AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41—No.11
1–16–76

PAGES
2365–2626

federal register

FRIDAY, JANUARY 16, 1976



highlights

EXECUTIVE SCHEDULE
Executive order placing certain positions in levels IV and V 2365

RAILROADS
DOT/FRA adopts acquisition and modernization loan assistance regulations 2525
DOT/FRA rules on rail service continuation subsidies 2524

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA issue guidelines on lending in flood prone areas 2426

RURAL HOUSING LOANS
USDA/FmHA revises conditional commitments rules; effective 1–16–76 2372

PRIVACY ACT OF 1974
The following agencies publish rules and notices on implementation:
Commission of Fine Arts 2385
Committee for Purchase from the Blind and Other Severely Handicapped 2429

DRUGS
HEW/FDA provides service for transmitting antibiotic certificates by automated equipment; effective 2–17–76 .. 2384
HEW/FDA approves use of various size capsules containing dichlorophene and toluene for cats and dogs; effective 1–16–76 2384

POLLUTION
CEQ proposes contingency plan for oil and hazardous substances; comments by 2–12–76 2396

INDIVIDUAL RETIREMENT ACCOUNTS
FDIC adopts requirements for insured nonmember banks; effective 1–16–76 2374

TRADE PRACTICES
FTC proposes modification and rescission of certain rules; comments by 3–16–76 (2 documents) 2398, 2399
FTC rescinds certain rules; effective 1–16–76 2382

OPHTHALMIC GOODS
FTC proposes advertising regulations; comments by 3–16–76 2399

CONTINUED INSIDE

reminders

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

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

MEETINGS—
AMS: Perishable Agricultural Commodities Act—Industry Advisory Committees Act—Industry Advisory Committee, 2–7–76 2419
CSC: Federal Employees Pay Council, 2–11–76 2429
ERDA: General Advisory Committee, 2–4 and 2–5–76 2433
FEA: Transportation Advisory Committee, 1–5–76 2435
FPC: Transmission, Distribution & Storage—Technical Advisory Task Force, 2–4–76 2442
HEW: Advisory Council on Education Statistics, 2–5 and 2–6–76 2425
FDA: Public Advisory Committees, various dates 2421
Interior/BLM: Medford District Advisory Board, 1–10–76 2405
Idaho State Multiple Use Advisory Board, 1–20–76 2405
Labor/OSHA: Standards Advisory Committee on Agriculture, 2–3 and 2–4–76 2455
National Foundation on the Arts and the Humanities: Bicentennial Committee of the National Council on the Arts, 2–5–76 2447
Visual Arts Advisory Panel, 2–4, 2–5, 2–9, 2–23, 2–24, and 3–1 thru 3–3–76 2447
SBA: Las Vegas District Advisory Council, 2–11–76 2455
State: Advisory Committee for U.S. Participation in the UN Conference on Human Settlements (Habitat), 2–5–76 2402
USIA: Advisory Commission on Information, 2–2–76 2455
Treasury: Debt Management Advisory Committee, 1–26 and 1–27–76 2402

CHANGED MEETINGS—
HEW: Secretary's Advisory Committee on the Rights and Responsibilities of Women, 2–5 and 2–6–76 2425

contents

THE PRESIDENT

Executive Orders

Executive Schedule; placement of certain positions in levels IV and V 2365

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Canned orange juice; U.S. standards 2367
Carcass beef and slaughter cattle; grades 2371
Dried prunes produced in California 2372
Lemons grown in California and Arizona 2371

Notices

Meeting:
Perishable Agricultural Commodities Act—Industry Advisory Committee 2419

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Notices

Committees, establishment, etc.:
Rock Creek Advisory Committee; renewal 2419

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and consent judgments, U.S. versus listed companies:
AAV Co., et al 2403

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Aeroamerica, Inc. et al 2426
Condor Flugdienst 2427
Jetsave Ltd 2427

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Colorado 2428
Massachusetts 2428
New York 2428
Rhode Island 2429
Virginia 2429

CIVIL SERVICE COMMISSION

Notices

Meetings:
Federal Employees Pay Council 2429

COAST GUARD

Rules

Drawbridge operations:
GIWW, Louisiana 2385
Harlem River, East River and Gowanas Canal, NY 2385
Snake River, Washington 2385

Notices

Advisory committees, applicants 2426
Meetings:
Prince William Sound Vessel Traffic Service 2426

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list, 1976; additions and deletions (3 documents) 2429
Privacy Act; systems or records 2429

COMMODITY FUTURES TRADING COMMISSION

Rules

Rules of practice; adoption and revocation 2507

CUSTOMS SERVICE

Rules

Gold; importation and exportation 2383

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions 2531

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Cost accounting standards; filing of disclosure statements 2388

Notices

Meeting:
General Advisory Committee 2433

ENVIRONMENTAL PROTECTION AGENCY

Rules

Water pollution; effluent guideline for certain point source category:
Fertilizer 2386

ENVIRONMENTAL QUALITY COUNCIL

Proposed Rules

National Oil and Hazardous Substances Pollution Contingency Plan 2396

Notices

Environmental statements; availability (3 documents) 2330, 2432

FARMERS HOME ADMINISTRATION

Rules

Rural housing loans and grants; conditional commitments 2372

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
- Air Cruisers life rafts; correction — 2376
- Britten Norman Ltd — 2376
- Hawker Siddeley Aviation Ltd — 2375
- Let N.P — 2375
- McDonnell Douglas — 2377
- Societe Nationale Industrielle Aerospatiale (2 documents) — 2376

Transition areas (6 documents) — 2377, 2378

FEDERAL COMMUNICATIONS COMMISSION

Rules

Frequency allocation; utilization of frequencies assigned for flight test — 2389

Table of assignments; FM Broadcast Stations:
- High Springs and Macclenny, Florida — 2389

Transmitters operating on maritime frequencies — 2390

Proposed Rules

Compulsory ship station inspections and issuance of appropriate safety convention certificates — 2397

Maritime utility stations; removal of locality restrictions and modification of capabilities of ship stations to meet certain operational requirements — 2398

Public interest group; reimbursement for legitimate and prudent expenses for consultancy to broadcasters in certain instances — 2396

Notices

Communications common carriers:
- Domestic public radio services applications accepted for filing — 2434

FM and TV broadcast applications ready and available for filing — 2435

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Notices

Higher education institutions of; affirmative action in employment — 2456

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Statements of general policy:
- Extension of corporate powers for banks to act as trustee of individual retirement accounts established — 2374

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:
- Transportation Advisory Committee — 2435

FEDERAL INSURANCE ADMINISTRATION

Notices

National flood insurance program; lending prohibition guideline — 2426

FEDERAL MARITIME ADMINISTRATION

Notices

Oil pollution; certificates of financial responsibility — 2436

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Bangor Hydro-Electric Co — 2436
- Bright & Schiff — 2442
- Coastal States Gas Producing Co. — 2437
- Colorado Interstate Gas Co — 2442
- Connecticut Light and Power Co. — 2443
- Consumers Power Co — 2437
- El Paso Natural Gas Co — 2444
- Florida Gas Transmission Co., et al — 2437
- Florida Power and Light Co — 2444
- General American Oil Company of Texas — 2444
- Granite States Gas Transmission Inc — 2444
- Gerstner, W. C — 2437
- Great Lakes Gas Transmission Co. — 2445
- Indiana & Michigan Electric Co. — 2438
- Lawrenceburg Gas Transmission Corp — 2445
- Lockhart Power Co — 2438
- McBennett, Robert J — 2438
- Mississippi Power Co — 2445
- Missouri Utilities Co — 2445
- Natural Gas Pipeline Company of America — 2445
- North Penn Gas Co — 2445
- Northern Indiana Public Service Co — 2438
- Northern Natural Gas Co. (2 documents) — 2439
- Ohio Power Co — 2439
- Pacific Power & Light Co — 2440
- Panhandle Eastern Pipe Line et al — 2445
- Pennsylvania Power & Light Co — 2440
- South Carolina Electric & Gas Co. — 2440
- Tennessee Gas Pipeline Co. (2 documents) — 2441
- Texas Eastern Transmission Corp. — 2445
- Transwestern Pipeline Co — 2446
- Union Light, Heat and Power Co. — 2441
- United Gas Pipe Line Co — 2446
- Weller, Ralph A — 2441
- Wisconsin Power and Light Co — 2442
- Wisconsin Public Service Corp — 2442

Meetings:
- Transmission, Distribution & Storage—Technical Advisory Task Force—Impact of Gas Shortage on Consumers — 2442

FEDERAL RAILROAD ADMINISTRATION

Rules

Rail properties; loans for acquisition and modernization — 2525

Rail service continuation subsidies; additional procedures and requirements for applications and disbursement — 2524

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
- Warner-Lambert Co — 2381

Trade practice rule (industry guides):
- Rescission of obsolete parts — 2382

Proposed Rules

Trade practice rules:
- Advertising of ophthalmic goods and services — 2399
- Industry guides; rescissions and study for possible modification or other appropriate action (2 documents) — 2398, 2399

FINE ARTS COMMISSION

Rules

Privacy Act 1974 — 2385

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs:
- Dichlorophene and toluene capsules — 2384

Antibiotic drugs:
- Facsimile transmission service for certificates — 2384

Authority delegations:
- Assistant Secretary of Health — 2383

Notices

Meetings:
- Advisory Committees — 2421

Virginia crabmeat plants inspection; memorandum of understanding with Virginia Department of Health — 2424

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
- Southern Chilkat Study Area, Alaska — 2419

GENERAL ACCOUNTING OFFICE

Rules

Bid protest procedures; correction — 2367

Notices

Regulatory reports review; proposals, approvals, etc — 2446

GENERAL SERVICES ADMINISTRATION

Notices

Authority delegations:
- Secretary of Defense (2 documents) — 2446, 2447

GEOLOGICAL SURVEY

Notices

Geothermal resources area, operations, etc.:
- California — 2418

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Notices

Meetings:
Education Statistics Advisory Committee 2425
Secretary's Advisory Committee on the Rights and Responsibilities of Women 2425
Office of Civil Rights; affirmative action in employment at institutions of higher learning 2425
Uniform hospital discharge abstract; implementation plan 2501

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See also Geological Survey; Land Management Bureau.

Notices

Coordinated long-range operation of the Colorado River; criteria 2418

INTERNAL REVENUE SERVICE

Notices

Authority delegations:
District Directors, et al 2402
Fiscal Management Officer 2402

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of railroad services:
Baltimore and Ohio Railroad Co 2458
Chicago, Milwaukee, St. Paul and Pacific Railroad Co 2458
Missouri Railroad Co 2459
Fourth section applications for relief 2458
General policy statement:
Gateway elimination applications 2459
Hearing assignments 2457
Motor carriers:
Transfer proceedings 2460

JUSTICE DEPARTMENT

See Antitrust Division.

LABOR DEPARTMENT

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

Notices

Adjustment assistance:
Roviar Sportswear, Inc 2457

LAND MANAGEMENT BUREAU

Notices

Meetings:
Idaho State Multiple Use Advisory Board 2405
Medford District Advisory Board 2405
Oil and gas leasing; outer continental shelf 2406

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports: list of requests 2450

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notices

Meetings:
National Council on the Arts Bicentennial Committee 2447
Visual Arts Advisory Panel 2447

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
School bus hydraulic braked system 2391

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Fishery products inspection and certification; interim amendments 2395
Marine sanctuary, classification, etc.:
Key Largo Coral Reef; interim regulations 2378

NATIONAL SCIENCE FOUNDATION

Notices

Research Applied to National Needs Program; small business concerns 2450

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Consolidated Edison Company of New York, Inc 2447
Dairyland Power Cooperative 2448
Jersey Central Power & Light Co 2448
New England Coalition on Nuclear Pollution 2448
Pacific Gas & Electric Co 2449
Power Authority of the State of New York, Inc 2449
Virginia Electric & Power Co 2450

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Meetings:
Agriculture Standards Advisory Committee 2455

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Manager employee contracts 2419

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
Municipal Securities Rulemaking Board 2450
Pacific Clearing Corp. (2 documents) 2451, 2452
Pacific Securities Depository Trust Co 2453

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Affiliated Investment Fund, Ltd 2454
Arizona First Small Business Investment Co 2454
Capital Marketing Corp 2455
License surrenders:
Coleman Capital Corp. et al 2455
Meetings:
Las Vegas District Advisory Council 2455

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
McKinney-Buzzard Creek, Okla 2420 ~~2419~~

STATE DEPARTMENT

Notices

Meeting:
US Participation in the UN Conference on Human Settlements (Habitat), Advisory Committee for 2402

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Customs Service; Internal Revenue Service.

Notices

Meetings:
Debt Management Advisory Committee 2402

UNITED STATES INFORMATION AGENCY

Notices

Meeting:
Information, U.S. Advisory Commission on 2455

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11898) ---- 2365
11898 ---- 2365

4 CFR

20 ---- 2367

7 CFR

52 ---- 2367
53 ---- 2371
910 ---- 2371
993 ---- 2372
1822 ---- 2372

12 CFR

333 ---- 2374

14 CFR

39 (7 documents) ---- 2375–2377
71 (6 documents) ---- 2377, 2378

15 CFR

929 ---- 2378

16 CFR

13 ---- 2381
19 ---- 2383
20 ---- 2383
31 ---- 2383
33 ---- 2383
37 ---- 2383
49 ---- 2383
53 ---- 2383
65 ---- 2383
72 ---- 2383
76 ---- 2383
84 ---- 2383
85 ---- 2383
87 ---- 2383
97 ---- 2383
99 ---- 2383
108 ---- 2383
109 ---- 2383
110 ---- 2383
111 ---- 2383
119 ---- 2383
120 ---- 2383
121 ---- 2383
122 ---- 2383
124 ---- 2383
125 ---- 2383
126 ---- 2383
127 ---- 2383
129 ---- 2383
133 ---- 2383
134 ---- 2383
137 ---- 2383
139 ---- 2383
140 ---- 2383
143 ---- 2383
147 ---- 2383
148 ---- 2383
155 ---- 2383
163 ---- 2383
164 ---- 2383
166 ---- 2383
167 ---- 2383
168 ---- 2383
171 ---- 2383
172 ---- 2383
173 ---- 2383
179 ---- 2383
180 ---- 2383
183 ---- 2383
188 ---- 2383
189 ---- 2383
190 ---- 2383
211 ---- 2383
212 ---- 2383
213 ---- 2383
218 ---- 2383
219 ---- 2383
225 ---- 2383

PROPOSED RULES:

18 ---- 2398
21 ---- 2398
22 ---- 2398
25 ---- 2398
27 ---- 2398
28 ---- 2399
30 ---- 2398
32 ---- 2398
35 ---- 2398
39 ---- 2398
42 ---- 2398
43 ---- 2398
47 ---- 2398
48 ---- 2398
50 ---- 2398
51 ---- 2398
58 ---- 2398
64 ---- 2399
66 ---- 2398
71 ---- 2398
88 ---- 2398
92 ---- 2398
101 ---- 2398
105 ---- 2398
132 ---- 2398
136 ---- 2398
138 ---- 2398
144 ---- 2398
145 ---- 2398
149 ---- 2399
161 ---- 2398
169 ---- 2398
176 ---- 2398
177 ---- 2398
181 ---- 2398
185 ---- 2398
186 ---- 2398
191 ---- 2398
193 ---- 2399
194 ---- 2398
195 ---- 2398
196 ---- 2398
198 ---- 2398
199 ---- 2398
201 ---- 2398
202 ---- 2398
206 ---- 2398
207 ---- 2398
217 ---- 2398
220 ---- 2399
222 ---- 2398
226 ---- 2398
227 ---- 2398
456 ---- 2399

17 CFR

0 ---- 2508
10 ---- 2508

19 CFR

161 ---- 2383

21 CFR

2 ---- 2383
431 ---- 2384
520 ---- 2384

33 CFR

117 (3 documents) ---- 2385

36 CFR

1002 ---- 2385

40 CFR

418 ---- 2386

PROPOSED RULES:

1510 ---- 2396

41 CFR

9–3 ---- 2388

47 CFR

2 ---- 2389
73 ---- 2389
87 (2 documents) ---- 2389, 2390

PROPOSED RULES:

1 (2 documents) ---- 2396, 2397
81 ---- 2398
83 (2 documents) ---- 2397, 2398

49 CFR

255 ---- 2524
257 ---- 2525
571 ---- 2391

50 CFR

260 ---- 2395

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

1 CFR

Ch. 1 1
305 1868

3 CFR

PROCLAMATIONS:

3279 (Amended by Proc. 4412) 1047
4210 (See Proc. 4412) 1037
4335 (Revoked by Proc. 4410) 749
4341 (See Proc. 4412) 1037
4382 (See Proc. 4410) 749
4410 749
4411 1037
4412 1037

EXECUTIVE ORDERS:

11157 (Amended by EO 11897) 2071
11531 (Superseded by EO 11895) 1465
11647 (Amended by EO 11892) 751
11717 (Superseded in part by EO 11893) .....
11731 (Amended by EO 11892) 751
11846 (Amended by EO 11894) 1041
11861 (Amended by EO 11893, 11893) 1040
11867 (Superseded in part by EO 11898) 1040
11892 751
11893 1040
11894 1041
11895 1465
11896 2067
11897 2071
11898 2365

4 CFR

20 ..... 2073, 2367

5 CFR

213 ..... 1467, 1577, 1737, 2073
930 2074

PROPOSED RULES:

2402 1400

7 CFR

52 2367
53 2371
226 2074
246 1743
250 1487
271 ..... 1268, 1269
401 ..... 1577, 1578
722 1580
729 1885
730 1043
907 ..... 1489, 2225
910 ..... 1, 1580, 1885, 2371
916 1043
993 2372
999 2074
1822 2372
1823 1490
1872 1490
2610 1886

PROPOSED RULES:

51 2074
210 2249
225 1078

7 CFR—Continued

PROPOSED RULES—Continued

663 6
662 1774
722 2097
730 1078
905 2091
907 1600
928 1077
959 2091
984 1916
1002 2092
1131 2093
1430 775
1701 775

8 CFR

103 1887

9 CFR

78 ..... 753, 766, 2075
317 2225
350 753
351 753
355 753
381 2225

PROPOSED RULES:

92 2249
303 1289
318 1773
381 ..... 1289, 1773

10 CFR

205 2226
210 1486
211 ..... 1044, 1487
212 1267
213 2226

PROPOSED RULES:

205 2249
209 1291
210 1564
212 ..... 1295, 1564, 1380

11 CFR

PROPOSED RULES:

115 2251

12 CFR

208 1269
265 1737
333 2374
561 1888
613 1269

PROPOSED RULES:

202 1769
406 1086

13 CFR

309 1738

PROPOSED RULES:

115 1608

14 CFR

Ch. I 2248
21 1060
29 1060
39 ..... 1046–1055, 1270, 1581, 1738, 1888, 1889, 2375–2377
71 ..... 2, 300, 753, 1055, 1467, 1582, 1583, 1739, 1889, 1890, 2075, 2377, 2378
73 ..... 300, 1055, 1583
75 ..... 300, 1890
91 ..... 1060, 1890
95 1055
97 ..... 1270, 3347
288 1271
385 1060

PROPOSED RULES:

37 776
39 1762
71 ..... 1605, 1763, 2249
121 1085
129 1085
253 781
298 1764
399 ..... 781, 1500

15 CFR

3 1583
30 2076
377 2076
929 2378

16 CFR

13 ..... 753, 2078, 2079, 2381
19 2383
20 2383
31 2383
33 2383
37 2383
49 2383
53 2383
65 2383
72 2383
76 2383
84 2383
85 2383
87 2383
97 2383
99 2383
108 2383
109 2383
110 2383
111 2383
119 2383
120 2383
121 2383
122 2383
124 2383
125 2383
126 2383
127 2383
129 2383
133 2383
134 2383
137 2383
139 2383
140 2383
143 2383
147 2383

16 CFR—Continued

148 2383
155 2383
163 2383
164 2383
166 2383
167 2383
168 2383
171 2383
172 2383
173 2383
179 2383
180 2383
183 2383
188 2383
189 2383
190 2383
211 2383
212 2383
213 2383
218 2383
219 2383
225 2383
1612 1061
1615 1061
1616 1061
1630 1061

PROPOSED RULES:

18 2398
21 2398
22 2398
25 2398
27 2398
28 2399
30 2389
32 2398
35 2398
39 2398
42 2398
43 2398
47 2398
48 2398
50 2398
51 2398
58 2398
64 2399
66 2398
71 2398
88 2398
92 2398
101 2398
105 2398
132 2398
136 2398
138 2398
144 2398
145 2398
149 2399
161 2398
169 2398
176 2398
177 2398
181 2398
182 2398
185 2398
186 2398
191 2398
193 2399
194 2398
195 2398
196 2398
198 2398
199 2398
201 2398
202 2398

16 CFR—Continued

PROPOSED RULES—Continued

206 2398
207 2398
217 2398
220 2399
222 2398
226 2398
227 2398
450 1501
455 1089, 2100
456 2399

17 CFR

0 2508
10 2508
200 1739
230 1272
240 1741

PROPOSED RULES:

230 10
240 1771
270 2256
274 2256

18 CFR

PROPOSED RULES:

701 1921

19 CFR

159 1273–1275, 1467, 1468, 1587, 1588, 1741
161 2383

PROPOSED RULES:

12 1498

20 CFR

10 2
405 1491
901 2080
902 2080
903 1493

PROPOSED RULES:

405 1499
410 1762
422 1601
450 1603
602 776

21 CFR

1 1156
2 1891, 2383
8 754
27 1469
102 1156
121 1061, 1276, 1469
123 1589
431 2384
520 1276, 1891, 2384
540 1892
558 1061, 1276, 1469, 1892
561 1589

PROPOSED RULES:

338 1498
339 1498
340 1498
1304 1498

24 CFR

82 1672
203 1277

24 CFR—Continued

213 1277
234 1277
235 1168
300 2084
888 2085
890 2344
1909 1062
1912 1062
1914 1062, 1470, 1751, 1893
1915 1277 1472, 1751, 2240
1916 1277–1280
1917 1894–1898

PROPOSED RULES:

570 2348
888 2098
1905 1499
1912 1500

25 CFR

232 1898

PROPOSED RULES:

131 1915

26 CFR

1 1063, 1280
31 1903

PROPOSED RULES:

1 1289, 1915
31 2087
41 768
48 768
142 768

27 CFR

4 1063

PROPOSED RULES:

5 1077

29 CFR

102 1478
1952 1904
2509 1906
2555 1906
2556 1906

PROPOSED RULES:

1952 1918

31 CFR

PROPOSED RULES:

223 1077

32 CFR

505 1286
820 1906

PROPOSED RULES:

888f 2089

33 CFR

110 2086
117 2385
127 2086
157 1479

PROPOSED RULES:

82 10
117 10, 754
127 755

34 CFR
235 755
PROPOSED RULES:
Ch. I 779

36 CFR
60 1590
606 1286
703 2229
1002 2385
PROPOSED RULES:
7 1600

37 CFR
1 756
2 756

38 CFR
36 1913

40 CFR
52 1913, 2231
60 1913, 2232, 2332
61 1914
180 762, 763
201 2184
204 2162
247 2356
414 902
418 2386
PROPOSED RULES:
52 1065, 1921, 2099, 2263
85 2264
86 2022
104 1765
245 2359
414 914
1510 2396

41 CFR
4-1 1742
7-7 1914
7-15 1914
9-3 2388
14-2 763
14-18 763
105-54 2235
114-40 2237

41 CFR—Continued
PROPOSED RULES:
51-5 1764

42 CFR
PROPOSED RULES:
83 1757, 2249

43 CFR
2090 1598
2096 1597
2610 1597
2740 1598

45 CFR
17 2
100 1395
100b 1395
117 1395
121 1395
130 1395
141 1395
173 1395
180 1876
249 2198
250 2198
PROPOSED RULES:
103 2252
1336 2046

46 CFR
42 1470
146 763, 2086
536 765

47 CFR
1 1286, 1372
2 2389
73 2389
76 1063, 1742
87 1598, 2389, 2390
97 1482
PROPOSED RULES:
0 2100
1 2100, 2396, 2397
43 1290
68 778

47 CFR—Continued
PROPOSED RULES—Continued
73 1088, 1089, 1291, 1500, 1501
76 1606
81 2398
83 2397, 2398

49 CFR
1 1288
255 2524
257 2525
571 4, 765, 1066, 1483, 1598, 2391
575 1066
1002 1483
1033 4
1045 1484
1056 1742
1100 1485
1132 1485
1133 1486
1141 1486
1151 1486
PROPOSED RULES:
173 1919
178 1919
571 1763
1003 1923
1048 2254
1049 2254
1100 1923
1104 1923
1043 779
1056 1607, 1608
1084 779
1204 2100
1260 2100
1261 2100

50 CFR
17 1915
21 2237
28 766, 1743
33 2240
240 1067
260 2395
501 4

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*
1–747	2	1577–1735	9
749–1034	5	1737–1884	12
1035–1266	6	1885–2065	13
1267–1464	7	2067–2224	14
1465–1575	8	2225–2363	15
		2365–2626	16

presidential documents

Title 3—The President

Executive Order 11898 • January 14, 1976

Amending Executive Order No. 11861,[1] as Amended, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, Section 1 of Executive Order No. 11861, as amended, placing certain positions in level IV of the Executive Schedule, is further amended by adding thereto "(15) Deputy Under Secretary for Congressional and Public Affairs, Department of Agriculture.".

Gerald R. Ford

THE WHITE HOUSE,
January 14, 1976.

[FR Doc.76–1557 Filed 1–14–76;4:40 pm]

[1] 40 FR 22531.

rules and regulations

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

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

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

PART 20—BID PROTEST PROCEDURES

Miscellaneous Amendments

In FR Doc. 75-35178 appearing in the Wednesday, December 31, 1975 issue of the FEDERAL REGISTER on page 60035, the third column, the heading of Part 20 should be corrected to read as set forth above.

Title 7—Agriculture

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

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

Orange Juice Standards

On July 28, 1975, a document was published in the FEDERAL REGISTER (40 FR 31607) proposing to amend the U.S. standards for grades of seven orange juice products. On October 6, 1975, a notice was published in the FEDERAL REGISTER (40 FR 46116) extending the comment period. The extension ended November 5, 1975.

These grade standards[1] are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act and upon payment of a fee to cover the cost of such services.

Statement of consideration leading to the amendment. The amendment was requested by the Florida Canners Association (FCA). FCA requested the Department to:

1. Sanction the use of photo-electric measurement of color for processed orange juice; and

2. Adjust the minimum Grade A color requirement for pasteurized orange juice and orange juice from concentrate approximately one-half score point below the present requirement.

The National Juice Products Association (NJPA) and the State of Florida, Department of Citrus, Florida Citrus Commission endorsed the amendment.

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

The reasons given for the request to amend the U.S. standards were as follows:

1. Photo-electric measurement of color is objective and will reduce the chance for visual error in color matching;

2. Photo-electric colorimetry is the official method designated by the Florida Citrus Commission for scoring color for five of the seven orange juice products mentioned in the amendment;

3. Juice from early-maturing varieties of sweet oranges is typically more yellow than orange. It frequently failed the requirements for Grade A color by a narrow range although the flavor of the juice was satisfactory;

4. Juice from late-maturing varieties with more orange color may be concentrated and stored for blending with early-maturing varieties to promote a Grade A color for the product. However, storage costs are incurred;

5. Juice from hybrids and oranges of the mandarin group (tangerines) may be blended with juice from early-maturing oranges to enhance the color of the orange juice. Such blending may be detrimental to flavor. Slightly lower color requirements for pasteurized orange juice and orange juice from concentrate would make the blending of mandarin juice and orange juice unnecessary in many instances; and

6. Photo-electric colorimetry would enable careful control of the reduced color requirement for pasteurized orange juice and orange juice from concentrate.

Eleven comments were received in reply to the proposed rulemaking. Many comments were comprehensive. Based upon the interest of each person who submitted a comment, all comments could be grouped into one of five categories: National Juice Products Association, consumers, Congress of the United States, California-Arizona citrus producing area, and the Florida Canners Association. The Department's response to the comments is by category and contains reference to scientific publications. These publications are indicated by numerals i through vii to indicate their citation. Publications are cataloged at the end of the statement of consideration under the heading "Literature Cited." A Compilation of the comments and the Department's reply to each comment is listed by category as follows:

National Juice Products Association (1 comment). 1. "In accordance with the vote of the Board of Directors of NJPA on October 9, 1975, NJPA hereby withdraws its endorsement of the position taken by FCA and of the proposed amendment, and reaffirms its traditional position taken in 1974 and prior years, in opposition to any change in the UDSA color standards for pasteurized orange juice and orange juice from concentrate which would have the effect of lowering the quality of those products as to color."

Response. The Department while noting the withdrawal of the previous endorsement feels that no response is necessary to the comment.

Consumers (3 comments). 1. Lower color requirements might reduce the use of imported orange concentrate in domestic orange juice products and benefit U.S. growers.

Response. U.S. standards do not control the use of foreign orange juice concentrates in the United States. The standards merely evaluate the quality characteristics of orange juice products and serve as a basis for buying and selling. U.S. standards are applicable to both domestic and imported orange juice products.

2. Two consumers indicated that too much emphasis is placed on the color and shape of foods. They would prefer to have nutritional value account for the worth of the food product. Comments indicated that the amendment would be endorsed if the vitamin C content would be at least the same for early-maturing fruit as for late-maturing varieties of oranges.

Response. Scientific publications (ii, iii, iv, v, and vii) indicate that vitamin C content of orange juice may vary widely with variety, maturity, climate, soil, and geographical location. In fact, this data indicates that early-season oranges have at least as high and often higher vitamin C content as late-maturing varieties.

Congress of the United States (2 comments). 1. Requested that comments from all citrus producing areas be considered prior to final rulemaking.

Response. The Department has given careful consideration to all comments submitted for review prior to final rulemaking to amend the orange juice standards. Some industry comments which objected to the amendment failed to substantiate the financial impact which the amendment might have on their segment of the citrus industry. Too, some comments failed to reveal production data which would substantiate the percentage of the total U.S. production of orange juice products produced by that establishment. It was necessary for the Department to rely on other data to determine the volume of orange juice products produced in those geographical areas and probable financial impact of the amendment.

2. Lower color requirements might correspond with lower nutritive value for orange juice.

Response. U.S. standards are not nutritional standards. The Department does not desire to engage in debate over the nutritional value of early-season oranges versus the nutritional value of late-season oranges. However, the comment that lower color requirements might correspond with lower nutritive value merits reply. As stated in the response to consumers comments in previous paragraphs, vitamin C activity was especially high in early season oranges. Vitamin C decreased as the fruit matured. Orange juice supplies other vitamins and minerals. One other such vitamin, vitamin A, is related to color of orange juice through the association of pigments with vitamin activity (v). Pigments (carotenoids) are related to vitamin A. More pigment is present in the orange peel than in the juicy part of the fruit. Since the peel is discarded, vitamin A activity is expected to be of less value in the juice. The acceptance of citrus fruits in the daily diet of humans is based largely on their nutritional value and particularly on their vitamin C content (v). The consumer expects to receive vitamin C in orange juice. Thus, the Department disagrees that lower color requirements correspond with lower nutritive value for the following reasons:

a. Vitamin C is the most abundant vitamin found in orange juice;

b. The consumer expects to receive vitamin C in orange juice; and

c. Vitamin C is actually more abundant in early-season oranges than in late-season oranges.

California-Arizona citrus producing area (3 comments). 1. Use of photo-electric colorimeter is premature until USDA promulgates an equation for converting citrus colorimeter values to USDA Orange Juice Color Standards.

Response. After initial review of this comment, it was determined that an extension of time would give the Department opportunity to publish its objective in the use of citrus colorimetry. Also, the equation for the Hunter Citrus Colorimeter and other technical data was published for public comment. The extension of time appeared in the FEDERAL REGISTER of October 6, 1975 (40 FR 46116). The regression equation published in the extension of time will not be repeated in this final notice of rulemaking. It is not possible to publish a master regression equation which will convert all colorimeter values into color scores. An equation must be developed for each manufacturer's colorimeter. Further, not all colorimeters utilize C.I.E. color values (internationally recognized tristimulus X, Y, Z values).

2. Reference to "any colorimeter" is vague and unacceptable.

Response. The Department does not desire to require any specific colorimeter in the U.S. standards. To do so would promote lack of competition among scientific instrument suppliers. Use of a specific colorimeter should depend upon the instrument manufacturer's desire to produce reliable equipment and maintain dependable service for repair and replacement of parts. It is the Department's desire to have all photo-electric colorimeters and supporting data to determine reliability for scoring orange juice color developed by the expert skill of the scientific community. Both USDA and the citrus industry are working members of the scientific community and can contribute technical data for orange juice colorimetry. Suitable ingredients for manufacturing plastic orange juice color standards are becoming increasingly difficult to obtain. Thus, the present USDA Orange Juice Color Standards (plastic color tubes 1 through 6) may become unavailable in the near future. Photo-electric colorimetry is the only suitable alternative to the plastic color tubes at this time. The Department would prefer to have photo-electric colorimetry integrated into the U.S. standards by design and not by necessity. Therefore, the Department cannot find sufficient cause to change its original intention to include "any colorimeter" measurement of color as an optional method in the U.S. standards for orange juice. Such inclusion would be under scientifically controlled conditions.

3. The equation used in Florida for arriving at color scores by using the citrus colorimeter is biased toward orange juice which is more orange than yellow in color. It results in some California valencia orange juice exceeding top score points for color.

Response. Four of the seven U.S. standards for orange juice contain regional standards for flavor. Although the U.S. standards contain no provision for regional standards for color, regional color variations for orange juice have long been known to exist. Prior to introduction of photo-electric colorimetry, definition of color was difficult at best, without the increasingly difficult task of defining color variations of orange juice among geographical regions. Department technical and supervisory inspection personnel indicate that juice from mature oranges of the more orange varieties occasionally exceeded the top point score for color when determinations were made with the plastic color tubes. Visual determination could not measure the color range beyond the most orange plastic color tube. Photo-electric colorimetry, therefore, expanded the depth of color intensity measurement beyond the point which could be visually measured before.

4. That "successful use" of the citrus colorimeter by the Florida citrus industry is a statement of opinion and not a statement of fact.

Response. Florida law (i) designated the photo-electric colorimeter as the official method for determining color for five of the seven orange juice products cited in the proposed amendment. It was after considering technical data and reviewing export opinion that Florida enacted legislation to provide for the colorimeter. Therefore, it would be inappropriate for the USDA to concede that "successful use" of the colorimeter by the Florida citrus industry is a statement of opinion and not a statement of fact.

Concentrated orange juice for manufacturing is a commodity traded on the futures market of the New York Cotton Exchange, Inc. Minimum color requirements for concentrate traded on the futures market is established well above the minimum requirement in the U.S. standards. To help assure an unbiased evaluation of color for the orange juice futures market, concentrated orange juice for manufacturing was the first orange juice designated by Florida law for color scoring by photo-electric colorimeter.

5. Consumer acceptance of orange juice is influenced by color. Therefore, a reduction in color requirements would be a reduction in quality requirements. The consumer associates the word "orange" in the name of the fruit or the name of the juice with the color "orange".

Response. The U.S. standards allocate a large portion of the total score points for color. However, flavor is of equal importance in the U.S. standards. It is possible for orange juice which has very good color to be somewhat objectionable due to a slight "bitter"taste. On the other hand, yellow juice from the early-season oranges may be acceptable in flavor to the consumer and contain especially high vitamin C activity, but merit a lower color score. Thus, color and flavor in proper balance is important in the U.S. standards.

To aid the Florida citrus industry in determining consumer acceptance of their products on the market, the Florida Canners Association sponsors a weekly consumer taste test panel. Panelists are screened for their ability to detect flavor characteristics by taking a triangulation taste test.

There are about twenty consumers who receive compensation for participating on each panel. The Florida Canners Association pays for the tests. Red lights in the tasting booth prevent the panelists from knowing anything about the color of the juice being tested. Panelists score the juice for flavor using a numerical score of 1 to 9. One is the poorest and 9 is the best. Results of the tests are released to the manufacturers of the juice, but each manufacturer is able to identify only his juice. These tests give the Florida citrus industry an idea of the acceptance of their orange juice products from the consumer's viewpoint.

A cost-benefit situation is involved in the reduced color requirements. The cost is a very slight change in the color requirements for pasteurized orange juice and orange juice from concentrate. The benefit of possible reduced storage costs and improved markets for early-season oranges, while not guaranteed, could result. The loss to the consumer would be a small, perhaps unnoticed, lowering of the color requirements. Data indicates that the nutritional value of the orange juice is not being sacrificed for the slight change in the cosmetic appearance of the juice.

6. That it would be inappropriate for USDA to amend its grade standards for orange juice until unresolved petitions

before the Food and Drug Administration, HEW, have been acted upon by that Agency.

Response. U.S. standards for grades of orange juice base their "product description" upon the Food and Drug standards. Any change in the Food and Drug standards that would affect the U.S. standards would correspondingly be made in the U.S. standards. Too, Food and Drug standards are minimum standards. U.S. standards define all levels of quality: sub-minimal, minimal, and higher levels. Since changes in Food and Drug standards might not entail subsequent changes in the U.S. standards, and the timing of any future Food and Drug changes is unknown, the Department sees no necessity for waiting until pending matters before the Food and Drug Administration are resolved.

7. Blending of orange juice is feasible and practical. Storage costs incurred during storage of juice for later blending are justified.

Response. The Department concurs that blending of orange juice has long been an established practice of the citrus industry as a suitable outlet for yellow-colored, early-season orange juice (vii). Storage costs are incurred during the holding period for the orange concentrate.

Comments indicated that this cost is practical and feasible. The Department made inquiry into the storage costs for bulk concentrate stored in public warehouses. A reliable source of information indicates that storage costs would amount to approximately $8.00 per 55 gallon drum, per year. The length of storage, handling costs, and public warehouse costs versus private storage costs, would cause deviation in the estimated yearly storage costs. These storage costs are production costs. They would be passed along to the consumer in the purchase price for orange juice on the retail market. Direct marketing of early-season orange juice, without storage costs, could result in a savings for the consumer.

8. The addition of juice from oranges of the mandarin group (tangerines) to juice from oranges of the sweet orange group is not deleterious to flavor.

Response. Data (vi) indicated that juice from the darker varieties of mandarin fruit hybrids could be used up to 10 percent to improve the color of better flavored orange juice products without deleterious effect of the flavor. The data further revealed that some varieties of tangerines have an insipid flavor and that the juice must be carefully stripped of peel oil and other volatile flavors.

Other data (vii) revealed that tangerine concentrates contain generally less vitamin C than do orange juice concentrates. In summary, the Department concurs that mandarin group orange juice does not markedly affect the flavor of good flavored orange juice, within limits, but also notes that the flavor of the orange juice would be better without the tangerine juice.

9. When Congress enacted the Agricultural Marketing Act of 1946, it was a mandate to the Secretary of Agriculture to develop and improve standards of quality. To lower the Grade A color requirements for pasteurized orange juice and orange juice from concentrate would lower the quality of these products. This action would violate the intent of Congress.

Response. The comment is interpreting the phrase "improve standards of quality" as requiring an improved quality with each promulgated revision in a U.S. standard. The Department contends that intent of the phrase is to emphasize that once standards are promulgated, continued efforts should be made to improve them. The mandate in the Act goes on further to specify that among other things, standards are for the purpose of effecting an orderly marketing of food products. In the light of their purpose, the Department is proposing a revision intended to improve the standards.

10. Historically, USDA has assigned more importance to the factor of color. Prior to 1955, color, on the 100 point scale used to determine grade, was allocated 20 points. The 20 point allocation was increased to 40 points and has remained unchanged for about 20 years. It would be improper to diminish the importance of color since it was so important as to have its point score allocation doubled.

Response. The Department has sought every means available to progress from standards of quality which were largely subjective to standards which are more objective. Each revision sought more definitive terms. Originally, only visual examination without a standard of comparison was employed for scoring orange juice color. Next, glass tubes containing a standardized color and ranging in color from orange-yellow to yellow were used for comparison. Then, six plastic tubes (USDA Orange Juice Color Standards) ranging from orange-yellow to yellow available from a licensed supplier were used for comparison. Now, both plastic tubes and photo-electric colorimetry are available for scoring color. As more definitive methods of determining color were developed, changes in the importance of color were adopted. The Department is not seeking to reduce the importance of color, merely making a slight adjustment in the cut off between Grades A and B.

11. Although members of the California-Arizona citrus producing area are registered with the National Juice Products Association, they did not support NJPA endorsement of the proposed amendment of the orange juice standards.

Response. The Department while noting the objection feels that no response is necessary to the comment.

12. The alleged need for a change in the orange juice standards results from Florida regulations which have standardized frozen concentrated orange juice at higher soluble solids than is natural or typical of orange juice.

Response. This amendment to the U.S. standards has nothing to do with standardized soluble solids for frozen concentrated orange juice.

Florida Canners Association (2 comments). 1. The Florida Canners Association (FCA) supports the amendment as published in the FEDERAL REGISTER. FCA members produce:

a. 93 percent of all processed orange juice in the United States;

b. Practically the entire U.S. production of pasteurized orange juice; and

c. 90 percent of the concentrate from which orange juice from concentrate is made.

Response. The Department agrees that pack statistics verify Florida as the major processed orange juice producer in the United States.

2. Photo-electric measurement of color for orange juice is objective and beneficial to all affected parties.

Response. Inclusion of photo-electric colorimetry for orange juice is consistent with the Department's efforts to provide more objectivity in the U.S. standards. Furthermore, photo-electric colorimetry may be the only option remaining for determination of color as plastic color comparators are discontinued because specification plastic is largely unavailable.

3. The change in the color requirements for pasteurized orange juice and orange juice from concentrate is less than the error in attempting to determine the color visually.

Response. The Department agrees that honest difference in visual color comparison might be as much as one score point between different analysts, or between processor and USDA. This situation is brought about because it is difficult to select a color tube which will perfectly match the color of the orange juice. The amendment to the orange juice standards would lower the Grade A color requirements for pasteurized orange juice and orange juice from concentrate only approximately one-half score point.

Early-season oranges have posed problems to producers because of the typically yellow-colored juice from these varieties. The flavor and vitamin C content might have been especially high, but the early-season orange juice failed the requirements for "U.S. Grade A". Price received for the juice is usually influenced by the grade for the juice. Therefore, the U.S. standards were discriminatory against early-season oranges.

There is an inconsistency built into the U.S. standards for concentrated orange juice for manufacturing as opposed to the U.S. standards for orange juice from concentrate. The Grade A color requirement for concentrated orange juice for manufacturing permits yellow juice. However, the Grade A color requirement for orange juice from concentrate must contain juice having more orange color than that for concentrated orange juice for manufacturing. Standards of identity permit orange juice from concentrate to be prepared in whole or in part from concentrated orange juice for manufacturing. Thus, it is possible to buy Grade A orange juice for manufacturing, manufacture it into orange juice from concentrate, and have the juice fail requirements for Grade A color. To lower

the Grade A color requirements, slightly, would help rectify this inconsistency.

All comments with respect to the proposed amendment were given due consideration, all relevant matters were considered, technical data were reviewed, and consultation with Departmental technical persons were sought.

Accordingly, the United States Standards for Grades of Canned Orange Juice; United States Standards for Grades of Frozen Concentrated Orange Juice; United States Standards for Grades of Concentrated Orange Juice for Manufacturing; United States Standards for Grades of Canned Concentrated Orange Juice; United States Standards for Grades of Dehydrated Orange Juice; United States Standards for Grades of Pasteurized Orange Juice; and United States Standards for Grades of Orange Juice from Concentrate are amended as set forth in the FEDERAL REGISTER of July 28, 1975 (40 FR 31607).

Effective date. This amendment shall become effective February 17, 1976.

LITERATURE CITED

(i) 1975. Official Rules Affecting the Florida Citrus Industry Pursuant to Chapter 601, Florida Statutes.

(ii) 1974. Ting, S. V., et al. Nutrient assay of Florida frozen concentrated orange juice for nutrition labeling. Florida State Horticultural Society 87: 206–209.

(iii) 1964. Merrill, Annabel L. Citrus fruit values in "Handbook 8", revised. Journal of the American Dietetic. Association, Vol. 44, No. 4, 264–270.

(iv) 1940. Harding, Paul L., et al. Seasonal changes in Florida oranges. Technical Bulletin No. 753. U.S. Department of Agriculture, Washington, DC.

(v) 1962. Agricultural Research Service. Chemistry and technology of citrus, citrus products, and byproducts. Agriculture Handbook No. 98, U.S. Department of Agriculture, Washington, DC.

(vi) 1966. Scott, W. Clifford and C. J. Hearn. Processing of new citrus fruit hybrids. Florida State Horticultural Society 79: 304–307.

(vii) 1954. Wenzel, F. W. and E. L. Moore. Characteristics of concentrates made from different varieties of citrus fruits. Cooperative publication of the Florida Citrus Experiment Station and Florida Citrus Commission, Florida Agricultural Experiment Station Journal Series, No. 282.

The above cited literature is available for public inspection at the following office:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250.

The amendment is as follows:

Section 52.1557 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.1557 Color.

* * * * *

(d) (*A*) *Classification.* Canned orange juice that has a good color may be given a score of 36 to 40 points. "Good color" means a bright yellow to yellow-orange color, typical of orange juice color. Canned orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Equal to or better than USDA OJ 4	38
Equal to or better than USDA OJ 5	37
Equal to or better than USDA OJ 6	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*C*) *Classification.* * * *

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.1587 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.1587 Color.

* * * * *

(d) (*A*) *Classification.* Frozen concentrated orange juice of which the reconstitute juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored fresh orange juice. Frozen concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule.

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*B*) *Classification.* * * *

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.2226 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.2226 Color.

