SHEET METAL WORKERS	7.96	.35	.20		.03
SOFT FLOOR LAYERS	8.00				
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS	8.10		.25		
TRUCK DRIVERS:					
Single Axle	5.825	.20	.25		
Tandem Axle	5.95	.20	.25		
Trailers and Lowboys	6.075	.20	.25		
Lumber Carriers	6.25	.20	.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years' service as Vacation Pay Credit.

b. The following paid holidays: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

DECISION NO. NE76-4072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$ 8.86	.35	1%		1/2%
Cable Splicers	9.26	.35	1%		1/2%
Truck Driver	6.42	.35	1%		1/2%
Equipment Operator	8.33	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.01	.35	1%		1/2%
(Inexperienced) 2nd 6 months	4.40	.35	1%		1/2%
Thereafter	5.81	.35	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	5.75	.125	.10		
Group 2	5.875	.125	.10		
Group 3	5.90	.125	.10		
Group 4	6.075	.125	.10		
Group 5	6.225	.125	.10		
Group 6	6.325	.125	.10		
Group 7	6.35	.125	.10		
Group 8	6.40	.125	.10		
Group 9	6.50	.125	.10		
Group 10	6.75	.125	.10		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITION

GROUP 1: Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type tractor without attachments
GROUP 2: Pumps - 4 inches and over
GROUP 3: Industrial type tractor with attachments
GROUP 4: Forklift or similar type equipment
GROUP 5: Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over
GROUP 6: Economobile
GROUP 7: Single drum trucks or boom hoists; wench trucks; concrete pumps
GROUP 8: One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade Graders; Bulldozers; front end loaders; hydraulic backhoe on industrial type tractor
GROUP 9: Rubber tired earth moving equipment; hydrocrane
GROUP 10: Two drum hoists; Mechanics; Cranes; Piledrivers; Shovels; Draglines; Clamshells; Orange Peel; Backhoe; All shovel type equipment; All derricks and cranes

DECISION NO. NE76-4072

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenter	$5.25				
Carpenter helper	4.00				
Cement finisher	4.80				
Concrete saw operator	4.60				
Form setter (road)	4.55				
Form setter (structures)	3.75				
Laborer	3.45				
Manhole builder	4.25				
Painter	3.60				
Piledriver leadsman	3.60				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	4.10				
Asphalt distributor	4.00				
Asphalt distributor helper	3.75				
Asphalt heaterman	3.80				
Asphalt paving machine	4.75				
Asphalt paving machine screedman	4.25				
Stationary Pl. (base of stabilization)	4.60				
Stationary Pl. (asphalt or concrete)	4.90				
Beginner Operator	4.25				
Bulldozer:					
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.25				
Cement handler	3.50				
Clamshell, dragline, backhoe, crane, pile driver or shovel	5.35				
Concrete mixer	3.60				
Concrete paver	4.45				
Slip form paver	5.25				
Conveyor	3.60				
Crusher (including those with integral screening plant)	4.65				
Dredge pump under 10"	4.00				
Dredge pump 10" and over	4.45				

DECISION NO. NE76-4072

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Fireman (boiler)	$3.80				
Front End Loader:					
3½ cu. yds. or less	4.55				
over 3½ cu. yds.	4.65				
Mechanic	5.35				
Mechanic helper	4.60				
Motor grader	5.15				
Oiler or greaser	4.50				
Roller, self-propelled (hot mix)	4.50				
Roller or compactor, self-propelled (other)	4.50				
Scraper under 16 cu. yds.	4.75				
Scraper 16 cu. yds. and over	5.25				
Power grade machine (trimmer)	5.25				
TRACTOR:					
Farm type (towing)	3.65				
Farm type (with attachments)	3.95				
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.00				
Traveling plant (stabilization)	4.60				
Traveling plant helper (stabilization)	3.90				
Concrete finishing machine and spreader	4.80				

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE
DECISION NO. NY-76-3162 DATE: Date of Publication
Supersedes Decision No. NY75-3111 dated December 5, 1975 in 40 FR57123
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.11	.82	.55		.04
Boilermakers	9.85	.50	.95		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	10.64	.55	1.10		
Terrazzo workers & Tile setters	10.26	.55	1.10		
Marble masons	10.355	.55	1.10		
Remainder of County:					
Bricklayers and stone masons	10.64	.55	1.10		
Marble setters	10.355	.55	1.10		
Terrazzo workers & Tile setters	10.26	.55	1.10		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Remainder of County, Building, Heavy and Highway:					
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	9.58	1.25	1.25		
Divers	16.87	1.25	1.25		
Cement masons:					
Building	10.88		1.00		
Electricians	11.69	.55	1%+.80		.05
Elevator Constructors	10.99	.495	.32	+a+b	.02
Elevator Constructors' helpers	7.69	.495	.32	+a+b	.02
Elevator Constructors' helpers (prob.)	5.495				
Glaziers	9.03	.60	.50+g		.06
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	10.27	.91	.91		.04
Lathers	10.92		.10		.01
Lead burners	9.25	.35		c	.01
Line Construction					
Linemen	10.40	.65	1%+.60	d	½%
Cable splicer	11.44	.65	1%+.60	d	½%
Groundman digging machine operator	9.36	.65	1%+.60	d	½%
Groundman mobile equipment	8.32	.65	1%+.60	d	½%

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont'd)					
Groundmen truck driver and mechanic	$ 7.90	.65	1%+.60	d	½%
Groundmen dynamite man	8.32	.65	1%+.60	d	½%
Marble, Tile & Terrazzo workers' helper	8.36	.50	.40+g		
Painters:					
Grand Island North of White Haven Road:					
Painters, brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+h		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+h		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+h		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+h		.10
Plasterers	11.06				
Plumbers	11.00	.59	.65		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.92	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	9.07	1.09	1.10		.02
Sheet metal workers	10.73	.40	.95		.08
Soft floor layers	9.14	1.25	1.25		
Sprinkler fitters	11.19	.50	.80		.06
Steam fitters	11.02	.45	1.50		.08
Truck Drivers, Building, Heavy & Highway:					
Contractor drivers	9.345	.60	.55	e+f	
Ready mix	8.59	.50	.55	e+f	
Dump	8.00	.50	.55	e+f	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-The Friday After Thanksgiving.