* * * * *

(d) (*A Mfg.*) *Classification.* Concentrated orange juice for manufacturing of which the reconstituted juice possesses a reasonably good color may be given a score of 36 to 40 points. "Reasonably good color" means a reasonably good yellow to yellow-orange color, typical of properly processed and properly concentrated orange juice and reasonably free from browning due to scorching, oxidation, caramelization, or other causes. Concentrated orange juice for manufacturing that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Equal to or better than USDA OJ 4	38
Equal to or better than USDA OJ 5	37
Equal to or better than USDA OJ 6	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*C Mfg.*) *Classification.* * * *

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.2257 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.2257 Color.

* * * * *

(d) (*A*) *Classification.* Canned concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of rich-colored orange juice. Canned concentrated orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*C*) *Classification.* * * *

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.2985 is amended by revising paragraph (a) and paragraph (b) to read as follows:

§ 52.2985 Color.

(a) (*A*) *Classification.* Dehydrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice.

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36
Much better than USDA OJ 6	35
Equal to USDA OJ 6	34

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(b) (*B*) *Classification.* * * *

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.5647 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.5647 **Color.**

* * * * *

(d) (*A*) *Classification.* Pasteurized orange juice that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2--	40
Equal to or better than USDA OJ 3--	39
Much better than USDA OJ 4--------	38
Equal to or slightly better than USDA OJ 4----------	37
Much better than USDA OJ 6--------	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*B*) *Classification.* If the juice has a good color, a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to USDA OJ 6----------	35 or 34
Not as good as USDA OJ 6--------	33 or 32

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

* * * * *

Section 52.5687 is amended by revising paragraph (d) and paragraph (e) to read as follows:

§ 52.5687 **Color.**

* * * * *

(d) (*A*) *Classification.* Orange juice from concentrate that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to or better than USDA OJ 2--	40
Equal to or better than USDA OJ 3--	39
Much better than USDA OJ 4--------	38
Equal to or slightly better than USDA OJ 4----------	37
Much better than USDA OJ 6--------	36

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards."

(e) (*B*) *Classification.* If the juice possesses a good color, a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:

	Score points
Equal to USDA OJ 6----------	35 or 34
Not as good as USDA OJ 6--------	33 or 32

"Color may be determined by any colorimeter, approved by the U.S. Department of Agriculture, which gives values equal to the USDA Orange Juice Color Standards.

* * * * *

Dated: January 12, 1976.

IRVING W. THOMAS,
Acting Administrator, AMS

[FR Doc.76-1356 Filed 1-15-76;8:45 am]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Grades of Carcass Beef; Slaughter Cattle

In the FEDERAL REGISTER of March 12, 1975 (40 FR 11535) the Administrator of the Agricultural Marketing Service revised the official standards of the United States for grades of carcass beef and the related standards for grades of slaughter cattle. The revisions were to become effective April 14, 1975.

However, the standards could not be implemented as scheduled because of an injunction issued by the U.S. District Court for the District of Nebraska. That decision was appealed by the Department to the U.S. Circuit Court of Appeals for the Eighth Circuit in St. Louis and that Court, on November 14, issued an order dissolving the injunction. Petitions for a rehearing were denied on December 15. Various motions to stay the Circuit Court's order were also denied, the last such denial being on January 9, 1976.

There being no present prohibition to their issuance, notice is hereby given that the revised standards as set forth in the FEDERAL REGISTER of March 12, 1975, shall become effective February 23, 1976.

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

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.76-1358 Filed 1-15-76;8:45 am]

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

[Lemon Reg. 22]

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 January 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.

§ 910.322 **Lemon Regulation 22.**

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

(2) The need for this section 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 easier this week due to the cold weather causing minimum retail purchases. Average f.o.b. price was $5.79 per carton the week ended January 10, 1976, compared to

$5.52 per carton the previous week. Track and rolling supplies at 110 cars were down 5 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 rulemaking procedure, and postpone the effective date of this section 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 section is based became available and the time when this section 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 section, including its effective time, are identical with the aforesaid recommendation on 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 section effective during the period herein specified; and compliance with this section 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 January 13, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 18, 1976, through January 24, 1976, is hereby fixed at 210,000 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: January 15, 1976.

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

[FR Doc.76–1616 Filed 1–15–76;11:42 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Limitation of Handling

On December 19, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 58863) regarding a proposed amendment of paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were given an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

Section 993.28(a) of the order provides, in part, that for the purpose of obtaining nominations for producer members to represent independent producers, the Committee shall, with the approval of the Secretary divide the area into districts giving, insofar as practicable, equal representation to numbers of independent producers and production of prune tonnage by such producers. The amendment was recommended by the Prune Administrative Committee and would revise some of the boundaries of the seven independent producers election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the Committee. The proposal would shift Napa and Stanislaus Counties from their current districts (Districts 3 and 6, respectively) to District 4, with which they are contiguous and, for the most part, culturally similar. By making this realignment, the seven districts will have insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers as required by § 993.28.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that, for the purpose of obtaining nominations for producer members to represent independent producers, the divisions of the area into the districts as hereinafter set forth, gives, insofar as practicable, equal representation to numbers of independent producers and production of prune tonnage by such producers; and such division is hereby approved.

Therefore, § 993.128(a) of Subpart—Administrative Rules and Regulations (7 CFR Part 993.101–993.174) is amended to read as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. That portion of Sutter County south of a line extending along Nuestro Road easterly to the Yuba County line and westerly to the Colusa County line.

District No. 2. The county of Butte, and all that portion of Sutter County not included in District No. 1.

District No. 3. The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.

District No. 4. The counties of Alameda, Contra Costa, Napa, San Francisco, San Mateo, Santa Cruz, Solano, Stanislaus and that portion of Santa Clara County north of a straight line extending along Miramonte Avenue northeasterly to the Stanislaus County line, and southwesterly to the Santa Cruz County line.

District No. 5. The counties of Monterey, San Benito, and all that portion of Santa Clara County not included in District No. 4.

District No. 6. The counties of Amador, Fresno, Merced, Placer, Sacramento, San Joaquin, San Luis Obispo, Tulare, Yuba, and all the counties in the area not included in District Nos. 1 through 5, inclusive, and in District No. 7.

District No. 7. The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

* * * * *

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

Dated: January 12, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.76–1357 Filed 1–15–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF GRICULTURE

[FmHA Instruction 444.9]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart H—Rural Housing Conditional Commitments

Beginning on page 34404 of the FEDERAL REGISTER dated August 15, 1975, there was published a notice of proposed rulemaking revising Subpart H of Part 1822, Title 7, Code of Federal Regulations (35 FR 11015; 37 FR 11052).

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision. Written comments have been received and considered. The following proposed changes and changes made as a result of comments received have been

made and incorporated and the proposed regulation with noted changes is hereby adopted and set forth below.

1. Section 1822.305(c) (2) is changed to permit State Directors to issue more than 15 conditional commitments per county.

2. Section 1822.308(a) is changed to increase the conditional commitment approval authority of County Supervisors from $25,000 to the loan aproval authority for section 502 RH loans.

3. Section 1822.304 is changed to include the requirement that applicants must be an "owner" as defined in § 1822.4; however, this must take place before construction is begun.

4. Section 1822.307, paragraphs (a) (1) and (2) are changed to reflect an increase in the amount of application fee.

5. A new § 1822.312 is added to provide conditions under which outstanding conditional commitments may be canceled.

6. Former §§ 1822.312, 1822.313, and 1822.314 of this Subpart H are redesignated as §§ 1822.13, 1822.314, and 1822.315 without change.

Effective date. This revision is effective on January 16, 1976.

Dated: December 29, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Subpart H is revised to read as follows:

Subpart H—Rural Housing Conditional Commitments

Sec.

1822.301 General.
1822.302 Objective.
1822.303 Definitions.
1822.304 Eligibility.
1822.305 Limitations.
1822.306 Application.
1822.307 Fees.
1822.308 Responsibilities.
1822.309 Processing applications.
1822.310 Inspections.
1822.311 Changes in plans, specifications and/or commitment price.
1822.312 Cancellation of outstanding conditional commitments.
1822.313 Folder maintenance.
1822.314 Conditional commitments involving packaging of applications.
1822.315 Builders warranty.

AUTHORITY: 42 U.S.C. 1480; 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.

Subpart H—Rural Housing Conditional Commitments

§ 1822.301 General.

This subpart sets forth the policies and procedures and delegation of authority for issuing conditional commitments by the Farmers Home Administration (FmHA) to qualified developers and sellers to finance single family dwellings with Rural Housing (RH) loans.

§ 1822.302 Objective.

Conditional commitments are issued to encourage construction and rehabilitation of dwellings in rural areas by providing builders and sellers with conditional assurance that dwellings to be built or rehabilitated will meet FmHA lending requirements and that, subject to the availability of funds, FmHA will make loans to qualified loan applicants to buy the homes.

§ 1822.303 Definitions.

(a) "Conditional commitment" is assurance from FmHA to the commitment applicant that the dwellings to be built or rehabilitated and offered for sale will be suitable for purchase at a price not above a specified maximum amount by loan applicants who are qualified for RH loans if built in accordance with FmHA approved plans and specifications. The conditional commitment does not reserve funds for a loan nor does it assure that a loan applicant will be available to buy the dwellings.

(b) A "commitment applicant" is an individual, partnership or corporation who can provide a dwelling which meets the requirements of FmHA for sale to an eligible applicant at a specified price.

(c) A "loan applicant" is an individual or family that is applying for an RH loan.

(d) "Commitment price" is the asking price for the property after planned improvements are completed or the amount that could be included in an RH loan to be paid the commitment applicant for the purchase of the property, whichever is less. This will never be more than the appraised value minus customary closing costs.

(e) "Rural area" is open country or rural places as defined in § 1822.3(c).

(f) Dwellings "built" or "constructed" are new dwellings to be built by the customary method as well as manufactured dwellings to be erected. They do not include dwellings on which construction has started or on which conditional commitments have been issued by the Federal Housing Administration or Veterans Administration.

(g) "Rehabilitation" means major repairs and improvements such as the installation of major items of equipment, additions or structural changes to existing dwellings.

(h) "County Supervisor" as used in this regulation also includes GS–9 Assistant County Supervisors.

§ 1822.304 Eligibility.

To be eligible for conditional commitments, commitment applicants must:

(a) Be the owner, as defined in Subpart A of this Part, of the site on which the dwelling is located or to be built before construction is begun.

(b) Have the ability to complete the type of proposed work in a competent and workmanlike manner.

(c) Be financially responsible and have the ability to finance or obtain financing for the proposed housing construction or rehabilitation.

(d) Agree to certify that there will be no discrimination in the sale of the dwellings.

(e) Plan to build or rehabilitate dwellings that will qualify for purchase by RH applicants.

(f) Conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, sanitation, zoning and protective convenants.

(g) Have the legal capacity to enter into the required agreements and the actual capacity to carry them out.

§ 1822.305 Limitations.

(a) Conditional commitments will be issued by FmHA only for new homes to be constructed or existing homes to be rehabilitated. The commitment applicant must provide plans, specifications and other information required by Form FmHA 422–8, "Property Information and Appraisal Report (Rural Housing Nonfarm Tract)."

(b) Conditional commitments will be issued only in cases where the commitment applicant's selling price does not exceed the commitment price.

(c) Number of conditional commitments. (1) The total number of commitments issued in any locality will not exceed the number of homes for which there is an immediate and ready market in that locality.

(2) The number of houses on which conditional commitments will be outstanding to a commitment applicant at any time will not exceed 15 in any one county unless authorized by the State Director after he:

(i) Determines that a larger number of commitments must be made to meet the immediate housing needs in the area;

(ii) Determines that authorizing more than 15 commitments to one commitment applicant will not reduce the participation of the small volume builders in the rural housing program; and

(iii) Provides guidelines to the County Supervisor to assure that all builders active in the area have equal opportunity to obtain more than 15 conditional commitments.

(3) The total number of commitments under this regulation outstanding in the area served by a County Supervisor will not exceed the number on which the County Supervisor can reasonably expect to be able to approve RH loans within three months after the houses covered by the commitments are completed, considering the availability of loan funds and the number of applications in the County Office.

(d) The period of the conditional commitment will be for 12 months from the date of issue. The commitment may be extended for an additional six months if justified because of unexpected delays in construction caused by such factors as bad weather or materials shortages, or marketing difficulties.

§ 1822.306 Application.

The application will be in the form of a letter specifying the number of dwellings for which commitments are being requested, the number of previous commitments issued by FmHA on dwellings that are unsold as of the date of the application, and a narrative description of the type and location of the dwellings to be built or rehabilitated. Attached to the letter will be one copy of Form FmHA

422–8 for each dwelling on which a commitment is requested. The commitment applicant will complete Part I of the form, submit necessary attachments specified on the front of the form, and sign the form on Page 3.

§ 1822.307 Fees.

(a) Each commitment applicant will pay an application fee at the time he submits an application for conditional commitment. The fee for each house will be:

(1) For proposed construction of new dwellings—$65.

(2) For existing dwellings to be rehabilitated—$50.

(b) The County Supervisor will transmit application fees with all other payments for the day in accordance with Part 1862 of this Chapter and other applicable FmHA regulations.

(c) The fee will be refunded if for any reason preliminary inspection of the property or investigation of the commitment applicant indicates that a conditional commitment cannot be issued on the property. For example, the property might be located in a nonrural area or the dwellings may not be of a type that the FmHA can appropriately finance. Fees will not be refunded, however, for any property on which the appraisal has been made. If a refund is required, a memorandum should be sent to the Finance Office indicating the commitment applicant's name together with the date and amount of fees he paid. The memorandum should also indicate the number of commitments being canceled and amount of fees to be refunded.

§ 1822.308 Responsibilities.

(a) *County Supervisor.* The County Supervisor is responsible for evaluating applications for conditional commitments and is authorized to approve commitments provided the commitment price does not exceed the Supervisor's loan approval authority for section 502 RH loans.

(b) *State Director.* The State Director will keep informed of the number of conditional commitments made and the number outstanding and will provide adequate training and assistance to County Supervisors in processing applications.

§ 1822.309 Processing applications.

(a) *Evaluation of applications.* The County Supervisor will carefully evaluate each application and will issue a conditional commitment only if:

(1) The dwelling will be well located and on a good residential site.

(2) The commitment applicant meets the requirements of §§ 1822.304 and 1822.305.

(3) The dwelling is one that FmHA can finance.

(4) The dwelling and site comply with the local codes and ordinances and the requirements of the local health department are met. When the property is located in a subdivision, the subdivision must meet the requirements of Subpart D of Part 1804 of this Chapter.

(5) A market appears to exist for the house for which a commitment is to be issued.

(b) *Appraisal.* Each dwelling and site will be appraised in accordance with applicable FmHA regulations. The commitment price will be shown on Form FmHA 444–11, "Conditional Commitment."

(c) *Issuing conditional commitments (Form FmHA 444–11).* After the commitment application has been evaluated and if it is approved, approval will be evidenced by the County Supervisor's signing Form FmHA 444–11.

(1) Form FmHA 444–11 will be completed and distribution of copies made by the County Supervisor in accordance with guidelines available in all FmHA offices for preparation of this form.

(2) In case any commitment applicant or dwelling does not qualify for a conditional commitment, the documents attached to the letter of application will be returned to the commitment applicant with a letter explaining why the application was not approved.

(3) When a qualified family applies for a loan to buy a dwelling on which a conditional commitment has been issued, the commitment documents will be transferred to the RH loan docket.

§ 1822.310 Inspections.

Inspections of work to be done will be performed in accordance with Subpart A of Part 1804 of this Chapter. The original and one copy of Form FmHA 424–12, "Inspection Report," will be prepared. The County Supervisor will give the commitment applicant the original of Form FmHA 424–12 and the copy will be retained in the County Office case file. Failure to correct any deficiencies or to complete the work in accordance with plans and specifications approved by FmHA will be a basis for canceling the conditional commitment.

§ 1822.311 Changes in plans, specifications and/or commitment price.

The County Supervisor is authorized to approve changes in plans and specifications that are consistent with good construction practices. If a change will reduce or increase the appraised value of the property, the County Supervisor will revise the commitment price and inform the commitment applicant. Also, in cases when the holder of a commitment reports to the County Supervisor that costs associated with the construction or repair of a dwelling have increased substantially and requests that the commitment price be increased, the approval official may increase the commitment price provided the property has not been optioned by an RH applicant and he determines that the increase is clearly justified, the circumstances causing the price increase were beyond the commitment applicant's control and the value of the property is adequate to permit the increased commitment price. Changes made in the appraisal report and conditional commitment form will be initialed and dated by the person authorizing the change.

§ 1822.312 Cancellation of outstanding conditional commitments.

Conditional commitments will be cancelled when any of the following conditions exist:

(a) Construction of the dwelling is not begun within 60 days after the commitment is issued.

(b) Construction is not in accordance with approved plans, specifications, or MPS.

(c) The area in which the dwelling is located is determined to be ineligible for FmHA RH loans.

§ 1822.313 Folder maintenance.

Documents prescribed in this regulation will be filed in accordance with applicable FmHA regulations.

§ 1822.314 Conditional commitments involving packaging of applications.

A conditional commitment may be made to a builder or seller who packages a rural housing application for a family to buy the property. In cases when the information on the house and the loan applicant is submitted at the same time, all of the following conditions must be met to avoid misunderstanding of FmHA's obligation to either the RH applicant or the conditional commitment applicant:

(a) The conditional commitment will not be approved until the RH loan has been approved.

(b) Construction will not begin until the County Office has received notice from the Finance Office that funds are obligated for the RH loan.

(c) The RH loan will be closed only after the home is constructed or repairs completed and final inspection has been made.

§ 1822.315 Builders warranty.

The builder or seller, as appropriate, will execute Form FmHA 424–19, "Builders Warranty," when the loan to buy the dwelling is closed.

[FR Doc.76–1402 Filed 1–15–76;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 333—EXTENSION OF CORPORATE POWERS

Individual Retirement Accounts

The Federal Deposit Insurance Corporation has adopted amendments to Part 333 of its rules and regulations (12 CFR Part 333), effective January 16, 1976.

The purpose of the amendments is to formally incorporate into the Corporation's rules and regulations the Corporation's staff position concerning the requirement for an insured State nonmember bank to obtain the Corporation's prior approval in instances where such bank seeks to act as trustee or custodian solely of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974

(IRAs) or Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962 (Keogh Plans). As amended, Part 333 of the Corporation's rules and regulations provides an interpretative ruling which states that no prior approval is required in such instances if (1) the bank's duties as trustee or custodian are essentially custodial or ministerial in nature, (2) the bank is required to invest the funds from such plans only in its own time or savings deposits, and (3) the bank's acceptance of such accounts without trust powers is not contrary to State law.

The Corporation's Board of Directors has determined that the publication of the above-stated interpretative ruling will assist insured State nonmember banks which do not have trust powers in determining when the Part 333 approval requirement is applicable to their trustee or custodial activities involving IRAs and Keogh Plans.

In adopting the amendments to the Corporation's rules and regulations, the Board of Directors of the Corporation did not follow the requirements of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation (12 C.F.R. §§ 302.1, 302.2 and 302.5) with respect to notice, public participation and deferred effective date because the amendments relate solely to an interpretative rule and because the Board of Directors found that notice and opportunity for public comment thereon as well as any delay in effective date thereof would be unnecessary and would not serve any useful public purpose.

Section 333.101 of Part 333 is revised by designating the existing test as paragraph (a) and adding a new paragraph (b). As amended, § 333.101 reads as follows:

§ 333.101 Prior consent not required.

(a) The extension by any State nonmember insured bank of its business to include personal, character or installment loans, or the extension by an industrial bank of its business to include the business of a commercial bank, is not a change in the general character or type of business requiring the prior written consent of the Corporation.

(b) An insured State nonmember bank not exercising trust powers may act as trustee or custodian of Individual Retirement Accounts established pursuant to the Employee Retirement Income Security Act of 1974 and Self-Employed Retirement Plans established pursuant to the Self-Employed Individuals Retirement Act of 1962 without the prior written consent of the Corporation provided: (1) the bank's duties as trustee or custodian are essentially custodial or ministerial in nature, (2) the bank is required to invest the funds from such plans only in its own time or savings deposits, and (3) the bank's acceptance of such accounts without trust powers is not contrary to State law.

By order of the Board of Directors, January 12, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-1261 Filed 1-15-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15331; Amdt. 39-2497]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH-104 "Dove" Airplanes

There have been reports of cracks occurring in the lefthand engine mounting frame top tube on Hawker Siddeley DH-104 "Dove" airplanes that could result in complete failure of the tube and tearing away of the engine. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections and replacement, as necessary, of the engine mounting frame top tube on DH-104 "Dove" airplanes.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LIMITED. Applies to DH-104 "Dove" airplanes, certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the lefthand engine mounting frame top tube, and consequent tearing away of the engine, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 50 hours' time in service, inspect the top tube of the lefthand engine mounting frame, P/N 4EM.201A, for cracks in accordance with paragraph No. 3 of Hawker Siddeley Technical News Sheet (T.N.S.) No. 228, Issue 1, dated April 17, 1972, or an FAA-approved equivalent.

(b) If any cracks are found as a result of an inspection required by this AD, replace the engine mounting frame with a new frame of the same part number or with a serviceable used frame of the same part number which has been inspected in accordance with paragraph (a) of this AD, and continue to inspect the replacement frame for cracks at intervals not to exceed 75 hours' time in service since the last inspection.

(c) If no cracks are found as a result of an inspection required by this AD, continue to inspect the engine mounting frame top tube at intervals not to exceed 75 hours' time in service from the last inspection in accordance with paragraph 3 of Hawker Siddeley Technical News Sheet (T.N.S.) No. 228, Issue 1, dated April 17, 1972, or an FAA-approved equivalent.

This amendment becomes effective January 30, 1976.

Issued in Washington, D.C. on January 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-1275 Filed 1-15-75;8:45 am]

[Docket No. 14876; Amdt. 39-2498]

PART 39—AIRWORTHINESS DIRECTIVES

LET N.P. Blanik 13 Gliders

Amendment 39-2333 (40 FR 33007), AD 75-17-28, as amended by Amendment 39-2379 (40 FR 45802), requires repetitive inspection, repair, and replacement of the fin top rib on certain LET N.P. Blanik 13 gliders. After issuing Amendment 39-2379, the FAA determined that the AD does not apply to gliders with six digit serial numbers higher than 174230. Therefore, the AD is being further amended to make clear that it applies only to LET N.P. Blanik 13 gliders with serial numbers 173205 through 174230, inclusive.

Since this amendment provides a clarification only and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2333 (40 FR 33007), AD 75-17-28, as amended by Amendment 39-2379 (40 FR 45802), is further amended by revising the applicability paragraph to read as follows:

LET N.P. Applies to Blanik 13 gliders, certificated in all categories, with serial numbers 173205 through 174230, inclusive.

* * * * *

This amendment becomes effective January 30, 1976.

Issued in Washington, D.C. on January 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-1276 Filed 1-15-76;8:45 am]

[Docket No. 15330; Amdt. 39-2495]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA341G "Gazelle" Helicopter

It has been determined that certain bearings, bushings, and attachment straps of the Societe Nationale Industrielle Aerospatiale (S.N.I.A.S.) Model SA341G Helicopter tail rotor drive system are subject to premature failure that could result in loss of control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require repetitive inspection and rectification, as necessary, of those components on S.N.I.A.S. Model SA341G "Gazelle" Helicopters.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.-89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA341G "Gazelle" helicopters, certificated in all categories, equipped with horizontal transmission shafts P/N's 341A.34.1106.00, .01, .02, or .03, or coupling shafts P/Ns 341A.34.-1114.00, .01, or .02, or bearing attachment straps P/N 341A.34.1033.00.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of tail rotor drive system components and possible loss of control of the helicopter, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, paint an alignment index line on bushings of the horizontal transmission shafts, P/N's 341A.34.1106.00, .01, or .03, and coupling shafts, P/N's 341A.34.1114.00, .01, or .02, to enable detection of relative rotation between bushings and shaft.

(b) Upon the accomplishment of paragraph (a) of this AD and thereafter at intervals not to exceed 10 hours' time in service since the last inspection, inspect the bushings on both the horizontal transmission shaft and the coupling shaft for relative rotation between the bushings and the shaft, and rectify, as necessary, in accordance with subparagraph 1C(2) of Gazelle Service Bulletin No. 05.07, as revised June 18, 1975, or an FAA-approved equivalent.

(c) Within the next 10 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 10 hours' time in service, since the last inspection, inspect the bearings on the coupling shaft and horizontal transmission shaft for grease leaks, rust run-outs, or seal damage and rectify, as necessary, in accordance with subparagraph 1C(3) of Gazelle Service Bulletin No. 05.07, as revised June 18, 1975, or an FAA-approved equivalent.

(d) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service since the last inspection for assemblies 341A.34.1106.00, .01, and 341A.34.-1114.00, or at intervals not to exceed 100 hours' time in service since the last inspection for assemblies 341A.34.1106.02, .03, and 341A.34.1114.01, .02, inspect bearings and attachment straps, and rectify, as necessary, in accordance with subparagraph 1c(4) of Gazelle Service Bulletin No. 05.07, as revised June 18, 1975, or an FAA-approved equivalent.

This amendment becomes effective on January 30, 1976.

Issued in Washington, D.C. on January 9, 1976.

J. A. FERRARESE,
Director,
Flight Standards Service.

[FR Doc.76-1273 Filed 1-15-76;8:45 am]

[Docket No. 15332; Amdt. 39-2496]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA341G "Gazelle" Helicopter

Several cases have been reported of abnormal wear of Societe Nationale Industrielle Aerospatiale (S.N.I.A.S.) SA341G "Gazelle" helicopter main gear oil pump hydraulic unit drive gear splines, which could jeopardize safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued which requires periodic inspections, replacement of parts, as necessary, and lubrication of the splines on S.N.I.A.S. SA341G helicopters.

Since a situation exists that requires immediate adoption of ths regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Model SA341G "Gazelle" helicopters, certificated in all categories.

Compliance is required as indicated.

To prevent abnormal wear of main gear box oil pump hydraulic unit drive gear splines, accomplish the following:

(a) Prior to the accumulation of 600 hours' total time in service or within the next 10 hours' time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 590 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, comply with paragraph (b) of this AD.

(b) Inspect the main gear box (MGB) oil pump hydraulic unit drive gear splines in accordance with subparagraphs 1C(1) and 1C(2), and replace the drive gear, oil pump or both, as necessary, or return to service in accordance with the criteria set forth in subparagraph 1C(3), of Gazelle Service Bulletin No. 05.09a, dated March 10, 1975, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, % American Embassy, APO New York, N.Y. 09667.

(c) Prior to the accumulation of 600 hours' time in service or within the next 10 hours' time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 190 hours' time in service, and thereafter at intervals not to exceed 200 hours' time in service from the last lubrication, comply with paragraph (d) of this AD.

(d) Lubricate the splines in accordance with subparagraph 1C(4) of Gazelle Service Bulletin No. 05.09a, dated March 10, 1975, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, % American Embassy, APO New York, N.Y. 09667.

This amendment becomes effective January 30, 1976.

Issued in Washington, D.C. on January 9, 1976.

J. A. FERRARESE,
Acting Director
Flight Standards Service.

[FR Doc.76-1274 Filed 1-15-76;8:45 am]

[Docket No. 75-EA-74; Amdt. 39-2456]

PART 39—AIRWORTHINESS DIRECTIVES

Air Cruisers Life Rafts; Correction

FR Doc. 75-33293 published on page 57666 in the issue of Thursday, December 11, 1975, is corrected by changing the word and numbers "Bulletin 114-74-1" to read "Bulletin 111-74-1".

Issued in Jamaica on January 8, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-1285 Filed 1-15-76;8:45 am]

[Docket No. 15333: Amdt. 39-2499]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. Models BN-2A and BN-2A Mark III Airplanes

There has been a report of a failure occurring in an engine mounting frame of the type installed on Britten Norman BN-2A and BN-2A Mark III airplanes that could result in the physical separation of an engine. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement, as necessary, of the engine mounting frames on certain BN-2A and BN-2A Mark III airplanes.

Since this situation requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN, LTD. Applies to BN–2A and BN–2A Mark III airplanes, all series, certificated in all categories, equipped with engine mounting frames P/N's NB–20–D–5209, NB–20–G–1901, NB–20–G–5231, or NB–51–H–1021.

Compliance is required as indicated.

To prevent failure of the engine mounting frame and possible physical separation of the engine, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the welds on the engine mounting frame around the periphery of the mounting pads for cracks and the mounting pads for conformance to the dimensions set forth in the first paragraph of the section entitled "Inspection" of Britten Norman Service Bulletin No. BN–2/SB. 72, dated March 27, 1974, or an FAA–approved equivalent.

(b) As a result of the inspection required by paragraph (a) of this AD, if two or more of the engine mounting pads are found not to conform to all of the dimensions specified in Britten Norman Service Bulletin No. BN–2/SB. 72, dated March 27, 1974, prior to further flight, replace the engine mounting frame in accordance with paragraph (e) of this AD.

(c) As a result of the inspection required by paragraph (a) of this AD, if one of the engine mounting pads is found not to conform to all of the dimensions specified in Service Bulletin No. BN–2/SB. 72, visually inspect the welds around the periphery of the mounting pads prior to the first flight of each day, until the engine mounting frame is replaced in accordance with paragraph (e) of this AD.

(d) If a crack is found as a result of an inspection required by paragraphs (a) or (c) of this AD, before further flight, replace the engine mounting frame in accordance with paragraph (e) of this AD.

(e) Where required or authorized by paragraph (b), (c), or (d) of this AD, replace the engine mounting frame with a serviceable engine mounting frame of the same part number that has been inspected and found to have no cracks in the welds around the periphery of the mounting pads and found to conform to all of the dimensions specified in the "Inspection" paragraph of Britten Norman Service Bulletin No. BN–2/SB.72 dated March 27, 1974, or an FAA-approved equivalent.

This amendment becomes effective January 30, 1976.

Issued in Washington, D.C. on January 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–1277 Filed 1–15–76;8:45 am]

[Airworthiness Docket No. 75–WE–53–AD; Amdt. 39–2493]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC–10 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection, and rework, if required, of the Bertea P/N 216051 actuator manifold assemblies in the inboard elevator control system on Douglas DC–10 Series airplanes was published in 40 FR 54306.

Interested persons have been afforded an opportunity to participate in the making of this amendment.

No objections to accomplish the intent of the A.D. were received. One comment was received requesting that the 1500 hours compliance time be extended to 3000 hours to allow accomplishment of the AD during regularly scheduled maintenance visits, thus alleviating logistic problems. The FAA feels that retention of the 1500 hours compliance time as proposed is necessary in the interest of safety.

Another comment was received pointing out an error in the NPRM in the listing of affected elevator actuator assemblies. This error has been corrected.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to all Douglas Model DC–10–10, –10F, –30, –30F, and –40 Series airplanes certificated in all categories, incorporating Bertea Corporation P/N 216000–5001 through 5013 inboard elevator actuator assemblies with serial numbers 240 through 500 inclusive.

Compliance required within the next 1500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent jamming of inboard elevator surfaces accomplish the following:

(a) Inspect the inboard elevator actuator manifold assemblies for interference between the internal control linkage and the manifold, and rework, if required, in accordance with Bertea Service Bulletin No. 27–48, Revision 1, dated October 9, 1975, or later FAA-approved revisions, or an equivalent inspection and rework procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region. (Douglas Service Bulletin No. 27–141, dated October 10, 1975, calls attention to the Bertea service bulletin).

(b) Special flight permits may be issued per FAR's 21.197 and 21.199 to operate airplanes to a base for the accomplishment of this AD.

This amendment becomes effective February 26, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on January 8, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76–1278 Filed 1–15–76;8:45 am]

[Airspace Docket No. 75–CE–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 44576 of the FEDERAL REGISTER dated September 29, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Algona, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on December 22, 1975.

GEORGE R. LACAILLE,
Director, Central Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

ALGONA, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within 3.5 miles each side of the 297° bearing from the Algona Municipal Airport, extending from the 7-mile radius area to 11.5 miles northwest of the airport.

[FR Doc.76–1279 Filed 1–15–76;8:45 am]

[Airspace Docket No. 75–EA–58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 53270 of the FEDERAL REGISTER for November 17, 1975, the Federal Aviation Administration published a proposed rule which would alter the Winchester, Va., Transition Area (40 FR 616).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT February 26, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 31, 1975.

DUANE W. FREER,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Winchester, Va. Transition Area by adding the following to the description of the transition area: "within 2.5 miles each side of a 133° bearing from a point 39°08'17" N. 78°08'16" W. extending from said point to 11 miles southeast of said point."

[FR Doc.76-1282 Filed 1-15-76;8:45 am]

[Airspace Docket No. 75-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 52051 of the FEDERAL REGISTER dated November 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, March 25, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on December 22, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (40 FR 441), the following transition area is added:

WASHINGTON, IOWA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Washington Airport (latitude 41°16'00" N., longitude 91°41'00" W.); and that airspace 3 miles each side of the 141° bearing from Washington NDB (latitude 41°16'13" N., longitude 91°41'04" W.); extending from the 5-mile radius to a point 8.5 miles southeast of the NDB.

[FR Doc.76-1280 Filed 1-15-76;8:45 am]

[Airspace Docket No. 75-EA-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 31248 of the FEDERAL REGISTER for July 25, 1975, the Federal Aviation Administration published a proposed rule which would designate a Pineville, W. Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT March 25, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on December 30, 1975.

L. J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Pineville, W. Va. 700-foot floor Transition Area as follows:

PINEVILLE, W. VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Kee Field, Pineville, W. Va. (lat. 37°36'01" N., long. 81°33'59" W.); within an 8.5-mile radius of the center of the airport, extending clockwise from a 265° bearing to a 305° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 343° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 343° bearing to a 005° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 085° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 085° bearing to a 125° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 172° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 210° bearing from the airport; and within 3 miles each side of a 243° bearing from the Pineville, W. Va. radio beacon (lat. 37°36'11" N., long. 81°33'35" W.) extending from the radio beacon to 8.5 miles southwest of the radio beacon.

[FR Doc.76-1281 Filed 1-15-76;8:45 am]

[Airspace Docket No. 75-SO-136]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 5, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 51481), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tuskegee, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

TUSKEGEE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moton Field (Lat. 32°27'36" N., Long. 85°40'44" W.); within 3 miles each side of the Tuskegee VORTAC 018° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VORTAC; excluding the portion within the Tallassee transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on January 6, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-1283 Filed 1-15-76;8:45 am]

[Airspace Docket No. 75-SO-137]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On October 28, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 50099), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sturgis, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, March 25, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

STURGIS, KY.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sturgis Municipal Airport (latitude 37°32'30" N., longitude 87°56'51" W.)

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on January 6, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-1284 Filed 1-15-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 929—KEY LARGO CORAL REEF MARINE SANCTUARY

Interim Regulations

JANUARY 13, 1976.

On December 18, 1975, the Secretary of Commerce designated as a marine sanctuary an area of the Atlantic Ocean

adjacent to but excluding the State of Florida's John Pennekamp Coral Reef State Park. This ocean area is directly east of the city of Key Largo, Florida. The marine sanctuary boundary begins at the outer boundaries of the state park and extends seaward to about the 300 foot isobath. Included within the marine sanctuary area is the Key Largo Coral Reef Preserve.

The Key Largo Coral Reef Marine Sanctuary was designated pursuant to the authority of section 302(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, Pub. L. 92–532, hereafter referred to as the Act).

Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. This section also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of Title III of the Act ("Marine Sanctuaries"); and that it can be carried out within the regulations promulgated under section 302(f).

The authority of the Secretary to administer the provisions of the Act has been delegated to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereafter the Administrator, 39 FR 10255, March 19, 1974).

There are published herewith interim regulations relating to activities to be prohibited or permitted in the Sanctuary, and relating to the certification requirement described above. Comments upon these regulations are invited through February 20, 1976. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this comment period, any comments received will be reviewed. At the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER. As authorized by 5 U.S.C. 553(d)(3), these interim regulations are effective in order to protect the Sanctuary until final regulations become effective.

Sec.

929.1 Authority.
929.2 Description of the Sanctuary.
929.3 Marine Sanctuary Management System.
929.4 Activities prohibited within the Sanctuary.
929.5 Penalties for Commission of Prohibited Acts.
929.6 Permitted activities.
929.7 Permit procedures and criteria.
929.8 Certification procedures.
929.9 Appeals of administrative action.

AUTHORITY: Secs. 302(f), 302(g) and 303 of the Act.

§ 929.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of the Act. The following regulations are issued pursuant to the authorities of sections 302(f), 302(g) and 303 of the Act.

§ 929.2 Description of the Sanctuary.

The Sanctuary consists of a portion of the water column in the Atlantic Ocean beginning at approximately three miles east of the city of Key Largo, Florida. The coordinates for the marine sanctuary are: the point of beginning (POB) is geographic coordinates 25° (degrees), 19.45′ (minutes) north latitude, 80° (degrees), 12.0′ (minutes) west longitude, said point being the northeast boundary corner of John Pennekamp Coral Reef State Park. From said POB run thence southeasterly to geographic coordinates 25° (degrees), 16.2′ (minutes) north latitude 80° (degrees), 8.7′ (minutes) west longitude, said point also being on the 300 foot isobath, thence in a southwesterly direction to geographic coordinates 25° (degrees), 07.5′ (minutes) north latitude 80° (degrees), 12.5′ (minutes) west longitude, thence again run in a southwesterly direction to geographic coordinates 24° (degrees), 58.3′ (minutes) north latitude, 80° (degrees), 19.8′ (minutes) west longitude, thence leaving said 300 foot isobath run northwesterly to geographic coordinates 25° (degrees), 2.2′ (minutes) north latitude, 80° (degrees), 25.25′ (minutes) west longitude, said point being the southeast boundary corner of John Pennekamp Coral Reef State Park, thence in a northeasterly direction along said easterly boundary of said state part to the POB.

§ 929.3 Marine Sanctuary Management System.

(a) The National Oceanic and Atmospheric Administration (hereinafter referred to as NOAA) has the primary responsibility for the management of the Marine Sanctuary pursuant to the Act. NOAA's responsibilities under the Act require that the Office of Coastal Zone Management (OCZM) review, consider and approve any activities that take place in the Sanctuary pursuant to these rules and regulations.

(b) NOAA will be assisted in the administration of the marine sanctuary by the State of Florida's Department of Natural Resources, Division of Recreation and Parks pursuant to an agreement between the State of Florida and NOAA. Pursuant to this agreement, the State of Florida will endeavor to serve as the on site manager of the Sanctuary. The State of Florida will be assisted in its role as the on site manager by an advisory board consisting of representatives from the Department of Interior's National Park Service; the U.S. Coast Guard; the U.S. Department of Justice; NOAA's National Marine Fisheries Service; and the State of Florida's Division of Marine Resources, Florida's Division of Marine Law Enforcement, Florida's Department of Environmental Regulation; local citizen association, and Association of Dive Boat Captains.

§ 929.4 Activities Prohibited Within the Sanctuary.

Present and future uses of the Sanctuary include recreational boating and fishing, snorkeling and scuba diving, commercial transport, fisheries activities and scientific endeavors. Those activities allowed within the marine sanctuary, however, will be subject to the following rules and regulations which are intended to provide for the maximum public use consistent with the primary purpose of the establishment of the Sanctuary. Except as may be permitted by the Administrator of NOAA, no person subject to the jurisdiction of the United States shall conduct, nor cause to be conducted, any of the following activities in the Sanctuary.

(a) *Removal or destruction of natural features and marine life.* (1) No person shall destroy, injure, harmfully disturb or remove beach sand, gravel or minerals, corals, sea feathers and fans, shells and shellfish (except lobster, crawfish and stone crab), starfishes or other marine invertebrates, seaweeds, grasses, or any soil, rock, artifact, stone or other material. Nor shall any person have possession of any of the above listed items within the boundaries of the Sanctuary regardless of their place of extraction.

(2) No person shall cut, carve, injure, mutilate, move or displace or break off any bottom formation of growth.

(3) No rope, wire anchor, or other object shall be attached to any coral, rock or other formation.

(b) *Dredging, filling, excavating and building activities.* (1) No dredging, excavating or filling operations of any kind are to be carried out within the boundaries of the Sanctuary. No materials of any sort may be deposited in or on the waters of the sanctuary.

(2) No structure of any kind, whether permanent or temporary, may be constructed or built.

(3) No public service facility may be constructed or extended into, upon or across the Sanctuary, with the exception of marking and mooring buoys or stations.

(c) *Discharge of refuse and polluting substances.* No person shall discharge or deposit any waste materials into the waters of the Sanctuary. Specifically prohibited are wastes, acids, oil liquid wastes or other deleterious chemicals, bottles, broken glass, paper, boxes, dirt, rubbish, garbage, refuse, human waste or other foreign substances.

(d) *Archaeological and historic substances.* No person shall willfully destroy, molest, deface, remove, displace or tamper with an archaeological or historical resource or cargo pertaining to submerged wrecks within the boundaries of the Sanctuary.

(e) *Markers.* No person shall willfully mark, deface or damage in any way, or displace, remove or tamper with any signs, notices or placards, whether temporary or permanent, or with any monuments, stakes, posts or other boundary markers installed by the sanctuary manager or markers placed for the purpose of lobster pot fishing.

(f) *Fishing.* (1) Sport and commercial fishing is allowed in the Sanctuary with hook and line for the purpose of taking surface, mid-water or bottom fishes. Furthermore, the taking of crawfish, spiny

lobster and stone crab with traps is allowed for commercial purposes. All traps shall be marked, color coded and numbered at all times.

(2) Fishes normally resident in the coral formations (often categorized as tropical fishes which are of minimal sport and food value, and are usually brightly colored and thus used for aquaria purposes) and which live in a direct interrelationship with the corals, may not be caught or collected, except inadvertently by hook and line.

(3) The use of poisons, electric charges and similar methods for the taking of fish is prohibited.

(4) Some portions of the Sanctuary may be set aside as control areas for research to assist in managing the sanctuary. Those areas designated by the sanctuary manager will be closed to fishing. No more than 20 percent of the Sanctuary may be closed at any given time for this purpose.

(g) *Scuba diving and skin diving activities.* (1) Diving for underwater observation and photography is allowed and encouraged in the Sanctuary as a compatible and desirable use.

(2) Divers are prohibited from handling coral formations, standing on coral formations or otherwise disturbing the corals within the boundaries of the Sanctuary.

(h) *Operation of watercraft.* (1) All watercraft shall be operated in accordance with applicable Federal rules and regulations. The following additional constraints will also be imposed within the boundaries of the sanctuary.

(2) No watercraft should be operated in such a manner as to strike or otherwise cause damage to the natural features of the marine sanctuary.

(3) Except in case of emergency situation where life and property may be endangered, no anchor should be cast or dragged in such a way as to damage any coral reef formations. Anchors shall be dropped on sand flats off the reefs and placed so as not to drift into the coral formations.

(4) No watercraft should be operated at greater than 4 miles per hour or in such a manner to create a wake in the vicinity of divers, sightseeing boats or fishermen, with the exception of law enforcement officials while in the performance of their duties.

(5) All watercraft from which diving operations are being conducted shall fly in a conspicuous manner, the red and white "divers down" flag.

(6) No boat under power shall approach closer than 100 yards to a boat displaying the diving flag except at a minimum speed of 4 miles per hour. Divers shall stay within 100 yards of their diving flag.

(7) Boats anchored or proceeding at slow speeds for fishing or observation shall be approached or passed at such slow speed that the wake of the approaching or passing boat does not disturb the fishing or observation boats.

(8) Watercraft must use mooring buoys, stations or anchoring areas when such facilities and areas have been designated and are available.

(i) *Photography.* (1) Photography, both surface and underwater, without involving the installation of special settings or structures is encouraged.

(2) No person shall take still or motion pictures, either commercial or private, involving the use of special settings or structures that would be likely to interface with either the coral or the use and enjoyment of the Sanctuary by other persons.

(j) *Advertising or publicity.* No person shall erect or cause to be erected any signs, slogans or markers within the Sanctuary.

(k) *Explosives and dangerous weapons.* (1) Distress signalling devices are considered necessary and proper for safe vessel operation. Knives are frequently used by fishermen and swimmers and are not classified as weapons for the purposes of these regulations.

(2) No pereson shall carry or possess, except while passing through the Sanctuary or for law enforcement purposes, firearms or weapons of any description. The use of air rifles, guns, bows and arrows, slings, spear guns, harpoons or other kinds of weapons potentially harmful to human safety, fish and wildlife and the reef structure is strictly prohibited within the Sanctuary except for law enforcement purposes.

(3) The use of explosives within the Sanctuary is prohibited. No person is allowed to possess explosives in the Sanctuary except while passing through the Sanctuary.

§ 929.5 Penalties for Commission of Prohibited Acts.

(a) Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Details are set out in Subpart D of Part 922 (15 CFR Part 922) of this chapter (39 FR 23254, 23257, June 27, 1974). Subpart (D) is applicable to any instance of a violation of these regulations.

(1) The U.S. Coast Guard shall have the responsibility for surveillance and the enforcement of these regulations pursuant to 14 U.S.C. 89.

(2) The Sanctuary may be closed to public use in the event of emergency conditions endangering life or property. Certain areas may also be closed (but the total closed area shall not exceed 20 percent of the total Sanctuary at any one time) in order to (i) permit recovery of the living resources from overuse, or (ii) to provide for scientific research relating to protection and management. Public notice of closures will be made by informing the local news media.

(3) Accidents involving personal injury or damage to property in excess of $100 shall be reported to the Sanctuary Manager as soon as possible by the person or persons involved.

§ 929.6 Permitted Activities.

Any person or entity may conduct in the Sanctuary any activity listed under § 929.4 if: (a) Such activity is either (1) for the purpose of research related to the resources of the Sanctuary, or (2) pertains to salvage or recovery operations; and (b) such person or entity is in possession of a valid permit issued by the Administrator of NOAA authorizing the conduct of such activity; except that, no permit is required for the conduct of any activity immediately and urgently necessary for the protection of life, property, or the environment.

§ 929.7 Permit procedures and criteria.

(a) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by § 929.6 (hereafter a permitted activity) may apply in writing to the Administrator for a permit to conduct such activity citing this section as the basis for the application. Such application should be made to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Upon receipt of such application, the Administrator shall request, and such person or entity shall supply to the Administrator, such information and in such form as the Administrator may require to enable him to act upon the application.

(b) In considering whether to grant a permit for the conduct of a permitted activity for the purpose of research related to the resources of the Sanctuary, the Secretary shall evaluate such matters as (1) the general professional and financial responsibility of the applicant; (2) the appropriateness of the research method(s) envisioned to the purpose(s) of the research; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreational, esthetic or scientific information; (4) the end value of the research envisioned; and (5) such other matters as the Administrator deems appropriate.

(c) In considering whether to grant a permit for the conduct of a permitted activity in the Sanctuary in relation to an air or marine casualty, the Administrator shall consider such matters as (1) the fitness of the applicant to do the work envisioned; (2) the necessity of conducting such activity; (3) the appropriateness of any activity envisoned to the purpose of the entry into the Sanctuary; (4) the extent to which the conduct of any such activity may diminish the value of the Sanctuary as a source of recreational, esthetic or scientific information; and (5) such other matters as the Administrator deems appropriate.

(d) In considering any application submitted pursuant to this Section, the Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, as he deems appropriate.

(e) The Administrator may, in his discretion, grant a permit which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as he deems appropriate, except that the Administrator shall attach to any permit granted for research related to the Sanctuary the condition that any information obtained in the research shall be made available to the

public. The Administrator may observe any activity permitted by this section; and/or may require the submission of one or more reports of the status or progress of such activity.

(f) A permit granted pursuant to this Section is nontransferable.

(g) The Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, temporarily or indefinitely, if, in his view, the permit holder (hereafter the Holder) has acted in violation of the terms of the permit; or the Administrator may do so for other good cause shown. Any such action shall be in writing to the Holder, and shall set forth the reason(s) for the action taken. Any Holder in relation to whom such action has been taken may appeal the action as provided in § 929.8.

§ 929.8 Certification procedures.

Any Federal agency which, as of the effective date of these regulations, already has permitted, licensed or otherwise authorized any prohibited activity in the Sanctuary shall notify the Administrator of this fact in writing. The writing shall include a reasonably detailed description of such activity, the person(s) involved, the beginning and ending dates of such permission, the reason(s) and purpose(s) for same, and a description of the total area affected. The Administrator shall then decide whether the continuation of the permitted activity, in whole or in part, or subject to such condition(s) as he may deem appropriate, is consistent with the purposes of Title III of the Act and can be carried out within these regulations. He shall inform the Federal agency of his decision in these regards, and the reason(s) therefor, in writing. The decision of the Secretary made pursuant to this section shall be final action for the purpose of the Administrative Procedure Act.

§ 929.9 Appeals of Administrative Action.

(a) In any instance in which the Administrator, as regards a permit authorized by, or issued pursuant to, this part: (1) Denies a permit; (2) issues a permit embodying less authority than was requested; (3) conditions a permit in a manner unacceptable to the applicant; or (4) amends, suspends, or revokes a permit for a reason other than the violation of regulations issued under this part, the applicant or the permit holder, as the case may be (hereafter the Appellant), may appeal the Administrator's action to the Secretary of Commerce. In order to be considered by the Secretary, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefor, and shall be submitted within 30 days of the action(s) by the Administrator. The Appellant may request a hearing on the appeal.

(b) Upon receipt of an appeal authorized by this Section, the Secretary may request, and if he does, the Appellant shall provide, such additional information and in such form as the Secretary may request in order to enable him to act upon the appeal. If the Appellant has not requested a hearing, the Secretary shall decide the appeal upon (1) the basis of the criteria set out in § 929.7(b) or § 929.7(c), as appropriate, (2) information relative to the application on file in NOAA, (3) information provided by the Appellant, and (4) such other considerations as he deems appropriate. He shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 30 days of the date of his receipt of the appeal.

(c) If the Appellant has requested a hearing, the Secretary shall grant an informal hearing before a Hearing Officer designated for that purpose by the Secretary after first giving notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. Such hearing shall normally be held no later than 30 days following publication of the notice in the FEDERAL REGISTER. However, the Hearing Officer may extend the time for holding the hearing when deemed equitable. The Appellant and any interested person may appear personally or by counsel at the hearing, present evidence, cross-examine witnesses, offer argument and file a brief. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Secretary based upon the considerations outlined in paragraph (b) of this section and based upon the record made at the hearing.

(d) The Secretary may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Secretary shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 15 days of his receipt of the recommended decision of the Hearing Officer. The Secretary's action, whether without or after a hearing, as the case may be, shall constitute final action for the purposes of the Administrative Procedure Act.

(e) Any time limit prescribed in this Section may be extended by the Secretary for good cause, either upon the Secretary's own motion and upon written notification to an Appellant stating the reason(s) therefore, or upon the written request of an Appellant to the Secretary stating the reason(s) therefore, except that no time limit may be extended more than 30 days.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.76-1379 Filed 1-15-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8891-0]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Warner-Lambert Co.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; 13.170-10 Antiseptic, germicidal; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-10 Corrective advertising. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

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

In the Matter of Warner-Lambert Company a Corporation

Order requiring a Morris Plains, N.J., manufacturer and distributor of "Listerine" mouthwash preparation, among other things to cease misrepresenting the medicinal, therapeutic qualities, beneficial effects, and germicidal nature of its product. Respondent if further required to include a corrective advertising disclosure in its advertisements. The order dismisses the complaint allegation regarding the effects of "Listerine" on children who gargle with it twice a day.

The final order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been heard by the Commission upon respondent's appeal from the Initial Decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

The Commission, for reasons stated in the accompanying Opinion, having denied the appeal; accordingly

It is ordered, That, except to the extent that it is inconsistent with the Commission's Opinion, the Initial Decison of the Administrative Law Judge be, and it hereby is, adopted together with the Opinion accompanying this Order as the Commission's final findings of fact and conclusions of law in this matter;

It is further ordered, That the following order be, and it hereby is, entered:

PART I

It is ordered, That respondent Warner-Lambert Company, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the labeling, advertising, offering for sale, sale or distribution of Listerine or any other nonprescription drug product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

1. Representing, directly or by implication, that any such product will cure colds or sore throats;

2. Representing, directly or by implication, that any such product will prevent colds or sore throats;

3. Representing, directly or by implication, that users of any such product will have fewer colds than non-users.

PART II

It is further ordered, That respondent Warner-Lambert Company, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the labeling, advertising, offering for sale, sale, or distribution of Listerine or any other mouthwash product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any such product is a treatment for, or will lessen the severity of, colds or sore throats;

2. Representing that any such product will have any significant beneficial effect on the symptoms of sore throats or any beneficial effect on symptoms of colds;

3. Representing that the ability of any such product to kill germs in of medical significance in the treatment of colds or sore throats or the symptoms of colds or sore throats.

PART III

It is further ordered, That respondent Warner-Lambert Company, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisements for the product Listerine Antiseptic unless it is clearly and conspicuously disclosed in each such advertisement in the exact language below that:

Contrary to prior advertising, Listerine will not help prevent colds or sore throats or lessen their severity.

In print advertisements, the disclosure shall be displayed in type size which is at least the same size as that in which the principal portion of the text of the advertisement appears and shall be separated from the text so that it can be readily noticed. In television advertisements, the disclosure shall be presented simultaneously in both the audio and visual portions. During the audio portion of the disclosure in television and radio advertisements, no other sounds, including music, shall occur. Each such disclosure shall be presented in the language, e.g., English, Spanish, principally employed in the advertisement.

The aforesaid duty to disclose the corrective statement shall continue until respondent has expended on Listerine advertising a sum equal to the average annual Listerine advertising budget for the period of April 1962 to March 1972.

PART IV

It is further ordered, That the allegations of Paragraphs Nine and Ten of the complaint be, and they hereby are, dismissed.

PART V

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

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

It is further ordered, That respondent shall, within sixty (60) days after the effective date of this order, file with the Commission a written report, setting forth in detail the manner and form of its compliance with this order.

Opinion of the Commission by Commissioner Engman.

The Initial Decision Order was issued Nov. 25, 1974.

The Final Order was issued by the Commission Dec. 9, 1975.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.76-1367 Filed 1-15-76;8:45 am]

TRADE PRACTICE RULES (INDUSTRY GUIDES)

Rescission of Obsolete Parts

An industry guide interprets laws administered by the Federal Trade Commission and covers specific practices of a particular industry or a practice common to many industries. "Industry" as used here means a commercial, trading, distributing or advertising activity as well as a manufacturing enterprise. Most of the products involved are consumer commodities. Guides seek industrywide compliance and encourage voluntary cessation of unlawful acts and practices. If corrective Commission action is required, it is taken to enforce statutory provisions rather then to enforce guides. The Commission promulgates guides on its own initiative or in response to request by an interested person or group. Trade practice rules (reprinted as 16 CFR Parts 18-227) promulgated by the Commission in three decades before 1960 generally resulted from conferences with trade associations and industry members. Trade practice rules are considered to be industry guides and thus should not be confused with more recent trade regulation rules. Guides are published in the FEDERAL REGISTER, reprinted in 16 CFR and issued by the Commission in photocopies, pamphlets and mimeographed sheets. Guides have been promulgated under sections 6 and 5 of the amended Federal Trade Commission Act, 38 Stat. 721, 719 (15 U.S.C. 46, 45); present authority is new sec. 18(a)(1)(A), amended FTC Act; 88 Stat. 2193 (15 U.S.C. 57a).

The Commission is reviewing its guides to retain the useful and to revoke the obsolete. An examination of Commission records and files indicates an absence of action of any sort for several years concerning many of the older trade practice rules (industry guides). Preliminary staff investigations suggest several of the "industries" may have disappeared; they may have died or been absorbed by larger or different industries. Even for existing industries it is not clear whether business firms and consumers find useful boiler-plate provisions (verbatim repetition of statutory sections, e.g., Robinson-Patman Act amendments to the Clayton Act; and substantially the same paragraphs repeated in nearly all trade practice rules). Many old trade practice rules consist of nothing but boiler-plate; except for the captioned name of the industry, provisions are identical for dozens of industries.

The Commission selected 61 old trade practice rules (industry guides) for possible rescission and invited public comments through a notice in the FEDERAL REGISTER (40 FR 21047) and a news release May 15, 1975. Further, copies of the invitation to comment were mailed to persons and organizations thought to be interested. Sixty days were provided for receipt of written comments which were placed on the public record for examination by interested persons. Written statements were received from 23 business firms and trade associations. Two favored rescission for their two industries. Another opposed and then changed to favor rescission. The others opposed rescission for five industries, claiming that the particular trade practice rules (industry guides) are being used in the public interest and should be retained.

The Commission has considered all written statements received and has decided to rescind all old trade practice rules (industry guides) for industries named in the 40 FR 21047 notice of May 15, 1975 except those being retained for the following Parts of 16 CFR:

Part 28—Blueprint and Diazotype Coaters Industry, promulgated June 12, 1956.
Part 64—Electrical Contracting Industry, promulgated November 28, 1931.
Part 149—Resistance Welder Manufacturing Industry, promulgated August 16, 1940.
Part 193—Slide Fastener Industry, promulgated June 21, 1958.
Part 220—Library Binding Industry, promulgated August 20, 1954.

The foregoing trade practice rules are currently being studied for possible modification or other appropriate action.

Accordingly the Commission hereby rescinds as obsolete trade practice rules (industry guides) for the following 16 CFR Parts:

Part 19—Gummed Paper and Sealing Tape Industry, promulgated June 24, 1955.
Part 20—Public Seating Industry, promulgated October 3, 1939.
Part 31—Crushed Stone Industry, promulgated August 17, 1931.
Part 33—Cut Stone Industry, promulgated August 18, 1931.
Part 37—Engraved Stationery and Allied Products Industry of the New York City Trade Area, promulgated March 22, 1957.
Part 49—Embroidery industry, promulgated August 31, 1931.
Part 53—Interior Marble Industry, promulgated September 11, 1931.
Part 65—Kosher Food Products and Kosher Products Industry, promulgated September 19, 1962.
Part 72—Knitted Outerwear Industry, promulgated January 28, 1932.
Part 76—Scrap Iron and Steel Industry, promulgated May 20, 1932.
Part 84—Warm Air Furnace Industry, promulgated November 18, 1932.
Part 85—Fabricators of Ornamental Iron, Bronze, and Wire, promulgated December 9, 1932.
Part 87—Electrical Wholesalers, promulgated December 23, 1932.
Part 97—Marking Devices Industry, promulgated August 19, 1939.
Part 99—Barre Granite Industry, promulgated November 30, 1933.
Part 108—Paper Drinking Straw Manufacturing Industry, promulgated July 3, 1936.
Part 109—Buff and Polishing Wheel Manufacturing Industry, promulgated July 27, 1957.
Part 110—Cotton Coverting Industry, promulgated May 17, 1949.
Part 119—Covered Button and Buckle Manufacturing Industry, promulgated April 9, 1937.
Part 120—Tubular Pipings and Trimmings Manufacturing Industry, promulgated April 23, 1937.
Part 121—Wet Ground Mica Industry, promulgated May 4, 1937.
Part 122—Concrete Burial Vault Manufacturing Industry, promulgated July 10, 1937.
Part 124—Toilet Brush Manufacturing Industry, promulgated December 31, 1937.
Part 125—Popular Priced Dress Manufacturing Industry, promulgated December 31, 1937.
Part 126—House Dress and Wash Frock Manufacturing Industry, promulgated December 31, 1937.
Part 127—Metal Clad Door and Accessories Manufacturing Industry, promulgated January 20, 1938.
Part 129—Carbon Dioxide Manufacturing Industry, promulgated March 19, 1938.
Part 133—Tomato Paste Manufacturing Industry, promulgated September 3, 1938.
Part 134—Oleomargarine Manufacturing Industry, promulgated September 27, 1938.
Part 137—Infants' and Children's Knitted Outerwear Industry, promulgated June 28, 1939.
Part 139—Wine Industry, promulgated June 29, 1939.
Part 140—Putty Manufacturing Industry, promulgated June 30, 1939.
Part 143—Curled Hair Industry, promulgated January 12, 1940.
Part 147—Folding Paper Box Industry, promulgated April 5, 1940.
Part 148—Ripe Olive Industry, promulgated June 14, 1940.
Part 155—Rayon and Silk Dyeing, Printing, and Finishing Industry, promulgated December 12, 1941.
Part 163—Button Jobbing Industry, promulgated June 30, 1945.
Part 164—Low Pressure Refrigerants Industry, promulgated June 30, 1945.
Part 166—Piston Ring Industry, promulgated July 12, 1946.
Part 167—Construction Equipment Distributing Industry, promulgated July 20, 1946.
Part 168—Wholesale Confectionary Industry (Philadelphia Trade Area), promulgated July 30, 1946.
Part 171—Household Fabric Dye Industry, promulgated May 29, 1947.
Part 172—Vertical Turbine Pump Industry, promulgated June 17, 1947.
Part 173—Doll and Stuffed Toy Industry, promulgated June 28, 1947.
Part 179—Trade Pamphlet Binding Industry of the New York City Trade Area, promulgated December 31, 1948.
Part 180—Rayon, Nylon, and Silk Converting Industry, promulgated February 11, 1949.
Part 183—Oil Heating Industry of the New England States, promulgated June 30, 1949.
Part 188—Tie Fabrics Industry, promulgated March 16, 1950.
Part 189—Fine and Wrapping Paper Distributing Industry, promulgated May 16, 1950.
Part 190—Shoe Finders Industry, promulgated June 22, 1950.
Part 211—Set-up Paper Box Industry, promulgated April 2, 1952.
Part 212—Public Refrigerated Storage Industry, promulgated April 4, 1952.
Part 213—Industrial Bag and Cover Industry, promulgated August 4, 1953.
Part 218—Photoengraving Industry of the South-Eastern States (Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi), promulgated December 18, 1953.
Part 219—Waterproof Paper Industry (Asphaltic Type), promulgated July 2, 1954.
Part 225—Tobacco Smoking Pipe, and Cigar and Cigarette Holder Industry, promulgated January 14, 1955.

(Sec. 18(a)(1)(A), amended FTC Act, Sec 202(a), Pub. Law 93-637, 88 Stat. 2193 (15 U.S.C. 57a); 16 CFR 1.5-1.6, 17.1.)

Effective: January 16, 1976.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1253 Filed 1-15-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-21]

PART 161—GENERAL ENFORCEMENT PROVISIONS

Importation and Exportation of Gold

Some of the laws enforced in whole or in part by the Customs Service for administering agencies are set forth in § 161.2(a) of the Customs Regulations (19 CFR 161.2(a)). Section 161.2(a)(3) of the Customs Regulations (19 CFR 161.2(a)(3)) provides that the importation and exportation of gold are governed by laws administered by the Department of the Treasury.

Pub. L. 93-110, 87 Stat. 352, and Pub. L. 93-373, 88 Stat. 445, in part, repeal sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442, 443) and provide that no provision of any law, and no rule, regulation, or order in effect on December 31, 1974, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad.

Consequently, the Gold Regulations (31 CFR Part 54) were revoked by publication of a termination notice in the FEDERAL REGISTER on April 15, 1975 (40 FR 16844). In order to bring the Customs Regulations into conformity with the Public Laws, it has been determined that subparagraph (3) of § 161.2(a) of the Customs Regulations (19 CFR 161.2(a)(3)) should be deleted.

Accordingly, § 161.2 of the Customs Regulations (19 CFR 161.2(a)) is amended by deleting paragraph (a)(3) of that section in its entirety.

Because this amendment merely conforms the Customs Regulations with existing law and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective on January 16, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 8, 1976.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.76-1362 Filed 1-15-76;8:45 am]

Title 21—Food and Drugs

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

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Delegation From the Assistant Secretary for Health

The Commissioner of Food and Drugs is amending § 2.120 *Delegations from the Secretary and Assistant Secretary* (21 CFR 2.120) to include a new delegation of authority from the Assistant Secretary for Health under the Public Works and Economic Development Act of 1965. A recent amendment to that act added Title X—Job Opportunities Program (88 Stat. 1853), which provides for waiving non-Federal matching funding for certain projects being conducted in depressed areas.

Although redelegation of the authority is authorized, no redelegation is planned since the Food and Drug Administration does not administer any programs that would be applicable under the act.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), § 2.120 is amended by adding paragraph (a)(22) to read as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) * * *

(22) Functions vested in the Secretary under section 1003(b)(3), Title X, of the

Public Works and Economic Development Act of 1965 (42 U.S.C. 3246b(b)(3)) to waive any matching requirements for programs or projects of State and local governments funded under Title X of that act where it is determined that State or local governments concerned cannot reasonably obtain any non-Federal contributions.

* * * * *

Effective date. This amendment shall be effective January 16, 1975.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1376 Filed 1-15-76;8:45 am]

[Docket No. 75N-0147]

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

Facsimile Transmission Service for Antibiotic Certificates

The Commissioner of Food and Drugs proposed, in a notice published in the FEDERAL REGISTER of August 11, 1975 (40 FR 33680), a service whereby automated equipment would be used for transmitting antibiotic certificates to manufacturers. This service will be available on a voluntary basis and will permit participating manufacturers to receive copies of antibiotic certification and testing results promptly by telephone for a fee of $1.25 per certificate. The Commissioner is issuing a final regulation on this matter, effective January 16, 1976.

Two comments were received, both from drug firms that participated in the pilot study to determine the feasibility of providing such a service. Both firms are in complete support of the proposed amendment to the antibiotic regulations. They are of the opinion that this service will expedite the delivery of antibiotic products to the market.

In addition, one firm proposed that this procedure be extended to releases of lots of licensed biological products. The Commissioner is presently taking this suggestion under consideration. If he concludes that this application of the system is feasible and to the benefit of all interested persons, it will be the subject of a future FEDERAL REGISTER notice.

Reference to § 514.55 (21 CFR 514.55) has been added to the regulation to clarify the fact that the Form 7's required for the certification or exemption of antibiotic drugs for animal use are included in the facsimile transmission service.

The Commissioner has carefully considered the environmental effects of the regulation and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512(n), 52 Stat. 1050-1051 as amended, 59 Stat. 463, as amended, 82 Stat. 350-351 (21 U.S.C. 352, 357, 360b(n))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 431 is amended in § 431.53 by redesignating paragraph (b)(3) as paragraph (b)(4) and adding a new paragraph (b)(3), to read as follows:

§ 431.53 Fees.

* * * * *

(b) * * *

(3) For persons using facsimile transmission by telephone for receipt of antibiotic certificates (Antibiotic Form 7, Request for check tests and assays or certification of a batch of antibiotic drug, prescribed by §§ 431.50 or 514.55, of this chapter), the fee is $1.25 per certificate.

(4) In the case of persons using the certification services and whose manufacturing facilities are not located in the United States or the Commonwealth of Puerto Rico, such persons shall be required to deposit each year sufficient funds to cover costs encountered when their facilities are inspected pursuant to the provisions of section 704 of the act.

Effective date. This amendment shall be effective January 16, 1976.

(Secs. 502, 507, 512(n), 52 Stat. 1050-1051 as amended, 59 Stat. 463, as amended, 82 Stat. 350-351 (21 U.S.C. 352, 357, 360b(n)))

Dated: January 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1374 Filed 1-15-76;8:45 am]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (6-691V) filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560, proposing safe and effective use of various size capsules containing dichlorophene and toluene as an anthelmintic for cats and dogs. The supplemental application is approved, effective January 16, 1976.

The Commissioner is amending § 520.580 to reflect this approval. In addition, the Commissioner is editorially revising the existing section.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 520 is amended by revising § 520.580 to read as follows:

§ 520.580 **Dichlorophene and toluene capsules.**

(a) *Specifications.* (1) Dichlorophene. (i) Chemical name: 2,2'-Methylenebis (4-chlorophenol).

(ii) Melting range: 169° to 178° C.

(iii) Minimum assay: 94 percent as determined by titration with 0.1*N* sodium methoxide using thymol blue.

(2) Toluene. (i) Chemical name: Methylbenzene.

(ii) Meets the U.S.P. requirements for toluene reagent and passes the thiophene test for benzene, as found in the 17th revision of the U.S.P.

(b) *Required statement.* Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism, and before administering to weak or debilitated animals.

(c)(1) *Sponsor.* Nos. 000010, 011519, and 011536 in § 510.600(c) of this chapter.

(2) *Conditions of use.* (i) It is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum* and *Uncinaria stenocephala*) and as an aid in the removal of tapeworms (*Taenia pisiformis, Dipylidium caninum* and *Echinococcus granulosus*) from dogs and cats.

(ii) It is administered in suitable capsules that provide 100 milligrams of dichlorophene and 120 milligrams of toluene per pound of body weight.

(iii) Solid foods and milk should be withheld for at least 12 hours prior to administration of the drug and for 4 hours afterward.

(d)(1) *Sponsor.* No. 011716 in § 510.600(c) of this chapter.

(2) *Conditions of use.* (i) The drug is used for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*), and as an aid int he removal of tapeworms (*Taenia pisiformis, Dipylidium caninum*, and *Echinococcus granulosus*) from dogs and cats.

(ii) It is administered in capsules, dosage equivalent to 1.0 gram of dichlorophene and 1.2 grams of toluene per 10 pounds of body weight. It is administered as a single dose or as divided doses by dividing the total body weight by 5 and administering the appropriate dose daily for 6 days. Repeat treatment in 2 to 4 weeks in dogs subject to reinfection.

(iii) Withhold solid foods and milk for at least 12 hours prior to medication and for 4 hours afterward.

Effective date. This regulation shall be effective January 16, 1976.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: January 6, 1976.

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

[FR Doc.76-1375 Filed 1-15-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-181]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Harlem River, East River, and Gowanus Canal, N.Y.

This amendment changes the regulations for the three drawbridges across the Harlem River, one drawbridge across the East River, and three drawbridges across the Gowanus Canal, to require at least 6 hours notice during certain periods. This amendment was circulated as a public notice dated October 1, 1975, by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-181) on October 1, 1975 (40 FR 45191). Three responses were received which had no objection to the proposal. The six hour notice shall be given to the New York City Highway Department's Radio (Hotline) Room and this is included in these regulations, as appropriate.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Adding a new paragraph (h) to § 117.160 to read as follows:

§ 117.160 Harlem River, N.Y.; bridges.

* * * * *

(h) The draws of the 103rd Street bridge, mile 0.0, the Macombs Dam bridge, mile 3.2, and the 207th Street bridge, mile 6.0, shall open on signal from 10 a.m. to 5 p.m. if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room. At all other times the draws need not open.

2. Adding a new § 117.161 immediately after § 117.160 to read as follows:

§ 117.161 East River, N.Y.; bridge.

The draw of the Roosevelt Island bridge, mile 6.4 shall open on signal at all times if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

3. Adding a new § 117.166 immediately after § 117.165 to read as follows:

§ 117.166 Gowanus Canal, N.Y.; bridges.

(a) The draws of the Hamilton Avenue bridge at mile 1.2 and the Ninth Street bridge at mile 1.4 shall open on signal at all times.

(b) The draws of the Third Street bridge at mile 1.8, the Carroll Street bridge at mile 2.0, and the Union Street bridge at mile 2.1 shall open on signal at all times from 1 October through 30 April. From 1 May through 30 September the draw shall open on signal if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 29, 1976.

Dated: January 12, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.76-1414 Filed 1-15-76;8:45 am]

[CGD 75-131]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

GIWW, Louisiana

This amendment sets forth regulations for the Ellender's Ferry bridge, GIWW, mile 243.8, west of Harvey Lock to require that at least four hours notice be given when more than a 50-foot vertical clearance is required. This amendment was circulated as a public notice dated June 24, 1975, by the Commander, Eighth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 75-131) on June 18, 1975, (40 FR 25686). After the Louisiana Highway Department agreed to provide telephone facilities at mile 237.5 west of Harvey Lock, just east of the Calcasieu Locks, in addition to the marine and highway radios at this location to assure prompt response to all requests for draw openings, the objections to this proposal were withdrawn. Subsequently, five responses were received and either supported the proposal or had no comment thereon.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended:

1. By recodifying the present paragraph § 117.540 (c) as paragraph (d).

2. By adding a new paragraph § 117.540 (c) to read as follows:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

* * * * *

(c) *GIWW, mile 243.8, west of Harvey Canal Locks.* When more than 50 feet vertical clearance is required, the draw shall open on signal if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, Lake Charles, Louisiana.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on February 20, 1976.

Dated: January 12, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.76-1415 Filed 1-15-76;8:45 am]

[CGD 75-099]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Snake River, Washington

This amendment revokes the regulations for the Interstate highway bridge across the Snake River between Lewiston, Idaho, and Clarkston, Washington, set forth in 33 CFR 117.810(f)(8) because these regulations have been superseded by 33 CFR 117.162 published in the FEDERAL REGISTER on December 3, 1975 (40 FR 56429).

§ 117.810 [Amended]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.810(f)(8).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective January 17, 1976.

Dated: January 13, 1976.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-1413 Filed 1-15-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER X—COMMISSION OF FINE ARTS

PART 1002—RULES FOR COMPLIANCE WITH 5 U.S.C. 552a, THE PRIVACY ACT OF 1974

Disclosure to a Congressional Office

The Commission of Fine Arts hereby implements an amendment to its regulations for implementation for the Privacy Act of 1974.

Section 1002.2, *Requests for access,* paragraph (c)(1)(v) is hereby amended to include:

§ 1002.2 Requests for access.

* * * * *

(c) * * *

(1) * * *

(v) * * *

(C) *Access in response to congressional inquiries.* 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 that individual.

* * * * *

Dated: January 12, 1976.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-1390 Filed 1-15-76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 475-7]

PART 418—FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

Nitric Acid Subcategory

Notice is hereby given that the Environmental Protection Agency is amending 40 CFR Part 418 Fertilizer Manufacturing Point Source Category, Subpart E, Nitric Acid Subcategory, §§ 418.50, 418.51, 418.52, 418.53, 418.55 and 418.56 as set forth below.

40 CFR Part 418 was promulgated on April 8, 1974 (39 FR 12832) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 stat. 816 et seq; Pub. L. 92-500.

The promulgated regulation for the nitric acid subcategory of the fertilizer manufacturing point source category required no discharge of process wastewater pollutants to navigable waters. Twelve companies representing the major producers of nitrogen fertilizers have jointed in a petition for judicial review of the regulations for nitrogen fertilizers (including nitric acid) in the United States Court of Appeals for the Sixth Circuit. A stipulation has been entered into by the parties to the suit and approved by the Court. Paragraphs 8 and 9 of the stipulation required the industry petitioners to submit data concerning the need for a special discharge amendment to the nitric acid regulations and the need for a leaks and spills amendment to all the nitrogen fertilizer regulations. These paragraphs also require EPA to consider the data submitted and advise petitioners whether such amendments will be promulgated. Submissions have been received from nine companies and the industry has been informed of the Agency's intentions.

Evaluation of the new data received led to the decision to amend the nitric acid regulations to allow limited discharge from the sources that were identified. The amended regulation sets limitations in terms of pH, ammonia and nitrate on process wastewater based upon data from all identified sources of discharge, and requires pH control on noncontact cooling water. Good housekeeping practices, efficient operation and prompt maintenance will minimize wastes from leaks and spills and allow them to be included within the limitations. By using this approach, any need for a separate regulation for special discharges or for leaks and spills has been eliminated. The discharges allowed are based on control and prevention of losses from nitric acid operations. Techniques for achieving control and prevention of such losses are described in "Guidelines for Chemical Plants in the Prevention, Control and Reporting of Spills" by the Manufacturing Chemists Association, 1972.

Shipping losses were excluded from the data base and the regulations. These losses are equally amenable to control and prevention as leaks and spills by the same techniques. Good housekeeping, prompt and regular maintenance, and careful operations will tend to minimize the losses from shipping operations even though the shipping schedule cannot be correlated generally with production rates. Shipping losses are defined in the regulation.

Information submitted by industry indicates a difference in ammonia losses depending on whether gaseous ammonia or shipped liquid ammonia is used as a raw material. Plants using shipped liquid ammonia as a raw material may need to blow down more often because the Department of Transportation requires a minimum of 0.2 percent water in shipped liquid ammonia. Because of this, different limitations have been provided for these two conditions.

For plants using gaseous ammonia as a raw material, the basis for the ammonia nitrogen (as N) limitation representing the best practicable control technology currently available for the average of daily values for thirty consecutive days and the maximum for any one day is the average of the ammonia vaporizer blowdown data from the best two of three plants for which data was submitted by industry. The basis for the ammonia nitrogen (as N) limitation representing the best available technology economically achievable and for new source performance standards for the average of thirty consecutive days is data from the best one of the three plants submitting data. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for best practicable control technology currently available.

For plants using shipped liquid ammonia as a raw material, the basis for the ammonia nitrogen (as N) limitation representing the best practicable control technology currently available and the best available technology economically achievable for the average of daily values for thirty consecutive days is the ammonia loss data from the better of two plants for which data was submitted. This plant uses 50 percent shipped liquid ammonia and the limitation, therefore, is twice the discharge level reported. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for users of gaseous ammonia.

The basis for the nitrate nitrogen (as N) limitation representing the best practicable control technology currently available for the average of daily values for thirty consecutive days is the average of the data for process condensate, storage tank vents and miscellaneous losses from the best five of the six plants for which data was submitted by industry. The maximum for any one day is the average of the best four of the five plants for which daily maximum data was submitted. The basis for the nitrate nitrogen (as N) limitation representing the best available technology economically achievable and for new source performance standards is data from the best of the plants submitting data. The maximum for any one day is set at the same ratio to the average for thirty consecutive days as for best practicable control technology currently available.

Although requests for a "leaks and spills amendment" were made for all nitrogen fertilizer subcategories, the Agency has found that a leaks and spills amendment is not needed for the Ammonium Nitrate subcategory because it has been suspended for reconsideration. At the time of reconsideration of those regulations, these requests will be given due consideration.

A leaks and spills amendment is also not needed for the urea subcategory because the data from the plant on which organic nitrogen limitations were based included leaks and spills in the data base. At the present time, additional data is being made available by the urea industry which will be used for reconsideration of limitations for those parts of the urea subcategory which have been suspended. At the time of reconsideration of those regulations, the limitations will be reconsidered for all of the urea regulations including new sources and plants starting production after January 1, 1970.

A leaks and spills amendment has not been provided for the Ammonia subcategory because a discharge is allowed that adequately provides for the small amount of leaks and spills that may be involved. Any ammonia lost due to leaks and spills is volatile, decreasing its likelihood of becoming a water contaminant. Moreover, the maximum for any one day limitation for ammonia was increased by amendment to the regulation in 40 FR 26275 on June 23, 1975. This also provides allowance for occasional increased discharge levels due to leaks and spills. In addition, no substantial information was received in the industry submission to indicate that any additional allowance is needed for this subcategory.

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street S.W., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 418 Fertilizer Manufacturing Point Source Category, Subcategory E, Nitric Acid Subcategory is amended to read as set forth below. Proposal of this amendment was not published because of the need to meet deadlines contained in the court approved stipulation and in order to promptly resolve the litigation and end uncertainty concerning these regulations. The Agency, therefore, believes that good cause exists for the elimination of proposal and public comment

prior to promulgation. The final regulation is promulgated as set forth below and shall be effective February 17, 1976.

Dated: December 29, 1975.

JOHN QUARLES,
Acting Administrator.

1. Section 418.50 is amended to read as follows:

§ 418.50 Applicability; description of the nitric acid subcategory.

The provisions of this subpart are applicable to discharges resulting from production of nitric acid in concentrations up to 68 percent. Discharges from shipping losses are excluded.

§ 418.51 [Amended]

2. Section 418.51 is amended to add paragraphs (b), (c), (d) and (e) to read as follows:

* * * * *

(b) The term "product" shall mean nitric acid on the basis of 100 percent HNO_3.

(c) The term "shipping losses" shall mean: discharges resulting from loading tank cars or tank trucks; discharges resulting from cleaning tank cars or tank trucks; and discharges from air pollution control scrubbers designed to control emissions from loading or cleaning tank cars or tank trucks.

(d) The term "shipped liquid ammonia" shall mean liquid ammonia commercially shipped for which the Department of Transportation requires 0.2 percent minimum water content.

(e) The term "non-contact cooling water" shall mean water which is used in a cooling system designed so as to maintain constant separation of the cooling medium from all contact with process chemicals but which may on the occasion of corrosion, cooling system leakage or similar cooling system failures contain small amounts of process chemicals: *Provided,* That all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contamination: *And provided further,* That all reasonable measures have been taken that will mitigate the effects of such contamination once it has occurred.

§ 418.52 [Amended]

3. Section 418.52 is amended by changing the last paragraph of this section to read as follows:

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.007	0.0007
Nitrate (as N)	0.33	0.044
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.08	0.008
Nitrate (as N)	0.33	0.044
pH	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

4. Section 418.53 is amended to read as follows:

§ 418.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.0045	0.00045
Nitrate (as N)	0.17	0.023
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.08	0.008
Nitrate (as N)	0.17	0.023
pH	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

* * * * *

5. Section 418.55 is amended to read as follows:

§ 418.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.0045	0.00045
Nitrate (as N)	0.17	0.023
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.08	0.008
Nitrate (as N)	0.17	0.023
pH	Within the range 6.0 to 9.0.	

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

* * * * *

6. Section 418.56 is amended to read as follows:

§ 418.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the nitric acid 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 Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: In addition to the prohibitions set forth in § 128.131 of this chapter, the following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to publicly owned treatment works by a new source subject to the provisions of this subpart:

(a) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the gaseous form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.0045	0.00045
Nitrate (as N)	0.17	0.023

(b) The following limitations establish the quantity or quality of pollutants which may be discharged in process waste water from nitric acid production in which all the raw material ammonia is in the shipped liquid form:

[Metric Units, kg/kkg of product; English Units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Ammonia (as N)	0.08	0.008
Nitrate (as N)	0.17	0.023

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in non-contact cooling water from nitric acid production:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

[FR Doc.76-184 Filed 1-16-76;8:45 am]

Title 41—Public Contracts, and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Reg. 14]

PART 9-3—PROCUREMENT BY NEGOTIATION

Cost Accounting Standards; Filing of Disclosure Statements

1. *Purpose.* To provide a new Cost Accounting Standards Solicitation Notice. The Cost Accounting Standards Board has revised its regulations to provide for the filing of a Disclosure Statement by any company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than $10 million in either fiscal year 1974 or 1975. Effective January 1, 1976, contracts subject to Cost Accounting Standards requirements may not be awarded to companies meeting this revised requirement unless they have filed a Disclosure Statement or a post-award submission has been authorized in accordance with FPR 1-3.1203(d).

These revised filing requirements supersede those previously established. However, the Cost Accounting Standards Board has provided that any company which either has submitted or, by reason of having received a covered award, is obligated to submit a Disclosure Statement under previously effective filing requirements shall remain subject to the disclosure requirements so long as the company has any contracts subject to Cost Accounting Standards. This shall be interpreted as meaning so long as the company has not received final acceptance of all deliverable items under all prime contracts and subcontracts containing the Cost Accounting Standards clause.

In view of this revision of disclosure filing requirements, the Cost Accounting Standards Board also has amended paragraph 403.70(a) of Standard 403 to state the applicable exemption explicitly rather than by cross reference to disclosure filing requirements. This is an editorial change only, with no substantive effect on the exemption.

2. *Effective date.* This regulation becomes effective January 16, 1976.

3. *Expiration date.* This regulation will remain in effect until the Federal Procurement Regulations are updated to incorporate the changes to the Cost Accounting Standards Board regulations.

4. *Explanation of changes.* Add a new § 9-3.1203(a)(3), Notice for solicitations, as follows:

§ 9-3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) * * *

(3) *Notice for solicitations.* Insert the following notice in all solicitations which are likely to result in a negotiated contract exceeding $100,000 unless the procurement is exempted under FPR 1-3.1203(a)(1) or (a)(2):

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation except (i) when the price negotiated is based on: (A) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) prices set by law or regulation, or (ii) contracts which are otherwise exempt (see 4 CFR 331.30(b)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control did not exceed the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (III) below); or (iii) post-award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of copy of Disclosure Statement to the Cost Accounting Standards Board.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant Contracting Officer; and, (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s):_____
Name(s) and Address(es) of Cognizant ACO(s) where filed:_____

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ II. CERTIFICATE OF MONETARY EXEMPTION

The offeror hereby certifies that, together with all divisions, subsidiaries, and affiliates under common control, he did not receive net awards of negotiated national defense prime contracts subject to Cost Accounting Standards totaling more than $10,000,000 in either Federal Fiscal Year 1974 or 1975.

CAUTION: Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board are not eligible to claim this exemption unless they have received notification of final acceptance of all deliverable items on all of their prime contracts and subcontracts containing the Cost Accounting Standards clause.

(☐) III. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s):_____

_____

Name(s) and Address(es) of Cognizant ACO(s) where filed:_____

_____

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

(Sec. 105, Energy Reorganization Act of 1974 (Pub. L. 93-438)).

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.76-1295 Filed 1-15-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20606; FCC 76-2]

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

PART 87—AVIATION SERVICES

Utilization of Flight Test Frequencies

REPORT AND ORDER—(*Proceeding Terminated*). In the matter of revision of Parts 2 and 87 of the rules relative to utilization of frequencies assigned for flight test in the band 123.125–123.575 MHz, Docket No. 20606; RM No. 2491.

1. On October 7, 1975, the Commission, in response to a request by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC), released a notice of proposed rulemaking (40 FR 48380, October 5, 1975) to amend Parts 2 and 87 of the rules to improve utilization of flight test frequencies during the transition to a 25 kHz environment and to minimize the potential for interference between flight test fixed land stations and flight test ground mobile operations. The time for filing comments and reply comments has expired.

2. The single comment, filed by AFT RCC, recommended an additional change in the rules governing the use of frequencies assigned for flight test in the band 123.125–123.575 MHz. Specifically, AFT RCC requests that licensees of fixed flight test stations operating on frequencies which are to be designated exclusively for itinerant use, be permitted to continue in operation until March 1, 1977. This is consistent with the Commission's present proposal to permit continued use of the non-itinerant frequencies for wide-area mobile operations until this same date.

3. The Commission agrees with AFT RCC's comment that it would be inappropriate to require licensees of fixed flight test stations to shift their operations immediately to other frequencies. A "grandfathering" provision reflecting this recommendation has been incorporated in § 87.331, Footnote 2, as indicated below.

4. In view of the foregoing, the Commission finds that the adoption of the proposed rule changes, with the addition of a "grandfathering" provision for fixed flight test stations currently assigned frequencies designated for itinerant operations, is in the public interest. As indicated in the notice of proposed rulemaking, three administrative changes have been included in this proceeding. The proposed revisions are set forth below.

5. *Accordingly, it is ordered,* That pursuant to the authority contained in sections 4(i), 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended, Parts 2 and 87 of the Commission's rules are amended, as set forth below, effective February 20, 1976.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: January 6, 1976.

Released: January 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 2.106 is amended in Column 5, as follows:

§ 2.106 Table of frequency allocations.

Band (MHz) 5
* * * * *
117.975–121.9625 (273) (US 26) (US 28) (US 33) (US 85)
* * * * *
128.8125–132.0125 (US 85)
* * * * *

2. Section 2.106 Footnotes are changed by deleting US 2 and modifying US 28 and US 33 as follows:

* * * * *	
US 28	The band 121.5875–121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.
* * * * *	
US 33	The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 121.950 MHz is available for aviation instructional stations.
* * * * *	

3. Section 87.331 is modified in paragraphs (a) & (b) by changing the authorized frequencies and footnote references; paragraph (c) is modified by changing the footnote reference, and all footnotes are relocated to the end of the section following paragraph (g), as follows:

§ 87.331 Frequencies available.

(a) * * *

kHz	MHz	MHz	MHz
[1] 3281	[2] 123.175 [3] 123.200	[3] 123.225 [3] 123.375	[3] 123.400 [3] 123.450

(b) * * *

MHz	MHz	MHz	MHz
[3] 123.125 [2] 123.150 [3] 123.250	[3] 123.275 [4] 123.325 [3] 123.350	[3] 123.425 [3] 123.475 [3] 123.525	[3] 123.550 [3] 123.575

(c) * * *

Kilohertz	
2869.5(2868)	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	11288.5(11287)
4676.5(4675)	11376.5(11375)
4683.5(4682)	13357.5(13356)[4]
5470.5(5469)	17902.5(17901)
5597.5(5596)	17966.5(17965)
6660.5(6659)	

(g) * * *

[1] When A3A, A3H or A3J emission is used, the assigned frequency will be 3282.5 kHz (3281 kHz carrier frequency).

[2] This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations, however, flight test stations which are currently assigned these frequencies for other than itenerant operation may continue their use until March 1, 1977.

[3] Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, signed these frequencies for wide area mobile flight test stations which are currently as-operations may continue their use until March 1, 1977.

[4] Restricted to use in the Continental United States and Atlantic Ocean areas.

[FR Doc.76-1383 Filed 1-15-76;8:45 am]

[Docket No. 20473; RM-2436 and 2438]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in High Springs and Macclenny, Fla.

Report and order—(Proceeding Terminated). In the Matter of amendment of Section 73.202(b), table of assignments, FM broadcast stations in High Springs and Macclenny, Florida.

1. The Commission has under consideration its notice of proposed rule making,[1] in which it proposed to assign Channel 221A to Macclenny, Florida, and Channel 285A to High Springs, Florida.[2] The notice was issued following receipt by the Commission of two petitions seeking the assignment of Channel 221A. In the first, Ray W. Forrester ("Forrester") sought the assignment of Channel 221A to High Springs as a first FM assignment to that community. Thereafter, Woodrow

[1] 40 FR 21742, May 19, 1975.

[2] The relevant economic and demographic data for each of the communities were set forth in the Notice and will not be reiterated here.

W. Rhoden ("Rhoden") filed a petition seeking the assignment of Channel 221A to Macclenny as a first assignment for that community.[3] Because the two communities are separated by a distance of only forty-two miles, the assignment could not be made to both under the Commission's mileage separation requirements.[4] Thus, the petitions were deemed mutually exclusive. A counterproposal subsequently submited by Rhoden asserted that while Channel 221A was the only assignment that could be made at Macclenny, Channel 285A could alternatively be assigned to High Springs. It was this proposal that the Commission set forth for comments in its Notice.

2. Both Forrester and Rhoden responded affirmatively to our Notice. Forrester indicated that he would promptly seek broadcast authority for operation of a station on Channel 285A at High Springs if such an assignment were made. Likewise, Rhoden indicated that should Channel 221A be assigned to Macclenny, he would seek broadcast authority for operation of a station on that channel. In the Notice, the Commission requested that Rhoden, as the proponent of the counterproposal, submit a preclusion study for Channel 285A at High Springs. That study indicates that preclusion would occur only on Channel 285A and that no city with a population of more than 2,500 would be affected.

3. *RM–2436—High Springs, Florida.* After careful consideration, we believe the public interest would be furthered by the assignment of Channel 285A to High Springs. Most importantly, the assignment, which accords with our established FM channel assignment priorities,[5] will provide High Springs with its first local aural service. Though the community has fewer than 10,000 persons, we believe the requisite interest has been expressed, and that the assignment will not lie fallow. Further, preclusion from the assignment appears to be minimal. Finally, the assignment of Channel 285A, instead of Channel 221A, at High Springs promotes the efficient use of the radio spectrum by allowing Channel 221A (originally requested for use at High Springs) to be utilized at Macclenny where it is the only channel that can be used to provide that community with its first local aural service.