FOOTNOTES:

a. Holidays: A through G.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through G; 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 day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, 5 days vacation; 3 years, 10 days vacation; 10 years, 15 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

FOOTNOTES: (Cont'd)

g. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

h. Employer contributes $.45 per hour to a Supplement Unemployment benefit fund.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$11.5	.50	1.00		.15
GROUP II	10.435	.50	1.00		.15
GROUP III	10.28	.50	1.00		.15
GROUP IV	10.24	.50	1.00		.15
GROUP V	10.155	.50	1.00		.15
GROUP VI	9.40	.50	1.00		.15
GROUP VII	10.24	.50	1.00		.15
GROUP VIII	9.085	.50	1.00		.15
GROUP IX	8.93	.50	1.00		.15
GROUP X	9.385	.50	1.00		.15
GROUP XI	10.00	.50	1.00		.15
GROUP XII	9.555	.50	1.00		.15
GROUP XIII	9.845	.50	1.00		.15
GROUP XIV	8.785	.50	1.00		.15
GROUP XV	10.935	.50	1.00		.15
GROUP XVI	11.435	.50	1.00		.15
GROUP XVII	11.935	.50	1.00		.15

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BUILDING --POWER EQUIPMENT OPERATORS:

GROUP I: Master Mechanic

GROUP II: all boom type equipment (100 ft or less), all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finisher course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile dribing machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op.

GROUP VI: Air compressor operator, (under 160 CFM), air compressor op., (over 160 CFM), generator mechanical heater, (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), monorail

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., cement bin op., concrete mixer op., (under ½ c.y.), tractor machines

GROUP XI: Grout Machine Operator, Heating Boiler Operator (used for temporary heat), lubrucatuib unit on truck, pneumatic mixer operator

GROUP XII: Pump Operator (4" or over); Pump Operator 2-3 in a battery)

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BUILDING--POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP XIII: Bulldozer & tractor (50 H.P. drawbar and under), jeep trench, mulchers, power brooms 7 rakes, seeders

GROUP XIV: Apprenctice Engineer or Oiler, Mechanical Heaters (when 1 or 2 are used), Pump Operators (one inch), Pump Operators (2 inches), Pump Operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$12.21	.50	.50+a		.15
Cranes:					
Boom over 100 ft	11.87	.50	.50+a		.15
Boom over 200 ft	12.12	.50	.50+a		.15
Boom over 300 ft	12.62	.50	.50+a		.15
All boom type equipment, all pan and carry-all operators, archer hoist asphalt spreader or paver, automatic fine grader machine (C.M.I. and similar type), back filling machine operators, back and pull hoe operator, belt placer (C.M.I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, elevating grader (self-propelled), excavator (all purpose hydraulically operated), forklift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
concrete plant, road windener, rock bit sharpener(all types), scoopmobile, shovel, side boom, skimmer operator, slip form paver (C.M.I. and similar type), test core drill machine, tire truck and repair, tractor drawn belt type graders trenching machine, tractor shovel operator truck crane, tunnel shovel machine, well drilling machine, winch, winch truck with A Frame	11.12	.50	.50+a		.15
Air hoist operator, automatic fine grade machine (C.M.I. and similar type), belt placer (C.M.I. and type), bending machi machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting) hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator, mixer for stabilized base self-propelled, monrail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel, stone crushers, strato-tower, towed or self-propelled					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type)	10.98	.50	.50+a		.15
Air compressors, (under 160 cu. ft.) air compressors (over 160 cu. ft., generator, mechanical heaters (when 3 are in a battery) Pump Operator (4" or over), pump operator (2 or 3 in a battery, welding machine operator	9.24	.50	.50+a		.15
Mechanical heaters (when one or two are used), Apprentice Engineer or Oiler, Pump Operator (one inch), Pump Operator (2 inch), Pump Operator (3 inch)	8.64	.50	.50+a		.15
Asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulis system pumps, motor-ized hydraulic pin puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 K.W. (1 machine over 300 amps. or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	10.69	.50	50+a		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver	$ 10.54	.50	.50+a		.15
Aggregate bin operator C.M. and similar type concrete spreads, cement bin operator, concrete mixer operator (under ½ cu yd), revinius widener, steam cleaner, tractor machines	10.09	.50	.50+a		.15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes $.50 per hour to a Supplemental Unemployment Benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING					
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	$ 8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	8.255	.80	1.40		.10
MORTAR MIXER	8.205	.80	1.40		.10
FOUNDATION LABORER (over 8 feet deep): Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	8.155	.80	1.40		.10
LABORER	8.055	.80	1.40		.10
WRECKING					
WAGON DRILL OPERATOR	8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	8.155	.80	1.40		.10
WRECKERS	8.055	.80	1.40		.10
OPEN CUT SEWER					
BLASTER: Wagon Drill Op	8.305	.80	1.40		.10
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	8.405	.80	1.40		.10
LABORER: Top Men	8.055	.80	1.40		.10
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)					
BLASTER: Bottom Men; Wagon Drill Op.	8.305	.80	1.40		.10
PNEUMATIC-GAS-ELECTRIC TOOL OP.	8.155	.80	1.40		.10
TOP MEN	8.055	.80	1.40		.10
STREET-ROAD-WORK					
PAVEMENT FORM SETTER: Wagon Drill Op.	8.305	.80	1.40		.10
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	8.155	.80	1.40		.10
LABORER	8.055	.80	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
RODMEN (reinforce); Welder	8.655	.80	1.40		.10
LEAD MINER	8.455	.80	1.40		.10
CONCRETE FORM MOVER: Monkey Hole Man: Side Miner	8.405	.80	1.40		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT GROUND TUNNEL OR JACKING (CONT'D)					
BOTTOM SHAFT MEN	8.355	.80	1.40		.10
TUNNEL-SHAFT MUCKER: Shaft Miner	8.305	.80	1.40		.10
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	8.205	.80	1.40		.10
ROCK TUNNEL					
RODMEN (Reinforce); Welder	8.655	.80	1.40		.10
LEAD HEADING ROCK DRILLERS	8.455	.80	1.40		.10
CONCRETE FORM MOVER: Side Heading Rock Drillers	8.405	.80	1.40		.10
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	8.305	.80	1.40		.10
BOTTOM SHAFT MAN	8.255	.80	1.40		.10
CAR PUSHERS: Bull & Tract Gangs; Concrete Placing Crew	8.205	.80	1.40		.10
TOP MAN	8.055	.80	1.40		.10