4. *RM–2438—Macclenny, Florida.* We further conclude that the public interest would be benefitted by the assignment of Channel 221A as proposed. Again, the assignment will provide for a first local aural service to the community. As above, the community has a population of fewer than 10,000, but sufficient interest in the assignment has been demonstrated to convince us that the assignment here, as at High Springs, will be utilized. Finally, our assignment of Channel 221A at Macclenny is based, as explained above, on the fact that it is the only assignment that can be made so as to provide Macclenny with its first local aural service.

5. The assignment of Channel 221A to Macclenny results in preclusion on noncommercial, educational Channels 219 and 220 (assuming Class C operations on each), and on commercial Channels 221A and 222. The preclusion occurring on Channel 219 affects an area located east and southeast of Waycross, Georgia; however, other educational channels could be assigned for use in that area. Preclusion on Channel 220 involves potential interference with two television stations, WDBO–TV, Orlando, Florida, and WCTV, Tallahassee, Florida, operating on Channel 6; however, alternate channels are available for use there also.[6] Preclusion on the commercial channels is not serious; in the case of Channel 221A, alternate channels may be used in the precluded communities; on Channel 222, the preclusion overlaps with that already created by the recent assignment of Channel 221A at Hinesville, Georgia.[7]

6. *Accordingly, it is ordered,* That, effective February 23, 1976, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) is amended to read as follows for the communities listed:

City	Channel No.
Macclenny, Fla	221A
High Springs, Fla	285A

7. Authority for the actions taken herein is found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Adopted: January 9, 1976.

Released: January 13, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–1382 Filed 1–15–76;8:45 am]

PART 87—AVIATION SERVICES

Transmitters Operating on Maritime Frequencies

1. By this Order, it is intended to clarify the rules concerning maritime matters in the Aviation Services. Section 87.77 of the Commission's rules is amended by adding reference to the acceptability of transmitters operating on maritime frequencies in conformity with Part 83. The Commission has previously provided similar language in § 87.183(j) of the Commission's rules.

2. Section 87.183(j) is amended to reflect the fish-spotting frequency available for assignment to aircraft stations for communications with commercial fishing activities.

3. Section 87.235 is amended to clarify which frequencies are available to aircraft stations handling public correspondence on maritime mobile frequencies. The principal reason for this amendment is to avoid the possibility that someone might think maritime mobile frequencies in the VHF band are available for such use.

4. Authority for this amendment appears in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, intended merely to clarify the rule as specified above and not to susbtantively alter it, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

5. In view of the above: *It is ordered,* That, effective January 26, 1976, Part 87 is amended as set forth below.

Adopted: January 12, 1976.

Released: January 14, 1976.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Executive Director.

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

1. Section 87.77, paragraph (b) is revised to read as follows:

§ 87.77 Acceptability of transmitters for licensing.

* * * * *

(b) Except as provided in paragraph (d) of this section, each transmitter used in the Aviation Services must be of a type which has been type accepted by the Commission for use in these services. *Provided, however,* That aircraft stations, when transmitting on maritime mobile frequencies, shall use transmitters which are type accepted for use in ship stations in conformity with Part 83 of this chapter.

* * * * *

2. Section 87.183, paragraph (j) is revised to read as follows:

§ 87.183 Frequencies available.

* * * * *

(j) Miscellaneous maritime frequencies:

(1) Medium and high frequencies allocated to the maritime mobile service may be assigned to licensed aircraft sta-

[3] Public notice of the filing of both petitions was given on September 17, 1974 (Report No. 923).

[4] Section 73.207(a) of the Commission's rules and regulations requires a separation of 65 miles for co-channel Class A assignments.

[5] See further notice of proposed rulemaking, Docket 14185, adopted July 25, 1962, and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, 23 R.R. 1859 (1963), cited in Anamosa, Ia., 46 F.C.C. 2d 520 (1974).

[6] Operations on the alternate channels would be restricted to Class A facilities since the use of Class C facilities would not comply with the Commission's minimum mileage separation requirements and could create potential interference with television signal reception.

[7] Hinesville, Georgia, —— FR —— (1975), RM–2428, Docket No. 20492, Mimeo No. 38603.

tions for communication with coast stations, or ship stations, in conformity with Part 83 of this chapter, Stations on Shipboard in the Maritime Services: *Provided,* The Commission is satisfied in each case that undue interference will not be caused to the service of ship or coast stations.

(2) The frequency 157.425 MHz is available for assignment to aircraft stations for communication with commercial fishing vessels while engaged in commercial fishing activities.

* * * * *

3. Section 87.235 is revised to read as follows:

§ 87.235 Frequencies available.

The frequencies available for assignment to public service aircraft stations for aeronautical public service are the medium and high frequencies also available to ship telegraph and telephone stations for communication with public coast stations. These frequencies are available to aircraft stations for public correspondence in the same manner and to the same extent that these frequencies are available to ships of the U.S.: *Provided,* That no interference is caused to marine operations. Transmitters used for public service operation by aircraft stations, must be type accepted by the Commission for use in a ship station in conformity with Part 83 of this chapter.

[FR Doc.76-1384 Filed 1-15-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-7; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

School Bus Hydraulic Brake Systems

This notice amends Standard No. 105-75, *Hydraulic Brake Systems,* 49 CFR 571.105-75, to extend its applicability to school buses and to establish performance levels for this vehicle category.

The NHTSA proposed applicability of the hydraulic brake standard to school buses (40 FR 18469, April 28, 1975) in satisfaction of the mandate of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492) to issue safety standards for school bus operating systems (15 U.S.C. 1392 (i) (1) (A)). The Act established a strict schedule for promulgation of the standards, requiring their effectiveness 9 months following promulgation. With a view to this limited leadtime, the NHTSA proposed performance levels based on Society of Automotive Engineers (SAE) recommended practices that reflect the better existing school bus designs. Permissible pedal force values and fade and recovery performance were proposed at somewhat more stringent levels than the SAE practice, in view of the "stop-and-go" duty cycle of school buses, and the high incidence of women as school bus operators.

Commenters generally supported extension of the hydraulic brake standard to school buses. The American Mutual Insurance Alliance supported the standard as proposed. The California Highway Safety Foundation and Action for Child Transportation Safety (ACTS) advocated early implementation of requirements for all hydraulic-braked trucks, buses and multipurpose passenger vehicles to improve their braking compatibility with school buses and passenger cars. The California Department of Highway Patrol (CHP) expressed concern that any bus could be converted into a school bus after sale, and that all buses should therefore be required to meet minimum braking requirements. The NHTSA is presently preparing rulemaking for hydraulic-braked trucks, buses, and MPV's, and these comments are being taken into consideration. In view of the Congressional mandate for swift implementation of school bus standards, however, this rulemaking is being made final largely as it was proposed.

The NHTSA proposed a level of service brake system performance generally based on SAE values, both for school buses of 10,000 pounds gross vehicle weight rating (GVWR) or less, and for school buses with a GVWR of more than 10,000 pounds. Wagner Electric Corporation, Chrysler Corporation, International Harvester Co., and Ford Motor Company asked for relaxation of the requirements, while the Vehicle Equipment Safety Commission (VESC) and ACTS requested more stringent requirements. General Motors supported the requirements for buses with a GVWR of 10,000 pounds or less.

The first effectiveness test (S5.1.1.1) measures the stopping ability of the service brake system as it is delivered to the user before it has been burnished (broken in) through use. Wagner argued that this test is unnecessary and therefore wasteful because the stringency of later tests assures the adequacy of the "green" braking components to stop the vehicle. The company cited variables in the unconditioned components that make it "* * * unrealistic to assume that exact brake performance can be predicted or that test results can be repeated without the thermal and mechanical conditioning of these surfaces."

It is the NHTSA's intent in the first effectiveness test to assure a safe vehicle in the hands of the user from the moment of delivery. The same variables cited by Wagner that make prediction of test results difficult could also make performance in the hands of the user unpredictable, unless the design is carefully controlled. The NHTSA concludes that the first effectiveness requirement is a reasonable method of ensuring adequate new-vehicle performance, and denies Wagner's request to delete this requirement.

Chrysler and Ford recommended increasing the first effectiveness stopping distances at 30 mph for school buses with a GVWR of 10,000 pounds or less. Both argued that vehicles take significantly longer to stop in an unburnished condition and therefore the required stopping distance for first effectiveness should be longer than the second effectiveness requirement. The NHTSA established the unburnished stopping distance requirements based on tests of vehicles by NHTSA contractors and its Safety Research Laboratory. The NHTSA has reexamined its test results in view of manufacturer comments, and has determined that the complying distances recorded were not generated in all cases at the "worst case" weight at which a vehicle could be tested. For this reason, and because of the variability noted above, the NHTSA has increased the first effectiveness stopping distances for school buses of 10,000 pounds GVWR or less to 69 feet. This change represents a 1 fpsps decrease in average deceleration rate from the second effectiveness value, as is the case for passenger cars.

In the case of vehicles with a GVWR of more than 10,000 pounds, Wagner, Chrysler, and International Harvester requested longer stopping distances at 30 mph. The VESC and ACTS requested the same stopping distances for heavy school buses as for lighter ones. The NHTSA proposed more stringent low-speed stopping requirements than the SAE values to remain consistent with existing requirements of the National Conference on School Transportation, the State of California, and the Bureau of Motor Carrier Safety. International Harvester pointed out that, while the distances are comparable, the requirements are in fact more stringent because of the "no lockup" requirement and the limits on pedal control force in Standard No. 105-75. In view of these variations from existing 30-mph stopping distance requirements, and the less effective braking encountered prior to burnish, the first effectiveness stopping distance at 30 mph is increased from 81 feet to 88 feet. In terms of deceleration rate, this 7-foot incerase is comparable to the 4-foot increase for light school buses. Stopping distance requirements other than 30-mph first effectiveness values are adopted as proposed.

The second effectiveness test (S5.1.1.2) is of the service brake system following burnish of the brakes and with the vehicles loaded to its GVWR. Comments were received from Wagner and International Harvester on the distance established for 30-mph stops, and from the VESC and ACTS on the full range of stopping distance requirements, for both light and heavy school buses. International made the same point that it made for other stopping distance tests: that the low-speed distances chosen as comparable to existing requirements are somewhat more difficult due to Standard No. 105-75's specification of "no lockup" and pedal control force limits. In this case, however, the value chosen is far less demanding than that for the unburnished brakes, and the factors cited by International are not as crucial.

Wagner assumed that the NHTSA, in adopting existing school bus "equivalent

distance" performance requirements for actual road tests, had not compensated for the fact that existing standards refer to deceleration rates measured by inertial decelerometers. Actually, the NHTSA did apply correction factors to compensate for this fact. Wagner's request for longer distances is denied for this reason.

ACTS asked that the NHTSA set performance requirements equal to those for other vehicles that share the highway with school buses. The VESC recommended decreased stopping distances roughly comparable to values for trucks and buses in Standard No. 105–75 before the standard was indefinitely delayed (40 FR 18411, April 28, 1975). For reasons established in the preamble to that decision, the NHTSA is considering appropriate interim performance levels for hydraulic-braked vehicles other than passenger cars, but is not prepared to specify performance levels at this time. The ACTS and VESC requests will be considered as they apply to those interim requirements, but cannot be considered in this rulemaking because they would necessitate hardware changes that cannot be effectuated prior to the October 27, 1976, statutory deadline for effectiveness of this standard.

The NHTSA proposed that second effectiveness performance requirements at speeds in excess of 60 mph not be specified for school buses. The VESC has argued that such requirements should apply to school buses if they have such high speed capability. While the NHTSA cannot promulgate requirements in this area in the short period that remains prior to the standard's mandated effectiveness, the VESC position will be considered in developing future standards for all vehicles other than passenger cars, including school buses. In view of the above, the second effectiveness distances are adopted as proposed.

No comment was received on the requirements for lightly-loaded stopping distances (S5.1.1.3) other than those already discussed with regard to the second effectiveness test, and the proposed values are therefore also adopted. The second sentence of S5.1.1.3 (referring to vehicles to which the standard is no longer applicable) is also deleted as proposed.

The fourth effectiveness test (S5.1.1.4) is of the abilities of the brake system after it has been subjected to fade and recovery testing under S5.1.4. Manufacturer comments indicated that, in the case of school buses with a GVWR greater than 10,000 pounds, use of a "hot" burnish procedure (S7.4.2.1.2) in combination with the standard's fade and recovery testing makes the fourth effectiveness test redundant. NHTSA analysis agrees with these arguments, and in view of the fact that the hot burnish option will become the only permissible method of conditioning the brakes after September 1, 1976, the proposed fourth effectiveness test for heavier school buses is not adopted.

Since use of the hot burnish procedure was an important factor in the decision to drop the fourth effectiveness requirement for vehicles over 10,000 pounds GVWR, the NHTSA denies the Wagner petition to extend the alternative burnish procedures under S7.4.2.1 after the scheduled deletion of that option on September 1, 1976. Because this option ends before the standard's effectiveness for school buses, S7.4.2.1. has been simplified by eliminating the cold burnish procedure, (S7.4.2.1.1) that will not be used.

The NHTSA also notes General Motors' argument that the fourth effectiveness test should be eliminated for vehicle classes offered with either hydraulic or air brakes simply because there is no comparable requirement in Standard No. 121, *Air Brake Systems*. While the NHTSA agrees that vehicle classes ideally might be subjected to identical requirements whatever the method of brake actuation, formulation of any desired compatibility between hydraulic and air-braked vehicles of the same weight class must be accomplished separately from this rulemaking on school buses, which is subject to a statutory deadline. General Motors' view will be considered in future rulemaking.

The April 28 notice proposed deletion, for school buses, of the optional methods for testing the service brake system in the event the brake power assist or brake power unit failed (S5.1.3). The only comment received was from the VESC, which misunderstood the proposal as deleting all tests of a failed power assist or power unit. In fact, school buses will be required to meet S5.1.3.1 as hereby amended. The VESC misunderstanding may have arisen because of unclear language used in proposing an amendment of the test procedure of S7.10 that underlies the requirement. Section S7.10 is appropriately revised in this amendment of the standard.

The NHTSA proposed more stringent fade and recovery performance for school buses than the SAE's recommended levels for other truck-type vehicles, because of the distinctive school bus duty cycle. School buses make a high number of stops compared to the truck-type vehicles which may share common components. These stops are usually made on secondary roads that often have steeper grades than the primary road system. The National School Transportation Association (NSTA) confirmed in statements before an NHTSA public meeting on hydraulic brakes that the association's experience indicated inadequate fade resistance in some of today's school buses. While NHTSA testing indicates that some buses already conform to this requirement, other buses will be required to upgrade their brake systems to conform to this minimum performance level.

Three manufacturers objected to this performance level and each suggested a different modification of the proposed requirement to reduce its stringency. Ford requested a 200-pound allowable pedal force for the first five stops, stating that "The 60 mph fade sequence represents, in Ford's opinion, an extreme condition that would rarely, if ever, be duplicated in normal customer operation of school buses." Wagner stated "It is inconsistent to require one degree of vehicle braking for the Effectiveness Test and another (in this case, more powerful) for the Fade and Recovery * * * We agree in the need for some measure of fade and recovery but the redundancy of two such requirements in a *minimum* standard has not been addressed * * *" General Motors cited the good safety record of school buses, questioned the adequacy of NHTSA testing, and stated, with regard to school buses with a GVWR of more than 10,000 pounds, "* * * the NHTSA has proposed stringent fade and recovery requirements which far exceed minimum performance requirements."

"Minimum" performance standards do not equate with "minimal" performance standards, as implied by General Motors and Wagner. The word "minimum" in the statutory definition of motor vehicle safety standards (15 U.S.C. 1391(2)), does not refer to the substantive content of the standards but rather to their legal status—that the products covered must not fall short of them.

Wagner considered it inconsistent to specify a performance level for the fade characteristics of a braking system that would have the effect of improving another characteristic of the braking system (stopping distance performance) beyond the minimum level specified in the standard. The NHTSA disagrees, and considers it appropriate to specify the minimum fade performance necessary to assure adequate performance of brakes in stop-and-go operation, whether or not satisfaction of this minimum level results in a brake system with better stopping distance performance than required by the standard.

While Ford is correct that the test sequence typically will not be experienced in day-to-day operations, that does not rule out the need for the improved fade characteristics suggested by the NSTA. Each of the commenters claims that the fade and recovery characteristics do exceed the poorest performance of some existing vehicles, but none presented convincing justification for their positions that the proposed levels are inappropriate for school bus braking systems. It is also noted that school buses with a GVWR of more than 10,000 pounds no longer have to meet the high-speed or fourth effectiveness requirements. With regard to Ford's suggestion of permitting a 200-pound pedal control force, the NHTSA continues to consider a 150-pound maximum necessary in view of the large percentage of school bus operators that are women (see HSRI Report No. HuF–6, NBS Technical Note 557, October 1970, "The Brake Pedal Force Capability of Adult Females"). Accordingly, the fade and recovery performance values are promulgated as proposed. The proposed wording of S5.1.4.3(b)(2) is modified for clarity in response to Wagner's request.

The proposal included a minimum performance level for the ability of school bus brakes to perform after they are soaked with water. Three comments were received that objected to the proposed performance levels. Wagner also objected that the test conditions were stated with insufficient specificity. The width of the water trough used to wet the brakes is not specified and the width may affect the degree of wetting achieved in large truck tire sizes. The NHTSA intends to address this issue in its upcoming proposal on test intervals in the water recovery test.

For the present NHTSA will resolve differences in this test condition in the manufacturer's favor if they affect the outcome of testing.

General Motors' only objection to inclusion of a water recovery test in this standard for school buses over 10,000 pounds GVWR was that a comparable test in Standard No. 121 has not been developed. The NHTSA is not, of course, limited in the breadth of one standard by the breadth of another, whether or not they measure the same aspect of performance of a vehicle.

International was the only manufacturer to provide data indicating that its vehicles are not capable of meeting the water recovery test in all cases. The NHTSA concludes that other manufacturers' products are capable of meeting the levels established in the standard. The NHTSA denies International's request to permit a 1.5-mile "drying-off" period between wet stops, because it would negate for the most part the effect of soaking.

Therefore, the only modification of water recovery testing from that proposed is to clarify the wording of the minimum permissible control force (S5.-1.5.2(b)(2)) as requested by Wagner.

The spike stop and parking brake requirements are amended as proposed.

The test procedures contained in S6.1, S6.2, S7.5, S7.7.1, and S7.10 are revised as appropriate to reflect the amended requirements.

Wagner, Ford, General Motors, and International requested that the brake fluid level indicator not be required for school buses. The NHTSA will make its decision in this area shortly and will publish its response to the issues raised in this rulemaking.

Ford also asked that the parking brake warning indicator be deleted from school bus requirements as a luxury. The NHTSA has never considered this signal to be a luxury, and considers it important to prevent a partially-applied brake from overheating, reducing its efficiency. Ford's request is therefore denied.

Wagner proposed that the present speed range for brake warning in S7.1 and S7.2 (40-to-10-mph snubs) be increased to a range of 50-to-20-mph snubs. The agency has been no evidence in its test program of the inadequacy of present values, and therefore denies the Wagner request, which was not supported by any data.

The California Department of Highway Patrol (CHP) raised the issue of the adequacy of the standard from the enforcement perspective, particularly the complexity of the stopping distance requirements for use in vehicle-in-use inspection. As noted in a recent notice on air brakes (40 FR 56920, December 5, 1975), new vehicle braking standards may be inappropriate for a State inspection program, because they are not designed to measure degradation of equipment and performance over a period of time. Since degradation of the brake system is not addressed by Standard No. 105–75, the CHP is not prevented by the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(d)) from enforcing requirements that measure the condition of the vehicle, as long as they do not dictate the design or performance of new vehicles.

The CHP recommendations for vacuum gauge and vacuum failure requirements on school buses equipped with vacuum-boosted brakes are being taken under consideration in regard to future rulemaking for truck, bus, and multi-purpose passenger vehicle hydraulic braking standards.

SWS Silicon Corporation's comments on DOT 5 brake fluid are noted, and comments of any interested person on the subject of appropriate brake fluids for school buses are solicited.

In an area unrelated to the applicability of the standard to school buses persons have requested clarification of an amendment of the standard published September 17, 1975 (40 FR 42872). Section S5.1.5.2(a) consists of an opening paragraph, two numbered subparagraphs, and a concluding paragraph. Subparagraph "(2)" was set forth in its entirety in a revised form in that September action, and it was not clear whether the concluding paragraph that follows it remained unchanged or was eliminated in the revision. For clarification, it is noted that only the subparagraph "(2)" was revised and that the concluding paragraph remains in the standard unchanged.

§ 571.105–75 [Amended]

In consideration of the foregoing, Standard No. 105–75 (49 CFR 571.105–75) is amended as follows:

1. Section S3 is amended to read:

S3. *Application.* This standard applies to passenger cars equipped with hydraulic service brake systems, and to school buses manufactured on and after October 12, 1976, with hydraulic service brake systems.

2. The second sentence of S5.1.1.2 is amended by deletion of the phrase "or other vehicle with a GVWR of 10,000 pounds or less".

3. The second sentence of S5.1.1.3 is deleted.

4. The first two paragraphs of S5.1.1.4 are amended to read:

S5.1.1.4 In the fourth effectiveness test, a vehicle with a GVWR of 10,000 pounds or less shall be capable of stopping from 30 and 60 mph within the corresponding distances specified in Column I of Table II. If the speed attainable in 2 miles is not less than 84 mph, a passenger car shall also be capable of stopping from 80 mph within the corresponding distance specified in Column I of Table II.

If the speed attainable in 2 miles is not less than 99 mph, a passenger car shall, in addition, be capable of stopping from the applicable speed indicated below, within the corresponding distance specified in Column I of Table II.

5. Section S5.1.3 is amended in part to read:

S5.1.3 *Inoperative brake power assist unit or brake power unit.* A passenger car equipped with one or more brake power assist units shall meet the requirements of either S5.1.3.1, S.5.1.3.2, or S5.1.3.4 (chosen at the option of the manufacturer), and a passenger car equipped with one or more brake power units shall meet the requirements of either S5.1.3.1, S.5.1.3.3, or S5.1.3.4 (chosen at the option of the manufacturer). A vehicle other than a passenger car shall meet the requirements of S5.1.3.1.

* * * * *

S5.1.3.2 *Brake power assist units.* * * *

(a) * * *

(b) In a final stop, at an average deceleration that is not lower than 7 fpsps (equivalent stopping distance 554 feet) when the inoperative unit is depleted of all reserve capability.

S5.1.3.3 *Brake power units.* * * *

(a) * * *

(b) In a final stop, at an average deceleration that is not lower than 7 fpsps (equivalent stopping distance 554 feet) when the failed element of the unit is depleted of all reserve capability.

6. Section S5.1.4.1 is amended to read:

S5.1.4.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 pounds and 90 pounds.

7. Section S5.1.4.3 is amended by correction of subparagraph headings "(a)" and "(b)" of paragraph S5.1.4.3(a)(2) to "(A)" and "(B)," and by deletion of the present S5.1.4.3(b) and S5.1.4.3(c) and the addition of a new S5.1.4.3(b) to read:

S5.1.4.3 * * *

(b) Each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery snubs from 40 mph to 20 mph at 10 fpsps for each snub, with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery snubs of 150 pounds, and for the fifth snub, of 20 pounds more than the average control force for the baseline check (but in no case more than 100 pounds); and

(2) A minimum of—

(A) The average control force for the baseline check minus 10 pounds, or

(B) The average control force for the baseline check times 0.60, whichever is

lower (but in no case lower than 5 pounds).

8. Section S5.1.5.1 is amended to read:

S5.1.5.1 The control force used for the baseline check stops or snubs shall be not less than 10 pounds, nor more than 60 pounds, except that the control force for a vehicle with a GVWR of 10,000 pounds or more may be between 10 and 90 pounds.

9. The subparagraph headings "(a)" and "(b)" of paragraph S5.1.5.2(a)(2) are corrected to "(A)" and "(B)" and the first paragraph of S5.1.5.2(a) and all of paragraph S5.1.5.2(b) are amended to read:

S5.1.5.2(a) After being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water dept of 6 inches, each vehicle with a GVWR of 10,000 pounds or less shall be capable of making five recovery stops from 30 mph at ten fpsps for each stop with a control force application that falls within the following maximum and minimum limits:

* * * * *

(b) After being driven for 2 minutes at a speed of 5 mph in any combination of forward and reverse directions through a trough having a water depth of 6 inches, each vehicle with a GVWR of more than 10,000 pounds shall be capable of making five recovery stops from 30 mph at 10 fpsps for each stop with a control force application that falls within the following maximum and minimum limits:

(1) A maximum for the first four recovery stops of 150 pounds, and for the fifth stop, of 60 pounds more than the average control force for the baseline check (but in no case more than 110 pounds); and

(2) A minimum of—

(A) The average control force for the baseline check minus 10 pounds, or

(B) The average control force for the baseline check times 0.60, whichever is lower (but in no case lower than 5 pounds).

10. Section S5.1.6 is amended by replacing the word "vehicle" with the words "passenger car".

11. Section S5.2 is amended in part to read:

S5.2 *Parking brake system.* Each vehicle shall be manufactured with a parking brake system of a friction type with a solely mechanical means to retain engagement, which shall under the conditions of S6, when tested according to the procedures specified in S7, meet the requirements specified in S5.2.1, S5.2.2, or S5.2.3 as appropriate, with the system engaged—

(a) In the case of a passenger car, with a force applied to the control not to exceed 125 pounds for a foot-operated system and 90 pounds for a hand-operated system; and

(b) In the case of a school bus, with a force applied to the control not to exceed 150 pounds for a foot-operated system and 125 pounds for a hand-operated system.

S5.2.1 Except as provided in S5.2.2, the parking brake system on a vehicle with a GVWR of 10,000 pounds or less shall be capable of holding the vehicle stationary (to the limit of traction on the braked wheels) for 5 minutes in both a forward and reverse direction on a 30 percent grade.

S5.2.2 * * *

S5.2.3 The parking brake system on a vehicle with a GVWR greater than 10,000 pounds shall be capable of holding the vehicle stationary for 5 minutes, in both forward and reverse directions, on a 20 percent grade.

12. The first paragraph of S6.1.1 is amended by deletion of the phrase "with the test load material densities specified in S6.2,".

13. Section S6.1.2 is amended by deletion of the phrase ", multipurpose passenger vehicles and trucks,".

14. Section S6.2 is deleted and reserved.

15. In S7.4.2, sections S7.4.2.1 and S7.4.2.1.1 are deleated and the section titled "S7.4.2.1.2" is retitled "S7.4.2.1 *Burnish.*"

16. Section S7.5 is amended by deletion of the phrase "and other vehicles with a GVWR of 10,000 lbs. or less".

17. Section S7.7.1.3 is amended to read:

S7.7.1.3 With the vehicle held stationary by means of the service brake control, apply the parking brake by a single application of the force specified in (a) or (b), except that a series of applications to achieve the specified force may be made in the case of a parking brake system design that does not allow the application of the specified force in a single application:

(a) In the case of a passenger car, not more than 125 pounds for a foot-operated system, and not more than 90 pounds for a hand-operated system; and

(b) In the case of a school bus, not more than 150 pounds for a foot-operated system, and not more than 125 pounds for a hand-operated system.

18. Section S7.7.1.4 is amended to read:

S7.7.1.4 Following the application of the parking brake in accordance with S7.7.1.3, release all force on the service brake control and commence the measurement of time if the vehicle remains stationary. If the vehicle does not remain stationary, reapplication of the service brake to hold the vehicle stationary, with reapplication of a force to the parking brake control at the level specified in S7.7.1.3 (a) or (b) as appropriate for the vehicle being tested (without release of the ratcheting or other holding mechanism of the parking brake) may be used twice to attain a stationary position.

19. The title of S7.10.2 is amended to read *"Optional procedures—passenger cars only."*

20. The parenthetical phrase in S7.15 is amended to read "(for passenger cars)".

21. Tables II and III are amended to read:

TABLE II.—*Stopping distances*

Vehicle test speed (miles per hour)	Stopping distance in feet for tests indicated											
	I			II			III			IV		
	1st (preburnish) and 4th effectiveness; spike effectiveness check			2d effectiveness			3d (lightly loaded vehicle) effectiveness			Inoperative brake power and power assist unit; partial failure		
	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)	(a)	(b)	(c)
30	[1] 57	{[1] 69(1st) / [1] 65(4th)}	[1] 88	[1] 54	[1] 65	[1] 81	51	65	81	114	194	218
35	74	110	132	70	110	132	67	110	132	155	264	312
40	96	144	173	91	144	173	87	144	173	202	345	388
45	121	182	218	115	182	218	110	182	218	257	436	490
50	150	225	264	142	225	264	135	225	264	317	538	605
55	181	272	326	172	272	326	163	272	326	383	651	732
60	[1] 216	[1] 323	[1] 388	[1] 204	[1] 323	[1] 388	[1] 194	[1] 323	[1] 388	[1] 456	[1] 775	[1] 872
80	[1] 405	[2]	[2]	[1] 383	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]
95	607	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]
100	673											

[1] Distances for specified tests.
[2] Not applicable.

NOTE.—(a) Passenger cars; (b) vehicles other than passenger cars with GVWR of 10,000 lb or less; (c) vehicles other than passenger cars with GVWR greater than 10,000 lb.
(39 F.R. 25945—July 15, 1975)

TABLE III.—*Inoperative brake power assist and brake power units*

[Passenger cars]

Stop No.	Average deceleration, FPSPS		Equivalent stopping distance, feet	
	Col. 1 Brake power assist	Col. 2 Brake power unit	Col. 3 Brake power assist	Col. 4 Brake power unit
1	16	16	242	242
2	12	13	323	298
3	10	12	388	323
4	9	11	431	352
5	8	10	484	388
6	7.5	9.5	517	409
7	(Depleted) 7.0	9.0	554	431
8	N.A.	8.5	N.A.	456
9	N.A.	8.0	N.A.	484
10	N.A.	7.5	N.A.	517
11	N.A.	(Depleted) 7.0	N.A.	554

Effective date: October 12, 1976. The effective date of this amendment is established as 9 months after the date of its issuance, as required by the Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, section 202 (15 U.S.C. 1397(i)(1)(A)).

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegation of authority at 49 CFR 1.50).)

Issued on January 12, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-1216 Filed 1-12-76;3:22 pm]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 260—INSPECTION AND CERTIFICATION

Interim Amendments

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 FR 15627), §§ 260.70 and 260.71 of Part 260, Inspection and Certification, of Title 50 CFR are hereby amended by adjusting the rates for fees and charges to provide for full recovery of costs attributable to the inspection program. These upward adjustments from the present rates are necessary due to the increased costs being incurred in conducting this program and are in accordance with the full cost recovery policy contained in Departmental Administrative Order 203-5. The new rates are effective upon the date of publication of this notice.

Interested persons are invited to submit written comments in regard to these amendments to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. The deadline for comments is February 17, 1976. Final amendments will be published as soon thereafter as practicable.

Dated: January 9, 1976.

ROBERT M. WHITE,
Administrator.

In § 260.70 paragraphs (b) (1), (2), (3), and (d) (2) are revised as follows:

§ 260.70 Schedule of fees.

* * * * *

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) Type I—Official establishment and product inspection-contract basis.

	Per hour
Regular time	$16.15
Overtime	$21.50
Sunday and legal holidays (2 hour minimum)	$25.85

The contracting party shall be charged at an hourly rate of $16.15 per hour for regular time; $21.50 per hour for overtime in excess of 8 hours per shift per day; and $25.85 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) Type II—Lot inspection—Officially and unofficially drawn samples.

	Per hour
Regular time	$24.25
Overtime	$31.40
Sunday and legal holidays (2-hour minimum)	$39.95
Minimum fee	$18.20

For lot inspection services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: $24.25 per hour;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): $31.40 per hour;

For lot inspection services performed on Sunday and national legal holidays (2 hour minimum): $39.95 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $18.20.

(3) Type III—Miscellaneous inspection and consultative services. When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, SIFE inspections, sampling, product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time	$20.20
Overtime	$25.45
Sunday and legal holidays (2 hour minimum)	$32.30
Minimum fee	$15.20

For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: $20.20 per hour;

For miscellaneous inspection and consultative services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): $25.45 per hour;

For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hour minimum): $32.30 per hour.

The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be $15.20.

* * * * *

(d) Analytical Services: * * *

Species determination	$35.00

* * * * *

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analyses at an hourly rate of $16.15.

(3) A surcharge of 20 percent of the total charges for analytical services will be charged for administrative purposes.

* * * * *

Section 260.71 is revised as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

Prior to inauguration of inspection service, a fee of $25.00 per contract hour of inspection service will be charged and collected following completion of the final establishment survey and approval of it as an official establishment. The number of hours to which the fee for inauguration applies is the minimum number of man-hours of inspection per week determined in accordance with § 260.97(a).

[FR Doc.76-1366 Filed 1-15-76;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.

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1510]

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Coordination of On–Scene Activities

In the FEDERAL REGISTER of February 10, 1975 (40 FR 6282), the Council on Environmental Quality published a revised National Oil and Hazardous Substances Pollution Contingency Plan, pursuant to section 311(c)(2) of Pub. L. 92–500 and section 4 of Executive Order 11735. The February 10, 1975 plan superseded an earlier plan adopted on August 13, 1973 and is codified as Part 1510 in Chapter V of Title 40 of the Code of Federal Regulations.

Experience with the present plan has demonstrated to the National Response Team (NRT) responsible for planning and coordination of spill response activities that amendments should be made to the plan. The purpose of these amendments is to improve the coordination of the on-scene activities of the agencies concerned.

Based on the NRT's advice and pursuant to the authority contained in section 311(c)(2) of Pub. L. 92–500 and section 4 of Executive Order 11735, the Council on Environmental Quality invites comments and suggestions from interested parties on or before February 12, 1976, with respect to the following proposed amendments. All comments and suggestions should be addressed to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

1. A new § 1510.5(q) is proposed to be added as follows:

§ 1510.5 Definitions (within the meaning of this Plan).

* * * * *

(q) Activation—Telephone notification of the appropriate Region or District office of each Primary Agency and those Advisory Agencies identified to receive immediate notification in Regional Contingency Plans or, as required, the assembly of all or selected members of the RRT at the RRC or other location as specified by the Chairman of the RRT.

2. Section 1510.22(a) is proposed to be amended to read as follows:

§ 1510.22 Federal responsibility.

(a) Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive Order or Presidential Directive which may bear on the Federal response to a pollution discharge. This plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution discharges are detailed in Annex VII to this part. Regional contingency plans shall include provisions to insure: (1) The recognition of the statutory responsibilities of all involved agencies; (2) that agency representatives are notified promptly; and (3) that representatives discharging their agency's responsibilities shall coordinate their efforts with the OSC supervising or monitoring discharge removal operations (See § 1510.36(a)(3)).

* * * * *

3. Section 1510.34(d) and (e) are proposed to be amended to read as follows:

§ 1510.34 Regional response team.

* * * * *

(d) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT shall be activated during any other pollution emergency by an oral request from any primary agency representative to the Chairman of the Team. Such requests for team activation shall be confirmed in writing. The time of Team activation, method of activation (e.g., telephone notification or assembly), place of assembly (if apropriate), and means of contact shall be included in POLREPS submitted in accordance with Annex V of this part. Detailed criteria governing how activation will be effected in relation to the circumstances of the incident are specified in each Regional Contingency Plan.

(e) The Chairman shall ensure that the provisions of the Regional Contingency Plan are adequate to provide the OSC with appropriate technical and professional assistance from the primary and advisory agencies commensurate with the agencies' resources, capabilities and responsibilities within the Region. During a pollution emergency the members of the RRT shall ensure that the resources of their respective agencies are made available to the OSC as agreed to and specified in the Regional Contingency Plan for staff augmentation and response activities.

* * * * *

4. Section 1510.36(a)(3) is proposed to be amended to read as follows:

§ 1510.36 On-scene coordination.

(a) * * *

(3) The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations, and consistent with other responsibilities, shall coordinate with agency representatives on-scene who are carrying out their agency responsibilities (See § 1515.22(a)). Advice provided by the EPA on the use of chemicals in Phase III and Phase IV operations shall be binding on the OSC except as provided for in Annex X of this part.

* * * * *

Dated: January 13, 1976.

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–1288 Filed 1–15–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19518; FCC 76–5]

PUBLIC INTEREST GROUPS

Reimbursement for Consultancy

Report and order—In the matter of reimbursement for legitimate and prudent expenses of a public interest group for a consultancy to a broadcaster in certain instances. (*Proceeding Terminated*)

1. The Commission has before it the notice of inquiry and notice of proposed rulemaking in this proceeding, 37 F.R. 11592 (1972), and the comments and reply comments filed in response to this Notice.[1] At issue are agreements between licensees and citizens groups to the extent that they contemplate in their terms withdrawal of a petition to deny and reimbursement by the station for future expenses of the group and/or the payment of fees to a group or its members in connection with their providing consulting services to the station in question.[2]

[1] The parties which filed comments and/or replies are listed in the appendix. We grant the request of Black Efforts for Soul in Television to accept its reply comments filed one day late.

[2] In Boston Community Media Committee, Minority Caucus v. F.C.C., —— U.S. App. D.C. ——, —— F. 2d —— (1975), the Court of Appeals had been presented with a case dealing with the agreement to make future payment of fees to a citizens group, but the case became moot with the buyer's decision not to consummate the sale of the station. See Heftel Broadcasting-Boston, Inc., 42 F.C.C. 2d 1076 (1973) and RKO General, Inc., 44 F.C.C. 2d 1004 (1974).

2. In the notice we described this proceeding as an outgrowth of two cases in which agreements (between a transferee and a citizens group) submitted to the Commission [3] in connection with changes in station ownership called for reimbursement of future expenses by the station to the protesting citizens group. The groups agreed [4] to withdraw their objections in exchange for various actions, including the payments in question. In these two cases, the Commission was presented with agreements to pay future expenses up to $2,000 yearly (Atlanta) or $5,000 yearly (Denver) in carrying out the advisory activities to be rendered. These amounts were not part of sums intended to cover the past expenses of litigation which would be governed by Section 311(c) of the Communications Act and the policy which underlies it.[5] That subject is not at issue here.

3. In the matter of Amendment of the interest would be served by payment of future expenses and/or fees to a group which filed and later dismissed a petition to deny an application as part of an agreement which specified that the group would serve as a consultant to the station.[6] Aside from the basic issue of the acceptability of these agreements, the Commission indiated in the notice that it wished to explore the need to apply any special requirements as a condition for their approval. Several possibilities were mentioned.

4. Based on a thorough examination of the record of this proceeding as well as Docket No. 20495, it became clear that both proceedings involved essentially the same issues and the same concepts. These issues, discussed at length in the report and order (FCC 75–1359) in Docket 20495, need no reiteration here except to observe that new rule provisions were adopted calling for the placing of copies of certain licensee/public agreements in the station's public file. The provisions are designed with specific recognition of the kinds of agreements involved here. We do not believe that reimbursement for future expenses and consultancy arrangements require the adoption of separate rules. The general principles set forth in our Report and Order in Docket No. 20495 apply with equal force to the agreements under consideration here.

5. *Accordingly, it is ordered,* That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,[7]
VINCENT J. MULLINS,
Secretary.

PARTIES FILING COMMENTS AND REPLY COMMENTS IN DOCKET 19518

COMMENTS

American Broadcasting Companies, Inc.
Black Efforts for Soul in Television
Carter Publications, Inc.
Charles County Broadcasting Co., Inc.
Citizens Committee To Preserve the Present Programming of the "Voice of the Arts in Atlanta" on WGKA–AM and FM
Columbia Broadcasting System, Inc.
Combined Communications Corporation
Evening News Association, et al.
Metromedia, Inc.
Multimedia, Inc., et al.
National Association of Broadcasters
National Organization for Women
Office of Communication of the United Church of Christ
Regional Broadcasters Group
Springfield Television Broadcasting Corporation
Station Licensees
Storer Broadcasting Company
Welch & Morgan

REPLY COMMENTS

American Broadcasting Companies, Inc.
Black Efforts for Soul in Television
Evening News Association, et al.
Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
National Association of Broadcasters
National Association of Educational Broadcasters
Station Licensees

[FR Doc.76–1385 Filed 1–15–76;8:45 am]

[3] Combined Communications Corp. (KBTV), Denver, Colorado, 33 F.C.C. 2d 525 (1972), and Strauss Broadcasting Company of Atlanta, 31 F.C.C. 2d 550 (1971).

[4] The question of these payments only arises in connection with an agreement. Absent such a voluntary agreement, the Commission does not have the authority to order payment of expenses of litigation, past or future. See Alyeska Pipeline Service Co. v. Wilderness Society, —— U.S. ——, 44 L. Ed. 2d 141 (1975) and Turner v. F.C.C., —— U.S. App. D.C.——, 514 F. 2d 1354 (1975).

[5] See J. T. Parker, Jr., et al., 8 F.C.C. 2d 202 (1967); National Broadcasting Company, Inc., 25 R.R. 67 (1963); National Broadcasting Company, Inc. (KNBC), 24 F.C.C. 2d 218 (1970); and Office of Communication, United Church of Christ v. F.C.C., 465 F. 2d 579 (1972).

[6] The Notice did not contemplate a total ban on all forms of reimbursement. ABC's proposal for such a ban is beyond the present inquiry. Also, there was a filing from the law firm of Welch and Morgan in support of reimbursement in connection with withdrawal of an application in conflict with a renewal application. This, too, is not at issue here, and we shall not discuss the matter further.

[7] Commissioner Quello's dissenting statement filed as part of original document.

[47 CFR Parts 1, 83]

[Docket No. 20684; FCC 76–4]

DESIGNATED VESSEL MASTERS

Delegation of Authority

In the matter of amendment of Parts 1 and 83 of the rules to allow the designated master of a vessel to sign interim ship station license applications.

1. Notice of proposed rulemaking is hereby given.

2. By this notice, the Commission proposes to amend its rules to expedite and simplify the procedures encompassing compulsory ship station inspections and the issuance of appropriate Safety Convention Certificates. This is to be accomplished by permitting an applicant's designated master to sign applications for interim ship station licenses for equipment on board his vessel. This would allow a Safety Convention Certificate, covering compulsory radio equipment, to be issued without delay if technical standards are met, despite the existence of an administrative licensing problem.

3. Under present procedures compulsory ship station inspections are terminated upon discovery of administrative discrepancies which would invalidate the station authorization. Common administrative discrepancies encountered include expired licenses, changes in corporate ownership and improper frequency coverage. The result is unnecessary delay, often days, until the licensing problem is resolved. In most cases the problem is remedied by the applicant obtaining an interim license at a field office or a special temporary station authorization from the Commission in Washington, D.C. Presently, §§ 1.913 and 83.25 of the Commission's rules require applications and related documents to be signed personally by the applicant, if he is an individual; or by a partner, if a partnership; an officer, if a corporation; a member who is an officer, if an unincorporated association; or an appropriate official, if an eligible governmental entity. An exception authorizes the applicant's attorney to sign applications in certain cases. It is felt that by also allowing designated masters of vessels to sign applications for interim ship station licenses and related documents, delays and paper work would be significantly reduced, the Field Operations Bureau's resources would be more efficiently utilized and the public interest and convenience would be better served. This amendment would enable an appropriate Safety Convention Certificate covering compulsory radio equipment to be issued at the time of the initial inspection, despite administrative problems, provided all technical standards are satisfied.

4. In addition, this proposed procedure would be consistent with the action taken in Docket No. 20212 which limits the applicants for public ship station licenses to owners of vessels or operators of leased vessels; thus eliminating the practice of licensing large communications companies which have little operational control of the station. The master is the direct representative of the owner or operator and is charged with supreme control of radio installations on board his vessel, both by the international Radio Regulations, Article 22 (Geneva 1968) and section 360 of the Communications Act. This proposed extension of his authority would be consonant with those provisions.

5. Accordingly, we propose to permit designated masters of vessels to sign interim ship station license applications, amendments thereto, and related statements of fact required by the Commission. This is to be accomplished by amending §§ 1.913(b) and 83.25(b) of the rules to include designated vessel masters, as set forth below. In addition, §§ 83.35(a) and 83.64 are to be amended so that interim ship station license applications can be presented to and granted by authorized representatives of

a Field Engineering Office at locations other than the Field Engineering Office itself. These collateral amendments are necessary so that the desired procedural benefits can be realized from the proposed amendment to §§ 1.913 and 83.25.

6. The proposed amendments, as set forth below are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 20, 1976, and reply comments on or before March 1, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 1 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 1.913(b) is amended to read as follows:

§ 1.913 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statments of fact required by the Commission may be signed by the applicant's attorney, in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

2. Section 83.25(b) is amended to read as follows:

§ 83.25 Who may sign applications.

* * * * *

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant's attorney, in case of the applicant's physical disability or his absence from the United States, or by the applicant's designated vessel master when an interim ship station license is requested for that vessel. The attorney shall, when applicable, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's or master's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

* * * * *

3. Section 83.35(a) is amended to read as follows:

§ 83.35 Request for interim ship station license.

(a) A formal application for a new ship station license or for a modification of an existing license if required by § 83.33 to authorize the use of telephony and/or radar on board a vessel when accompanied by a request for an interim ship station license, shall be filed in accordance with § 83.36 and presented in person by the applicant or his agent at the nearest Field Engineering Office of the Commission or to an authorized representative thereof, or at the Commission's main office in Washington, D.C.: Provided, That as an alternative procedure, an applicant in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Engineering Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license.

* * * * *

4. Section 83.64 is amended to read as follows:

§ 83.64 Interim ship station license.

Upon request made in accordance with § 83.35, an interim ship station license may be granted by the Commission at its main office in Washington, D.C., or by any of its Engineering Field Offices to authorize the use of a ship station for telephony and/or radar in conformity with the conditions and limitations of §§ 83.369 and 83.405(a) for an interim period of six months pending action by the Commission at Washington, D.C., on the related formal application for regular ship station license or modification of license filed as prescribed by §§ 83.35 and 83.36. Unless otherwise directed by the Commission in exceptional circumstances, an interim ship station license shall not be renewed and the authority conferred by such license may be terminated, without hearing, at any time prior to its normal expiration date if, in the discretion of the Commission, the need for such action arises.

[FR Doc.76-1386 Filed 1-15-76;8:45 am]

[47 CFR Parts 81, 83]

[Docket No. 20638]

MARITIME UTILITY AND SHIP STATIONS

Proposed Modifications

In the matter of Amendment of the rules to remove locality restrictions from Maritime Utility Stations and to modify the capabilities of ship stations to meet certain operational requirements of ships.

1. The American Waterways Operators, Inc. (AWO) has petitioned for an extension of time within which to submit comments to February 23, 1976, in the above-captioned docket [40 FR 58322] in order to coordinate with its membership.

2. *Accordingly, it is ordered,* That, the time within which to submit comments in the above-captioned proceeding is extended to February 23, 1976, and the time within which to submit reply comments is extended to March 23, 1976.

3. This action is taken pursuant to the authority contained in § 0.331 of the rules.

Adopted: January 9, 1976.

Released: January 12, 1976.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio, Services Bureau.

[FR Doc.76-1387 Filed 1-15-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 18, 21, 22, 25, 27, 30, 32, 35, 39, 42, 43, 47, 48, 50, 51, 58, 66, 71, 88, 92, 101, 105, 132, 136, 138, 144, 145, 158, 161, 169, 176, 177, 181, 182, 185, 186, 191, 194, 195, 196, 198, 199, 201, 202, 206, 207, 217, 222, 226, and 227]

TRADE PRACTICE RULES (INDUSTRY GUIDES)

Proposed Rescissions; Opportunity to Comment

Because many old trade practice rules (industry guides) may no longer be useful in obtaining compliance with laws administered by the Federal Trade Commission, the Commission under Sec. 18(a)(1)(A), amended FTC Act, Sec. 202(a), Pub. L. 93-637, 88 Stat. 2193 (15 U.S.C. 57a), and Subpart A of Part 1 of its procedures and rules of practice, 16 CFR 1.5-1.6, is providing opportunity for interested persons to comment on proposed rescissions of trade practice rules (industry guides) for the following:

1. Part 18—Commercial Dental Laboratory Industry, promulgated November 4, 1955, amended June 14, 1957.

2. Part 21—Corset, Brassiere; and Allied Products Industry, promulgated December 1, 1955.

3. Part 22—Frozen Food Industry, promulgated January 13, 1956.

4. Part 25—Combination Storm Window and Door Industry, promulgated February 28, 1957.

5. Part 27—Brick and Structural Clay Tile and Allied Products Industry, approved July 14, 1952, amended June 5, 1956.

6. Part 30—Plastics Housewares Industry, promulgated June 22, 1956.

7. Part 32—Melamine Dinnerware Industry, promulgated June 22, 1956.

8. Part 35—Wall Coverings Industry, promulgated June 30, 1962, amended June 16, 1964.

9. Part 39—Steel Bobby Pin and Steel Hair Pin Manufacturing Industry, promulgated June 25, 1957.

10. Part 42—Building Wire and Cable Manufacturing Industry, promulgated July 18, 1958.
11. Part 43—Outlet and Switch Box Manufacturing Industry, promulgated December 10, 1958.
12. Part 47—Manifold Business Forms Industry, promulgated June 30, 1959.
13. Part 48—Tire and Tube Repair Material Industry, promulgated December 17, 1959.
14. Part 50—Cut and Wire Tack Industry, promulgated July 25, 1958.
15. Part 51—Fluorocarbons Industry, promulgated January 11, 1961.
16. Part 58—Golf, Baseball and Athletic Goods Industry, promulgated October 29, 1931.
17. Part 66—Wire Rope Industry, promulgated January 11, 1963.
18. Part 71—Braided Rug Industry, promulgated June 23, 1964.
19. Part 88—Saw and Blade Service Industry, promulgated December 27, 1946.
20. Part 92—Woodworking Machinery Industry, promulgated June 24, 1960.
21. Part 101—Uniform Industry, promulgated May 18, 1940.
22. Part 105—Tobacco Distributing Industry, promulgated June 30, 1962, amended August 8, 1964.
23. Part 132—Macaroni and Noodle Products Industry, promulgated August 1, 1958.
24. Part 136—Paint and Varnish Brush Industry, promulgated June 17, 1958.
25. Part 138—Ribbon Industry, promulgated June 30, 1942.
26. Part 144—Sardine Industry, promulgated March 5, 1940.
27. Part 145—Umbrella Industry, promulgated June 9, 1950.
28. Part 158—Musical Instrument and Accessories Industry, promulgated February 3, 1944.
29. Part 161—Razor and Razor Blade Industry, promulgated June 20, 1945.
30. Part 169—Masonry Waterproofing Industry, promulgated August 31, 1946.
31. Part 176—Wholesale Confectionery Industry, promulgated April 2, 1948.
32. Part 177—Hand Knitting Yarn Industry, promulgated June 18, 1948.
33. Part 181—Handkerchief Industry, promulgated February 18, 1949.
34. Part 182—Yeast Industry, promulgated June 30, 1949.
35. Part 185—Peat Industry, promulgated January 13, 1950.
36. Part 186—Candy Manufacturing Industry, promulgated January 24, 1950.
37. Part 191—Venetian Blind Industry, promulgated June 28, 1950.
38. Part 194—Cocoa and Chocolate Industry, promulgated September 28, 1950.
39. Part 195—Bedding Manufacturer and Wholesale Distributing Industry, promulgated November 14, 1950, amended January 14, 1955.
40. Part 196—Parking Meter Industry, promulgated November 21, 1950.
41. Part 198—Milk Bottle Cap and Closure Industry, promulgated March 27, 1951.
42. Part 199—Canvas Cover Industry, promulgated April 18, 1951.
43. Part 201—Seam Binding Industry, promulgated June 30, 1951.
44. Part 202—Sun Glass Industry, promulgated April 17, 1959.
45. Part 206—Gladiolus Bulb Industry, promulgated January 17, 1952.
46. Part 207—Narrow Fabrics Industry, promulgated January 30, 1952.
47. Part 217—Cedar Chest Manufacturing Industry, promulgated September 17, 1953.
48. Part 222—Chemical Soil Conditioner Industry, promulgated October 15, 1954.
49. Part 226—Fountain Pen and Mechanical Pencil Industry, promulgated January 28, 1955.
50. Part 227—Wholesale Plumbing and Heating Industry promulgated April 14, 1958.

Interested persons, including consumers, are invited to submit written data, views and arguments concerning proposed rescissions with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW, Washington, D.C. 20580 by March 15, 1976. Statements submitted will be available to the public for examination during regular business hours in the Commission's office of Legal and Public Records, Room 130. All such statements will be considered by the Commission before final action is taken.

Issued: January 16, 1976.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1255 Filed 1-15-76;8:45 am]

[16 CFR Parts 28, 64, 149, 193, 220]

TRADE PRACTICE RULES (INDUSTRY GUIDES)

Study for Possible Modification or Other Appropriate Action

The Federal Trade Commission selected 61 old trade practice rules (industry guides) for possible rescission and invited public comments through a notice published in the FEDERAL REGISTER (40 FR 21047) May 15, 1975. The Commission in a separate FEDERAL REGISTER document in the rules section of this issue is rescinding 56 of those 61 trade practice rules. The Commission received industry comments and requests for retention of the other 5 of those 61 trade practice rules which comprise the following 16 CFR Parts:

Part 28—Blueprint and Diazotype Coaters Industry, promulgated June 12, 1956.

Part 64—Electrical Contracting Industry, promulgated November 28, 1931.

Part 149—Resistance Welder Manufacturing Industry, promulgated August 16, 1940.

Part 193—Slide Fastener Industry, promulgated June 21, 1958.

Part 220—Library Binding Industry, promulgated August 20, 1954.

The foregoing trade practice rules are currently being studied for possible modification or other appropriate action.

(Sec. 18(a)(1)(A), amended FTC Act, Sec. 202(a), Pub. L. 93-637, 88 Stat. 2193 (15 U.S.C. 57a); 16 CFR 1.5-1.6, 17.1.)

Issued: January 16, 1976.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1254 Filed 1-15-76;8:45 am]

[16 CFR Part 456]

ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

Notice of Proceeding and Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as mended, 15 U.S.C. 41, *et seq.*, the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, *et seq.*, and section 553 of Subpchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure), has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning Advertising of Ophthalmic Goods and Services.

Accordingly, the Commission proposes the following Trade Regulation Rule and to amend Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR, by adding a new Part 456, as follows:

PART 456—ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

Sec.
456.1 Definitions.
456.2 The Rule.
456.3 Declaration of Commission intent.

AUTHORITY: The provisions of this Part 456 issued under 38 Stat. 717, as amended; 15 U.S.C. 41, et seq.

§ 456.1 Definitions.

For the purposes of this part the following terms and definitions shall apply:

(a) "Person, partnership or corporation" means any party, other than a State, over which the Federal Trade Commission has jurisdiction, and may include in appropriate circumstances, but is not limited to, individuals, groups, organizations, and professional societies.

(b) "Seller or provider" is any person, partnership or corporation, or any employee, agent or servant thereof engaged in the business of selling or offering for sale directly to the public ophthalmic goods or services.

(c) "Ophthalmic goods" shall consist of eyeglasses, spectacles, lenses, prisms, frames, mountings, fittings, and any other device or accessory necessary for or incident to the aid or correction of any visual anomaly. Sunglasses, goggles and safety spectacles which are designed solely for the protection of eyes or eyesight, are not included. Ready-made eyeglasses, as distinguished from eyeglasses dispensed only upon prescription, are not included.

(d) "Ophthalmic services" shall consist of the measuring, adapting, fitting,

adjusting, fabricating, and dispensing of ophthalmic goods to the human face for the aid or correction of visual anomalies.

(e) "Dissemination of information" shall consist of the use of newspapers, magazines, books, or other publications, telephone directories, circulars, pamphlets, letters, handbills, posters, bills, signs, placards, cards, labels, tags, window displays, store signs, television, radio, or any other form of broadcasting, or any other means or method now or hereafter employed to communicate to the public accurate information pertaining to the price or availability of ophthalmic goods and services.

(f) "Buyer" is any person who has undergone an eye examination or refraction performed by any person qualified pursuant to State law to perform such eye examinations or refractions.

§ 456.2 The rule.

In connection with the sale or offer for sale of ophthalmic goods or services to the public, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, it is an unfair act or practice for any:

(a) Person, partnership or corporation to directly or indirectly engage in any activity which has the effect of prohibiting, hindering, restricting, reducing, burdening, altering, limiting, changing or impairing the dissemination of information pertaining to the sale or offer for sale of ophthalmic goods or services;

(b) Seller or provider of ophthalmic goods or services to reduce, burden, alter, limit, change or impair the dissemination of information pertaining to the sale or offer for sale of ophthalmic goods or servcies in order to comply with or conform to the provisions of any law, rule, regulation or code of conduct of any non-federal legislative, executive, regulatory or licensing entity or any other entity or person whatsoever, including but not limited to professional associations, which has the effect of directly or indirectly prohibiting, hindering, restricting, reducing, burdening, altering, limiting, changing or impairing the dissemination of such information.

[In addition, the Commission may require persons qualified to perform eye examinations to deliver written prescriptions to buyers, if the evidence demonstrates that buyers are prevented from price shopping because of unavailable prescriptions. For example, such a requirement might state:

"It is an unfair act or practice for any:

(c) Person qualified pursuant to State law to perform eye examinations or refractions to fail to deliver to the buyer such complete written prescription or specifications for corrective lenses as will enable the buyer to obtain the corrective lenses from the seller or provider of the buyer's choice."]

§ 456.3 Declaration of Commission intent.

(a) It is the purpose of this part, subject only to the requirements of federal statutes and regulations, to allow dissemination of accurate information by retail sellers and providers of ophthalmic goods or services to prospective consumers of such goods or services and to eliminate restraints, burdens and controls imposed by non-federal law and by private, State and local governmental action on such dissemination by any means of communication, including but not limited to advertising. It is not the Commission's intent to condone those State cases which have held that price advertising of eyeglasses, even if truthful, is *per se* deceptive. If the evidence indicates that in order to facilitate the dissemination of information and to insure that each consumer will be able to utilize effectively such information, the Commission may require that any ophthalmologist or optometrist performing a refraction, shall deliver to the consumer such prescription as will enable the consumer to obtain the necessary corrective lenses from the seller or provider of the consumer's choice. It is the intent of the Commission that this part shall preempt all non-federal laws, ordinances or regulations that are repugnant to this part, that would in any way prevent or burden any dissemination of accurate information by retail sellers and providers of ophthalmic goods or services to prospective purchasers, or that would impose standards for such dissemination, except that if such law is coextensive with and word-for-word identical to any provisions of this part, notwithstanding that differences in jurisdictional provisions are permissible, such law, and the proper enforcement thereof, shall not be affected by this part, and shall have concurrent application with this part.

(b) The Commission intends this part to be as self-enforcing as possible. To that end, it is the Commission's intent that this part may be used, among other ways, as a defense to any proceeding of any kind which may be brought or threatened to be brought against any retail seller or provider of ophthalmic goods or services who truthfully advertises, or otherwise disseminates, according to this part, information pertaining to such goods or services, or as the basis for declaratory, injunctive, or other relief against the threatening or bringing of any such proceeding.

(c) It is not the Commission's intent to compel any seller or provider of ophthalmic goods or services to provide or disseminate any information with respect to those goods or services by virtue of this part. On the contrary, the provisions of this part are intended solely for the protection of those sellers or providers who are disposed to disseminate certain pertinent information but have been restrained or prevented from advertising due to the prohibitions and restrictions of both non-federal laws and private, State and local governmental action.

(d) In this part, the Rule, requirements and declaration of Commission intent and their application are each separate and severable.

Statement of Reason for the Proposed Rule

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing the Rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, we have determined that comment by the public will be facilitated by presenting (1) a statement describing the basic factual and legal premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions should be interpreted as designating disputed issues of fact. Such designations shall be made by the Commission or its duly authorized presiding officer pursuant to the Commission's Procedures and Rules of Practice.

Statement

The Commission has reason to believe that:

(a) The inadequate availability of information pertaining to the cost and availability of ophthalmic goods and services hinders consumers in making rational purchase decisions.

(b) The inadequate availability of information pertaining to the cost and availability of ophthalmic goods and services prevents or hinders price competition among retail sellers and providers of such goods and services.

(c) The inadequate availability of information pertaining to the cost and availability of ophthalmic goods and services causes consumers to spend substantially more each year for ophthalmic goods and services than they would spend if adequate information existed.

(d) As a direct result of the absence of price competition among retail sellers and providers of ophthalmic goods and services certain prospective low-income purchasers of such goods and services cannot afford the cost thereof.

(e) Since the availability of information relating to the cost and availability of ophthalmic goods and services is largely dependent upon or caused by various State and local laws and regulations, professional codes of ethics, and a variety of other restraints, unless the Commission takes action consumers may continue to face the burdens associated with inadequate cost and availability information throughout the United States.

(f) The non-dissemination of information pertaining to the cost and availability of ophthalmic goods and services is not vital for any State interest in the public health, safety, and welfare, and the alleged justifications for the non-dissemination, such as the alleged possibilities that increased advertising may (1) demean the professions of ophthal-

mology, optometry or opticianry, (2) lead to bait and switch sales tactics, and (3) lead to a serious health hazard because of a deterioration in the quality of ophthalmic goods and services, are without significant merit and are outweighed by the probable benefits to consumers from more cost and availability information.

For the purposes of this rulemaking proceeding, the Commission is proceeding upon the theory that the unavailability of information relating to the cost and availability of ophthalmic goods and services is unfair if it creates substantial harm (i.e., its economic and social utility to the public is substantially less than its economic and social disutility) and it offends public policy being basically contrary to clear national policy and not vital to achieve important State policy goals. In light of the foregoing, the Commission has reason to believe that:

(g) Those who privately restrain the dissemination of information pertaining to the cost and availability of ophthalmic goods and services are engaged in unfair activities within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(h) The widespread failure by sellers and providers of ophthalmic goods and services to disseminate information pertaining to the cost and availability of such goods and services, whether or not due to private or official restraints, is unfair within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45) where such sellers or providers of ophthalmic goods and services, in the absence of such restraints, would otherwise disseminate such information.

(i) Consumers may be unable to make adequate use of the increased availability of information pertaining to the cost and availability of ophthalmic goods and services, unless such consumers are provided with copies of their prescriptions for corrective lenses so as to enable them to purchase such corrective lenses from the seller or provider of their choice.

The Commission has determined it has reason to believe the above statements on the basis of information compiled by the Commission's staff during a comprehensive industrywide investigation of the various issues involved with the dissemination of information pertaining to the cost and availability of ophthalmic goods and services by sellers and providers of such goods and services. In the course of the investigation the Commission's staff has received extensive documentary evidence bearing upon the issues. It has obtained the written views of numerous consumers groups, optical manufacturers, optical wholesalers, optical retail dispensers, State licensing boards, professional associations, trade associations, and other interested persons. In addition, the staff has evaluated pertinent State statutes, regulations and judicial rulings, interviewed many persons with an interest or expertise in the matter, and examined the findings of many studies which bear upon the issues. The Commission has not adopted any findings or conclusions of the staff. All findings in the proceeding shall be based solely on the matter in the rulemaking record.

QUESTIONS

1. Is adequate information currently available to consumers to allow them to select eye care services and eyeglasses which best meet their budgets or needs?

2. Would additional information about the cost and availability of eye care services enable consumers to shop more wisely? What specific types of information would be particularly important to their eye care purchase decisions?

3. To what extent do price considerations influence the purchasing decisions of potential consumers of eyeglasses?

4. Are certain groups of consumers particularly in need of more information regarding eye care services? Please be specific about the groups of consumers affected and the types of information they might require.

5. Will consumers be misled by price advertising since price quotations may not necessarily refer to lenses and frames of identical composition and quality? Is there a need for mandated disclosure requirements?

6. Will eye care practitioners, in an effort to be price competitive, institute cost-cutting techniques that will adversely affect the quality of both the services rendered and the materials used?

7. Should the definition of "ophthalmic services" be altered to include examinations and refractions leading to dispensing when such services are provided by the same individual?

8. Will the requirement that a buyer be provided with a written prescription for the corrective lenses he requires:

(a) facilitate his ability to comparison shop more effectively;

(b) lower his costs by enabling him to have lenses provided by the dispenser of his choice; or

(c) facilitate duplications or replacements of lenses without having to return to his ophthalmologist or optometrist to obtain a copy of his prescription?

9. What is the impact on the cost of eye care services of restrictions on:

(a) the number of branch offices an eye care practitioner may operate;

(b) the employment of optometrists and opticians by commerical retailers; and

(c) the practice of optometry on the premises of mercantile establishments?

10. What is the impact on the availability of eye care services of restrictions on:

(a) the number of branch offices an eye care practitioner may operate;

(b) the employment of optometrists and opticians by commercial retailers; and

(c) the practice of optometry on the premises of mercantile establishments?

11. What economic effects or other impacts, if any, on sellers or providers of eyeglasses, especially those who are small businesses, would result from implementation of the proposed Rule, and how could such effects be minimized?

12. Would implementation of the proposed Rule go beyond the statutory authority of the Federal Trade Commission? Please be specific in your responses to the above questions.

INVITATION TO PROPOSE ISSUES OF FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding officer, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18 (c) of the Federal Trade Commission Act as amended by Public Law 93-637, and rules promulgated thereunder. Proposals shall be accepted until not later than March 17, 1976 by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as "Proposal Identifying Issues of Fact—Advertising of Ophthalmic Goods and Services," and when feasible and not burdensome, submitted in five copies. The times and places of hearings will be set forth in a later Notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of fact, will be accepted until 45 days before commencement of public hearings, but at least until May 3, 1976. To assure prompt consideration of a comment, it should be identified as an "Advertising of Ophthalmic Goods and Services Comment," and submitted, when feasible and not burdensome, in five copies.

Issued: January 16, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-1256 Filed 1-15-76;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

[Public Notice CM-6/9]

ADVISORY COMMITTEE FOR US PARTICIPATION IN THE UN CONFERENCE ON HUMAN SETTLEMENTS (HABITAT)

Meeting

There will be a meeting of the Advisory Committee for US participation in the UN Conference on Human Settlements (Habitat) at 10:00 a.m. on Thursday, February 5, 1976, in Room 1107 of the Department of State. The meeting will be open to the public and will continue until 12:30 p.m. Those attending should use the entrance to the State Department at 22nd and C Streets, NW.

The agenda will include:

1. Discussion of the Results of the January Preparatory Committee Meeting.
2. US Preparations for the Vancouver Conference.

Members of the general public may attend and participate in the discussion subject to instructions of the Chairman.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone (703) 235-9558. Members of the public will be accommodated up to the meeting capacity of the meeting room.

Dated: January 13, 1976.

DONALD M. KRUMM,
Executive Secretary.

[FR Doc.76-1564 Filed 1-15-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 125 (Rev. 2)]

FISCAL MANAGEMENT OFFICER

Delegation of Authority Regarding Administrative Resolution of Irregularities in Imprest Funds

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Fiscal Service Regulation No. 2 (Third Revision), dated October 1, 1975, there is hereby delegated to the Fiscal Management Officer the authority to resolve, by administrative action appropriate to the circumstances, irregularities in imprest funds for small purchases, imprest funds for investigative purposes, and imprest funds for change making purposes, arising from a single incident or series of similar incidents occurring about the same time, amounting to less than $500 (except those involving fraud in any amount and those involving exceptions or charges raised by the General Accounting Office).

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 125 (Rev. 1), dated September 25, 1975.

Date of issue and effective date: January 3, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-1301 Filed 1-15-76;8:45 am]

[Order No. 86 (Rev. 5.)]

DISTRICT DIRECTORS, ET AL.

Authority To Permit Inspection of Certain Returns and Related Documents

1. Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 301.9000-1, authority is hereby delegated to District Directors, Service Center Directors, and the Director of International Operations, to permit inspection of returns in their custody by the persons and subject to the conditions as prescribed for such persons in 26 CFR 301.6103 (a)-1(c).

2. The authority delegated in paragraph 1 is limited to returns as filed by or on behalf of the taxpayer, including any schedules, lists, and other written statements which have been filed with the Internal Revenue Service by or on behalf of the taxpayer or which have previously been furnished by the Service to the taxpayer.

3. Whenever it is determined that a return or related document as defined above is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

4. The authority delegated in paragraph 1 may be redelegated but not lower than to Division Chiefs.

5. The authority vested in the Commissioner by 26 CFR 301.9000-1 to determine whether or not information received by Internal Revenue Service employees or employees of the Office of Chief Counsel relating to non-tax crimes (such as homicide, rape, burglary, robbery or similar crimes) may be disclosed to appropriate Federal, State, or local law enforcement officials is delegated to the Assistant Commissioner (Compliance).

6. The authority delegated in paragraph 5 to the Assistant Commissioner (Compliance) is limited to those situations in which it appears that the information sought to be disclosed is tax return related or otherwise involves income or other financial information of an individual or entity. In those situations which do not involve tax return related information or the income or other financial information of an individual or entity, disclosure of information to appropriate Federal, State or local law enforcement officials may be made by Internal Revenue Service employees and employees of the Office of Chief Counsel in accordance with the provisions of the Disclosure of Official Information Handbook, IRM 1272.

7. In situations covered by paragraph 5, the Assistant Commissioner (Compliance) is authorized to approve or deny such requests for disclosure based on his determination, made in coordination with the Director, Disclosure Division, Office of Chief Counsel, as to whether or not the information sought to be disclosed can properly be disclosed in accordance with applicable statutes, Executive Orders and Regulations. If the Assistant Commissioner, (Compliance) and the Director, Disclosure Division, fail to agree as to a response, the matter will be referred to the Commissioner for decision.

8. The authority delegated in paragraph 5 may not be redelegated.

9. This Order supersedes Delegation Order No. 86 (Rev. 4) issued February 28, 1972.

Date of issue and effective date: January 9, 1976.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc. 76-1300 Filed 1-15-76; 8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings and Determination

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on January 26 and 27, 1976, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee
Securities Industry Association, Government Securities and Federal Agencies Committee

The agenda for the meetings provides for working sessions by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552(b)(4) of Title 5 of the United States Code, and

that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

EDWIN H. YEO, III,
Under Secretary for Monetary Affairs.

Dated: January 14, 1976.

[FR Doc.76-1427 Filed 1-14-76;10:03 am]

DEPARTMENT OF JUSTICE

Antitrust Division

PROPOSED CONSENT JUDGMENT IN UNITED STATES V. THE AAV COMPANIES, ET AL.

Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)-(h) that a proposed Consent Judgment and a Competitive Impact Statement, as set out below, have been filed with the United States District Court for the Southern District of Ohio, Western Division, Cincinnati, Ohio, in Civil Action No. 8968, "The United States of America v. The AAV Companies; ARA Services, Inc.; and Western Vending Machine Company."

The Complaint in this case alleges that the defendants engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in the Cincinnati, Ohio area in violation of Section 1 of the Act of Congress of July 2, 1890 as amended (15 U.S.C. 1), commonly known as the Sherman Act, by allocating customers and locations among themselves and by fixing, raising, and maintaining the price of cigarettes sold through vending machines and the commissions paid to vending machine location owners. The proposed Consent Judgment forbids the continuation or reintroduction of these activities in the Cincinnati area. The proposed Consent Judgment also forbids the exchange or discussion of any type of information which could lead to the reintroduction of such anticompetitive activities in the Cincinnati area. Public comment is invited on or before March 15, 1976. Such comments and any responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, Department of Justice, 995 Celebreze Federal Building, Cleveland, Ohio 44199.

Dated: January 8, 1976.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

United States District Court for the Southern District of Ohio, Western Division.

[Civil Action No. 8698]

United States of America, Plaintiff, v. The AAV Companies, ARA Services, Inc.; and Western Vending Machine Company, Defendants.

STIPULATION

Filed: JANUARY 5, 1976.

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendants The AAV Companies, ARA Services, Inc., and Western Vending Machine Company, by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16) and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

Dated: Jan. 5, 1976.

For the plaintiff: Thomas E. Kauper, *Assistant Attorney General*; Baddia J. Rashid, Bernard M. Hollander, John A. Weedon, Robert S. Zuckerman, Joan Farragher Sullivan, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, (216) 522-4081, Jerome C. Finefrock, *Trial Attorney*.

For defendant the AAV Companies: Ronald J. Goodman, Trial Attorney, 1016 Fourth and Walnut Street Building, 36 East 45th Street, Cincinnati, Ohio 45202, (513) 261-1503, Jules L. Markowitz.

For defendant ARA Services, Inc.: C. R. Beirne, Trial Attorney, 2912 Carew Tower, Cincinnati, Ohio 45202, (513) 621-5370.

For defendant Western Vending Machine Company: William B. Peterman, Trial Attorney, First National Bank Building, Cincinnati, Ohio 4502, (513) 621-4696, Attorneys for Defendants.

For defendant ARA Services, Inc.: John T. Loughlin, Bell, Boyd, Lloyd, Haddad & Burns.

United States District Court for the Southern District of Ohio, Western Division.

[Civil Action No. 8698]

United States of America, Plaintiff, v. the AAV Companies; ARA Services, Inc.; and Western Vending Machine Company, Defendants.

FINAL JUDGMENT

FILED: JANUARY 5, 1976.

Plaintiff, United States of America, having filed its Complaint herein on January 16, 1973, and the plaintiff and the defendants, by their respective attorneys, having severally consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party signatory hereto with respect to any such issue;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties hereto, and the Complaint states claims upon which relief may be granted against defendants and each of them under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies", commonly known as the Sherman Act, as amended (15 U.S.C.A. 1). Entry of this Judgment is in the public interest.

II

As used in this Final Judgment:

(A) "Cincinnati Area" means the City of Cincinnati, Ohio, and its surrounding area, including the Counties of Hamilton, Clermont and Butler in the State of Ohio, and the Counties of Kenton, Campbell and Boone in the Commonwealth of Kentucky;

(B) "Vending Machine" means any device which dispenses cigarettes automatically when appropriate coins are inserted;

(C) "Location" means any business or other establishment in the Cincinnati Area at which one or more vending machines are maintained in operation by one or more vending machine operators;

(D) "Vending Machine Operator" means any person who owns vending machines which are in operation in locations other than the vending machine operator's place of business;

(E) "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

(F) "Customer" means any person who operates a location; and

(G) "Vending Machine Business" means virtually all of the locations of a vending machine operator.

III

The provisions of this Final Judgment applicable to any defendant shall also apply to its subsidiaries, successors, assigns, directors, officers, agents and employees, and to all persons in active concert or participation with such defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained, individually and collectively, from entering into, adhering to, enforcing, furthering, maintaining or claiming any rights under, any contract, agreement, understanding, plan or program with any vending machine operator not owned or controlled by such defendant, directly or indirectly to:

(A) Fix, raise or maintain prices or other terms or conditions of and for the sale to the public of cigarettes at any location through a vending machine;

(B) Fix, raise or maintain commissions or payments to the owner of any location or other terms and conditions, for the placement of one or more vending machines in a location;

(C) Divide, allocate or apportion customers or locations;

(D) Refrain from soliciting the business of any customer or potential customer;

(E) Refrain from placing a vending machine in any location.

V

Each defendant is enjoined and restrained from:

(A) Discussing or exchanging information with any vending machine operator concerning the prices charged, or to be charged, for cigarettes sold through a vending machine or machines in any location;

(B) Discussing or exchanging information with any vending machine operator concerning the commissions paid, or to be paid, to any customer or potential customer.

VI

The defendants shall jointly within thirty (30) days of the date of the entry by this Court of this Final Judgment publish one day a week for two consecutive weeks a notice in each edition of the Cincinnati Enquirer, which notice shall appear in such publication in the Business Section, and which notice shall read as follows:

NOTICE

Notice is hereby given that a consent judgment has been entered by the United States District Court in the Southern District of Ohio, Western Division, in civil action No. 8698, entitled: United States of America v. the AAV Companies; ARA Services, Inc.; and Western Vending Machine Company.

The complaint in this case alleged a conspiracy between defendants and coconspirators to fix prices and commissions and to allocate customers with respect to the sale of cigarettes through vending machines in locations open to the general public in the Cincinnati area. While the consent judgment prohibits the defendants from engaging in such activities, said consent judgment does not constitute evidence or an admission by any of the defendants with respect to any of the allegations in the complaint.

The consent judgment has been filed with the United States District Court in Cincinnati, Ohio, and said consent judgment is available to the public for inspection at the office of the clerk of the United States District Court in Cincinnati, Ohio.

VII

(A) This Final Judgment shall not apply to relations between a defendant and a parent or subsidiary of, or a corporation under common control with, such defendant.

(B) The provisions of Subdivisions (D) and (E) of Paragraph IV shall not be applicable to covenants not to compete, reasonable as to time and geographic area, entered into in good faith and on a non-reciprocal basis between a defendant and another vending machine operator ancillary to the purchase or sale of the vending machine business of a defendant or other vending machine operator.

(C) The provisions of Paragraph V shall not be applicable to discussions or exchanges of information between a defendant and another Vending Machine Operator incidental to bona fide negotiations for the purchase or sale of the vending machine business of a defendant or another vending machine operator, except that such discussions or exchanges of information shall not include the names and addresses of customers.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to an legally recognized privilege (a) access during the office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment, and (b) subject to the reasonable convenience of such defendant and without restraint or intereference from it, to interview officers, directors, agents, partners or employees of such defendant, who may have counsel present, regarding any such matters. A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested. No information obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person except a duly authorized representative of the Executive Branch of the United States and except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

IX

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or the carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the purpose of enabling the plaintiff to apply to this Court for the enforcement of compliance herewith and for the punishment of violation hereof.

Dated: ----------.

United States District Judge

United States District Court for the Southern District of Ohio, Western Division.

[Civil Action No. 8698]

United States of America, Plaintiff, v. The AAV Companies; ARA Services, Inc.; and Western Vending Machine Company; Defendants.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, PL 93-528, 15 U.S.C. 16 (b) through (h), the United States of America hereby files this Competitive Impact Statement relating to the Proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I NATURE AND PURPOSE OF THE PROCEEDINGS

This action alleged that the above-named defendants engaged in a conspiracy to fix prices for cigarettes sold through vending machines, fix commissions paid to owners of vending machine locations, and allocate customers, all in the Cincinnati area. The complaint sought an injunction against continuation or renewal of the conspiracy and against engaging in any other conspiracy with similiar purpose or effect.

II DESCRIPTION OF THE COMPLAINT

The Complaint, filed January 16, 1973, alleged that the defendants' combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators to (a) allocate customers and locations among themselves and (b) to fix, raise and maintain the price of cigarettes sold through vending machines and the commissions paid to location owners.

The complaint was limited to the Cincinnati area which was defined as the City of Cincinnati, Ohio, including Hamilton, Clermont, and Butler Counties in the State of Ohio and Kenton, Campbell, and Boone Counties in the Commonwealth of Kentucky.

As used in the complaint "vending machines" means any device which dispenses cigarettes automatically when appropriate coins are inserted.

"Location" means any business or other establishment open to the general public at which one or more vending machines are maintained in operation by vending machine operators.

The defendants are the largest vending machine operators in the Cincinnati area and operate vending machines at approximately 3,000 locations. During the period of time covered by the conspiracy alleged in the complaint, the defendants and other vending machine operators purchased cigarettes from without the State of Ohio and sold these cigarettes through each operator's vending machines to members of the general public. In compensation for the use of space at the location, the owner of the location was paid a commission by vending machine operators. It is estimated that the total market for cigarettes sold through vending machines in the Cincinnati area was approximately $5 million annually.

The practices giving rise to this civil action were investigated by a federal grand jury. An indictment was returned against the three defendants herein on January 16, 1973, charging each defendant with violating Section 1 of the Sherman Act. All three defendants pleaded *nolo contendere* and were fined a total of $80,000 on June 21, 1973.

III DESCRIPTION OF THE PROPOSED JUDGMENT

The proposed Consent Judgment defines the term "location" to mean "any business or other establishment in the Cincinnati area at which one or more vending machines are maintained in operation by one or more vending machine operators." The word "location" is then used in the definitions of the terms "Vending Machine Operator", "Customer" and "Vending Machine Business". Thus, when used in the Judgment these terms all are applicable only to the Cincinnati area.

Under the terms of Section IV of the proposed Consent Judgment, each defendant is enjoined and restrained from entering into any agreement to fix, raise, or maintain prices or other terms for the sale to the public of cigarettes through vending machines at any location; fix, raise, or maintain commissions paid to owners of locations; divide, allocate, or apportion customers or locations; refrain from soliciting the business of

any customers or potential customers; and refrain from placing a vending machine in any location.

Under Section V of the proposed Consent Judgment, the defendants are also enjoined and restrained from discussing or exchanging information with any vending machine operator concerning prices charged or to be charged for cigarettes sold through vending machines and discussing or exchanging information with any vending machine operator concerning commissions paid or to be paid.

Section VI of the proposed Consent Judgment requires the defendants to jointly publish within thirty (30) days from the date of the entry of the proposed judgment a notice in the "'Cincinnati Enquirer," which notice shall give information to the general public regarding the proposed Consent Judgment.

The proposed Consent Judgment, by the terms of Section VII, does not affect relations between the defendant and its parent or subsidiaries. Section VII also exempts reasonable covenants not to compete which are ancillary to the purchase or sale of a vending machine business from the prohibitions of paragraphs IV (D) and (E) regarding solicitation of customers and machine placement.

Section VII also relieves discussions or exchange of information incidental to a bona fide negotiation for the purchase or sale of the vending machine business from the proscription of Section V.

In order to determine the compliance of the defendants with the terms of the proposed Consent Judgment, the Department of Justic has retained, in Section VIII, authority to have access to the business records of the defendants and to interview officers, directors, agents, partners, and employees of each defendant.

IV. Alternative Relief Proposals Actually Considered by the United States

The relief provided for in the proposed Consent Judgment is essentially that sought in the Complaint. At the outset of negotiations for a consent judgment, the Government insisted that any relief should apply nation-wide rather than only in the Cincinnati area. This demand was in line with an Antitrust Division policy, in effect since the decision in "United States v. Ward Baking Company," 376 U.S. 327 (1964). This policy called for nation-wide relief in all cases involving *per se* offenses even though the offense charged in the complaint may have been local in character.

In "United States v. Georgia Automatic Merchandising Council, Inc., et al," Civil No. 18756, now pending in the Northern District of Georgia, the government alleged that six vending machine operators agreed to raise the price of hot and cold beverages sold through vending machines in the Atlanta area. The trial judge has advised the parties that he would not grant nation-wide relief even if the government proved the allegations of the complaint. Consequently, the United States has decided to drop its demand for nation-wide relief in that case.

Because the issues raised in the "AAV" case were similar to those in the "Georgia Automatic Merchandising Council" case, and because one company was a defandant in both cases, the government determined to resolve both matters similarly. In addition, it seemed that proceeding to a trial on the merits in the "AAV" case solely because of the lack of agreement on the issue of nation-wide relief was not worth the resources such a trial would call for.

V. Remedies Available to Potential Private Plaintiffs

Any potential private plaintiff who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which he would have had were the proposed Consent Judgment not entered. However, this proposed Consent Judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5 (a) of the Clayton Act as amended (15 U.S.C. 16 (a)).

VI. Procedures Available for Modification of Consent Judgment

The proposed Consent Judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Consent Judgment until the Court has found entry of the proposed Consent Judgment to be in the public interest. By the terms of Section IX, the proposed Consent Judgment provides for retention of jurisdiction by the Court of this action in order, among other things, to permit any of the parties thereto to apply to the Court for such orders as are necessary or approriate for its modification.

As provided by the "Antitrust Procedures and Penalties Act," any person wishing to comment on the proposed Consent Judgment should, during the statutory 60-day period, submit written comments to John A. Weedon, Chief, Great Lakes Field Office, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, which will be filed with the Court and published in the Federal Register along with any response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Consent Judgment.

There are no materials or documents which were determinative in formulating the proposal for a Consent Judgment; consequently, none are being filed by the plaintiff pursuant to Section 2(b) of the "Antitrust Procedures and Penalties Act" (15 U.S.C. 16(b)).

Dated: January 5, 1976.

John A. Weedon, Robert S. Zuckerman, *Attorneys, Department of Justice.*

Jerome C. Finefrock, Joan Farragher Sullivan, *Attorneys, Department of Justice.*

[FR Doc.76-1381 Filed 1-15-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Idaho State Multiple Use Advisory Board of the Bureau of Land Management will meet at the Rodeway Inn, Owyhee Room, Boise, Idaho, February 20, 1976. Depending on discussions, the meeting may carry over to February 21, 1976. The meeting will mainly consider problems and programs associated with multiple use management of resource on the National Resource Lands in Idaho.

The agenda will include specific discussions on the following topics:

Update on the grazing environmental impact statement program.

A discussion of the Fish & Game Department and BLM cooperative programs.

A discussion of the goals, objectives, and priorities on agricultural development in southwest Idaho. Also to be discussed will be the public comments received on the environmental analysis record distributed to the public.

The meeting will be open to the public. Time will be made available from 4:30 p.m. to 5:00 p.m., Friday, February 20, for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the State Director (912), Bureau of Land Management, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, 550 West Fort Street, Boise, Idaho 83724. Further information concerning the meeting may be obtained from Mr. Fred Cook, Public Affairs Officer, Bureau of Land Management, 550 West Fort Street, Boise, Idaho 83724. His telephone number is (208) 342-2711, ext. 2291.

William L. Mathews,
State Director.

[FR Doc.76-1264 Filed 1-15-76;8:45 am]

MEDFORD DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Medford District Advisory Board will meet on February 10, 1976 commencing at 1:00 p.m. in the Red Lion Inn, 200 North Riverside, Medford, Oregon.

The agenda will include the following items:

Election of Chairman and Vice Chairman.
Public Land Management Programs and Challenges.
BLM Planning System.
Rogue River Program.
Pacific Crest Trail.
Lost Creek Reservoir Project.
Federal Highway Projects.

The meeting is open to the public. In addition to a discussion of the above agenda topics, time will be made available for brief statements by visitors. Persons wishing to make oral statements should advise the District Manager prior to the meeting. Any interested person may file a written statement for consideration by the board by sending it to the Medford District Manager, Bureau of Land Management, 310 W. Sixth Street, Medford, Oregon 97501.

Dated: January 9, 1976.

Donald J. Schofield,
District Manager, Medford.

[FR Doc.76-1263 Filed 1-15-76;8:45 am]

OUTER CONTINENTAL SHELF OFF TEXAS, LOUISIANA, MISSISSIPPI, ALABAMA & FLORIDA

Oil and Gas Lease Sale #41

AUTHORITY

1. This notice is published pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. § 1331–1343) and the regulations issued thereunder (43 CFR Part 3300).

BID FILING

2. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113, either in person or by mail until 9:30 a.m., c.s.t., on February 18, 1976, for the oil and gas lease sale on tracts described in paragraph 13 herein, in areas of the Outer Continental Shelf adjacent to the states of Texas, Louisiana, Mississippi, Alabama and Florida. Bids delivered in person to the Manager will be received at his office at the aforementioned address through 4:15 p.m., c.s.t., February 17, 1976, or at the Mardi Gras Ballroom, Marriott Hotel, 555 Canal Street, New Orleans, Louisiana 70140, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., on February 18, 1976. Bids received by the Manager after 9:30 a.m., c.s.t., on that date will be returned to the bidders unopened. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., February 18, 1976. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR § 3300, 3300.1, 3302.1, 3302.3, 3302.4, 3302.5, and 3305. Particular attention is directed to the publication in the FEDERAL REGISTER, Vol. 40, No. 191, page 45171, dated October 1, 1975, entitled *Qualified Joint Bidders* which amended 43 CFR 3302.3. Persons who are on a list of restricted joint bidders published in the FEDERAL REGISTER pursuant to that regulation or whose status is determined to be restricted prior to the date of the sale will be disqualified from bidding jointly with others on the list.

3. A single bid in a sealed envelope must be submitted for each tract. The envelope should be labeled "Sealed Bid for Oil and Gas Lease (insert number of tract) not to be opened until 10:00 a.m., c.s.t., February 18, 1976." A suggested bid form is shown in paragraph 15. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. Oil payment, overriding royalty, logarithmic or sliding scale bids may not be submitted. No bid for less than a full tract as listed in paragraph 13 will be considered. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

4. Bids submitted on all tracts to be offered at this sale must be on a cash bonus bid basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental or minimum royalty of $3 per acre or fraction thereof. Companies submitting joint bids must express on the bid form the proportionate interest of each company participating in that joint bid in a percent to a maximum of five decimal places, as well as submit with each bid a sworn statement by each company that the bid is not disqualified under 43 CFR 3302.3–4(c).

5. Each bidder must have submitted by 9:30 a.m., c.s.t., February 18, 1976, the certification required by 41 CFR § 60–1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on the Compliance Report Certification Form, Form 1140–8 (November 1973) and the Affirmative Action Representation Form, Form 1140–7 (December 1971).

6. Tracts being offered for lease may be located on the following official leasing maps:

(1) Outer Continental Shelf, South Texas Leasing Maps, Set of 7. These maps may be purchased for $5.00 per set.

(2) Outer Continental Shelf, East Texas Leasing Maps, Set of 8. These maps may be purchased for $5.00 per set.

(3) Outer Continental Shelf, Louisiana Leasing Maps, Set of 26. These maps may be purchased for $15.00 per set.

(4) Official Leasing Maps: New Orleans South No. 1 NG–15–3, Mobile South No. 1 NH–16–7, Mobile South No. 2 NH–16–10, Pensacola South No. 1 NH–16–8, Apalachicola NH–16–9, Apalachicola South NH–16–12, Tarpon Springs NH–17–10, Tampa NG–17–1, Tampa West No. 1 NG–16–3. These maps may be purchased for $2.00 each.

7. All maps and forms referred to above and copies of the lease form referred to in paragraph 12 of this notice, without the modifications and stipulations set out in that paragraph may be obtained from the Manager, New Orleans Outer Continental Shelf Office, at the above address.

BID OPENING

8. Bids will be opened on February 18, 1976, beginning at 10:00 a.m., c.s.t., in the Mardi Gras Ballroom, Marriott Hotel, at the above address. The opening of bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, February 18, 1976, that bid will be returned unopened to the bidder as soon thereafter as possible.

9. Any cash, checks, drafts, or money orders submitted with the bids may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

ACCEPTANCE OR REJECTION OF BIDS

10. No bid for any tract will be accepted and no lease for any tract will be awarded to any bidders unless:

(1) The bidder has complied with all requirements of this notice and applicable regulations;

(2) His bid is the highest valid cash bonus bid; and

(3) The amount of the bid has been determined to be adequate by the United States.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof. The United States reserves the right to reject any bid submitted, including but not by way of limitation, the right to reject any bid for inadequacy even though the cash bonus bid is in the amount of $25 or more per acre or fraction thereof.

11. The successful bidders for tracts in this sale will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements set forth in 43 CFR 3304.1 within the time frame provided in 43 CFR 3302.5.

LEASE TERMS AND STIPULATIONS

12. Leases issued as a result of this sale will be on Form 3300–1 (February 1971) as modified in accordance with this paragraph, and will contain one or more of the following stipulations and will exclude the following language from section 3(a)(1), paragraph 3, sentence 2 of Form 3300–1, "* * * and gas used for purposes of production from and operations upon the leased area or unavoidably lost * * *."

Stipulation No. 1. (To apply to all leases resulting from this lease sale.)