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand, Fork, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND76-5037

DATE: Date of Publication

Supersedes Decision No. ND75-5130 dated October 17, 1975, in 40 FR 57073

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
(except Walsh County)	$8.19	.35	.50		.005
BOILERMAKERS:					
(except Walsh County)	9.45	.70	1.00		
BRICKLAYERS; Stonemasons:					
Burleigh and Morton Counties	8.30		.15		
Grand Forks, Steele and Walsh Counties	9.63		.15		
Cass and Richland Counties	9.24	.40	.15	.30	
Ward County	7.23		.15		.02
CARPENTERS:					
Burleigh and Morton Counties					
Carpenters	7.80				.02
Piledrivermen	7.925				.02
Grand Forks, Steele (Northern Area) and Walsh Counties					
Carpenters	8.01		.20		.02
Piledrivermen	8.27		.20		.02
Millwrights	7.53		.20		.02
Cass, Richland and Steele (Southern area) Counties					
Carpenters	8.08		.30		
Ward County					
Carpenters	7.28				.02
Piledrivermen	7.51				.02
Millwrights	7.76				.02
CEMENT MASONS:					
Grand Forks and Steele Counties	7.00		.15		
Cass and Richland Counties	8.41				
Ward County	5.50				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo					
Zone (A) Within 0-15 miles of each main P.O.					
Electricians	8.60	.40	1%	6%	1½%
Cable Splicers	9.03	.40	1%	6%	1½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$9.22	.40	1%	6%	1½%
Cable Splicers	9.65	.40	1%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	9.85	.40	1%	6%	1½%
Cable Splicers	10.28	.40	1%	6%	1½%
Burleigh, Morton and Ward Cos.					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Manden					
Zone (A) Within 0-25 miles of each main P. O.					
Electricians	8.40	.40	1%	6%	1½%
Cable Splicers	8.80	.40	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	9.90	.40	1%	6%	1½%
Cable Splicers	10.30	.40	1%	6%	1½%
ELEVATOR CONSTRUCTORS:					
(excluding Walsh County)	9.35	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.-2
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	9.19	.52	.50		.05
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.75				.02
Sandblasting; Structural Steel Spray	8.50				.02
Burleigh and Morton Counties					
Brush	6.25				
Spray	6.55				

DECISION NO. ND76-5037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Ward County					
Brush	$5.20				
Spray	5.55				
PLASTERERS:					
Grand Forks and Steele Counties	7.62		.15		
Ward County	6.50				
Cass and Richland Counties	8.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele and Walsh Counties	9.20	.38	.20		.01
Burleigh and Morton Counties	9.60	.40	.25		.02
Ward County	9.05	.35	.25		.04
ROOFERS:					
Cass and Richland Counties	6.85				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	9.20				
Cass and Richland Counties	9.45	.40	.25		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS:					
(Except Walsh County)	8.75	.50	.80		.08

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. ND76-5037

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Grand Forks and Steele Counties					
Group 1:					
Laborers; Concrete bucket dumpman	$5.92	.20			
Group 2:					
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	6.07	.20			
Group 3:					
Hod Carriers; Non-metallic pipelayer; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	6.27	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers; Concrete bucket man; Brick and plasterer tender	5.30	.20			
Groups 2 and 3:					
All power tool operator of tools that come under the Laborers' jurisdiction; Mortar Mixer; Hod carriers; Non-metallic pipe layer; Gas line wrapping or taping; Cutting torch for demolition	5.40	.20			

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cass and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	$5.69	.20			
Group 2: All power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar mixer	5.84	.20			
Group 3: Hod Carriers; Non-metallic pipe layer; Gas line wrapping and taping (Distribution Only); Cutting torch for demolition	5.44	.20			
Ward County					
Group 1: Laborer; Concrete bucket dumpman	5.49	.20			
Group 2: All power tool operators of all tools that come under the laborers' jurisdiction; Mortar mixer; and Plasterer tender	5.59	.20			
Group 3: Non-metallic Pipe layer; Gas line wrapping or taping (Distribution Only); Cutting torch for demolition	5.74	.20			

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1: Cranes, tower and overhead; Cherry Picker	$7.40	.35	.25		
Group 2: Brakemen; Any air compressed operations over 300 well points; Frontend loader over 1½ cu. yds.; Power Plant Engineer; Straddle Carrier; Oiler; Mechanic and Welder; Batch Plant Drill Rig; Tractor, over 75 HP; Concrete Pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.80	.35	.25		
Group 3: Hoist; Greaser; Concrete Mixer Operator; Boom Truck; Firemen; Tractor, 75 HP and under; Frontend Loader, 1½ cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled Scissor Jax	5 80	.35	.25		

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Site Preparation Excavation and Incidential Paving (except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidential Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS:					
Group 1	7.45	.35	.25		
Group 2	7.30	.36	.25		
Group 3	7.15	.35	.25		
Group 4	7.10	.35	.25		
Group 5	6.85	.35	.25		
Group 6	6.62	.35	.25		
Group 7	5.69	.35	.25		
Group 8	5.54	.35	.25		
Group 9	5.44	.35	.25		
Group 10	5.10	.35	.25		
Site Preparation Excavation and Incidential Paving (except Walsh County)					
TRUCK DRIVERS:					
Single Axle	4.97	.35	.30		
Tandem	5.07	.35	.30		
Agitator Dumpcrete	5.32	.35	.30		
Off road heavy end dumps, 20 yds. and under; Tandem semi, Lowboy	5.32	.35	.30		
Euclid, over 20 yds.	5.95	.35	.30		

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LABORERS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Semi-skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, Electric or Pneumatic Tool Operator (Chipping Hammer, Grinders and Paving Breakers, Tamper (dirt), Concrete Vibrator Operator); Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzleman

POWER EQUIPMENT OPERATORS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operator or Engineer, Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Operator; Hydrocrane Operator, 15 ton and over

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POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline wrapping, cleaning and bending Machine Operator; Power actuated Horizontal Boring Machine over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven) (paving); Tandem Scraper - twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type Dozer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator, (or similar type)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade) (power operated); Fine Grade Operator; Roller, steel and self-propelled rubber, on Hot Mix; Asphalt Paving; Tractor type Dozer under D-6 H.P.; Distributor Operator

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power Apsco or similar type) including self-propelled Sand Chip Spreader; Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Crawler type Tractor pulling Compaction or Areating Equipment; Farm type Rubber Tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, on other than Hot Mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanics' Helpers or Greaser Helper; Oiler (power shovel, crane, dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting and Areating; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

DECISION NO. ND76-5037

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$9.05	.35	1%		1/2%
Group 2: Groundman - operating special equipment hold digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixture erection	7.29	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	6.08	.35	1%		1/2%
Group 4: Groundman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.59	.35	1%		1/2%

SUPERSEDEAS DECISION

Decision Number OK76-4073 Page 2

STATE: Oklahoma COUNTY: Statewide (except heavy construction within the City of Muskogee)

DECISION NO.: OK76-4073 DATE: Date of Publication

Supersedes Decision No. OK76-4071 dated April 2, 1976, in 41 FR 14295

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.50	3.25
Asphalt raker	2.75	2.50	2.50	3.40	3.75
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	4.00	4.25	4.00	4.50	3.50
Carpenter helper	2.75	3.25	3.50	2.75	2.75
Concrete finisher	4.50	3.50	3.50	4.00	3.50
Concrete finisher helper	2.75	3.25	2.75	3.00	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	4.00	3.50	4.50	4.00	3.50
Form setter helper	2.75	2.75	3.75	3.00	2.75
Laborer, common	2.75	2.85	2.75	3.00	2.75
Manhole builder	3.75	3.50	3.50	3.95	3.50
Mechanic	4.50	4.25	4.25	4.15	4.00
Mechanic helper	2.75	3.54	2.75	3.40	3.25
Oiler	4.00	3.30	3.50	3.725	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	3.00
Structural steel worker	3.75	3.50	3.50	4.00	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.60	2.75
Welder	4.25	3.85	4.25	3.90	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.50	3.50	3.50
Asphalt raker	2.50	2.75	3.40	3.40	3.15
Asphalt shoveler	2.50	2.75	2.50	2.50	2.875
Carpenter	3.50	4.00	4.25	4.50	4.00
Carpenter helper	2.75	2.75	3.75	3.85	3.00
Concrete finisher	3.50	3.50	4.00	3.93	4.44
Concrete finisher helper	2.75	2.75	3.00	3.37	3.70
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	4.00	4.25
Form Builder helper	2.75	2.75	2.75	3.00	3.75
Form Setter	3.50	3.50	4.00	4.00	4.31
Form setter helper	2.75	2.75	3.00	3.00	3.50
Laborer, common	2.75	2.50	3.00	3.00	3.10
Manhole builder	3.50	3.50	3.95	3.95	4.25
Mechanic	3.75	4.50	4.10	4.10	3.75
Mechanic helper	3.00	3.00	3.40	3.40	3.25
Oiler	4.25	3.25	3.80	3.80	3.75
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	4.75	3.75
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.60	2.60	3.20
Welder	3.50	3.50	3.90	3.90	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	3.00
2 tons and under	2.75	2.50	2.50	2.60	2.50
Tandem Axle & semitrailer	3.60	3.00	2.75	3.29	3.25
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.50	3.25	3.00	3.50	3.00
Asphalt paving Machine	3.50	3.70	3.75	4.00	3.625
Bulldozer	4.50	4.25	4.25	4.00	4.00
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	4.00	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	4.00	3.50	3.25	3.50	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	4.50	4.25	3.75	4.525	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.90	3.25
Front end loader (over 1 cy)	3.50	3.75	3.78	3.90	4.00
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	4.50	4.25	4.25	4.025	3.95
Pug mill operator	3.25	3.00	3.75	3.25	4.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	4.25	3.50	3.68	3.50	3.25
Roller (pneumatic)	3.50	3.00	3.65	3.25	3.00
Scrapers	4.50	4.25	4.25	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	3.625	3.00	3.00
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.50	3.00	3.00	3.00	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	$ 2.50	2.75	3.75	3.35	3.69
2 tons and under	2.50	2.75	3.75	3.35	3.60
Tandem axle & semitrailer	3.30	3.00	3.70	3.70	3.60
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.70	3.30
Winch	3.00	3.00	3.60	3.60	3.70
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	4.00	4.00	4.60
Bulldozer	4.75	4.50	4.00	4.00	4.70
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.375	3.50	4.55	5.20
Concrete finishing machine	3.50	3.25	3.50	3.50	4.70
Concrete saw operator	3.00	3.00	3.50	3.50	3.80
Concrete batching plant	3.00	3.00	3.25	4.25	4.725
Crane, clamshell, backhoe, dragline, derrick and shovel	3.75	3.75	4.15	4.75	4.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.90	3.90	4.00
Front end loader (over 1 cy)	3.25	3.25	3.90	3.90	4.49
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer 16 C. F. and Less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	4.10	4.10	4.00	4.34
Pug mill operator	3.00	3.00	3.25	3.45	4.10
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.75	3.75	4.10
Roller (pneumatic)	3.00	3.25	3.25	3.25	4.10
Scrapers	4.75	3.75	4.00	3.60	4.25
TRACTORS:					
Crawler, 80 HP & less	2.75	3.25	3.00	3.60	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.70
Pneumatic, 80 HP and less	2.75	2.75	3.00	3.60	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephen Counties.