(a) If the Supervisor, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as "cultural resource", may exist in the lease area, shall, within one year from the effective date of this lease, give the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall immediately upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation", the lessee shall conduct geophysical surveys to determine the potential existence of any cultural resource that may be affected by such operation. All data produced by such geophysical surveys shall be examined by a qualified marine archaeologist or archaeological surveyor to determine if anomalies are present which suggest the existence of a cultural resource that may be adversely affected by any lease operation. If such anomalies exist, the lessee shall: (1) locate the site of such operation so as not to adversely affect the anomaly identified; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine archaeological surveyor using such survey equipment and techniques as deemed necessary by said archaeological surveyor with the concurrence of the Supervisor, either that such operation will not adversely affect the anomaly identified or that the potential cultural resource suggested by the occurrence of the anomaly does not exist.

Upon completion of any geophysical or other survey conducted for archaeological purposes, the lessee shall forward a report prepared by the marine archaeologist or archaeological surveyor to the Supervisor for his review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its disposition.[1]

The lessee agrees that, if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its disposition.

(b) Structures for drilling or production, including pipelines, shall be kept to the minimum necessary for proper exploration, development, and production, and to the greatest extent consistent therewith, shall be placed so as not to interfere with other significant uses of the Outer Continental Shelf including commercial fishing. To this end, no structure for drilling or production, including pipelines, may be placed on the Outer Continental Shelf until the Supervisor has found that the structure is necessary for the proper exploration, development and production of the lease area and that no reasonable alternative placement would cause less interference with other significant uses of the Outer Continental Shelf including commercial fishing. The lessee's exploratory and development plans, filed under 30 CFR 250.34, shall identify the anticipated placement and grouping of necessary structures, including pipelines, showing how such placement and grouping will have the minimum practicable effect on other significant uses of the Outer Continental Shelf including commercial fishing.

(c) The lessee shall have the pollution containment and removal equipment available as required by OCS Order No. 7, of August 28, 1969, as may be amended. After notification by the Operator to the Supervisor of a significant oil spill as defined by OCS Order No. 7, or an oil spill of any size or quantity which cannot be immediately controlled, the operator shall immediately deploy the appropriate equipment to the site of the oil spill, unless, because of weather and attendant safety of personnel the Supervisor shall modify this requirement.

Stipulation No. 2. (To apply to leases resulting from this lease sale on tracts 41–25, 41–26, and 41–29).

No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East and West Flower Garden Banks:

EAST FLOWER GARDEN BANK

Tract 41–25
W½SW¼NW¼; SE¼SW¼NW¼; W½SW¼; W½E½SW¼; SE¼SE¼SW¼
Tract 41–26
SW¼NE¼NE¼; S½NW¼NE¼; S½NE¼; SE¼NE¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; NE¼SW¼; N½SE¼SW¼; SE¼SE¼SW¼; SE¼

WEST FLOWER GARDEN BANK

Tract 41–29
NW¼SW¼NE¼; S½S½NE¼; SE¼NW¼; NE¼SW¼; NE¼NW¼SW¼; S½NW¼SW¼; S½SW¼; SE¼

Exploration and development operations are permitted within the circle outside above aliquots, with radius of 20,064 feet around point P; located by X=3,742,875, Y=71,280 for East Flower Garden and X=3,674,965, Y=50,690 for West Flower Garden (Texas Lambert System).

Operations in this zone are restricted as follows: Drill cuttings and drilling muds must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance from the bottom as determined by the Supervisor; however, if the shunting method is not adequate to protect the unique character of the subject area, then the Supervisor will require barging the material a minimum of ten miles from any 25 fathom isobath surrounding live reef-building coral before disposal. Should barging be the method selected, disposal sites must be approved by the Supervisor.

No garbage, untreated sewage, or other solid waste shall be disposed from vessels (work-boats, crew-boats, supply boats, pipelaying vessels) during exploration, development and production operations within the area of the bank described above for exploration and development operations. No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the leased area will have minimal adverse effect on the biotic community of high value reef sites on the Flower Garden Banks. As a part of the development plan, a reef monitoring program must be included.

The monitoring program will be designed to assess the effects of oil and gas exploration and development operations on the viability of the coral reefs. The development plan should indicate that the monitoring program will be conducted by qualified independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the Supervisor on an interim on-going basis, or immediately in case of imminent danger to the reefs resulting directly from drilling or other operations.

Stipulation No. 3. (To apply to leases resulting from this lease sale on tracts 41–7, 41–30, 41–35, 41–37, 41–47, 41–53, 41–63, 41–71, 41–72, 41–77, 41–78, 41–79, 41–80, 41–88, 41–92, 41–95, 41–96, 41–102, 41–104, 41–105, 41–106, 41–107, 41–113, 41–114, and 41-115.)

The lessee agrees that, prior to any drilling activity or placement of any permanent production structures, he will submit as part of his exploration and/or development plan, geophysical or other data on seafloor features sufficient to prove to the Supervisor's satisfaction that conflict with any fishing activities in these areas will be kept to a minimum. Included in the exploration and/or development plan will be the bottom mapping of the proposed drilling sites. On the basis of proximity to topographic features, as determined from the data, these sites should be so located as to cause minimal conflict with any fishing activities in these areas. The aforementioned exploration and/or development plan must be submitted to the Supervisor for approval.

Drill cuttings and drilling muds must be disposed of by shunting the materials to the bottom through a downpipe that terminates an appropriate distance from the bottom or by other appropriate methods if determined by the Supervisor to be necessary to protect the unique character of the subject area.

No drilling permits will be issued by the Supervisor until he has found that the lessee's exploration and/or development plan filed under 30 CFR 250.34 is adequate to insure that exploration and production operations in the lease area will have a minimal adverse effect upon any fishing activities on these tracts.

Stipulation No. 4. (To apply to leases resulting from this lease sale on tracts 41–73 and 41–76 thru 41–135.)

If a pipeline is technically and economically feasible, no oil production will be transported by barge from this offshore lease to onshore facilities in the States of Florida, Mississippi and Alabama except in case of emergency or unusual circumstances. Determination as to emergency or other conditions and the technical and economic feasibility of pipeline installation will be made by the Supervisor. For continuous production, transportation of oil by barge from this lease to onshore facilities in the States of Florida, Mississippi, and Alabama will not be permitted.

Stipulation No. 5. (To apply to leases resulting from this lease sale on tracts 41–1, 41–2, 41–76 thru 41–84, and 41–117 thru 41–128.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Gulf Test Range, the Pensacola Naval Air Station, Eglin Air Force Base, MacDill Air Force Base, Tyndall Air Force Base or Naval Air Advance Training Command, Naval Air Station, Corpus Christi, Texas. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against, and to defend at its own expense the United States against, all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers,

[1] Cultural resources will be handled according to procedures outlined in 36 CFR Part 800 (FEDERAL REGISTER, January 25, 1974).

agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

Stipulation No. 6 (To apply to leases resulting from this sale on tracts 41–76 thru 41–84.)

(1) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the appropriate onshore military installation, i.e., Pensacola Naval Air Station, Eglin Air Force Base, MacDill Air Force Base, or Tyndall Air Force Base, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; *Provided, however,* that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(2) The lessee, when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the appropriate onshore military installation, i.e., Pensacola Naval Air Station, Eglin Air Force Base, MacDill Air Force Base, Tyndall Air Force Base, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Stipulation No. 7 (To apply to leases resulting from this sale on tracts 41–76 thru 41–80).

When the activities of the Armament Development and Test Center at Eglin Air Force Base may endanger personnel or property, the lessee agrees, upon receipt of a directive from the Secretary, to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the directive. Such directive shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by a subsequent directive from the Secretary. Equipment and structures may remain in place on the lease during such time as the directive remains in effect.

Tract Description

13. The tracts offered for bid are as follows:

OCS OFFICIAL LEASING MAP, MUSTANG ISLAND AREA, TEXAS MAP NO. 3
(Approved July 16, 1954; Revised October 30, 1961)

Tract No.	Block	Description	Acreage
41-1	741	All	5760
41-2	754	All	5760

OCS OFFICIAL LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
41-3	600	1/	4058.88
41-4 *	624	1/	5617.16

OCS OFFICIAL LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract No.	Block	Description	Acreage
41-6	A-16	All	5760
41-7	374	1/	1175
41-8	400	N½ 1/	2820

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract No.	Block	Description	Acreage
41-9	31)	1/	
	32)	1/	1907
41-10	33	1/	4740
41-11	51	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA - SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract No.	Block	Description	Acreage
41-12	A-500	All	5760
41-13	A-525	All	5760

HIGH ISLAND AREA - SOUTH ADDITION, TEXAS (contd.)

Tract No.	Block	Description	Acreage
41-14	A-527	All	5760
41-15	A-538	All	5760
41-16	A-543	All	5760
41-17	A-551	All	5760
41-18	A-552	All	5760
41-19	A-574	All	5760

OCS OFFICIAL LEASING MAP, HIGH ISLAND AREA - EAST ADDITION - SOUTH EXTENSION
TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract No.	Block	Description	Acreage
41-20	A-280	All	5760
41-21	A-287	All	5760
41-22	A-288	All	5760
41-23	A-352	All	5760
41-24	A-361	All	5760
41-25	A-374	All	5760
41-26	A-375	All	5760
41-27	A-379	All	5760
41-28	A-381	All	5760
41-29	A-384	All	5760
41-30	A-392	All	2903
41-31	A-395	All	5760

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
41-32	28	$S\frac{1}{2}N\frac{1}{2}S\frac{1}{2}$; $S\frac{1}{2}S\frac{1}{2}$	1875
41-33	37	All	5000
41-34	143	All	5000
41-35	226	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA - WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract No.	Block	Description	Acreage
41-36	342	All	5000

OCS OFFICIAL LEASING MAP, WEST CAMERON AREA - SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-37	583	All	5000
41-38	607	All	5000
41-39	631	All	5000

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract No.	Block	Description	Acreage
41-40	41	All	5000
41-41	218	All	1440.77
41-42	219	All	5000
41-43	220	All	5000
41-44	233	All	5000
41-45	234	All	5000
41-46	235	All	1384.67

OCS OFFICIAL LEASING MAP, EAST CAMERON AREA - SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-47	246	All	5000
41-48	367	All	5000

OCS OFFICIAL LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; July 22, 1954)

Tract No.	Block	Description	Acreage
41-49	61	All	4307.19
41-50	65	All	5000

OCS OFFICIAL LEASING MAP, VERMILION AREA - SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-51	261	All	5429.23
41-52	375	All	5000
41-53	392	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA - SOUTH ADDITION, LOUISIANA
MAP NO. 3C
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-54	124	All	5000

OCS OFFICIAL LEASING MAP, SOUTH MARSH ISLAND AREA - NORTH ADDITION, LOUISIANA
MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract No.	Block	Description	Acreage
41-55	241	2/	611.09
41-56	242	2/	2452.37

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
41-57	251	All	5000

OCS OFFICIAL LEASING MAP, EUGENE ISLAND AREA - SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-58	289	All	5000
41-59	337	All	5000
41-60	345	All	5000
41-61	346	All	5000
41-62	350	All	5000
41-63	390	All	5000

OCS OFFICIAL LEASING MAP, SHIP SHOAL AREA - SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract No.	Block	Description	Acreage
41-64	345	All	5000

OCS OFFICIAL LEASING MAP, SOUTH TIMBALIER AREA LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; December 9, 1954)

Tract No.	Block	Description	Acreage
41-65	35	All	5000

OCS OFFICIAL LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954, Revised July 22, 1954; May 11, 1973)

Tract No.	Block	Description	Acreage
41-66	6	3/	318.50

OCS OFFICIAL LEASING MAP, SOUTH PASS AREA - SOUTH ADDITION, LOUISIANA MAP NO. 9A
(Approved September 8, 1959

Tract No.	Block	Description	Acreage
41-67	75	All	5000
41-68	76	All	5000

OCS OFFICIAL LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
41-69	43) 44)	$W\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$; $NW\frac{1}{4}SW\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ $SE\frac{1}{4}NE\frac{1}{4}$; $NE\frac{1}{4}SE\frac{1}{4}$	1404.70

OCS OFFICIAL LEASING MAP, MAIN PASS AREA - SOUTH & EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959

Tract No.	Block	Description	Acreage
41-70	304	All	4999.96

OCS OFFICIAL LEASING MAP, BRETON SOUND AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract No.	Block	Description	Acreage
41-71	53	$W\frac{1}{2}$ 3/	792.29

OCS OFFICIAL LEASING MAP, NEW ORLEANS SOUTH NO. 1 NG-15-3
(Approved February 15, 1973)

Tract No.	Block	Description	Acreage
41-72	N641 E131	All	5744.12

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 1 NH-16-7
(Approved October 10, 1972; Revised February 15, 1973; August 1, 1973)

Tract No.	Block	Description	Acreage
41-73	N686 E75	All	5760

OCS OFFICIAL LEASING MAP, MOBILE SOUTH NO. 2 NH-16-10
(Approved February 15, 1973)

Tract No.	Block	Description	Acreage
41-74	N660 E59	All	3283.56
41-75	N661 E61	All	5611.56

OCS OFFICIAL LEASING MAP, PENSACOLA SOUTH NO. 1 NH-16-8
(Approved October 10, 1972; Revised August 1, 1973)

Tract No.	Block	Description	Acreage
41-76	N677 E122	All	5760
41-77	N678 E125	All	5760
41-78	N679 E125	All	5760
41-79	N680 E124	All	5760
41-80	N680 E125	All	5760

OCS OFFICIAL LEASING MAP, APALACHICOLA NH-16-9
(Approved October 10, 1972; Revised August 1, 1973)

Tract No.	Block	Description	Acreage
41-81	N665 E153	All	5760
41-82	N665 E154	All	5760

OCS OFFICIAL LEASING MAP, APALACHICOLA SOUTH NH-16-12
(Approved October 10, 1972; Revised August 1, 1973)

Tract No.	Block	Description	Acreage
41-83	N664 E153	All	5760
41-84	N664 E154	All	5760

OCS OFFICIAL LEASING MAP, TARPON SPRINGS NH-17-10
(Approved October 10, 1972)

Tract No.	Block	Description	Acreage
41-85	N644 E49	All	5760
41-86	N645 E49	All	5760
41-87	N645 E50	All	5760
41-88	N646 E49	All	5760
41-89	N649 E55	All	5760
41-90	N650 E53	All	5760
41-91	N650 E54	All	5760
41-92	N650 E55	All	5760
41-93	N651 E52	All	5760
41-94	N651 E53	All	5760

OCS OFFICIAL LEASING MAP, TAMPA NG-17-1
(Approved October 10, 1972)

Tract No.	Block	Description	Acreage
41-95	N624 E44	All	5760
41-96	N626 E45	All	5760
41-97	N627 E45	All	5760
41-98	N627 E46	All	5760
41-99	N633 E44	All	5760
41-100	N634 E44	All	5760
41-101	N634 E45	All	5760
41-102	N636 E55	All	5760
41-103	N636 E56	All	5760
41-104	N636 E57	All	5760
41-105	N637 E56	All	5760
41-106	N637 E57	All	5760
41-107	N637 E58	All	5760
41-108	N638 E43	All	5760
41-109	N638 E44	All	5760
41-110	N638 E52	All	5760
41-111	N638 E53	All	5760
41-112	N638 E54	All	5760
41-113	N638 E55	All	5760
41-114	N639 E43	All	5760

TAMPA (continued)

Tract No.	Block	Description	Acreage
41-115	N639 E44	All	5760
41-116	N639 E52	All	5760

OCS OFFICIAL LEASING MAP, TAMPA WEST NO. 1 NG-16-3
(Approved October 10, 1972; Revised August 1, 1973)

Tract No.	Block	Description	Acreage
41-117	N621 E160	All	5760
41-118	N621 E161	All	5760
41-119	N622 E160	All	5760
41-120	N622 E161	All	5760
41-121	N623 E160	All	5760
41-122	N623 E161	All	5760
41-123	N626 E162	All	5760
41-124	N626 E163	All	5760
41-125	N627 E162	All	5760
41-126	N627 E163	All	5760
41-127	N627 E164	All	5760
41-128	N627 E165	All	5681.37
41-129	N628 E162	All	5760
41-130	N628 E163	All	5760
41-131	N628 E164	All	5760
41-132	N628 E165	All	5412.39
41-133	N629 E163	All	5760
41-134	N629 E164	All	5760
41-135	N629 E165	All	5134.56

*Note: There is a hiatus in the numbers of the tracts listed. Tract 41-5 identified in the Final Environmental Impact Statement is not included in this notice.

1/ That portion seaward of the three marine league arc.

2/ That portion located more than three marine leagues seaward of a line extending from a point on Shell Keys at latitude 29°24'32.15" N., longitude 91°51'16.59" W. (X = 1,834,019, Y = 270,301) northwesterly in a straight line to Tigre Point at latitude 29°32'23.13" N., longitude 92°14'57.15" W. (X = 1,708,756, Y = 318,661). The coordinates used refer to the Louisiana Plane Coordinate System, South Zone.

3/ That portion located seaward of the Supreme Court Decree Line of June 16, 1975. (U.S. vs. Louisiana, 422 U.S. 13).

14. Some of the tracts offered for lease may fall in areas which may be included in Fairways, precautionary zones, or traffic separation schemes. For the location of these existing or potential areas and for the restrictions which will or might be imposed by the Corps of Engineers, the District Engineers, Galveston District, New Orleans District, and Mobile District, U.S. Army Corps of Engineers should be consulted.

Suggested Bid Form

15. It is suggested that bidders submit their bids in the following form:

Oil and Gas Bid

The following bid is submitted for an oil and gas lease on the land of the Outer Continental Shelf specified below:

Tract No.	Total Amount Bid	Amount Per Acre	Amount of Cash Bonus Submitted with Bid
_____	_____	_____	_____

Proportionate Interest of Company Submitting Bid

N.O.Misc.No._____ _____% _____
Company

_____
Address

_____
Signature
(Please type signer's name under signature)

NOTE: In the case of joint bids, each joint bidder must execute the following statement before a notary public:

I hereby certify that_____(entity submitting bid) is not disqualified from joint bidding under 43 CFR 3302.3-4(c).

_____
Signature

Sworn to and subscribed before me
this_____day of_____19___

_____
NOTARY PUBLIC
State of_____
(County) of_____

Withdrawal of Tracts

16. The United States reserves the right to withdraw any tract from this sale prior to the issuance of a written acceptance of a bid for that tract.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved:

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.76-1449 Filed 1-15-76;8:45 am]

Geological Survey

SALINE VALLEY, INYO COUNTY, CALIFORNIA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3 and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas:

(5) CALIFORNIA

SALINE VALLEY KNOWN GEOTHERMAL RESOURCES AREA

Mt. Diablo Meridian

T. 13 S., R. 39 E., Secs. 19, 20, 21, 29, 30, all.

The area described aggregates 3,200 acres, more or less.

Dated: December 9, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.76-1371 Filed 1-15-76;8:45 am]

Office of the Secretary

COLORADO RIVER BASIN

Continuation of Operating Criteria

Pursuant to the notice published in the FEDERAL REGISTER on July 7, 1975, regarding review and possible modification of the criteria for coordinated long-range operation of the Colorado River, comments have been received from the Governors of the Colorado River Basin States or their designated representatives, the Upper Colorado River Commission, various Federal agencies, and others. The comments address not only the operating criteria, but also associated operating rules and the general basis for system operations.

COLORADO RIVER OPERATING CRITERIA

Regarding the operating criteria, the only change suggested by the States would involve modification of article II (3) to provide more latitude in the date on which storage is equalized. Operating experience gained during the past year indicates that, under some conditions, equalizing storage on September 30 may be difficult. The intent of section 602 of the Colorado River Basin Projects Act, Pub. L. 90-537, was to assure that active storage in Lakes Mead and Powell remain equal "as nearly as practicable." It may be concluded, therefore, that the Secretary has the authority to "equalize storage" within a reasonable period of time before or after September 30; the language of article II(3) of the operating criteria is aimed at establishing an operational objective.

Comments were received suggesting that, in the operation of the Colorado River storage reservoirs, specific consideration should be given to water quality, aesthetic, recreational, and fish and wildlife values. Existing operations attempt to accommodate such objectives consistent with authorized project functions, and efforts to this end will be continued.

Inasmuch as no other comments have been received regarding specific aspects of the operating criteria, they are hereby continued with no change.

ASSOCIATED OPERATING RULES

The adequacy of two operational requirements related to the operating criteria has been questioned; specifically, the 1962 "General Principles to Govern and Operating Criteria for Glen Canyon Reservoir (Lake Powell) and Lake Mead during the Lake Powell Filling Period" (otherwise known as the "filling cri-

teria") and the 1967 "Flood-Control Regulations for Lake Mead." These issues will be reviewed separately and resolved independently of the operating criteria.

Glen Canyon Filling Criteria. The Upper Colorado River Commission and the Governors of the Upper Basin States have requested that the Secretary of the Interior terminate the Glen Canyon filling criteria, claiming that the intended purpose of the filling criteria has been satisfied through attainment of the amount of storage currently available in Lakes Mead and Powell. The Lower Basin States claim that legislative history confirms that the Congress intended the filling criteria to continue until satisfaction of its inherent provisions. The Department of the Interior will consider this matter independently of the operating criteria.

Hoover Flood-Control Regulations. Concern has been expressed that the flood-carrying capacity of the Colorado River downstream from Hoover Dam may not be consistent with the release requirements of the Hoover Dam and Lake Mead Flood-Control Regulations. In recent years, changes in the hydraulic characteristics and encroachment by residents may have diminished the carrying capacity, thus raising the need for a review of the Hoover flood-control regulations. With the Department of the Army, Corps of Engineers, and the States involved, the Bureau of Reclamation will undertake a review of the regulations which govern flood-control operations at Hoover Dam.

SUMMARY AND CONCLUSION

The "Criteria for Coordinated Long-Range Operation of the Colorado River," originally published in the FEDERAL REGISTER on June 10, 1970, has been reviewed in cooperation with the Governors of the Colorado River Basin States and other interested entities. On the basis of that review, those criteria are being continued without change. A further review will be scheduled during calendar year 1980 or at such time as conditions warrant.

Dated: January 9, 1976.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.76-1262 Filed 1-15-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PERISHABLE AGRICULTURAL COMMODITIES ACT—INDUSTRY ADVISORY COMMITTEE

Open Meeting

Pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, notice is hereby given of a meeting of the Perishable Agricultural Commodities Act—Industry Advisory Committee on Saturday, February 7, 1976, at 9:00 a.m., Continental Ballroom No. 1, Hilton Hotel, San Francisco, California.

The purpose of the meeting is to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.). The meeting will be open to the public.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250; telephone 202-447-4722.

Dated: January 12, 1976.

DONALD E. WILKINSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.76-1359 Filed 1-15-76;8:45 am]

Forest Service

SOUTHERN CHILKAT STUDY AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Southern Chilkat Study Area, USDA-FS-R10-FES (Adm) 75-07.

This environmental statement concerns the presentation of five alternative courses of management for the Southern Chilkat Study Area.

This final environmental statement was transmitted to the CEQ on January 8, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.
Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.
Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.
Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

A limited number of single copies are available upon request to Richard Wilson, Forest Supervisor, Chatham Area, Tongass National Forest, Box 757, Sitka, Alaska 99835.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

C. A. YATES,
Regional Forester,
Alaska Region.

JANUARY 8, 1976.

[FR Doc. 76-1364 Filed 1-15-76; 8:45 am]

Office of the Secretary

ROCK CREEK ADVISORY COMMITTEE

Six-Month Renewal

The Assistant Secretary for Conservation, Research and Education has renewed the Rock Creek Advisory Committee for an additional 6-month period ending June 30, 1976.

The Rock Creek Advisory Committee was originally established by the Assistant Secretary for Conservation, Research and Education on January 10, 1974, to obtain advice on Forest Service management of the Rock Creek Drainage Area in the Deerlodge and Lolo National Forests, Montana.

The Assistant Secretary has determined that continuation of this comittee is necessary and in the public interest in connection with duties imposed on the Forest Service by law. This notice is given in compliance with Pub. L. 92-463.

Dated: January 9, 1976.

J. W. DEINEMA,
Deputy Chief.

[FR Doc.76-1354 Filed 1-15-76;8:45 am]

Rural Electrification Administration

MANAGER EMPLOYMENT CONTRACTS

Policy, Procedures and Guidelines

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 109-5, Manager Employment Contracts, setting forth policy, procedures and guidelines for such contracts between REA electric borrowers and their managers.

Persons interested in the provisions of proposed REA Bulletin 109-5, may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the REA bulletin, including related forms and attachments may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed bulletin is as follows:

REA BULLETIN 109-5

MANAGER EMPLOYMENT CONTRACTS

I. *Purpose.* This bulletin sets forth policy, procedures and guidelines regarding contracts between electric borrowers and their managers which establish the terms and conditions of the manager's employment and advises that REA mortgages provide that the borrower will not enter into such contracts unles they shall first have been approved by REA.

II. *Policy.* A. REA does not recommend manager employment contracts. However, it is recognized that there are circumstances in which borrowers may find such a contract to be desirable or necessary.

B. Employment contracts, like any other contract, should protect the interests of both parties. Each party should be represented by its own counsel. In some cases it may be desirable to get professional advice from

management and legal consulting firms specializing in this type of work.

C. Existing contracts which have not received REA approval should be submitted to REA for approval consideration.

D. Drafts of proposed contracts should be submitted to REA for approval of form and content prior to execution by the parties except as allowed by Part IV B hereof.

E. Manager employment contracts and related correspondence should be addressed to the appropriate area director.

F. REA approval of a manager employment contract indicates solely that the contract conforms with the provisions of this bulletin. Such approval does not necessarily constitute approval of the manager; the selection of the manager is governed by REA Bulletin 109–4.

III. *Contract provisions.* Borrowers having, or proposing to have, employment contracts with managers should ascertain that such contracts conform with the following criteria:

A. *Right of the board of directors to change management is not abrogated by the contract provisions.* The contract should provide security of compensation for the manager but this security should not be extended beyond the point of satisfactory performance on the part of the manager. The board of directors must always be in position to make a change in management, if and when the board should find the manager's performance to be unsatisfactory.

B. *Right of REA to request termniation of manager's employment is not abrogated by the contract provisions.* The common REA–CFC Mortgage (Article II, Section 18) provides, " * * * If, during such periods as the Mortgagor shall be in default in the making of payment or payments of principal of or interest on one or more of the notes or otherwise be in default hereunder, the Government (REA) shall at any time * * * request the termination of the employment of any such manager or person exercising comparable authority, or shall request the termination of any operating contract in respect of any such system, the Mortgagor will terminate such employment or operating contract within thirty (30) days after the date of such notice * * *". All other REA mortgages contain similar provisions obligating the mortgagor, upon request by REA, to terminate the manager's employment under default conditions.

C. *Manager's appointment is conditioned upon successful completion of a probationary period.* REA Bulletin 109–4 recommends a probationary period of six months to one year for all new manager appointments. This criterion may be waived for any contract executed prior to issuance date of this bulletin or if the contract is accompanied with a statement satisfactory to REA furnishing the reason(s) for not having the probationary period.

D. *Severance provisions do not place undue financial burden on borrower in the event manager's employment is terminated prior to end of contract term.* REA will not approve contracts which provide for payment of severance compensation which exceeds six months' regular salary. This is exclusive of other compensation earned prior to the termination, such as deferred income, accrued leave, prepaid insurance, etc. In substantiated cases of malfeasance, felony or moral turpitude on the part of the manager, the contract should authorize the board of directors to terminate the contract forthwith without compensation for severance or remainder of the contract term.

E. *Term of contract is not more than three years.* The contract may provide for extension of the contract on a year-to-year basis or for renewal periods of not more than three years at a time. A longer period will not be approved since its effect would tend to limit the rights of future boards of directors.

F. *Interest of both parties are protected and each receives mutual benefit from the contract.* REA will make this determination at time of approval. Provisions obligating the borrower with respect to future salary adjustments must be based on objective measurements of merit and performance. As an alternate, future salary adjustments based upon merit and performance may be limited to a nominal 2 percent to 3 percent or some similar percentage plus an escalator clause designed to maintain earnings through adjustment, by a definite formula, for annual changes in the cost of living as measured in the Consumer Price Index. Use of any other index to adjust salary or any other tandem arrangement will indicate the borrower's financial interest is not adequately protected. In any case, the contract shall provide that no salary increase shall take effect automatically, but will become effective only by affirmative authorization of the board of directors.

IV. *Contract Submission*—A. *For borrowers with executed contracts as of the date of this bulletin.* 1. Contracts found to comply with the criteria of Part III above should be submitted in duplicate to REA for post approval.

2. If a contract does not comply with the criteria of Part III, borrower should: a. Revise the contract to conform with the criteria of Part III and then submit it in duplicate to REA for approval; or, b Request a waiver of REA approval in lieu of revising the contract. Such request should state principal areas of non-conformance plus the reason(s) for the waiver and furnish the contract's effective date and the date of the end of the term thereof. If such waiver is approved by REA, such approval will be given on condition that the contract be revised to conform with the criteria of this bulletin at the time of the next contract renewal or extension. In case the waiver is not granted, REA will advise concerning further action to be taken by borrower.

B. *For borrowers with new contracts to be executed after the date of this bulletin.* 1. Final drafts of proposed contracts which are not in conformance with Part III of this bulletin should be submitted in duplicate to REA for approval before they are executed.

2. Contracts which conform with the criteria of Part III above may be executed prior to submission.

3. All new contracts shall include a "subject to REA approval" clause.

Dated: January 7, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76–1355 Filed 1–15–76;8:45 am]

Soil Conservation Service

MCKINNEY-BUZZARD CREEK WATERSHED PROJECT, OKLAHOMA

Availability of Draft 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 draft environmental impact statement for the McKinney-Buzzard Creek Watershed Project, McCurtain County, Oklahoma, USDA-SCS-EIS-WS-(ADM)-76-1-(D)-OK.

The environmetnal impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work and one floodwater retarding structure. The channel work will involve 2.42 miles of new channel construction, and 6.78 miles of enlargement by excavation to provide improved water management on 1,500 acres of agricultural flood plain. Of the 9.20 miles of channel work proposed 5.84 miles will involve existing channels with only ephemeral flow, while the balance will involve either existing ponded or flowing water or completely new channels where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Farm Road and Brumley Street, Stillwater, Oklahoma 74074

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Roland R. Willis, State Conservationist, Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

Comments must be received on or before February 28, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 9, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc. 76–1365 Filed 1–15–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	Feb. 2, 9 a.m., Holiday Inn, LaGuardia Airport, New York, N.Y.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) cold, cough, allergy, bronchodilator, and antiasthmatic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Review of Miscellaneous Internal Drug Products.	Feb. 8 and 9, 9 a.m. on Feb. 9, Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Feb. 8, 9 a.m. to 4:30 p.m.; open public hearing Feb. 9, 9 to 10 a.m.; closed committee deliberations Feb. 9, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) miscellaneous internal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Feb. 9 and 10, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 9, 9 to 10 a.m.; closed committee deliberations Feb. 9, 10 a.m. to 4:30 p.m.; Feb. 10, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) internal analgesic including antirheumatic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) 2(5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Biocompatibility Subcommittee of the Panel on Review of Neurological Devices.	Feb. 10, 9 a.m., Room 1134, FB–6, 400 Maryland Ave. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; James R. Veale (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–427–7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the committee discussions listed in this announcement to James R. Veale, Executive Secretary.

Open committee discussion. Review of FDA cell culture spectrum analysis research contract and review of status of biocompatibility research contract with the University of Tennessee. Presentation by Steve Bruch.

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Ophthalmic Drugs.	Feb. 13 and 14, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 13, 9 to 10 a.m.; closed committee deliberations Feb. 13, 10 a.m. to 4:30 p.m., Feb. 14, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) ophthalmic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Antimicrobial Agents.	Feb. 13, 14, and 15, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 13, 9 to 10 a.m.; closed committee deliberations Feb. 13, 10 a.m. to 4:30 p.m., Feb. 14 and 15, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antimicrobial agents drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of Oral Cavity Drug Products.	Feb. 19 and 20, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 19, 9 to 10 a.m.; closed committee deliberations Feb. 19, 10 a.m. to 4:30 p.m., Feb. 20, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) oral cavity drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
8. Toxicology Subcommittee of the Diagnostic Products Advisory Committee.	Feb. 23 and 24, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 23, 9 to 10 a.m.; open committee discussion Feb. 23, 10 a.m. to 5 p.m.; closed committee deliberations Feb. 24, 9 a.m. to 5 p.m.; Nabeeh Mourad, Ph. D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations on their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to in vitro diagnostic products used for the determination of digoxin in serum or plasma to Nabeeh Mourad, Ph.D., Executive Secretary, Toxicology Subcommittee, 8757 Georgia Avenue, (HFK-200), Silver Spring, MD 20910. Any information pertinent to classification of diagnostic products listed in this announcement should be usbmitted to S. K. Vadlamudi, D.V.M., Ph.D., Head of Classification, 8757 Georgia Avenue, (HFK-400), Silver Spring, MD 20910.

Open committee discussion. The subcommittee will discuss matters pertaining to labeling and performance of in vitro diagnostic products used for the determination of drugs of abuse, alcohol and digoxin in biological specimens. In addition, products marketed as kits will be discussed.

Closed committee deliberations. The subcommittee will classify the following products used in clinical toxicology laboratories: Reagents, instruments, and associated equipment used for the quantitative determination of drugs other than drugs of abuse. This portion of the meeting will be closed to permit the free exchange of internal views (5 U.S.C. 552 (b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Dentifrices and Dental Care Agents.	Feb. 24 and 25, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 24, 9 to 10 a.m.; closed committee deliberations Feb. 24, 10 a.m. to 4:30 p.m., Feb. 25, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) dentifrices and dental care drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
10. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	Feb. 25 and 26, 9 a.m., Room 1400, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 25, 9 to 10 a.m.; closed committee deliberations Feb. 25, 10 a.m. to 5 p.m., Feb. 26, 9 a.m. to 5 p.m.; Charles S. Furfine, Ph. D. (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-427-7175.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of diagnostic products listed in this announcement to William C. Dierksheide, Ph. D., Head of Classification, Bureau of Medical Devices and Diagnostic Products, 8757 Georgia Avenue, Silver Spring, MD 20910. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The subcommittee will classify the following categories of in vitro diagnostic products for the analysis of: Amines, biogenic; aminoleuvlinic acid; amino acids; ammonia; bile, acids, pigments; bilirubin, derivatives; carbohydrates; catecholamines; ceruloplasmin; cholesterol, esters; choline; colloidal gold; citric acid; coenzymes; copper; creatine; creatinine; dye clearance; enzymes; fatty acids, nonesterified; flocculation test, N-formiminoglutamic acid; gases, blood; glutathione; hemoglobin, derivatives hippuric acid; homogentisic acid; inositol; iodine, insulin; 2-ketoglutaric acid; ketone bodies; lactic acid; lipids, fecal, phospho-, total serum; maple syrup disease, agents; methylmalonic acid; myoglobin; nucleotides, cyclic nucleotides; nitrogen, nonprotein, total fecal; oxaloacetic acid; pH; phenylpyruvic acid, derivatives; protein, abnormal, glyco-, lipo-, muco-, normal; pyruvic acid; steroids; thymol turbidity; thyroxine, derivatives, precursors; triglycerides; urea, uric acid; vitamins, derivatives, precursors; zinc. This session will be closed in order to protect the free exchange of internal views and to avoid undue interference in subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Antiperspirant Drug Products.	Feb. 26 and 27, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 26, 9 to 10 a.m.; closed committee deliberations Feb. 26, 10 a.m. to 4:30 p.m., Feb. 27, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and invetstigation of the ingredients included in over-the-counter (OTC) antiperspirant drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Feb. 26 and 27, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Feb. 26, 9 to 10 a.m.; closed committee deliberations Feb. 26, 10 a.m. to 4:30 p.m., Feb. 27, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) contraceptives and other vaginal

drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Allergenic Extracts.	Feb. 27 and 28, 9 a.m., Room 121, NIH, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Feb. 27, 9 to 10 a.m.; closed committee deliberations Feb. 27, 10 a.m. to 5 p.m., Feb. 28, 9 a.m. to adjournment; Clay Sisk, (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Discussion of the previous meeting's minutes. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Review of data submissions from allergenic extract producers for: (1) Pollen extracts, (2) food extracts, and (3) epidermal extracts. This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Panel on Review of Neurological Devices.	Feb. 27 and 28, Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Feb. 27, 9:30 to 10:30 a.m.; open committee discussion Feb. 27, 10:30 a.m. to 4 p.m., Feb. 28, 9 a.m. to 4 p.m.; James R. Veale (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information or data pertinent to the tentative classification of neurological devices to James R. Veale, Executive Secretary.

Open committee discussion. Discussion of chiropractic devices as related to the neurological area; electrosurgical unit standard; transcutaneous electrical neuro-stimulator report.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves interagency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency of committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have perviously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: January 12, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-1377 Filed 1-15-76;8:45 am]

[FDA-225-76-4005]

INSPECTION OF VIRGINIA CRABMEAT PLANTS

Memorandum of Understanding With the Virginia Department of Health

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Virginia Department of Health's Bureau of Shellfish Sanitation and the Food and Drug Administration have renewed their understanding concerning certain related objectives in carrying out their respective responsibilities, effective December 15, 1975. The understanding, which sets forth the working arrangements to be followed concerning inspection of all Virginia crabmeat plants of mutual obligation, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF SHELLFISH SANITATION, VIRGINIA DEPARTMENT OF HEALTH, AND THE BALTIMORE DISTRICT, FOOD AND DRUG ADMINISTRATION

I. *Purpose.* It is the purpose of this understanding to provide more effective consumer protection through more efficient state and federal inspectional coverage of the Virginia crabmeat industry.

II. *General Provisions*—A. *Information exchange.* Each agency will provide the other with copies of all its inspection reports, assay reports, and appropriate correspondence pertaining to Virginia crabmeat plants.

1. *FDA reports.* Within 24 hours of inspection completion, the FDA investigator will mail to VDH, a copy of the list of observations (FD-483) issued to a firm at the conclusion of an inspection. A copy of the complete written inspection report will follow after District endorsement.

2. *VDH reports.* Copies of inspection reports, assay reports, and correspondence will be mailed by VDH directly to FDA's Norfolk Inspection Office on a weekly basis.

B. *Work scheduling.* FDA will supply VDH with a schedule of assigned crabmeat inspections on a monthly basis. VDH will take all necessary steps to maintain the confidentiality of such information.

C. *Impact actions.*—1. *Joint inspections.* When either agency encounters violative plant conditions, the correction of which would be expedited by a joint approach, the partner agency will be requested to make a joint inspection to provide support when justified of its partner's findings. Every effort will be made to honor such requests in a timely fashion not to exceed 2 weeks from the date of request.

2. *FDA support for VDH decertification.* a. At VDH request, FDA will provide consultation for VDH plant decertification action by confirming inspectional observations. Such consultation will be provided by phone within 24 hours of its request with a follow-up in writing for the record.

b. When during the course of an inspection, an FDA investigator observes the practice of storing "green" and cooked crabs in the same room, VDH Central Office will be notified by phone during the inspection to permit decertification action if indicated.

D. *Sampling.*—1. *Methodology standardization.* During the term of this understanding, the agencies will discuss eventual standardization of methodology.

a. *FDA assay.* To permit correlation of VDH and FDA assay results, FDA will use VDH methodology on a trial basis for the term of this understanding to analyze a portion of each crabmeat sample collected from a Virginia plant, i.e., fecal coliform determination at 44.5°. Results from both methods will be included in assay reports.

b. *VDH assay.* Each VDH Shellfish Laboratory will use both temperature methods on FDA quality assurance samples.

2. *Sampling request.* VDH will advise FDA of distribution of crabmeat for possible follow-up sampling when plant conditions indicate the potential for production of a contaminated product.

E. *Training.* Training to continually upgrade the technical competence of sanitarians and investigators is considered essential for the maintenance of effective inspectional units. It will be discussed and planned for at each joint planning session (See Section II–G, Program review).

1. *Formal.* Formal training courses sponsored by either agency will be made available whenever possible for the other's personnel.

2. *On-the-job.* Joint inspections will be used as needed for training of both agencies. It will be the responsibility of the inspection unit directors to recognize inspectional weaknesses and request joint inspections when indicated.

F. *Performance evaluation.* Each sanitarian or investigator newly assigned to the program will be evaluated for inspectional competence by the partner agency within 6 months of his assumption of duty. Performance of personnel currently in the program will be evaluated if either agency requests such reevaluation.

G. *Program review.* Planning sessions will be conducted semi-annually to review the program, maintain effective communication, evaluate accomplishments and plan future objectives. These sessions will be conducted during April and October of each year.

1. *April sessions.* To be held in the FDA Investigations Office in Falls Church, Virginia.

2. *October sessions.* To be held in the VDH Bureau of Shellfish Sanitation Office in Richmond, Virginia.

III. *Development of a Seafood Program.* During the term of this understanding both the Virginia Department of Health and Baltimore District of FDA will continue to study the shellfish and crabmeat programs as currently structured. They will consider the merits of a model cooperative seafood program incorporating the philosophy and provisions of the work-sharing program as structured by this memorandum. If indicated, they will recommend to appropriate officials that a cooperative seafood program be developed for pilot operation in Virginia.

IV. *Term of Understanding.* This understanding will expire on December 31, 1976, unless renewed and signed by both agencies to continue in effect until the following December 31.

This understanding in its entirety, or in part, may be revised by mutual consent or terminated upon 30 days' written notice by either agency.

Approved and accepted for the Virginia Department of Health:

Dated: December 12, 1975.

MACK I. SHANHOLTZ,
State Health Commissioner,
Virginia Department of Health.

Approved and accepted for the Food and Drug Administration:

Dated: December 15, 1975.

M. L. STRAIT,
Deputy Regional Food and Drug Director, Food and Drug Administration, Baltimore District.

Effective date. This Memorandum of Understanding became effective December 15, 1975.

Dated: January 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-1378 Filed 1-15-76;8:45 am]

Office of Civil Rights

EMPLOYMENT AT INSTITUTIONS OF HIGHER EDUCATION

Affirmative Action

CROSS REFERENCE: For a document issued jointly by the Department of Health, Education, and Welfare, Office of Civil Rights, and the Department of Labor, Office of Federal Contract Compliance Programs, on the subject of affirmative action in employment at institutions of higher education, see FR Doc. 76-1399 appearing in the notices section of this issue under the Department of Labor, Office of Federal Contract Compliance Programs.

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the Advisory Council on Education Statistics will be held on February 5, 1976, from 9:00 a.m., to 5:00 p.m., and on February 6, 1976, from 9:00 a.m., to 3:00 p.m., in the Education Division Conference Center, Room 3000 of the Federal Office Building Number 6 at 400 Maryland Avenue SW., Washington, D.C. 20202.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1221e-1(c)) to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influences."

The meeting agenda will include the swearing-in of two Council members, review of NCES programs and projects, documentation of the planning process for determining priorities, a review of the NCES conceptual approach to assistance to the States, a preliminary discussion of the role of the Council in establishing statistical standards, and the Council report to the Secretary, DHEW and the Congress.

Because of limited meeting accommodations, all persons wishing to attend should call for reservations by January 26, 1976, area code 202/245-3184.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics located at 400 Maryland Avenue, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on January 15, 1976.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

[FR Doc.76-1395 Filed 1-15-76;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59233).

This Committee was to have convened from 9:00 a.m. to 5:00 p.m. on January 15-16, 1976, but because of the inability of members to attend, this date has been altered to February 5-6, 1976, from 9:00 a.m. to 5:00 p.m. in Room 1137, HEW-North Building, 330 Independence Avenue, S.W., Washington, D.C.

Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Friday, Janu-

ary 30. Phone: 202-245-8454. Written statements received by January 30 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: January 9, 1976.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.76-1396 Filed 1-15-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-475]

NATIONAL FLOOD INSURANCE PROGRAM

Guideline on Lending Prohibition

The following guidelines modify the guidelines published on July 17, 1974, (39 FR 26186-93); April 14, 1975 (40 FR 16710) and November 21, 1975 (40 FR 54277), to reflect Pub. L. 94-198 (effective December 31, 1975) which extended until March 1, 1976, the exemption from the statutory prohibition on lending by Federally insured, regulated, supervised or approved lending institutions in flood prone areas of communities identified by the Federal Insurance Administration of the Department of Housing and Urban Development as areas subject to special flood hazards.

Public Law 94-198 amended Section 202(b) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, December 31, 1973) to provide as follows:

(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program, except that the prohibition contained in this sentence shall not apply to any loan made prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The individual Federal Instrumentalities have promulgated regulations implementing their responsibilities under Sections 102(b) and 202(b) of the Flood Disaster Protection Act of 1973. Lending institutions supervised by these organizations shall refer their questions to such organizations with respect to their responsibilities under the Act, other than those questions raised under 24 CFR Part 1909 et seq.

The following is a locator list of the regulations of the various instrumentalities concerning the National Flood Insurance Program (42 U.S.C. 4001-4128):

(1) Comptroller of the Currency: 12 CFR 22.2 and 22.3

(2) Federal Reserve System: 12 CFR 208.8

(3) Federal Deposit Insurance Corporation: 12 CFR 339.1 and 339.2.

(4) Federal Home Loan Bank System: 12 CFR 523.29

(5) Federal Savings & Loan System: 12 CFR 545.8-4

(6) Federal Savings & Loan Insurance Corporation: 12 CFR 563.9-6

(7) National Credit Union Administration: 12 CFR 760.0-2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's Delegation of Authority to the Federal Insurance Administrator 34 FR 2680, February 24, 1974)

Issued in Washington, D.C., on January 5, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-1412 Filed 1-15-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-242]

ADVISORY COMMITTEES

Applicants for Membership

The Coast Guard is seeking applicants who are interested in being appointed as a member on one of the following advisory committees:

1. *Towing industry advisory committee (TIAC).* TIAC advises the Marine Safety Council, an internal Coast Guard Council which advises the Commandant on the safe operation of towing vessels and barges on rivers, inland waters, along the coasts, and upon the oceans.

2. *National Offshore Operations Industry Advisory Committee (NOOIAC).* NOOIAC advises the Marine Safety Council on offshore operations and the coastal environment, including offshore oil and mineral exploitation, transmission of energy resources, and support facilities.

3. *Chemical Transportation Industry Adivsory Committee (CTIAC).* CTIAC advises the Marine Safety Council on the water transportation of hazardous materials.

4. *Rules of the Road Advisory Committee (RRAC).* RRAC advises the Marine Safety Council on proposals that affect the Rules of the Road.

Each applicant should clearly indicate which of the committees he is interested in. Additional information will be mailed to each applicant. Selection will be based upon expertise and leadership within the field of interest of the committee. Membership is open to all qualified persons. Applications for membership will be accepted until 11 February 1976.

Each committee meets once or twice a year at a location that is selected by the Committee Sponsor. Members serve at their own expense and receive neither travel nor per diem allowances.

Interested parties should write to: Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590.

Dated: January 13, 1976.

R. A. RATTI,
Rear Admiral, U.S. Coast Guard, Chief Counsel.

[FR Doc.76-1416 Filed 1-15-76;8:45 am]

[CGD 76-002]

PRINCE WILLIAM SOUND VTS

Meetings

Notice is hereby given of the public meetings to be held by the Coast Guard on the proposed Prince William Sound Vessel Traffic Service. In accordance with section 104 of the Ports and Waterways Safety Act of 1972, 86 Stat. 427 (33 U.S.C. 1224) the public meetings will be held at the following places:

Date	Time	Location
1976		
Feb. 18	9 a.m.	Room 117, Federal Bldg., 709 West 9th St., Juneau, Alaska.
20	do.	Room 514, Federal Bldg., 915 2d Ave., Seattle, Wash.
24	do.	Room 500, Cordova Bldg., 555 Cordova St., Anchorage, Alaska.
26	10 a.m.	City Hall, Valdez, Alaska.

The purpose of these meetings is to solicit public comment on the Prince William Sound Vessel Traffic Service, before the Coast Guard drafts the notice of proposed rulemaking. Interested persons are invited to attend the meetings and present oral or written statements on items which they feel the regulations should address. All written data, views and comments should be addressed to Commander (m), 17th Coast Guard District, FPO Seattle 98771.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

JANUARY 12, 1976.

[FR Doc.76-1417 Filed 1-15-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26943]

AEROAMERICA, INC., GAC CORP., AND MODERN AIR TRANSPORT, INC.

Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding, which was assigned to be held on January 14, 1976 (40 FR 58340, December 16, 1975), is postponed until further notice.

Dated at Washington, D.C., January 13, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-1403 Filed 1-15-76;8:45 am]

[Docket 27802]

CONDOR FLUGDIENST GmbH

Hearing Regarding Charter Permit Renewal

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 12, 1976 at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 26, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 12, 1976.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.76-1404 Filed 1-15-76;8:45 am]

[Order 76-1-40; Docket No. 28339]

JETSAVE LTD.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1976.

In the matter of application of Jetsave Ltd. for a foreign air carrier permit as an indirect air carrier of persons and their accompanying baggage pursuant to Section 402 of the Federal Aviation Act of 1958, as amended.

By application filed on September 23, 1975, and amended on October 15, 1975, Jetsave Ltd. (Jetsave) requests issuance of a foreign air carrier permit for an indirect air carrier of persons and their accompanying baggage and permission to use the name "Jetsave" in its activities carried out pursuant to the permit sought.[1]

No answers to the application and motion have been received.

Background. Jetsave is not a direct air carrier and is not affiliated with a direct air carrier. It operates no aircraft of its own and does not propose to do so. Jetsave seeks authority from the Board to operate as an indirect air carrier of passengers and their baggage in the formation of groups for transportation on inclusive tour charters, one-stop-inclusive tour charters, travel group charters, and study group charters. Jetsave's primary interest is in organizing U.S.-originating OTC's for movement to the United Kingdom.

Ownership and Control. Jetsave is a limited liability company organized under the laws of the United Kingdom.[2] It is licensed by the Civil Aviation Authority of the United Kingdom as an air travel organizer.[3] 83⅓ percent of Jetsave's outstanding stock is owned by Reginald Pycroft, a citizen of the United Kingdom. The remainder of the outstanding stock is owned by Counseils Financiere Airco Establishment, a company organized and existing under the laws of the Duchy of Liechtenstein and managed by a citizen of the United Kingdom for the benefit of Australian citizens. All officers, directors, and key management personnel are United Kingdom citizens. Thus, it is tentatively concluded that Jetsave is substantially owned and effectively controlled by citizens of the United Kingdom.

Financial and Operational Fitness. Jetsave's audited accounts for the period of 15 months ended March 31, 1975, indicated, as of March 31st, assets in excess of current and long term liabilities by £ 96,965 and an unappropriated profit of £ 34,963. In addition to its apparently sound financial status, the traveling public is protected from fiscal irresponsibility by Parts 372a, 378, and 378a of the Board's Special Regulations providing for surety bond and escrow arrangements. Finally, the inauguration by Jetsave of the Jetsave Guarantee Trust Scheme, effective April 1, 1975, which required lodging between £ 2–£ 3 million with the National Westminister Bank at any one time compared with £ 500,000 required for Bonding by the United Kingdom Civil Aviation Authority in order to guarantee passenger financial security, Jetsave popularity among travel agents for advance-booking charter operators,[4] and its lack of any safety or tariff violations attest to its operating fitness. Thus, it is tentatively concluded that all of the fitness requirements of section 402 of the Act are met by the applicant.

Public Interest. On the basis of comity and reciprocity, it is tentatively concluded that it is in the public interest to grant Jetsave a permit. The United Kingdom Civil Aviation Authority has granted, with dispatch, the only application by a U.S. indirect air carrier for an Air Travel Organizer's license and has no known rule or policy that would bar additional grants if sought.[5] Also, the success of Jetsave in promoting U.K. citizens to visit the U.S., as indicated by its special award from Mayor Beame of New York City for bringing more than 50,000 people from the U.K. to New York,[6] provides a financial benefit to the U.S. as well as a stimulus to travel by charter because passengers can depend upon Jetsave, an evidently competent and experienced tour organizer.

The applicant also has requested permission to use the abbreviated form of its name, Jetsave, rather than Jetsave Ltd. Pursuant to prior Board policy, as indicated in Orders 75-3-104, 73-10-3, and 71-6-8, national identification of foreign indirect air carriers is necessary to give notice to the traveling public that they are dealing with a foreign corporation. Therefore, the permit will be issued in the name "Jetsave Ltd. (Great Britain)."

On the basis of the foregoing, it is tentatively found and concluded that:

1. Jetsave Ltd. is fit, willing, and able properly to perform the indirect foreign air transportation proposed in its Application and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

2. Jetsave Ltd. is substantially owned and effectively controlled by citizens of the United Kingdom of Great Britain and Northern Ireland;

3. Since no issues on this application appear to be contested, a hearing on the application is not required in the public interest;

4. It is in the public interest to issue a foreign indirect air carrier permit in the form of the specimen permit attached hereto to Jetsave Ltd. (Great Britain) authorizing the carrier, for a period of five years, to engage indirectly in foreign air transportation of persons from any point or points in the United States to any point or points in the United Kingdom of Great Britain and Northern Ireland, and return;

5. The public interest requires that the exercise of the privileges granted by the said permit should be subject to the terms, conditions, and limitations prescribed therein, the conditions set forth in paragraphs (a) and (b) below, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

a. With respect to the operations conducted pursuant to the authority granted herein, the holder shall be subject to the provisions of parts 372a, 378, and 378a of the Board's Special Regulations, as now or hereafter amended. *Provided* that, the authority granted herein to operate pursuant to part 378a shall expire on March 30, 1976; [7]

b. In using the authority granted herein (1) the name Jetsave Ltd. (Great Britain) shall appear on all of the holder's advertising, tickets, stationery, and the like; and (2) the above name will always be used in its entirety;

6. Except to the extent granted herein, the application of Jetsave Ltd. should be denied.

All interested persons will be given 21 days following the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analysis. If an evidentiary hearing is requested, the ob-

---

[1] On October 8, 1975, Jetsave filed a motion for order to show cause or in the alternative for an expedited hearing and disposition.

[2] Jetsave was originally incorporated on November 3, 1972, doing business under the name CPS Travel and Charter Ltd. By Special Resolution, it was incorporated under the name Jetsave Ltd. on October 1, 1974.

[3] Exhibits M and N, Appendix to Motion for Order to Show Cause or, in the Alternative, for Expedited Hearing and Disposition.

[4] Exhibits E1 and E2, Appendix to Motion for Order to Show Cause.

[5] Exhibits J, Appendix to Motion for Order to Show Cause.

[6] Exhibits G and H, Appendix to Motion for Order to Show Cause.

[7] See Order 75-9-108, dated September 30, 1975, and Order 75-11-56, November 14, 1975, wherein a similar form of condition was imposed with respect to Thomas Cook Overseas, Ltd., Holland American Lijn, n.v., and Globus-Gateway Tours, Ltd.

jector should state the issue with respect to which a hearing is requested, and should state in detail why such a hearing is necessary and what relevant and material facts they would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why an order should not be issued subject to approval by the President pursuant to Section 801(a) of the Act, issuing an indirect foreign air carrier permit to Jetsave Ltd. (Great Britain), in the form attached hereto;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions herein, or to the issuance of the proposed indirect foreign air carrier permit, shall, within 21 days after adoption of this Order, file with the Board and serve on the persons named in paragraph 5 below, a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: *Provided however*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed hereto, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein; and

5. This Order shall be served upon the Ambassador of the United Kingdom of Great Britain and Ireland and the Departments of State and Transportation.

This Order shall be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN INDIRECT AIR CARRIER

Jetsave Ltd. (Great Britain) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage indirectly in foreign air transportation of persons from any point or points in the United States to any point or points in the United Kingdom of Great Britain and Northern Ireland, and return.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of persons now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to the terms, conditions, and limitations set forth in Order ------ dated ---------- and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective on ----------, and shall terminate five years thereafter: *Provided, however*, That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and the United Kingdom are or shall become parties, then and in that event this permit is continued in effect during the period provided in said treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ------ day of ----------.

[SEAL] ———— ————,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ------ In Order -------.

[FR Doc.76-1405 Filed 1-15-76;8:45 am]

CIVIL RIGHTS COMMISSION

COLORADO

Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on February 17, 1976, at the Federal Building, Room 2330, 1961 Stout Street, Denver, Colorado. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning public school desegregation and equal educational opportunity; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning public school desegregation and equal educational opportunity; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning public school desegregation and equal educational opportunity.

Dated at Washington, D.C., January 12, 1976.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.76-1305 Filed 1-15-76;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and 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 Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. to 6:00 p.m., on February 12, 1976, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the Commission's New Thrust.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 12, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-1349 Filed 1-15-76;8:45 am]

NEW YORK ADVISORY COMMITTEE

Agenda and 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 York Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. to 6:00 p.m., February 11, 1976, at Phelps Stokes Fund, 10 E. 87th Street, New York, New York 10028.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the Commission's New Thrust.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 12, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-1350 Filed 1-15-76;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE

Agenda and 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 p.m. on February 10, 1976, Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss report of EEO followup and status of various projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 12, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-1351 Filed 1-15-76;8:45 am]

VIRGINIA 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 Virginia Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and will end at 10:00 p.m. on February 4, 1976, at City Hall, 5th Floor Conference Room, Richmond, Virginia 23219.

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 plan for future Committee activities and discuss the Commission's Hearing New Thrust Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 12, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-1352 Filed 1-15-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, February 11, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

FRED W. HOHLWEG,
Acting Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-1289 Filed 1-15-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Addition to Procurement List

Notice of proposed addition to Procurement List 1976, November 25, 1975 (40 FR 54742) was published in the FEDERAL REGISTER on November 3, 1975 (40 FR 51080).

Pursuant to the above notice the following commodities are added to the Procurement List:

CLASS 7520

Perforator, paper, desk (SH):	*Price (each)*
7520-00-139-4101	$6.26
7520-00-263-3425	6.26

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-1394 Filed 1-15-76;8:45 am]

PROCUREMENT LIST 1976

Establishments: Corrections

In FR Doc. 75-31726 appearing at page 54750 in the FEDERAL REGISTER of Tuesday, November 25, 1975, the following items should be added:

CLASS 8345

Flag, signal (IB):
8345-00-935-0483
8345-00-935-0484
8345-00-935-0626

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 76-1392 Filed 1-15-76; 8:45 am]

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 6230

Light, desk, fluorescent:
6230-00-299-7771
6230-00-682-3423 GSA Regions 2, 3, 5, 7 and 9.

CLASS 5660

Fencing wire and wooden picket
5660-00-257-3860

Comments and views regarding these proposed additions may be filed with the Committee on or before February 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 on or before July 16, 1976.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-1393 Filed 1-15-76;8:45 am]

PRIVACY ACT

Proposed Change in System of Records

In the FEDERAL REGISTER of September 29, 1975, (40FR44759), the Committee for the Purchase from the Blind and Other Severely Handicapped published notice of its system of records as defined by the Privacy Act of 1974. Notice is hereby given that the Committee proposes that the following routine use statement will apply to all Committee systems of records listed in the FEDERAL REGISTER (40FR44759).

ROUTINE USE—CONGRESSIONAL INQUIRIES

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

This change was recommended by the Office of Management and Budget in a memorandum dated October 3, 1975, to the heads of Executive Departments and Establishments. The purpose of adding this routine use is to obviate the need for obtaining the written consent of the constituent in every case where the constituent has requested assistance from a Member of Congress which requires disclosure of information pertaining to the constituent and subject to the Privacy Act.

Comments and views regarding this change to system of records may be filed with the Committee not later than January 23, 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.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-1391 Filed 1-15-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability for Review and Comment

Environmental impact statements received by the Council on Environmental Quality from January 5 through January 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 is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 1, 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: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3065.

FOREST SERVICE

Final

Honker Divide Land Use Plan, Tongass National Forest, Alaska, January 7: The statement concerns the land use plan for the Honker Divide Management Unit, Prince of Wales Island, on the Tongass National Forest. The plan proposes managing the Snakey Lakes and Thorne River-Hatchery Creek water travel route in a natural appearing environment. The remainder of the unit would be managed to optimize the fish, wildlife, timber, water and recreation resources. Adverse impacts will result from timber harvest: requisite road construction, increased sediments to streams, and change of wildlife habitat. Comments made by: EPA, HUD, DOC, COE, and DOI. (ELR Order No. 60027.)

Proposed Mogollon Rim Land Use Plan, Coconino, Gila, and Navajo Counties, Ariz., January 5: The statement refers to a land use proposal for the 750,000 acre Mogollon Rim Area, which lies within the Coconino, Sitgreaves, and Tonto National Forests. The proposal recommends land use emphasis and management for each of the area's 30 management units, based upon land sensitivity and capabilities. Under the plan, existing levels of productivity would be maintained. Comments made by: DOI, EPA, USDA, State and local agencies, interested groups and individuals. (ELR order No. 60007.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

(50 MW) Combustion Turbine, Kansas 53 Central, Finney County, Kans., January 5: Proposed is the addition of a 50-megawatt combustion turbine at Garden City, Kansas. Operation of the unit will result in the emission of nitrogen and sulfur oxides and an insignificant quantity of particulates. Water will be obtained from existing wells, and the unit will discharge approximately 5 gpm to the Arkansas River. Any biotic life associated with the immediate area proposed for the unit will be forced to move. (ELR order No. 60012.)

SOIL CONSERVATION SERVICE

Draft

Little River Watershed, Decatur County, Iowa, January 8: Proposed is a project for watershed protection, flood control, municipal and industrial water supply, and fish and wildlife development in Decatur County, Iowa. The project consists of 4,830 acres of land treatment measures; 6 single-purpose flood prevention structures; and 1 multiple-purpose structure for flood prevention, municipal and industrial water supply, fish and wildlife water, and fish and wildlife development. Adverse effects include the permament inundation of 950 acres, and the displacement of 2 families. (ELR order No. 60035.)

Final

Ozan Creeks Watershed, Hempstead County, Ark., January 6: The statement refers to the Ozan Creeks Watershed Project in Hempstead County. The project will provide watershed protection and flood prevention by the application of conservation land treatment measures and by the installation of land stabilization measures and 22 floodwater retarding structures. Adverse impacts are use of 856 acres, conversion of 14 miles of natural streams to reservoir areas, 300 acres of bottom land hardwood may be converted to cropland, and increased sedimentation during construction. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, and State agencies. (ELR order No. 60019.)

Country Line Creek Watershed, Rockingham and Caswell Counties, N.C., January 6: Proposed is a watershed project to be carried out in Country Line Creek Watershed, Caswell and Rockingham Counties, North Carolina. The project proposes conservation land treatment over the watershed, one multiple purpose structure for recreation with a complete recreational development. Adverse effects include the elimination of 1,100 acres of wildlife habitat and the displacement of 15 families. Comments made by: AHP, DOI, HEW, EPA, FPC, DOT, and State agencies. (ELR order No. 60021.)

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, S.W., Washington, D.C. 20314, (202) 693-6795.

Draft

Petit Anse, Tigre and Carlin Bayous; and Bayou Gross, several counties, La., January 5: The proposed project provides for the operational maintenance dredging of the Gulf Intracoastal Waterway (GIWW) and Bayous Grosse Tete, Petit Anse, Tigre and Carlin. Dissolved oxygen levels will be temporarily depressed at the dredge site and turbidity will be temporarily increased. Disposal of the dredged material may cause long-term local changes in water circulation, acreages of various habitat near the waterway, and in the structure of the aquatic systems present. (New Orleans District.) (ELR order No. 60016.)

Trimble Wildlife Area, Smithville Lake (Supplement), Jackson, Ray, and Clay Counties, Mo., January 6: This statement is intended to replace a previous draft supplement filed with CEQ 14 April 1975. Proposed is authorization for acquisition of 1,510 acres of land in Jackson, Ray, and Clay Counties, Missouri, for basic replacement of Trimble Wildlife Area and acquisition of an additional 1,500 acres of land in lieu of development. Adverse effects include loss of agricultural projection and relocation of 4 family units. (ELR order No. 60022.)

Final

Frenchboro Harbor, Maine (Supplement), January 7: Proposed is the dredging of a 5 acre outer harbor anchorage, 1.5 inner harbor anchorage, and a six foot connecting channel at Frenchboro Harbor, Long Island, Maine. Approximately 100,00 c.y. of sediment and 2,000 c.y. of rock will be excavated and deposited in an ocean area. Adverse effects include alteration of natural sea floor topography at dredge disposal sites, and destruction and redistribution of benthic organisms. (Waltham District.) Comments made by: DOI, DOC, EPA, HEW, and one State agency. (ELR order No. 60028.)

Ontonagon Harbor, Operation and Maintenance, Ontonagon County, Mich., January 5: The action involves operation and maintenance of Ontonagon Harbor, Lake Superior, Michigan. Principal activities include breakwater repair, dredging, and dredge material disposal. Adverse impacts are increased turbidity, increased noise and congestion in the harbor, and land use alterations due to on-land placement of dredge material. (St. Paul District.) Comments made by: EPA, USDA, DOC, DOI, DOT, and one state agency. (ELR order No. 60009.)

Yazoo River Basin Flood Control, several counties, Miss., January 5: Proposed is the construction of four large levees (already completed), channel modifications, drainage control structures, levees, floodwalls, and pumping plants for the purpose of flood control in the Yazoo River Basin. Previous attempts at channel improvement have resulted in siltation, bank caving, and deterioration of channel efficiency. Approximately 44,600 acres of woodlands, 25,200 acres of cleared lands, and 11,600 acres of channel area would be committed to the project. (Vicksburg District.) Comments made by: USDA, DOI, HEW, HUD, AHP, DOT, State and local agencies. (ELR Order No. 60013.)

Libby Dam and Lake Koocanusa, Kootenai River (Supplement), Lincoln County, Mont., January 6: This statement is the final supplement to the draft supplement filed with CEQ 10 June 1974. The Libby Additional Units and Reregulating Dam project in Lincoln County would consist of the installation of 4 additional 105-megawatt generators and turbines at the main Libby Dam plus construction of a regulating dam, reservoir and control works on the Kootenai River 10 miles downstream. Adverse effects include inundation of 1,000 acres of bottom and forest land, relocation of Route 37, loss of fish and wildlife, and the displacement of 70 families. (Seattle District.) Comments made by: AHP, EPA, USDA, HEW, HUD, DOI, DOT, FPC, GSA, State and local agencies. (ELR Order No. 60020.)

Final

Ashtabula Harbor, Operations and Maintenance, Ashtabula County, Ohio, January 5: Proposed is the maintenance dredging of Ashtabula Harbor of approximately 140,000 cubic yards of sediment annually, which will be deposited in a designated area of Lake Erie. Adverse impacts include the disturbance of the benthic habitat and the further chemical and biological degradation of Lake Erie caused by open-lake dumping. (Buffalo District.) Comments made by: DOC, DOI, USCG, EPA, and State agencies. (ELR Order No. 60011.)

The Siuslaw and Umpqua Estuaries, Dredging, Douglas and Lane Counties, Oreg., January 5: The statement refers to maintenance dredging of the Siuslaw, Umpqua, and Smith Rivers. The Siuslaw River would be dredged to an 18-foot deep entrance channel, a 16-foot depth to Florence and 12-foot depth to Mapleton. The Umpqua River would be dredged to a 26-foot deep entrance channel, a 22-foot depth to Reedsport and 2 miles upstream in Scholfield Creek. A 6-foot deep channel would be dredged from the mouth of the Smith River to the mouth of the North Fork. The project will cause a decrease in water quality and wildlife habitat loss on disposal land. (Portland District.) Comments made by: EPA, USDA, DOC, DOI, AHP, HUD, DOT, FPC, State and local agencies. (ELR Order No. 60008.)

Sabine-Neches Waterway, Maintenance Dredging, Jefferson and Orange County, Tex., January 8: The proposed action is the maintenance dredging of the Sabine-Neches Waterway for purposes of navigation. Removal of approximately 400 acres of tidal marsh will result from levee construction, and dredging operations will destroy benthic organisms. (Galveston District.) Comments made by: EPA, DOC, DOI, HEW, DOT, USDA, AHP, State and local agencies. (ELR order No. 60032.)

Cornucopia and Port Wing Harbors, Bayfield County, Wis., January 5: The proposed action is the continued operation and maintenance of Cornucopia and Port Wing Harbors on Lake Superior. The harbors are used primarily by commercial fishing and recreation craft. Dredged materials would be deposited in an open-lake site at Port Wing Harbor, causing re-suspension of polluted materials, and in an on-land area at Cornucopia, killing existing vegetation. Temporary stockpiling on the lake shore of polluted dredged material for construction projects will result in leaching. (St. Paul District.) Comments made by: AHP, EPA, USDA, DOC, DOI, DOT, and State agencies. (ELR order No. 60010.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Draft

Emission Standard for Vinyl Chloride, January 5: On December 24, 1975, the Administrator of the Environmental Protection Agency proposed a national emission standard for vinyl chloride under section 112 of the Clean Air Act, as amended. The proposed standard would apply to all existing and newly constructed plants in the United States which produce ethylene dichloride by the reaction of oxygen and hydrogen chloride with ethylene, vinyl chloride, and/or polyvinyl chloride. This statement contains an analysis of the proposed standard and alternative regulatory strategies. (ELR order No. 60017.)

Greater Globe-Miami, Arizona Wastewater Treatment, Gila County, Ariz., January 8: This statement encompasses the description and evaluation of eight viable wastewater treatment facilities plans to provide modern, comprehensive wastewater treatment and disposal for the Globe-Miami area, Gila County, Arizona. Major direct adverse effects are related to soil disturbances and the discharge of treated wastewater in all alternatives. (ELR order No. 60037.)

Wastewater Collection and Treatment, Scarborough, Cumberland County, Maine, January 7: The proposed project calls for construction of a 3 MGD secondary treatment facility, pumping stations, interceptor sewers, and an ocean outfall in Scarborough, Maine. The project will service the entire portion of the town of Scarborough east of the Maine turnpike. The plans call for a 3-phase construction program to be completed by December, 1982. (ELR order No. 60029.)

Winnipesaukee River Basin, Wastewater Facilities, several counties, N.H., January 7: Proposed is the construction of a regional sewage treatment plant and a series of interceptor sewers to serve the Winnepesaukee 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. (ELR order No. 60030.)

Final

Chambers Creek Sewerage System, Pierce County, Wash., January 5: The action considered is the awarding of grant funds to Pierce County for the construction of a sanitary sewer system to service the Clover Creek Basin Sewerage General Plan. Stage II will include additional communities. The construction of the main interceptor line down the Chambers Creek Canyon could constitute a major and potentially detrimental impact on the stability of that watercourse. There is also a potential for lowering the groundwater table due to the elimination of septic tank effluent as a source of recharge. Comments made by: AHP, USDA, COE, DOI, HUD, DOT, State and local agencies, and interested individuals. ELR order No. 60015.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, (202) 275–4791.

Final

Eascogas, Distrigas, LNG Permit (Supplement), New York, January 5: This statement is a final supplement to a draft supplement EIS filed with CEQ 16 July 1975. It consists of an addition of data analyzing the vapor dispersion from a massive instantaneous spill of LNG on water. (ELR order No. 60018.)

GENERAL SERVICE ADMINISTRATION

Contact: Mr. Andrew F. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 343–4161.

Draft

Federal Building and Courthouse, Panama City, Bay County, Fla., January 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. (ELR order No. 60038.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF LAND MANAGEMENT

Draft

Proposed Foothills Project, Denver County, Colo., January 9: Proposed is the construction, operation and maintenance of water-diversion facilities on federally managed lands on the South Platte River 25 miles southwest of Denver, Colorado as a part of the proposed Foothills Project. The project would also include a 125 million gallon per day water treatment plant and distribution conduit system extending into the Denver metropolitan area. Project implementation would result in the consumption of readily available water supplies by 1988 rather than 1995 without the project. (ELR order No. 60039.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Use of Steel Shot for Waterfowl Hunting, January 8: The statement refers to a proposal that recommends that in the hunting of ducks, geese, swans, and coots, shot shells loaded with steel or other approved pellets be required in the United States beginning in the years 1976 through 1978 in different flyways. The net environmental impact would be the alleviation and eventual elimination of lead poisoning from lead shotgun pellets among aquatic birds. Adverse effects relate to increased costs to waterfowl hunters. Comments made by: DOI, EPA, State and local agencies, and individuals. (ELR order No. 60034.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, B–722, NRC, Washington, D.C. 20555, (301) 492–7373.

Draft

Sterling Power Project Unit 1, Cayuga County, N.Y., January 7: Proposed is the construction of the Sterling Power Project Unit 1 located in Cayuga County, New York. The plant will employ a pressurized-water reactor to produce a warranted output of 3425 MWt. A steam turbine generator will use this heat to provide 1150 MWe (net) of electrical power capacity. The exhaust steam, will be cooled by a once-through flow of water obtained from and discharged to Lake Ontario. Project implementation will require a total of about 2600 acres, and the displacement of 80 permanent and 70 summer residences. (ELR order No. 60026.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Lake-Will Freeway, Illinois Route 62 to Illinois Route, Cook and Lake Counties, Ill., January 8: The proposed project is a new freeway facility designated as FAP 432 and FAP 420 in Cook and Lake Counties, Illinois. FAP 432 would be generally a north-south facility connecting to the proposed FAP 20 freeway south of the Village of Grayslake. The portion of the project designated FAP 420 would extend from the interchange with FAP 432 near Allegheny Road to the east connecting with Route 120. Adverse effects include the acquisition of 702 acres of farmland and the displacement of 8 families. (ELR order No. C0036.)

Johnson-Beardsley Realignment, Elkhart County, Ind., January 7: This project proposes improvements to and/or relocations of Crawford Street, Beardsley Avenue, Quincy Street, Cone Street, Johnson Street, Erwin Street, Howard Street and Dearborn Street, and intersection improvements at Beardsley Avenue and Greenleaf Boulevard in Elkhart County. Adverse effects include increases in vehicle noise and air pollution, and the displacement of one residence and one business.

A 4(f) statement is included concerning High Drive Park. (ELR order No. 60025.)

Grove Street: Lewis to Elm, Sedgwick County, Kansas, January 8: Proposed is the construction of a divided four-lane arterial in Wichita, Sedgwick County, Kansas. The project consists of an improvement of Grove Street from Lewis Street, north to Elm Street, a distance of approximately 1.1 miles. Adverse effects include the acquisition of from 70 to 135 dwelling units and from 10 to 14 businesses, depending on the alternate chosen. Project implementation would also result in increased noise levels, and the removal of a number of mature trees. (ELR order No. 60033.)

Bobby Jones Expressway: U.S. 25–a Savannah River Crossing, Aiken County, S.C., January 9: Proposed is the Bobby Jones Expressway extension from a Savannah River Crossing through the North Augusta area to U.S. 25 near I–20. The six-mile extension is located in Akien County, South Carolina. Depending upon alternative location, displacements of residences and businesses could range from seven to fifty in number. The community of Belvedere could be separated from North Augusta unless appropriate alternatives are selected. (ELR order No. 60040.)

Final

S.R. 63, U.S. 36 to U.S. 136, Vermillion and Warren Counties, Ind., January 5: The statement proposes the improvement of 20.2 miles of Indiana S.R .63 from U.S. 36 to U.S. 136, including the addition of a median, 2 new lanes, required overpasses and interchanges, and access control. Adverse effects of the project are the displacement of 51 people and 2 businesses—increased noise, air, and water pollution; and the location of three architecturally important homes and two archeological sites within or near the right-of-way. A 4(f) statement is included concerning these historically significant areas. Comments made by: DOI, USDA, EPA, HEW, State and local agencies. (ELR order No. 60014.)

Tenth Street Improvements, Bartholomew County, Ind., January 6: The statement refers to the proposed improvement to Tenth Street in Columbus from Central Avenue east to U.S. 31, including extensions of Eighth Street and Taylor Road. The total project length is approximately 1.4 miles. Adverse effects are the disruption of 23 acres of land and the displacement of 17 families. (54 pages.) Comments made by: DOI, USDA, EPA, HEW, HUD, and State agencies. (ELR order No. 60023.)

U.S. 77, Lancaster County, Nebr., January 6: The proposed routes presented in this statement are a part of a 20-year Expressway plan adopted in 1969 by the Nebraska Department of Roads. Presented in this statement are several alternate plans for the expressway band in Lancaster County which measures approximately 22 miles by 14 miles and has an area of 140 square miles. Adverse effects include relocation of wildlife, taking of dwellings, and businesses for construction purposes, and an increase in exhaust emissions and highway associated noises. A 4(f) statement is included for Wilderness Park and Seacrest Park. Comments made by: COE, USDA, DOI, EPA, and State agencies. (ELR order No. 60024.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–1286 Filed 1–15–76;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability; Correction

In the FEDERAL REGISTER of January 9, 1976 (41 FR 1616), in FR Doc. 76–617, the following changes should be made:

1. The paragraph preceding CEQ's list of availability of environmental impact statements should read as follows:

Environmental impact statements received by the Council on Environmental Quality from December 29, 1975–January 2, 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. (February 23, 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.

2. The following environmental statements were listed as "Status Report", they should have been listed as "Final".

U.S.–220, I–85 to I–40 (ELR ORDER #51780) listed as a DOT draft EIS in the FEDERAL REGISTER of December 19, 1975 is a final.

Appalachian Corridor "J" (ELR ORDER #51851) listed as a DOT draft EIS in the FEDERAL REGISTER of January 6, 1976 is a final.

GARY WIDMAN,
General Counsel.

[FR Doc.76–1363 Filed 1–15–76;8:45 am]

GENERAL SERVICES ADMINISTRATION

Quarterly Report on Environmental Actions June 1, 1975—August 31, 1975

The following document, prepared pursuant to § 1500.6(e) of the CEQ *Guidelines*, is a list of administrative actions by General Services Administration for which environmental impact statements are in preparation or for which negative declarations have been prepared.

REGION 1

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Providence, Rhode Island—FB and CT/FB Repair and Alterations, draft environmental impact statement, estimated date for filing with Council on Environmental Quality (CEQ)—November 15, 1975.
Springfield, Massachusetts—FB, draft EIS, requires prospectus approval.
Boston, Massachusetts—FB, draft EIS, requires prospectus approval.

B. *Proposed.*

None.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

None.

B. *In Preparation—Likely to result in Negative Declaration.*

None.

REGION 2

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Otisville, New York—BOP, draft EIS, estimated date for filing with CEQ—February 1976.
Brookhaven, New York—IRS–ADP Extension, draft EIS, requires prospectus approval.

B. *Proposed.*

Northern New Jersey—FSS Warehouse.
New York, New York—Court of Appeals.
New York, New York—201 Varick Street, R&A.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Poughkeepsie, New York—Lease Consolidation, approved July 7, 1975.
Camden, New Jersey—FB (R&A), approved August 8, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Binghamton, New York—USPO & CT, R&A.
Trenton, New Jersey—USPO & CT, R&A.
New York, New York—252 7th Avenue, R&A.

REGION 3

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

New York, New York—252 7th Avenue, R&A.
Suitland, Maryland—Suitland Federal Center Master Plan including Bureau of Census and Smithsonian Institution facilities, draft EIS, estimated date for filing with CEQ October 21, 1975.
Norfolk, Virginia—Federal Building, final EIS estimated date for filing with CEQ October 15, 1975.
Charlotte, Virginia—Manpower Training Center, draft EIS, not yet scheduled.
Huntingdon, West Virginia—Lease Construction, draft EIS estimated date for filing with CEQ, January 1976.
Washington, D.C.—Central Heating Plant, Boiler Replacement, draft EIS estimated date for filing with CEQ, October 15,1975.
Washington, D.C.—West Heating Plant, alterations, draft EIS estimated date for filing with CEQ, October 15, 1975.
Arlington, Virginia—Heating Plant, Precipitators, draft EIS estimated date for filing with CEQ, October 15, 1975.

B. *Proposed.*

Washington, D.C.—Michler Place YMCA, renovation of buildings and proposed Federal Building.
Washington, D.C.—Southwest Employment Area (HEW) Federal Building.
Charleston, West Virginia—Lease Construction.
Harpers Ferry, West Virginia—Lease Construction.
Washington, D.C.—U.S. Courthouse, airconditioning.
Suitland, Maryland—Suitland Federal Center, Heating Plant, dust collectors.
McClean, Virginia—CIA Headquarters, precipitators.
Reston, Virginia—J. W. Powell Building, precipitators.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Washington, D.C.—1900 Half Street SW., approved June 3, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Annapolis, Maryland—EPA Laboratory.
Washington, D.C.—HEW (North), airconditioning.
Washington, D.C.—Agriculture Annex, modernization of space.
Washington, D.C.—GSA Building, airconditioning.
Washington, D.C.—Archives Building, Bicentennial improvements.
Washington, D.C.—Winder Building, restoration.
Washington, D.C.—Howard University, Dental Lab., Center Building Construction.

REGION 4

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Panama City, Florida—Leased Consolidation, draft EIS, not yet scheduled.

Talladega, Alabama—FYC, draft EIS, not yet scheduled.
Miami, Florida—PO & Ct Annex, Motorpool, draft EIS requires prospectus approval.
Knoxville, Tennessee—FB, draft EIS requires prospectus approval.
Savannah, Georgia—FB–PF, draft EIS, requires prospectus approval.
Chamblee, Georgia—IRS Annex, draft EIS, requires prospectus approval.
Covington, Kentucky—IRS Annex, draft EIS, requires prospectus approval.
Memphis, Tennessee—IRS Annex, draft EIS requires prospectus approval.

B. *Proposed.*

Vicksburg, Mississippi—FB.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Glynn County, Georgia—Federal Law Enforcement Training Center, approved July 22, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Vicksburg, Mississippi—Leased Consolidation, Corps of Engineers.
Utilization Research Center.
Charleston, South Carolina—Southeastern

REGION 5

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Carbondale, Illinois—FB, final EIS, estimated date for filing with CEQ—October 20, 1975.
E. St. Louis, Illinois—FB–CT, draft EIS, estimated date for filing with CEQ—October 15, 1975.
Jeffersonville, Indiana—Federal Center, draft EIS, not yet scheduled.
Detroit, Michigan—Customs Inspection Facility, draft EIS, estimated date for filing with CEQ—March 1976.
Cleveland, Ohio—CT–FB, PF, draft EIS, not yet scheduled.

B. *Proposed.*

Madison, Wisconsin—CT.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Lima, Ohio—FB, approved June 4, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Joliet, Illinois—FB.
Rockford, Illinois—FB–CT.

REGION 6

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

None.

B. *Proposed.*

Kansas City, Missouri—IRS Annex.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

None.

B. *In Preparation—Likely to result in Negative Declaration.*

Columbia, Missouri—USDA Office Lease.

REGION 7

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Dallas, Texas—Drug Enforcement Administration, final EIS, estimated date for filing with CEQ September 18, 1975.
Santa Fe, New Mexico—Parking Facility, final EIS, estimated date for filing with CEQ—November 15, 1975.
Bastrop, Texas—FYC, final EIS, estimated date for filing with CEQ—October 1, 1975.
Little Rock, Arkansas—FB, draft EIS, requires prospectus approval.
Anapra, New Mexico—BS, draft EIS, requires prospectus approval.
Santa Fe, New Mexico—NPS, draft EIS, requires prospectus approval.
Albuquerque, New Mexico—FB, draft EIS, requires prospectus approval.
Austin, Texas—IRS Annex, draft EIS, requires prospectus approval.
El Paso, Texas—FB–PF, CT Conversion, draft EIS, requires prospectus approval.
Houston, Texas—FB–PF, draft EIS, requires prospectus approval.
Dallas, Texas—FB R&A (1114 Commerce), draft EIS, requires prospectus approval.
New Orleans, Louisiana—CT R&A, draft EIS, estimated date for filing with CEQ—December 17, 1975.
Fort Worth, Texas—Federal Center R&A, draft EIS, estimated date for filing with CEQ—November 1, 1975.

B. *Proposed.*

San Antonio, Texas—Master Plan.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Port Arthur, Texas—Lease Consolidation, approved June 6, 1975.
Beaumont, Texas—VA Clinic, approved August 7, 1975.
Harrison, Arkansas—Lease Consolidation, approved July 25, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

New Orleans, Louisiana—FB R&A (South Street).
El Paso (Ysleta), Texas—BS (Land Acquisition).
El Paso, Texas—VA Clinic.
San Antonio, Texas—HUD Area Office.
Amarillo, Texas—PO–CT R&A.

REGION 8

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Ogden, Utah—IRS Annex, draft EIS, requires prospectus approval.
Salt Lake City, Utah—BOM Research Center, draft EIS, estimated date for filing with CEQ—October 13, 1975.

B. *Proposed.*

None.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

None.

B. *In Preparation—Likely to result in Negative Declarations.*

Lakewood (Denver Federal Center), Colorado—Extension to Building 21.
Durango, Colorado—Leased Consolidation.
Cedar City, Utah—Leased Consolidation.

REGION 9

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*

Camarillo, California—FYC, final EIS, estimated date for filing with CEQ—October 1975.
W. Los Angeles, California—FBI–PF, draft EIS, requires prospectus approval.
Phoenix, Arizona—FB & PF, draft EIS, requires prospectus approval.
Salinas, California—SSA Data Center, draft EIS, estimated date for filing with CEQ—October 1975.

B. *Proposed.*

Los Angeles, California—FB, PF (300 N. Los Angeles Street).
San Francisco, California—FB Complex.
Menlo Park, California—USGS Center.
Riverside, California—FB.
Eureka, California—FB.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Kingman, Arizona—BLM District Office, approved—July 25, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Menlo Park, California—USGS Research Lab.
Sacramento, California—VA Clinic.

REGION 10

ENVIRONMENT IMPACT STATEMENTS

A. *In Preparation.*

Haines, Alaska—BS, draft environmental impact statement, estimated date for filing with SEQ—December 12, 1975.
Pocatello, Idaho—FB–CT, not yet scheduled.

B. *Proposed.*

None.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*

Portland, Oregon—Customhouse (R&A), approved August 29, 1975.

B. *In Preparation—Likely to result in Negative Declaration.*

Auburn, Washington—New Construction and Extension.
Toppenish, Washington—B/A lease.
Coeur d'Alene, Idaho—Forest Service lease.

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-1287 Filed 1-15-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Meeting

JANUARY 14, 1976.

The General Advisory Committee will hold a meeting on February 4 and 5, 1976, in Washington, D.C., in the Energy Research and Development Administration offices at 20 Massachusetts Avenue, W., 8th floor, Administrator's Conference Room. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public.

FEBRUARY 4

9:00–10:00 a.m.—Briefing by M. C. Greer, Controller, on ERDA's FY 1977 Budget.
10:00–11:00 a.m.—Briefing by James L. Liverman, Assistant Administrator for Environment and Safety.
11:00–12:00 noon—Briefing by R. Tenney Johnson, General Counsel, on ERDA's Patent Policy.

FEBRUARY 5

9:00–10:00 a.m.—Briefing by Nelson F. Sievering, Assistant Administrator for International Affairs.
10:00–11:00 a.m.—Briefing by Farwell Smith, Director, Office of Industry, State, and Local Relations.
11:00–12:00 noon—Briefing by Richard W. Roberts, Assistant Administrator for Nuclear Energy, and Frank P. Baranowski, Director, Division of Nuclear Fuel Cycle and Production.

In addition to the above items, the Committee will meet with members of ERDA Headquarters and hold executive sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) to

discuss the National Security program which will involve information classified in the interest of national defense and therefore, exempt from disclosure under 5 U.S.C. 552(b) (1) and (3); to discuss Advanced Enrichment Technology, which will involve information classified pursuant to the Atomic Energy Act of 1954, as amended, and therefore, exempt from disclosure under 5 U.S.C. 552(b)(3); and to discuss and exchange views on pending issues and individual opinions of members of the Committee and officials of ERDA as a process of formulating advice from the GAC to ERDA, which discussion, if written, would be exempt under 5 U.S.C. 552(b)(5). Any nonexempt material that may be discussed at this meeting will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than February 2, 1976, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepared telephone call on February 3, 1976, to the Office of the Secretary of the Committee on (202) 634-1369 between 8:30 a.m. and 5:00 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.76-1495 Filed 1-15-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 788]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 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 section 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 COMMUNICATION'S COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21114-CD-P-76, Bruce Telephone Company, Inc. (KWT903). C.P. to change antenna system operating on 152.84 MHz located ¾ mile North of Bruce, Mississippi.

21115-CD-P-(2)-76, Santa Rosa Telephone Coop., Inc. (KLB327) (resubmitted). C.P. to replace transmitter and change frequency from 152.57 MHz to 152.54 MHz located Center of Town of Odell, Texas.

21116-CD-P-76, Anserfone, Inc. (KIA955). C.P. for additional facilities to operate on 454.325 MHz located at 417 Gardenia Street, West Palm Beach, Florida.

21117-CD-P-76, Dodge County Telephone Company (KWH346). C.P. to replace transmitter and change antenna system operating on 158.10 MHz located 1.8 miles SW of Reeseville, Wisconsin, Loc. No. 1.

21118-CD-P-76, Richland-Grant Telephone Cooperative, Inc. (new). C.P. for a new station to operate on 454.375 MHz located 4 miles WNW of Blue River, Wisconsin.

21119-CD-P-76, Anserfone, Inc. (KRM959). C.P. for a new site to operate on 152.24 MHz at Loc. No. 2 to be located at 1304 South "J" Street, Lake Worth, Florida.

21120-CD-P-76, Concord Telephone Exchange, Inc. (new). C.P. for a new 1-way station to operate on 158.10 MHz located ¼ mile North of Concord, Tennessee.

21121-CD-P-76, King Communications, Inc. KSV935). C.P. to change antenna system operating on 158.70 MHz located at 1795 Tittabawasee Rd., Saginaw, Michigan.

21122-CD-P-(2)-76, General Communications Service, Inc. (KOE254). C.P. to change antenna system operating on 152.03 & 152.06 MHz located atop Mt. Elden, 4 miles NE of Flagstaff, Arizona, Loc. No. 6.

21123-CD-P-76, General Communications Service, Inc. (KUO575). C.P. to change antenna system operating on 152.24 MHz located atop Mt. Elden, 4 miles NE of Flagstaff, Arizona

21125-CD-P-76, Bruce Telephone Company Inc., (KWT904). C.P. to change antenna system operating on 152.750 MHz located ¾ mile North of Bruce, Mississippi.

Informative

It appears that the following applications may be mutualy exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Maryland: (43.22 MHz).
Hawkins Communications, Inc., Westminster, FN: 20720-CD-P-76.
Radio Communications, Inc., Frederick, FN: 20230-CD-P-76.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1432-CF-P-76, The Mountain States Telephone and Telegraph Company (KPS85), 4.6 Miles WSW of Benson, Arizona. Lat. 31°55'52" N., Long. 110°22'10" W. C.P. to replace transmitters and increase power output for frequencies 11,405V and 11,645H MHz toward Dragoon, Arizona, on azimuth 75°49'.

1433-CF-P-76, Same (KPX32), 2 Miles SE of Dragoon, Arizona. Lat. 32°00'31" N., Long. 110°00'36" W. C.P. to replace transmitters and increase power output for frequencies 10,715H, 10,955V MHz toward Benson, Arizona, on azimuth 255°49', and 10,755V 10,995H MHz toward Willcox, Arizona on azimuth 31°44'.

1434-CF-P-76, Same (KPX33), 181 South Curtis Avenue, Willcox, Arizona. Lat. 32°15'08" N., Long. 109°49'59" W. C.P. to replace transmitters and increase power output for frequencies 11,445H, 11,685V MHz toward Dragoon, Arizona, on azimuth 211°44'.