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

Zone 10 - Oklahoma County

WELL DRILLING

	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	$3.00			
Well driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Statewide
DECISION NUMBER: WI76-2045 DATE: Date of Publication
Supersedes Decision No.: WI75-2048, dated March 14,1975 in 40 FR 12059
DECSRIPTION OF WORK: Heavy, Sewer, Tunnel & Water Construction

BRICKLAYERS & STONE MASONS:	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, RUSH, 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	$ 8.64	.45	.25		.03
ZONE 2 - FOND DU LAC County	7.55	.45	.35	.50	
ZONE 3 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAPAUCA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North West panhandle	7.55	.45	.35	.50	
ZONE 4 - GREEN, LAFAYETTE & ROCK Counties	9.14	.45	.25	.25	.01
ZONE 5 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Counties and the remainder of TREMPEALEAU County	8.50	.40	.25		
ZONE 6 - WALWORTH County	9.49	.40	.40	.40	
ZONE 7 - DANE, GRANT, IOWA & RICHLAND Counties	8.45	.45	.40	.50	
ZONE 8 - MILWAUKEE, OZAKEE, WASHINGTON & WAUKESHA Counties	9.88	.80	.60	.56	.05
ZONE 9 - COLUMBIA & SAUK Counties	8.65	.25	.20		
ZONE 10 - KENOSHA & RACINE Counties	9.49	.40	.40	.40	
ZONE 11 - SHEBOYGAN County	8.00	.45	.35	.50	
ZONE 12 - ASHLAND, RAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT & WASHBURN Counties	8.52	.25	.45		
ZONE 13 - DODGE & JEFFERSON Counties	8.80	.45	.25	.30	
ZONE 14 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the remainder of SHAWANO County	8.19	.45	.25		.01

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CARPENTERS & PILEDRIVERMEN	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	$ 6.94	.30	.25	.15	
Piledrivermen	7.14	.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 Highway 73 & TAYLOR Co. West of Highway 73 and North of Highway 64 to Highway 13 to PRICE County line					
Carpenters	8.65	.30	.30		.03
Piledrivermen	9.05	.30	.30		.03
ZONE 3 - BROWN, CALUMET, DOOR, FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTAGAMIE, SHAWANO, WAUPACA, & WAUSHARA Counties and the South ½ of MARINETTE County					
Carpenters	8.27	.30	.30		.03
Piledrivermen	8.67	.30	.30		.03
ZONE 4 - GREEN & ROCK Counties & JEFFERSON County South of Highway 30					
Carpenters	9.41	.30	.25		.02
Piledrivermen	9.66	.30	.25		.02
ZONE 5 - KENOSHA County					
Carpenters	9.15	.40	.50		.03
Piledrivermen	9.32	.40	.50		.03
ZONE 6 - LA CROSSE, MONROE & VERNON Counties, the remainder of BUFFALO, JACKSON & TREMPEA - LEAU Counties and in JUNEAU County, West of County tract 80 & South of Highway 21					
Carpenters	8.27	.30	.30		.03
Piledrivermen	8.67	.30	.30		.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	$ 8.82	.30	.30	.25	.03
Piledrivermen	9.22	.30	.30	.25	.03
ZONE 8 - FLORENCE County and the remainder of MARINETTE County					
Carpenters	8.29	.50	.40		.01
Piledrivermen	8.49	.50	.40		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	9.39	.60	.60	.51	
Piledrivermen	10.16	.60	.60	.51	
ZONE 10 - RACINE County East of Highway 75					
Carpenters	9.15	.40	.50		.03
Piledrivermen	9.22	.40	.50		.03
ZONE 11 - SHEBOYGAN County					
Carpenters	8.65	.40	.30		
Piledrivermen	8.69	.40	.30		
ZONE 12 - DOUGLAS County and the West ½ of BAYFIELD County					
Carpenters	7.60	.30	.35	.30	
Piledrivermen	7.60	.30	.35	.30	
ZONE 13 - WALWORTH County and RACINE County West of Highway 75					
Carpenters	9.41	.30	.25		.04
Piledrivermen	9.56	.30	.25		.04
ZONE 14 - FOREST, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU & TAYLOR Counties					
Carpenters	8.17	.30	.40		.03
Piledrivermen	8.57	.30	.40		.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 and the North ½ of BURNETTE AND WASHBURN Counties	$ 9.345	.30			
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSK, ST. CROIX, & SAWYER Counties and the remainder of BURNETTE & WASHBURN Counties	8.64	.45	.25		.04
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the North West panhandle of SHAWANO County	7.69	.45	.25		.01
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties and the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	8.08	.45	.25	.50	.03
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAUPCA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	7.05	.45	.35	.50	.05
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties and the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	7.93	.45	.25	.	
ZONE 7 - SHEBOYGAN County	7.40	.45	.35	.50	.05
ZONE 8 - FOND DU LAC County	7.05	.45	.35	.50	.05
ZONE 9 - DODGE & JEFFERSON Cos.	8.30	.45	.25	.30	
ZONE 10 - COLUMBIA & SAUK Counties	8.30	.25	.30		
ZONE 11 - MILWAUKEE, OZAUKEE, WASHINGTON & WASKESHA Counties	9.09	.60	.60	.51	
ZONE 12 - DANE, GREEN, IOWA, LAFAEYTTE & ROCK Counties	8.70	.45	.40		
ZONE 13 - GRANT County	7.85				
ZONE 14 - WALWORTH County	8.28	.40	.40	.40	
ZONE 15 - RACINE County	8.10	.40	.50	.50	
ZONE 16 - KENOSHA County	8.10	.40	.50	.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 Sprinfield Townships in MARQUETTE County	$ 9.15	.38	1%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK & TAYLOR Cos. in BAFFALO Co. that portion North of Glencoe, Milton & Waumandee Townships; In BURNETT Co. that portion South of Lincoln, Meenon, Rusk, Sand Lake and West Marchland Townships, in JACKSON County that portion North of Adams, Allison & Springfield Townships; All of PIERCE County except Eisenstein, Tifield and Lake Townships; All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Townships; In SAWYER County the Townships of Edgewater, Meadowrock, Metor and Weigor and South thereof; In TREMPEALEAU County the Townships of Burnside, Lincoln and Pigeon and North thereof and; in WASHBURN County the Townships of Buckwood, Evergreen, Madge and Spooner and South therof	9.85	4%+	1%		.25%
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; in OCONTO County, that portion South of How, Leno Mable Valley, Oconto and Spruce Townships; and in Shawano County that portion South of Aniwa and Hutchins Townships	9.65	.38	1%		.25%

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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 and Silver Cliff Townships	$ 9.48	.40	1%		.50%
ZONE 5 - KENOSHA County	10.65	.34	1%	.25	.75%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. and the remainder of BUFFALO, JACKSON & TREMPEALEAU Counties	9.95	.40	1%		
ZONE 7 - WALWORTH County	9.66	.33	1%	6.5%	.25%
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAUK Counties and the remainder of GREEN LAKE & MARQUETTE Counties	9.49	.48	1%	7%	.75%
ZONE 9 - SHEBOYGAN County the remainder of CALUMET County and Schleswig Township in MANITOWOC County	8.56	.55	1%+.20	10%	1¼%
ZONE 10 - ASHLAND, BAYFIELD, DOUGLAS & IRON and the remainder of BURNETT, PRICE, SAWYER & WASHBURN Counties	9.50	4%	1%	11%	3%
ZONE 11 - LANGLADE, LINCOLN, MARATHON, ONEIDA & VILAS Counties; the remainder of SHAWANO Co. and all of MENOMINEE West of a line six miles West of Oconto County line	9.22	.35	1%	6½%	
ZONE 12 - ADAMS PORTAGE & WOOD Counties	9.14	.34	1%	6½%	.25%
ZONE 13 - FOND DU LAC County	8.56	.55	1%+.20	10%	1.25%
ZONE 14 - GREEN, JEFFERSON LA FAYETTE, & ROCK Counties	9.66	.33	1%	6.5%	.25%
ZONE 15 - RACINE County	9.36	.38	1%	7%	.75%
ZONE 16 - MILWAUKEE, OZAUKEE, WASHINGTON, & WAUKESHA Counties	10.13	.55	1%+.20	10%	1.25%
ZONE 17 - The remainder of MARINETTE, MENOMINEE & OCONTO Counties	9.65	.38	1%		.25%
ZONE 18 - The remainder of MANITOWOC County	9.65	.38	1%		

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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 CLAIRE, PEPIN PIERCE, POLK, ST. CROIX, & TREMPEALEAU Counties; the South-West ¼ of BURNETT, RUSK & TAYLOR Counties; & the North-West ½ of CLARK & JACKSON Counties	$ 9.60	.55	.55		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, & WASHBURN Counties; the remainder of BURNETT, RUSK, & TAYLOR Counties the North-West ½ of FOREST Counties and the North-West 1/3 of FLORENCE County	9.75	.30	.55	.10	
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LAYFAYETTE, LANGLADE, MARATHON, MARQUETTE, MONOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOODS Counties; the remainder of CLARK FOREST, & JACKSON Counties; the West 2/3 of DODGE & SHAWANO Counties the West ½ of FOND 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 and the North-West corner of WALWORTH County including the town of Whitewater	9.62	.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, OZUAKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Counties; the remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE & SHAWANO Cos.; & the East ½ of WALWORTH	$ 9.66	.70	.60	1.15	.11
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	11.20	.50	.375		.05
LINE CONSTRUCTION					
Idnemen	8.84	.35	1%		.5%
Cable Splicer	9.65	.35	1%		.5%
Equipment Operator	7.33	.35	1%		.5%
Truck Drivers with Boom, jigger, Tractor or 5th wheel	6.09	.35	1%		.5%
Groundman	5.55	.35	1%		.5%
Groundman 1st 6 months	4.80	.35	1%		.5%
Truck Drivers	5.81	.35	1%		.5%
PAINTERS:					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE Counties the West 3/4 of FOREST County; In MARATHON Co. West of Highway 97 & South to Highway 153; & TAYLOR County North of Highway 64					
Brush	8.00				
Spray	8.50				
ZONE 2 - BARRON, BUFFALO, BURNETTE, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	7.50			5%	
Spray	8.00			5%	
Steel	7.50			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	$ 7.55	.40			
Spray	7.93	.40			
ZONE 4 - FLORENCE County, and the Northern ½ of MARINETTE County					
Brush	6.70			.45	
Steel	7.20			.45	
ZONE 5 - KENOSHA County					
Brush	7.925	.40	.30		
Steel	8.075	.40	.30		
Spray	8.67	.40	.30		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; and the remainder of MARATHON & TAYLOR Counties					
Brush	7.28		.35		
Steel	7.55		.35		
Spray	7.97		.35		
ZONE 7 - WALWORTH County					
Brush	7.925	.40	.30		
Steel	8.075	.40	.30		
Spray	8.67	.40	.30		
ZONE 8 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LFAYETTE RICHLAND, ROCK & SAUK Counties					
Brush	8.17	.50	.30	.30	.01
Spray	8.92	.50	.30	.30	.01
ZONE 9 - MANITOWOC County and the South ½ of Calumet County					
Brush	7.05				
Spray and Steel	7.55				
ZONE 10 - The remainder of MARINETTE & FOREST Counties					
Brush	6.70			.45	
Spray	7.20			.45	
ZONE 11 - JEFFERSON, MULWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	8.85	.50	.60	.50	.02
Steel and Spray	9.20	.50	.60	.50	.02

DECISION NO WI76-2045

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 and the remainder of CALUMET County					
Brush & Steel	$ 7.60	.30	.10		.03
Spray	8.10	.30	.10		.03
ZONE 13 - RACINE County					
Brush	7.90	.40	.20		
Steel	8.05	.40	.20		
Spray	8.65	.40	.20		
ZONE 14 - SHEBOYGAN County					
Brush & Steel	6.35	.20	.30	.30	
Spray	6.75	.20	.30	.30	
ZONE 15 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush	9.03	.30	.20		.08
Spray & Steel	9.53	.30	.20		.08
LABORERS, SEWER, TUNNEL & WATER					
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties OPEN CUT					
GROUP 1 - Yard & landscape laborer	8.28	.60	.60	.50	
GROUP 2 - Paving laborer	8.33	.60	.60	.50	
GROUP 3 - General laborer on surface, pipe layer tender, top man behind machine, kettle man, top man	8.45	.60	.60	.50	
GROUP 4 - Gunnite man on top, scaffold man, mud mixer	8.50	.60	.60	.50	
GROUP 5 - Mucker, form stripper, bottom digger & miscellanious bottom man, welder on surface	8.67	.60	.60	.50	
GROUP 6 - Concrete manhole builder, caisson worker, miner, pipelayer, 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 op., rock driller	9.06	.60	.60	.50	

DECISION NO 76WI-2045

LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7 - Blaster	$ 9.22	.60	.60	.50	
TUNNEL-FREE AIR					
GROUP 8 - Tower man, general laborer on surface	8.45	.60	.60	.50	
GROUP 9 - Saw man, top man	8.50	.60	.60	.50	
GROUP 10 - Form stripper, car pusher	8.67	.60	.60	.50	
GROUP 11 - Mucker, mucking machine, dinkey, welder on surface	8.77	.60	.60	.50	
GROUP 12 - Concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson worker, caulker, joint man, pipe yarner, braceman, on gunnite, timber man, concrete brusher	9.06	.60	.60	.50	
GROUP 13 - Miner, mining machine welder in tunnel	9.16	.60	.60	.50	
GROUP 14 - Blaster	9.22	.60	.60	.50	
TUNNEL COMPRESSED AIR					
GROUP 15 - Welder on surface	8.77	.60	.60	.50	
GROUP 16 - Lock tender on surface	9.08	.60	.60	.50	
GROUP 17 - Form stripper, car pusher	9.17	.60	.60	.50	
GROUP 18 - Mucker, mucking machine, dinkey	9.27	.60	.60	.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	9.44	.60	.60	.50	
GROUP 20 - Miner, Mining machine welder in tunnel	9.54	.60	.60	.50	
GROUP 22 - Blaster	9.61	.60	.60	.50	

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LABORERS, SEWER, TUNNEL & WATER (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	7.50	.30	.25		.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	7.70	.30	.25		.02
GROUP 3 - Pipelayer, miner, laser operator	8.05	.30	.25		.02
ZONE 3 - COLUMBIA, IOWA, SUAK, and the North ½ of JEFFERSON Counties					
GROUP 1 - Laborers, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	6.80	.30	.25		.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	7.00	.30	.25		.02
GROUP 3 - Pipelayer, miner, laser operator	7.35	.30	.25		.02
ZONE 4 - BAYFIELD, BURNETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties					
GROUP 1 - Topman	7.10	.30	.20		

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LABORERS, SEWER, TUNNEL & WATER (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 2 - Bracer builder, caulker bottomman	$ 7.25	.30	.20		
GROUP 3 - Cement manhole, builder pipelayer, air of electric tool operator	7.35	.30	.20		
GROUP 4 - Blaster	7.55	.30	.20		
ZONE 5 -KENOSHA County					
GROUP 1 - Topman	7.25	.40	.50	.50	
GROUP 2 - Bracer, builder, caulker, pipelayer, bottomman, air or electric tool operator	7.60	.40	.50	.50	
GROUP 3 - Blaster, cement manhole builder	7.95	.40	.50	.50	
ZONE 6 - RACINE County					
GROUP 1 - Topman	7.25	.40	.50	.50	
GROUP 2 - Bracer builder, caulker, pipelayer, bottomman, air or electric tool operator	7.60	.40	.50	.50	
GROUP 3 - Blaster, cement manhole builder	7.95	.40	.50	.50	
ZONE 7 - ASHLAND County					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	6.75	.30	.25		.02
GROUP 2 - Mach. & Equipment Ops., 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 and luteman	6.95	.30	.25		.02
GROUP 3 - Pipelayer, miner and laser operator	7.30	.30	.25		.02

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LABORERS, SEWER, TUNNEL & WATER (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	$ 6.80	.30	.25		.02
GROUP 2 - Mach. & Equipment Op., sheeting, formsetting patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, air or electric tool op., welder, torchman, blaster, caulker, bracer	7.00	.30	.25		.02
GROUP 3 - Pipelayer, laser op. Tunnel work ,15 additional	7.35	.30	.25		.02

DECISION NO WI76-2045

POWER EQUIPMENT OPERATORS Heavy, Tunnel & Sewer Construction Area 1 - Kenosha, Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties Area 2 - Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions AREA I	PENSIONS AREA II	Education and/or Appr. Tr.
GROUP 1	$ 9.42	.65	.90	.70	.05
GROUP 2	9.17	.65	.90	.70	.05
GROUP 3	8.87	.65	.90	.70	.05
GROUP 4	8.77	.65	.90	.70	.05
GROUP 5	8.56	.65	.90	.70	.05
GROUP 6	8.32	.65	.90	.70	.05

GROUP 1 - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, caisson rigs, Pile driver, skid rigs, Dredge operator & traveling crane (Bridge Type), concrete paver (over 27E), Concrete spreader & distributor

GROUP 2 - 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 40 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 3 - 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, enloader (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 4 - Hoists (Automatic), Forklift (12' to 25'), Tampers-Compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweeper, hoists (tuggers), stump chipper (large) boats, (tug, safety, work, barges and launch)

GROUP 5 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, firemen (asphalt plants), air compressor (300 CFM or over)

GROUP 6 - Generators over 150 KW, pumps over 3" Augers (vertical and Horizontal), combination small equipment operator; air, electric, Hydraulic jacks (slip form), compressors (under 900 CFM); welding machines, heaters (mechanical), prestress machines, Bobcats, Generators (under 150 KW), pumps (3" and under); winches (small electric), oiler and greaser, boiler operators (temporary heat), Rotary drill helper, conveyor, forklift (12' and under)

DECISION NO WI76-2045

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
GROUP 1	$ 7.54	a21.50	a22.00	c	
GROUP 2	7.65	a21.50	a22.00	c	
ZONE 22					
GROUP 1	7.13	a19.50	b82.30	.35	
GROUP 2	7.28	a19.50	b82.30	.35	
ZONE 3					
GROUP 1	7.08	a19.50	b82.30	.35	
GROUP 2	7.23	a19.50	b82.30	.35	

FOONOTES:
a. Per week per employee on payroll 30 days or longer.
b. Per Month per employee on payroll 30 days or longer.
c. 1 week vacation after 1 year, 2 weeks after 3 years & 3 weeks after 5 years.

ZONE IDENTIFICATION

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

[FR Doc.76-10731 Filed 4-15-76;8:45 am]

federal register

FRIDAY, APRIL 16, 1976



PART VI:

OFFICE OF MANAGEMENT AND BUDGET

■

DEPARTMENT OF THE INTERIOR

Deferrals for Roads and Trails

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF THE INTERIOR

Deferral for Roads and Trails

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I report an increase of $3.9 million in the amount previously deferred for the Department of the Interior's program to develop roads and trails on public lands.

The details of the revised deferral are contained in the attached report.

Gerald R. Ford

THE WHITE HOUSE,
April 13, 1976.

Contents of Special Message
(in thousands of dollars)

Deferral #	Item	Budget Authority
D76-12B	Interior:	
	Bureau of Land Management	
	Public lands development roads and trails	20,000
	Total	20,000

* * * * * * * * * * * * * * * * *

Summary of Special Messages
for FY 1976
(amounts in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items	----	---
Changes to amounts previously submitted	----	3,900
Effect of the thirteenth special message	----	3,900
Previous special messages	3,328,714	8,982,867
Adjustments to eliminate double counting	---	-242,023
Total amount proposed in special messages	3,328,714 (in 44 rescission proposals)	8,744,744 (in 109 deferrals)

NOTE: All amounts listed represent budget authority except for $106,850,352 consisting of two general revenue sharing deferrals (of outlays only). A supplementary report (D76-25D) was included in the tenth special message for one of these deferrals. The other deferral (D76-67) was reported in the seventh 1976 special message.

D76-12B

SUPPLEMENTARY REPORT
Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises deferral No. 76-12A transmitted to the Congress on February 6, 1976, and printed as House Document No. 94-362.

This report, on the Interior Department's program to develop roads and trails on public lands, increases by $3,900,000 the amount being deferred. The Senate Committee on Appropriations requested deferral of this amount. The outlay estimates for fiscal year 1977 and 1978 have also been revised to more accurately reflect the effect of this deferral on fiscal year 1976 and the transition quarter.

Deferral No: D76-12B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. _____): $ ---
Bureau: Land Management	Other budgetary resources: 25,150,000 1/*
Appropriation title & symbol: 14X1113 Public Lands Development Roads and Trails	Total budgetary resources: 25,150,000 1/*
	Amount to be deferred: Part of year: $ _____
	Entire year: 20,000,000*
OMB identification code: 10-04-1113-0-1-302	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual; ☒ Multiple-year June 30, 1976 June 30, 1977, and June 30, 1978 (expiration date); ☐ No-year	Type of budget authority: ☐ Appropriation; ☒ Contract authority; ☐ Other _____

* Justification

Contract authority in this account results from multi-year authorization under the Federal Aid Highway Act. The total amount of contract authority authorized under the Act is not based on a specific set of construction projects approved by the Congress or the Executive Branch but is derived from long-term estimates of future road building plans and represents an upper limit for an on-going road construction effort.

Contract authority is authorization to obligate Federal funds prior to their appropriation; however, subsequent payments to vendors and contractors cannot be made until after cash to liquidate contract authority has been appropriated. Appropriated funds are not being deferred by this action. What is being deferred is authority to obligate funds before appropriation.

Obligations of the contract authority for this account are made for constructing new roads and trails, reconstructing existing roads and trails, and acquiring easements for access to public lands. The roads and trails systems are used for management of the 450 million acres of public land and by recreationists. The road and trail system currently totals about 44,000 miles of roads and 5,000 miles of trails. In 1976, planned program activity includes 38 miles of new road construction, 28 miles of road surfacing, construction of 5 bridges and 45 miles of trails, and acquisition of 179 easements. This program is designed to use, in the most effective way, the contract authority provided for this program.

1/ Reflects rescission of $4,900,000 (P.L. 94-249)
* Revised from previous submission.

At the beginning of 1976, unobligated contract authority available for this program totalled $30 million. Another $50,000 in estimated reimbursements was expected to be received and obligated in fiscal years 1976 and 1977. On March 11, 1976, the Congress approved the rescission of $4.9 million in contract authority that was not planned for use in 1976 and would have lapsed on June 30, 1976.

Consequently, $25.1 million--disregarding reimbursements--in contract authority is now available for obligation and is scheduled to be used as follows:

$5.1 in 1976
1.1 in the transition quarter
5.0 in 1977

Deferral of $20 million in contract authority is proposed through fiscal year 1976 and, if appropriate legislation is enacted, $18.9 million is proposed for deferral through the transition quarter. These deferrals are consistent with the appropriations to liquidate contract authority approved by the Congress for 1976 and the transition quarter. Of the total amount being deferred, $3.9 million is not presently planned to be used before it lapses on September 30, 1977, and was proposed for rescission (R76-40). Instead of approving the rescission, the Senate Appropriations Committee declared that the $3.9 million "...should be deferred pending Congressional action on the Bureau's fiscal year 1977 road construction program" (Senate Report No. 94-640). This $3.9 million deferral is included in the total.

*Estimated Effect

If all authorized contract authority were made available for obligation now, the Bureau of Land Management could probably obligate an additional $1 million in 1976 and the transition quarter. This would result in financing lower priority projects than the current budget plan.

*Outlay Effect (estimated in millions of dollars)

Comparison with the President's 1977 Budget:	
1. Budget outlay estimate for 1976.....	4.3
2. Outlay savings, if any, included in the budget outlay estimate.....	.5
Current Outlay Estimates for 1976:	
3. Without deferral.....	4.8
4. With deferral.....	4.3
5. Current outlay savings (line 3 - line 4).....	.5
Outlay savings for the transition quarter.....	.5
Outlay savings for 1977.....	0
Outlay savings for 1978.....	0

[FR Doc.76-11287 Filed 4-15-76;11:11 am]



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