1435-CF-P-76, Same (KPN70), 619 Bannock Street, Boise, Idaho. Lat. 43°36'57" N., Long. 116°11'59" W. C.P. to replace transmitters and increase power output for frequencies 11,075V, 6071.2H MHz toward Deer Point, Idaho, on azimuth 28°08', and 6204.7V, 11,405H MHz toward Freezeout, Idaho, on azimuth 313°14'.

1436-CF-P-76, Same (KPN71), 10.8 Miles NNE of Deer Point, Idaho. Lat. 43°45'13" N., Long. 116°05'53" W. C.P. to replace transmitters and increase power output for frequencies 11,525V, 6323.3H MHz toward Boise, Idaho, on azimuth 208°12'.

1437–CF–P–76, Same (KPT32), Freezeout, 2.8 Miles South of Emmett, Idaho. Lat. 43°49'31" N., Long. 116°30'29" W. C.P. to replace transmitters and increase power output for frequencies 10,955H, 5952.6V MHz toward Boise, Idaho, on azimuth 133°11'.

1438–CF–P–76, Same (KLC49), 120 4th Street, Albuquerque, New Mexico, Lat. 35°05'06" N., Long. 106°39'03" W. C.P. to replace transmitters and increase power output for frequencies 10,755V, 10,995H MHz toward Albuquerque Jct., New Mexico, on azimuth 244°11'.

1439–CF–P–76, Same (KNZ49), Albuquerque, Jct., 10.4 Miles WSW of Albuquerque, New Mexico. Lat. 35°01'08" N., Long. 106°49'00" W. C.P. to replace transmitters and increase power output for frequencies 11,405V, 11,645H MHz toward Correo, New Mexico, on azimuth 269°00', and 11,445H, 11,685V MHz toward Albuquerque, New Mexico on azimuth 64°05'.

1440–CF–P–76, Same (KTF35), 4 Miles north of Correo, New Mexico. Lat. 35°00'48" N., Long. 107°09'58" W. C.P. to replace transmitters and increase power output for frequencies 6360.3V, 10,755H MHz toward McCarty's New Mexico, on azimuth 276°19', and 10,715H, 10,955V MHz toward Albuquerque Jct., New Mexico, on azimuth 88°48'.

1441–CF–P–76, Same (KTF34), 109 West Aztec Avenue, Gallup, New Mexico. Lat. 35°31'34" N., Long. 108°44'27" W. C.P. to replace transmitters and increase power output for frequencies 10,715H, 10,955V MHz toward Gibson, New Mexico, on azimuth 32°17'.

1442–CF–P–76, The Mountain States Telephone and Telegraph Company (KTF31), Gibson, 6 Miles NNE of Gallup, New Mexico. Lat. 35°36'17" N., Long. 108°40'48" W. C.P. to replace transmitters and increase power output for frequencies 11,405V, 11,645H MHz toward Gallup, New Mexico, on azimuth 212°19, and 6137.9H 11,685V MHz toward Mt. Powell, New Mexico, on azimuth 111°00'.

1443–CF–P–76, Same (KTF32), 6 Miles West of McCarty's, New Mexico. Lat. 35°04'04" N., Long. 107°46'55" W. C.P. to replace transmitters and increase power output for frequencies 6108.3V, 11,405H MHz toward Mt. Powell, New Mexico, on azimuth 316°39', and 6137.9V, 11,685H MHz toward Correo, New Mexico, on azimuth 95°88'.

1444–CF–P–76, Same (KTF33), Mt. Powell, 5 Miles North of Thoreau, New Mexico. Lat. 35°28'01" N., Long. 108°14'25" W. C.P. to replace transmitters and increase power output for frequencies 6360.3H, 10,755V MHz toward Gibson, New Mexico, on azimuth 291°00', and 6390.0V, 10,955H MHz toward McCarty's, New Mexico, on azimuth 136°39'.

1445–CF–P–76, Same (KPQ57), 103 North Durbin Street, Casper, Wyoming. Lat. 42°51'01' N., Long. 106°19'17" W. C.P. to replace transmitters and increase power output for frequencies 6204.7V, 6323.3V, 11,755V, 10,915V, 10,995H, 11,155H MHz toward Casper Mtn., Wyoming, on azimuth 195°19'.

1446–CF–P–76, Same (KPQ58), Casper Mtn., 6 Miles SSW of Casper, Wyoming. Lat. 42°44'25" N., Long. 106°21'44" W. C.P. to replace transmitters and increase power output for frequencies 5952.6V, 6071.2V, 11,365V, 11,445H, 11,605H, 11,685V MHz toward Casper, Wyoming, on azimuth 15°19', and 5937.8H, 6056.4H, 11,325H, 11,565V MHz toward Waltman, Wyoming, on azimuth 293°34'.

1447–CF–P–76, Same (KPR60), Copper Mtn., 16 Miles SE of Thermopolis, Wyoming. Lat. 43°26'50" N., Long. 108°01'56" W. C.P. to replace transmitters and increase power for frequencies 5952.6V, 6011.9V, 11,365H, 11,605V MHz toward Waltman, Wyoming, on azimuth 127°00', and 5937.8H, 11,445H MHz toward Riverton, Wyoming, on azimuth 211°12'.

1448–CF–P–76, Same (KPR61), 602 East Washington Street, Riverton, Wyoming. Lat. 43°01'26" N., Long. 108°22'58" W. C.P. to replace transmitters and increase power output for frequencies 6249.1H, 10,995H MHz toward Copper Mtn., Wyoming, on azimuth 31°12'.

1449–CF–P–76, Same (KPR59), 5 Miles WSW of Waltman, Wyoming. Lat. 43°02'14" N., Long. 107°17'17" W. C.P. to replace transmitters and increase power for frequencies 6308.4H, 6189.8H, 10,875H, 11,115V MHz toward Casper Mtn., Wyoming, on azimuth 113°34', and 6204.7V, 6264.0V, 10,915H, 11,155V MHz toward Copper Mtn., Wyoming, on azimuth 307°00'.

1465–CF–P–76, South Central Bell Telephone and Telegraph Company (WGI28), Meridian TL, 701 23rd Avenue, Meridian, Mississippi. Lat. 32°21'53" N., Long. 88°42'06" W. C.P. to change name of station, and increase power output for frequency 10,955V MHz toward Meridian, Mississippi, on azimuth 163.4°.

1466–CF–P–76, Same (KLJ76), Meridian RT, 2 Miles SSE of Meridian, Mississippi. Lat. 32°19'36" N., Long. 88°41'18" W. C.P. to increase power output for frequency 11,405V MHz toward Meridian TL, Mississippi, on azimuth 343.4°.

1462–CF–P–76, Southern Pacific Communications Company (WOE27), Empire State Bldg., 350 Fifth Avenue, New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. to add 11305H towards Jersey City, New Jersey, on azimuth 258.5 degrees.

1463–CF–P–76, Same (WAH394), 418 Duncan Avenue, Jersey City, New Jersey. Lat. 40°-43'58" N., Long. 74°05'12" W. C.P. to add 10855H towards Empire State Bldg., New York, New York, on azimuth 78.5 degrees.

1467–CF–MP–76, United States Transmission Systems, Inc. (WAH505), 3.0 Miles WSW of Appomattox, Virginia. Lat. 37°20'36" N., Long. 78°52'25" W. Mod. C.P. to add 6152.8V towards Lynchburg, Virginia, on azimuth 280.8 degrees.

[FR Doc.76–1389 Filed 1–15–76;8:45 am]

TV BROADCAST APPLICATIONS

Availability for Processing

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that on February 26, 1976, the TV broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on February 25, 1976 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on February 25, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: January 9, 1976.

Released: January 13, 1976.

FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,
Secretary.

TV BROADCAST APPLICATIONS

BPET–473 WLRN–TV:
Miami, Fla.
The School Board of Dade County, Fla.
Channel 17.
ERP, Vis.: 2620 kW HAAT: 1,006 ft.

BPCT–4894 KPAU–TV:
Hilo, Hawaii.
Heftel Television-Hilo, Inc.
Channel 9.
ERP, Vis.: 968 kW HAAT.

BPCT–4896 WLYH–TV:
Lancaster, Pa.
Gateway Communications, Inc.
Channel 15.
ERP, Vis.: 570 kW HAAT: 1,364 ft.

BPCT–4878 WXLT–TV:
Sarasota, Fla.
Sarasota-Bradenton Florida Television Co., Inc.
Channel 40.

ERP, Vis.: 963.8kW HAAT: 924.5 ft.

[FR Doc.76–1388 Filed 1–15–76;3:45 am]

FEDERAL ENERGY ADMINISTRATION

TRANSPORTATION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Transportation Advisory Committee will meet Thursday, February 5, 1976, at 9 a.m., Room 5041B, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The agenda for the meeting is as follows:

1. Ridesharing.
2. Northeast Rail Service.
3. Regulatory Reform in Transportation.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Ad-

visory Committee Management, (202) 961–7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C. on January 12, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–1252 Filed 1-13-76;9:04 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01088	Schulte & Bruns: *Doberg.*
01150	Chevron Transport Corp.: *Robert Watt Miller.*
01152	Neptune Maritime Co. of Monrovia: *Artemis.*
01330	Shell Tankers (U.K.) Ltd.: *Verconella.*
01341	John I. Jacobs & Co. Ltd.: *Teakwood.*
01422	Booth Steamship Co., Ltd.: *Dominic.*
01537	Compania Ultramarine, S.A.: *Ocean Seigneur.*
01562	G. W. Gladders Towing Co., Inc.: *AOC 2.*
01664	Compania Maritima la Empresa S.A.: *Opportunity.*
01717	Billners Rederiaktiebolag: *Gunilla Billner.*
01755	Hugo Stinnes Zweigniederlassung Hamburg: *Schirokko.*
01854	Southern Towing Co.: *Mississippi, Memphis, STC–2002, STC–2507, STC–2506.*
01861	BP Tanker Co., Ltd.: *British Guardsman, British Diplomat, British Mariner.*
01892	Michigan Tankers Inc.: *Detroit.*
01935	Aktiebolaget Svenska Atlant Linien: *Vingaholm.*
02198	Peninsular & Oriental Steam Navigation co.: *Otaki.*
02301	Naviera Vizcaina S.A.: *Arrazua, Bermeo, Valmaseda.*
02443	Panama Transoceanic Co. S.A.: *Edna N. Conway.*
02583	Pacific Inland Navigation Co., Inc.: *PAC 160–1.*
02713	T. L. James & Co., Inc.: *East Peco.*
02715	Allied Towing Corp.: *ATC–135, ATC–91.*
02721	Healy Tibbitts Construction Co.: *HT No. 7.*
02869	Productos Del Frico, S.A.: *Trevinca.*
02877	Nippon Yusen Kabushiki Kaisha: *Shimane Maru, Shizouka Maru.*
02956	Ashland Oil, Inc.: *STC 1525–B, STC–2002, STC 1526–B, STC 1524–B, STC 3023, STC 2521–B, Memphis, Mississippi STC 3022.*
02958	Kawasaki Kisen K.K.: *Bay Bridge, Tower Bridge.*
03214	Saleninvest AB: *Atitlan.*
03315	Afran Transport Co.: *Burgan.*
03476	Nissin Kisen K.K.: *Kaiei Maru.*
03542	Herlofson Shipping Co. A/S Skibsaktieselskapet Cecil P.D. Herlofson: *Bulk Explorer.*
03553	Skibs A/S Nanset: *Anco Swan, Anco Swift.*
03630	The Sun Shipping Co., Ltd.: *Pao Shin.*
03865	Oceanic Navigating Co., Ltd.: *Montego.*
04200	Oil Transportation Co., Inc.: *Eressos.*
04235	Bollinger & Boyd Barge Service Inc.: *SBA 400.*
04289	Dixie Carriers, Inc.: *Chemical 810, DXE 101.*
04337	Zephyr Shipping Corp., *Panachaikon.*
04593	Bow Shipping Corp., *Federal Nagara.*
04601	American Tunaboat Association: *Neptune.*
04618	Huffman Towing Co.: *Celeste.*
04642	South African Marine Corp., Ltd.: *S A Shipper.*
04675	Naviera Santa Catalina, S.A: *Cimadevilla.*
04976	F. Theodorides: *Callitroy.*
05046	Magnolia Marine Transport Co.: *IOT–101, IOT–102.*
05090	Esso Petroleum Co., Ltd.: *Esso Yorkshire.*
05437	The Dow Chemical Co.: *SC–1900, UM–97, UM–94.*
05607	Hannah Inland Waterways Corp.: No. 3101.
05631	Manson Construction & Engineering Co.: *Manson No. 1.*
05818	Union Pacific Shipping Co. Inc.: *Golden Crown.*
05845	Shinto Kaiun K.K.: *Prima Maru.*
06570	Jebsen Dillingham Shipping, Ltd.: *Bulknes.*
06853	Shipping Co. Knud I. Larsen: *Margrethe Sandvea.*
06876	Compania Agropecuaria y Maritima Santa Rosa Ltda.: *Reforma.*
06995	Novorossiisk Shipping Company: *Liski.*
07065	Sea Tankers, Inc.: *Overseas Rose.*
07561	Gulf Atlantic Transport Corp.: *Manila.*
07640	Exxon Co., U.S.A.: *Exxon Barge No. 117, Exxon Barge 24, Exxon Barge No. 23.*
07738	Transocean Transport Corp.: *Ocean Mariner.*
08144	Maritanthi Compania Naviera S.A.: *Marianthi K.*
08416	Redefern Shipping Co. Ltd.: *Nils Amelon, Merry Captain.*
08469	Alfred Allegretti: *Sergio No. 9.*
08692	Rita Shipping Co., Inc.: *Rita II.*
09137	Arne Teigens Rederi A/S: *Rytternes, Rytterfjord.*
09279	Transmarittima Sarda Italnavi Flotte Riunite S.P.A.: *Italmotor.*
09321	Intercontinental Properties Management S.A.: *Mimi.*
09341	Caribbean Eskimo Inc.: *Eskimo.*
09352	Pagasse Compania Naviera S.A.: *Lissabon.*
09432	Denholm Line Steamers Ltd/Gallic Estates, Ltd.: *Gallic Minch.*
09479	Societe D'Armemento Per L'Esercizio Del Piroscafo Montone: *Montone.*
09503	Sirines Shipping Co., S.A.: *Faneromeni.*
09517	Big B Barge Service, Inc.: *GDM 40, GDM 50.*
09744	Maritima De Campeche S.A.: *Superior.*
09762	G.A.T.P. Maritime Transport, Ltd.: *Out Islander.*
09804	Zao Shipping Co., S.A.: *Zao.*
09844	Jesus Vicent: *Linita.*
09887	Hyndae Enterprise Co., Ltd.: *Saloma.*
09921	Interessentskapet Sira: *Sefra.*
10345	International Marine Operations, Inc.: *Neptun.*
10402	S & E Shipping Corp.: *A.T. Lawson.*
10550	Partrederiet Bymos: *Bymos.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–1400 Filed 1–15–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–396]

BANGOR HYDRO-ELECTRIC CO.

Compliance Filing

JANUARY 7, 1976.

Take notice that on December 29, 1975, Bangor Hydro-Electric Company (Bangor) tendered for filing a fuel adjustment clause for the Class E–1 Rate which is intended to conform with § 35.14 of the Commission's regulations as amended by Order No. 517.

Bangor states that since September 1, 1974, it has charged its wholesale customers consistent with the fuel adjustment clause which is the subject of this compliance filing and which is intended to comply with the requirements contained in § 35.14 of the Commission's regulations as amended by Order No. 517, rather than the fuel adjustment clause presently on file with the Commission. Bangor states that the fuel adjustment clause presently on file with the Commission does not comply with these regulations. Bangor also states that the revenues collected consistently with the fuel adjustment clause which is the subject of this compliance filing since September 1, 1974 are slightly greater than those which would have been collected under the fuel clause presently on file with the Commission.

Bangor asks that inasmuch as it has since September 1, 1974 been collecting fuel adjustment charges consistently with the fuel adjustment clause contained in this compliance filing, and that inasmuch as the revenues collected since September 1, 1974 are only slightly in excess of the revenues which would have been collected under the fuel clause presently on file, that the Commission waive the notice requirements of § 35.4 of its regulations and permit the effective date of the fuel clause to be September 1, 1974.

Any persons desiring to be heard or to protest such 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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such pe-

titions or protests should be filed on or before January 19, 1976. Protests shall 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 1309 Filed 1-15-76;8:45 am]

COASTAL STATES GAS PRODUCING CO.

[Docket No. RI76-83]

Petition for Special Relief

JANUARY 6, 1976.

Take notice that on December 12, 1975, Coastal States Gas Producing Company (Petitioner), 5 Greenway Plaza East, Houston, Texas 77046, filed a petition for special relief in Docket No. R176-83 for the sale of gas to South Texas Natural Gas Gathering Company (South Texas) under its FPC Gas Rate Schedule No. 27 from the No. 1 Mary K. Withers gas well, Maguellitos Field, Webb County, Texas at 60.075 cents per Mcf. Petitioner states that this price includes purchased gas cost of 20.075 cents per Mcf paid to Trident Corporation (Trident) and 40 cents per Mcf for compression.

Pursuant to its FPC Gas Rate Schedule No. 27, Petitioner sells gas production from the Mary K. Withers well to South Texas, under a gas purchase contract dated May 1, 1959. Trident, a small producer, produces gas from the Mary K. Withers well into Petitioner's gathering system, which gas is, in turn, delivered into the pipeline system of South Texas for resale to Transcontinental Gas Pipe Line Corporation.

Petitioner states that compression will be needed to compress the gas from this well in order to avoid premature abandonment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 23, 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 proceedings. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1323 Filed 1-15-76;8:45 am]

[Docket No. ER76-379]

CONSUMERS POWER CO.

Termination

JANUARY 7, 1976.

Take notice that on December 22, 1975, Consumers Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with:

City of St. Louis (St. Louis), Contract dated October 7, 1966, Rate Schedule FPC No. 17, Proposed termination date: January 1, 1978.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on THE SCHEDULE OF RATES GOVERNING WHOLESALE FOR RESALE ELECTRIC SERVICE, and consistent with the order of the Federal Power Commission in Docket No. ER76-15 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to St. Louis at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

The Company states that copies of the filing were served on St. Louis and on the Michigan Public Service Commission.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1310 Filed 1-15-76;8:45 am]

[Docket Nos. CP75-20 and CI75-116]

FLORIDA GAS TRANSMISSION CO. V. PETROLEUM MANAGEMENT, INC., ET AL.

Further Extension of Procedural Dates

JANUARY 7, 1976.

On December 30, 1975, Petroleum Management, Inc., *et al.* filed a motion to extend the procedural dates fixed by order issued November 19, 1975, as most recently modified by notice issued December 1, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, January 19, 1976.
Hearing, February 24, 1976 (10 a.m., Local Time).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1311 Filed 1-15-76;8:45 am]

[Docket No. ID-1776]

W. C. GERSTNER

Application

JANUARY 6, 1976.

Take notice that on December 19, 1975, W. C. Gerstner, (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Illinois Power Company, Electric and gas utility company.
Director, Electric Energy, Inc., Electric utility company.

IPC is a combination gas and electric utility company operating in substantial areas in the State of Illinois, having five steam electric generating stations: At Baldwin, Wood River, Havana, Hennepin, and Vermilion County, Illinois, and transmission facilities providing power to distribution systems serving 475,910 customers at retail in 308 incorporated communities and environs in Illinois. The aggregate net capability of such turbine generators is 3,199,000 kilowatts. It owns three gas turbine installations with a net capability of 163,000 kilowatts, and one hydro, and three diesel stations with an aggregate net capability of 26,000 kilowatts. IPC serves natural gas at retail to 355,230 customers in 255 incorporated communities and environs in Illinois. IPC is a public utility within the meaning of the Illinois Public Utilities Act; and has been granted exemption pursuant to section 1(b) of the Natural Gas Act from the provisions of that Act and the rules and regulations of the Federal Power Commission thereunder.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the

proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1327 Filed 1-15-76;8:45 am]

[Docket No. ER76-357]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Supplement for an Initial Rate Schedule

JANUARY 7, 1976.

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate, Indiana & Michigan Electric Company (I&M) tendered for filing on December 11, 1975, an initial rate schedule, Amendment No. 9 among I&M, Consumers Power Company (Consumers) and The Detroit Edison Company (Detroit) (Consumers and Detroit being herein jointly referred to as the Michigan Companies). AEP states that this Amendment provides for the sale of Unit Power by I&M and the purchase by the Michigan Companies of electric power and electric energy associated therewith for the Contract Periods and in the demand quantities as follows:

	Kilowatt
Jan. 1, 1976 to Mar. 31, 1976	250,000
Apr. 30, 1976 to Sept. 30, 1976	500,000
Apr. 30, 1977 to Sept. 30, 1977	500,000

AEP has requested the Commission to accept the Amendment for filing effective on or before January 1, 1976, as it intends to commence the sale of Unit Power to the Michigan Companies as of that date, and in that connection has requested waiver of any requirements of the Commission's regulations which may not have been specifically complied with in the tendered filing.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1312 Filed 1-15-76;8:45 am]

[Docket No. ER76-377]

LOCKHART POWER CO.

Request for Waiver of Fuel Adjustment Clause Conformity Requirements

JANUARY 7, 1976.

Take notice that on December 19, 1975 Lockhart Power Company filed a request for an extension of time within which to comply with the provisions of Order No. 517 if those provisions should be held applicable to Lockhart by determination of the Commission in Docket No. E-9469.

Lockhart advances in support of its request for waiver the fact the justness and reasonableness of its purchased power clause is the subject of a pending Commission proceeding (Docket No. E-9469), and that it would serve no useful purpose for Lockhart to file a revised fuel adjustment clause conforming to Order No. 517 while this proceeding is pending.

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 Capital Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1313 Filed 1-15-76;8:45 am]

[Docket No. ID-1774]

ROBERT J. McBENNETT

Application

JANUARY 5, 1976.

Take notice that on December 1, 1975, Robert J. McBennett, (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Assistant Treasurer Orange and Rockland Utilities, Inc., Public Utility.
Assistant Treasurer, Rockland Electric Company, Public Utility.
Assistant Treasurer, Pike County Light & Power Company, Public Utility.

Orange and Rockland Utilities, Inc. (formerly Rockland Light and Power Company) has its principal place of business at Spring Valley, New York. The Company is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the state of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines to its wholly-owned subsidiary companies, Pike County Light & Power Company, Milford, Pennsylvania; and Rockland Electric Company, Ramsey, New Jersey. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1322 Filed 1-15-76;8:45 am]

[Docket No. ER76-378]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing

JANUARY 7, 1976.

Take notice that on December 22, 1975, Northern Indiana Public Service Company tendered for filing an executed memorandum of agreement proposed to supplement its existing Rate Schedule FPC No. 8 with Commonwealth Edison Company of Indiana, Inc. The subject agreement provides for the rehabilitation and rearrangement of certain special facilities.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1314 Filed 1-15-76;8:45 am]

[Docket No. CP76-191]

NORTHERN NATURAL GAS CO. ET AL.

Application

JANUARY 6, 1976.

Take notice that on December 8, 1975, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), PO Box 683 Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-191 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.

It is stated that Northern has contracted with Exxon Company, U.S.A. (Exxon), for the purchase of 30 percent of the natural gas to be produced from Wells A-16 and A-17, Block 332, Eugene Island Area, offshore Louisiana. Northern is said to be in a position at this time whereby it is not able to take delivery of such natural gas and is negotiating with Columbia Gulf for the transportation of such gas from Block 332 to Michigan Wisconsin Pipe Line Company (Mich., Wis.) for exchange. Pending these negotiations Applicants propose that Columbia Gas and Columbia Gulf take delivery of natural gas from Exxon for Northern's account at Exxon's production platform in Eugene Island Block 314. When Northern has made long-term arrangements necessary for the transportation of its gas, Columbia Gas and Columbia Gulf would redeliver equivalent volumes of natural gas on an Mcf-for-Mcf basis of all gas delivered. The proposed redelivery of natural gas would be made to the extent possible from Columbia Gas' 25 percent interest in the natural gas produced from Wells A-16 and A-17, and if these sources prove sufficient Columbia Gas would redeliver gas from other producing wells which Exxon may drill in Block 332. The volumes to be redelivered would be made at existing Exxon platform in Block 314 and/or at a platform to be built by Exxon in Block 332. The exchange volumes received by Columbia Gas would be delivered to and transported by Columbia Gulf.

It is stated that no monetary consideration would be given by any party for the proposed exchange and that no additional facilities are required.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 22, 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 section 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1324 Filed 1-15-76;8:45 am]

[Docket No. CP76-165]

NORTHERN NATURAL GAS CO.

Application

JANUARY 12, 1976.

Take notice that on November 20, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP 76-165 an application pursuant to section 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce for resale to High Plains Natural Gas Company (High Plains) in Ellis County, Oklahoma, and for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Oklahoma Natural Gas Company (Oklahoma Natural) in lieu thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by order of the Commission of December 9, 1968 (40 FPC 1431) it is authorized to sell and deliver to High Plains up to 1,500 Mcf of natural gas per day as a supplemental supply to High Plains' Oklahoma Panhandle distribution system. Applicant states further that under the terms of an agreement dated May 28, 1975, Oklahoma Natural has agreed to purchase and operate the facilities of High Plains located in the Oklahoma Panhandle [1] and that as a term of the agreement Oklahoma Natural has acquired the rights of High Plains in and to such gas service as was authorized for the Panhandle system subject to the approval of Applicant. It is stated that Applicant and Oklahoma Natural entered into an agreement dated August 20, 1975, under which Applicant agrees to sell and deliver to Oklahoma Natural up to 1,500 Mcf of natural gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirement 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 and 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1307 Filed 1-15-76;8:45 am]

[1] Notice of application pursuant to section 1(c) of the Natural Gas Act for a continued exemption from the provisions of the Natural Gas Act after purchase of the Panhandle system from High Plains by Oklahoma Natural was published in the FEDERAL REGISTER on August 7, 1975 (40 FPC 33301).

OHIO POWER CO.

[Docket No. ER76-358]

Tariff Change

JANUARY 7, 1976.

Take notice that American Electric Power Service Corporation (AEP) on December 11, 1975, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 2 dated November 15, 1975 to the Interconnection Agreement dated January 1, 1952, between Ohio and Ohio Edison Company, designate Ohio Rate Schedule FPC No. 25.

AEP states that modification No. 2 provides for an increase in the Demand

Charge for Short Term Power from $0.30 to $0.50 per kilowatt per week and in addition will permit inclusion of Short Term Power purchased from third parties. AEP proposes that the schedule become effective on or before January 5, 1976. AEP states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the modification.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1315 Filed 1-15-76;8:45 am]

[Docket No. ER76-382]

PACIFIC POWER & LIGHT CO.

Modification of Rate Schedule

JANUARY 7, 1976.

Take notice that Pacific Power & Light Company (Pacific) on December 22, 1975, tendered for filing, in accordance with § 35.13 of the Commission's Regulations, a new rate schedule for power and energy sales to the Town of Deaver, Wyoming (Town). This rate schedule supersedes Pacific's existing rate schedule designated FPC No. 54.

The proposed rate schedule provides for a change in structure of the rate charged Town by Pacific. Pacific states that this proposed change in rate structure is to conform to the rate charged to larger wholesale customers in the State of Wyoming. To be consistent with this rate structure results in an approximate 26 percent increase in the cost of electric service to Town. In addition, since Town has elected to use Pacific's transmission and transformation facilities, a use-of-facilities charge has been included.

A copy of the filing was supplied to the Town of Deaver.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1316 Filed 1-15-76;8:45 am]

[Docket No. ER76-398]

PENNSYLVANIA POWER & LIGHT CO.

Modification of Fuel Adjustment Clauses

JANUARY 7, 1976.

Take notice that Pennsylvania Power & Light Company (PP&L), on December 29, 1975, tendered for filing modifications to its fuel adjustment clauses presently on file with the Commission under rate schedules for resale electric service to fifteen customers, including the Boroughs of Watsontown, Duncannon, Olyphant, Blakely, Perkasie, Mifflinburg, Saint Clair, Catawissa, Hatfield, Lehighton, Weatherly, Schuylkill Haven, Ephrata and Quakertown, and Citizens Electric Company of Lewisburg. The modified clauses are proposed to become effective for billings made on and after February 1, 1976. No other changes to the rate schedules are proposed in the filing. PP&L states that it is estimated that with the modified clauses assumed to be in effect during the 12-month period ending January 31, 1976, revenues from jurisdictional sales and service would increase by $6,418, less than 0.1 percent of the total revenues expected to be received from these customers during that period. The estimated effect for the 12-month period ending January 31, 1977 is a decrease in revenues of $120,626, 1.25 percent of the estimated total revenues under the present schedules and clauses.

This filing is being made by PP&L in compliance with the Commission's Order No. 517 in Docket No. R-479, issued November 13, 1974, and the Commission's regulations with respect to fuel clauses as amended thereby.

Copies of this filing were served upon PP&L's jurisdictional customers named above, and upon the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 19, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1317 Filed 1-15-76;8:45 am]

[Docket No. ER76-339]

SOUTH CAROLINA ELECTRIC & GAS CO.

Request for Waiver of Requirements

JANUARY 7, 1976.

Take notice that, in a filing of December 13, 1975, South Carolina Electric and Gas Company (South Carolina) requested waiver of the requirements of Section 35.14 of the Commission's Regulations, 18 CFR 35.14, and authorization not to file a conforming fuel adjustment clause for service to Georgia Power Company (Georgia Power) under a fixed rate contract which includes a fuel adjustment clause, pending completion of the proceedings in Docket No. E-9322.

South Carolina states that its contract with Georgia Power, dated October 1, 1963, and designated FPC Rate Schedule No. 13, contains a fuel adjustment clause but does not authorize the unilateral submission, under Section 205 of the Federal Power Act (Act), of changes in the rates, terms, and conditions of service to Georgia Power. South Carolina further states that the proceedings in Docket No. E-9322 involve an investigation under section 206 of the Act, to determine whether the rates under the contract are so low as to adversely affect the public interest and should be increased, and that the submission of trial briefs in Docket No. E-9322 is scheduled to be completed by February 15, 1975.

South Carolina requests waiver of Section 35.14 of the Commission's Regulations as amended by Order No. 517 issued November 13, 1974, in Docket No. R-479, and particularly waiver of the requirement that fuel adjustment clauses now on file be amended by January 1, 1976 to conform with § 35.14, pending completion of the proceedings in Docket No. E-9322. South Carolina also states that Georgia Power does not object to its requests herein.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1318 Filed 1-15-76;8:45 am]

[Docket Nos. G–11980, etc., RP67–23, AR61–2, etc.]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Filing of Refund Report

JANUARY 7, 1976.

Take notice that on December 18, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed a report of refunds in the above-referenced dockets. Tennessee states that the report reflects refunds from its producer-suppliers which Tennessee is flowing through to its customers pursuant to the Stipulation and Agreement in Docket Nos. G–11980, et al., the Letter of Intent in Docket No. RP67–23 and the Commission's August 19, 1975, order in Docket Nos. AR61–2, et al. Tennessee requests authorization to make the refunds by means of a credit to the Unrecovered Purchased Gas Cost Account maintained pursuant to the PGA provision in its FPC Gas Tariff.

Tennessee states that a copy of the refund report has been served on each of its jurisdictional customers and affected 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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76–1319 Filed 1–15–76;8:45 am]

[Docket No. CP65–49]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Petition To Amend

JANUARY 6, 1976.

Take notice that on December 4, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP65–49 a petition to amend the order of the Commission of August 1, 1972 (48 FPC 202), issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing the sale for resale of natural gas to Louisiana Gas Service Company (Louisiana Gas) in lieu of Longhorn Gas, Inc. (Longhorn) pursuant to Applicant's Rate Schedule GS–1 for the Crowville, Louisiana, service area, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant states that effective February 1, 1975, Longhorn sold its properties comprising the Crowville service area to Louisiana Gas and assigned its rights in its gas sales contract with Applicant covering the Crowville service area to Louisiana Gas. Applicant further states that it was authorized by the aforementioned order of the Commission to render natural gas service to Longhorn for the Crowville service area up to a maximum daily quantity of 205 Mcf. It is requested in the instant petition to amend that the order of August 1, 1972, be amended to reflect the transfer of the Crowville service area from Longhorn to Louisiana Gas and to authorize service to Louisiana Gas pursuant to Applicant's Rate Schedule GS–1. It is further stated that the proposed amendments would not affect the maximum daily quantity of gas service authorized for the Crowville service area, nor would it affect the annual volumetric limitation applicable to the service area.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 20, 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.76–1326 Filed 1–15–76;8:45 am]

[Docket No. ER76–403]

UNION LIGHT, HEAT AND POWER CO.

Filing of Revised Fuel Adjustment Clause

JANUARY 7, 1976.

Take notice that on December 22, 1975, The Union Light, Heat and Power Company (ULH&P) tendered for filing a revised fuel adjustment clause applicable to wholesale service to the City of Williamstown, Kentucky. UL&P states that the proposed fuel clause is designed to conform with Order No. 517 in Docket No. 8–479.

ULH&P states that a copy of the filing has been served upon the City of Williamstown and the Public Service Commission of Kentucky.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76–1320 Filed 1–15–76;8:45 am]

[Docket No. ID–1775]

RALPH A. WELLER

Application

JANUARY 6, 1976.

Take notice that on December 18, 1975, Ralph A. Weller, (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions;

Trustee (legal equivalent of director, Consolidated Edison Co. of New York, Inc., Public Utility.

Director, United Technologies, Supplier of Electrical Equipment.

Consolidated Edison is a supplier of electric service in the five boroughs of New York City (Manhattan, the Bronx, Brooklyn, Staten Island and most of Queens) and in the southerly, westerly, and northwesterly portions (which comprise about 70% of Westchester County, N.Y. Gas service is supplied in Manhattan and the Bronx, in parts of Queens and in the more populous parts of Westchester County. Steam service is supplied in part of Manhattan.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–1325 Filed 1–15–76;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Motion for Acceptance of Settlement Agreement

JANUARY 6, 1976.

Take notice that on December 22, 1975, Wisconsin Power and Light Company (Wisconsin) tendered for filing a Motion for Acceptance of Settlement Agreement which was filed with the Commission on November 28, 1975, as signed by the company and the intervening cooperative wholesale customers and the intervening Municipal Wholesale Power Group. This agreement was entered into by all parties to this proceeding, including Commission Staff, and purports to settle all matters of controversy in this proceeding.

Because this settlement was being offered for approval by the Commission upon the eve of the service date for Staff, and shortly before other procedural deadlines, Wisconsin also requested an indefinite extension of said dates.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 19, 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.76-1328 Filed 1-15-76;8:45 am]

[Docket No. ER76-390]

WISCONSIN PUBLIC SERVICE CORP.

Tariff Change

JANUARY 7, 1976.

Take notice that Wisconsin Public Service Corporation (Wisconsin) on December 24, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff No. 31. Wisconsin states that the proposed changes in revenue as a result of this amendment are unknown as the quantities and costs of energy to be exchanged are indeterminate. The proposed changes modify the Fuel Clause Adjustment to the FPC format and enables the 46 KV interconnection to be normally operated closed. Wisconsin requested a waiver of the Commission's regulations so as to allow an effective date of December 31, 1975, for this filing.

Wisconsin states that copies of the filing were served upon Consolidated Water Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any such petitions or protests should be filed on or before January 19, 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.76-1321 Filed 1-15-76;8:45 am]

TRANSMISSION, DISTRIBUTION & STORAGE—TECHNICAL ADVISORY TASK FORCE—IMPACT OF GAS SHORTAGE ON CONSUMERS

Meeting

Hearing Room F, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, February 4, 1976,[1] 9:30 a.m.

Presiding: Mr. Michael C. Bachman, Coordinating Representative & Secretary, Federal Power Commission.

1. Call to Order and Introductory Remarks—Mr. Michael C. Bachman.
2. Introduction of the Technical Advisory Task Force Chairman, Mr. Louis Santone, Department of Commerce, Washington, D.C., and introduction of Technical Advisory Task Force Vice Chairman, Mr. Thomas J. Joyce, Independent Consultant, Fairfax, Virginia.
3. Discussion of Task Force Work Scope and Goals—Mr. Louis Santone.
4. Assignment of Work to Task Force Members—Mr. Louis Santone.
5. Establishment of Priorities and Completion Dates for Work to the Task Force—Mr. Louis Santone.
6. Selection of Next Meeting Date.
7. Discussion of Other Matters.
8. 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.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.76-1306 Filed 1-15-76;8:45 am]

[Docket No. RI76-82]

BRIGHT & SCHIFF

Petition for Special Relief

JANUARY 5, 1976.

Take notice that on December 12, 1975, Bright & Schiff (Petitioner), 730-15th Street NW., Washington, D.C. 20005, filed a petition for special relief in Docket No. RI76-82 for the sale of gas under its Small Producer Certificate issued in Docket No. CS71-70 to South Texas Natural Gas Gathering Company (South Texas) from the Reynolds No. 1 gas well, Whitted Field, Hidalgo County, Texas at 78.6 cents per Mcf.

Pursuant to its certificate authorization as a small producer, Petitioner presently sells gas production to South Texas at a rate of 16.5 cents per Mcf from the No. 1 well, which is delivered into the pipeline system of South Texas for resale to Transcontinental Gas Pipe Line Corporation. This well is presently shut-in.

Petitioner states that installation and operation of the compression necessary to continue deliveries is not economically feasible at the current contract price and if relief is not granted it will have to prematurely abandon said wells.

Any person desiring to be heard or to make any protest with reference to said filing should on or before January 26, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1340 Filed 1-16-76;8:45 am]

[Docket No. CP76-204]

COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORPORATION, ET AL.

Application

JANUARY 2, 1976.

Take notice that on December 18, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, Cascade Natural Gas Corporation (Cascade), P.O. Box 24464, Seattle, Washington 98124, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11368, Salt Lake City, Utah 84139, filed in Docket No. CP76-204 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 by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), and the delivery of said gas by Applicants by displacement, all as more fully set forth in the application on file with the Commission and open to public inspection.

CIG requests authorization to sell up to 10,000 Mcf of gas per day to Rocky Mountain from December 22, 1975, through April 15, 1976. It is stated that since CIG's system does not interconnect with Rocky Mountain's, Cascade would make deliveries to Rocky Mountain for

[1] This meeting replaces a previously scheduled meeting of the Transmission, Distribution & Storage—Technical Advisory Task Force—Impact of Gas Shortage on Consumers which was to meet January 16, 1976. The meeting for January 16, 1976 has been cancelled.

CIG's account from an existing interconnection in the Divide Creek Field, Mesa County, Colorado. Cascade would reduce deliveries to Mountain Fuel at Bonanza, Utah, under its FPC Rate Schedule No. 1 by a volume equal to the volume delivered to Rocky Mountain. CIG would deliver to Mountain Fuel for Cascade's account at an existing interconnection in Sweetwater County, Wyoming, volumes equal to those which Cascade delivers to Rocky Mountain. The application states that should the exchange account between CIG and Mountain Fuel not be in balance on April 15, 1976, the account would be balanced within 30 days. It is stated further that no new facilities would be required to effectuate the gas exchange among Applicants.

The application states that Rocky Mountain is an intrastate natural gas transmission and distribution company operting in Colorado, which endeavors to obtain its gas supply entirely from within Colorado. It is further stated that because of declines in local gas production, Rocky Mountain is in need of the additional gas supply proposed to be delivered and sold by Applicants and that without such supply Rocky Mountain would be forced to curtail partially its firm deliveries during the 1975–76 heating season.

CIG proposes to charge Rocky Mountain a rate equal to that provided by CIG's Rate Schedule G–1, adjusted to a 60-day or 16.44 percent load factor, for deliveries up to 6,000 Mcf of gas per day. For deliveries in excess of 6,000 Mcf of gas per day, the rate would include a double demand component. It is stated that the 60-day load actor is based upon the expected utilization of the gas by Rocky Mountain, approximately 60 days during December, January, and February; although to allow for possible unforseen difficulties, CIG is seeking authorization to sell gas through April 15, 1976. Based upon the above formula, the application indicates the rate for sales to Rocky Mountain would be 82.14 cents per Mcf for deliveries up to 6,000 Mcf of gas per day and 108.54 cents per Mcf for deliveries in excess of 6,000 Mcf of gas per day. It is further stated that Cascade would charge Rocky Mountain for transportation the rate provided by Cascade's FPC Rate Schedule T–1 and that Mountain Fuel would not realize any revenues from the exchange.

The application notes that CIG does not have a long-term excess gas supply but that it is willing to make the proposed short-term sale because of Rocky Mountain's critical gas supply situation.

Any person desiring to be heard or to make any protest with refere ce to said application should on or before January 26, 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 jurisdictions 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–1331 Filed 1–15–76;8:45 am]

[Docket No. ER76–335]

CONNECTICUT LIGHT & POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase

JANUARY 2, 1976.

On December 5, 1975, Connecticut Light and Power Company (CL&P) filed, on behalf of itself and the Hartford Electric Light Company (HELCO), (jointly, "Companies") a proposed amendment[1] to the Companies' Agreement with the Vermont Electric Cooperative, Inc. (VEC). The amendment dated September 15, 1975, provides for an extension of the term of the Agreement from October 31, 1975, to April 30, 1976, and revises transmission charges under the agreement. The proposed change in the transmisison rates would result in a 17.5 percent, $1,494 increase in transmission charges for the period of the sale.

Notice of CL&P's filing was issued on December 15, 1975, with comments, protests or petitions to intervene due on or before December 24, 1975. No petitions were received. CL&P requests waiver of our thirty day notice requirements to permit the amendment to become effective on November 1, 1975, the day after the present Agreement terminates. However, CL&P has not shown good cause to grant waiver. Accordingly, the request will be denied.

Under the present Agreement, CL&P and HELCO sell and transmit 7,300 kW of power to VEC. The present monthly charge for the transmission service is equal to one-twelfth of the estimated annual average unit cost of $4.68 per kW per year for transmission service on the system of the Northeast Utilities companies multiplied by VEC's entitlement and reduced by one-half to give recognition of payments made by VEC to intervening systems for delivery of the VEC purchase. The present monthly charge to VEC is $1,462.

Under the proposed amendment, the monthly charges for transmission service would be one-twelfth of the annual average cost of transmission service on the Northeast Utilities system multiplied by VEC's entitlement and reduced by one-half. The cost of transmission service on the Northeast Utilities system would be determined in accordance with § 13.9 (Determination of Amount of PTF Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee.

The proposed monthly charge to VEC under the proposed amendment would be approximately $1,673 for the period from November, 1975, through April, 1976. Annual charges under the agreement would increase from $4.687kW to $5.50/kW.

Proposed NEPOOL EHV Proposed Transmission Facilities (PTF) Cost Rules are presently under investigation in Docket No. E–7890. Proposed NEPOOL LV PTF Cost Rules have been tendered for filing in Docket No. ER76–291. In light of the fact that the charges proposed in the instant docket are based on NEPOOL PTF Costs and those costs have not yet been found to be just and reasonable, we conclude that the rate increase proposed in this docket has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the use thereof for one day until January 6, 1976 when the rates shall be permitted to become effective, subject to refund upon determination of just and reasonable NEPOOL PTF costs in Docket Nos. E–7690 and ER76–291.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the increased rates and charges as proposed by CL&P in Docket No. ER76–335 be accepted for filing and suspended as hereinafter provided.

(2) Good cause has not been shown to grant CL&P's request for waiver of the Commission's notice requirement.

(3) The proposed transmission charges associated with NEPOOL PTF costs should be subject to the outcome of the proceedings in Docket Nos. E–7690 and ER76–291.

The Commission orders. (A) CL&P's proposed change in rates, charges and conditions of service as filed on December 5, 1975, are accepted for filing and suspended for one (1) day and the use thereof deferred until January 6, 1976, when the proposed rates shall become effective, subject to refund.

(B) CL&P's request for waiver of the Commission's notice requirements is hereby denied.

[1] *See* Appendix A for rate schedule designations of the proposed amendment.

(C) The proposed transmission charges associated with NEPOOL transmission charges shall be made subject to the outcome of the proceedings in Docket Nos. E-7690 and ER76-291.

(D) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

THE CONNECTICUT LIGHT AND POWER COMPANY

[Docket No. ER76-335]

Dated: Sept. 15, 1975.
Filed: Dec. 5, 1975.
Other Party: Vermont Electric Cooperative, Inc.

Designation	*Description*
Supp. No. 1 to (1) rate schedule FPC No. 115.	Amendment to transmission agreement.

THE HARTFORD ELECTRIC LIGHT COMPANY

Designation	*Description*
Supp. No. 1 to (2) rate schedule FPC No. 95 (concurs in (1) above).	Certificate of concurrence.

[FR Doc.76-1332 Filed 1-15-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-1)]

EL PASO NATURAL GAS CO.

Further Extension of Procedural Dates

JANUARY 5, 1976.

On December 30, 1975, Texas International Petroleum Corporation filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued December 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of El Paso and Small Producer Testimony, February 9, 1976.
Service of Staff and Intervenor Testimony, March 9, 1976.
Service of Company Rebuttal, March 19, 1976.
Hearing, March 23, 1976 (10 a.m., local time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1341 Filed 1-15-76;8:45 am]

[Docket Nos. E-8769, E-9119, ER76-216, ER76-218, ER76-219, E8770]

FLORIDA POWER & LIGHT CO.

Further Extension of Procedural Dates

JANUARY 6, 1976.

On December 22, 1975, Florida Power and Light Company filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued November 6, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, March 8, 1976.
Service of Staff Testimony, May 3, 1976.
Service of Intervenor Testimony, May 17, 1976.
Service of Company Rebutal, May 27, 1976.
Hearing, June 15, 1976 (10 a.m., local time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1344 Filed 1-15-76;8:45 am]

[Docket No. CI76-142]

GENERAL AMERICAN OIL CO. OF TEXAS

Amendment to Application

JANUARY 6, 1976.

Take notice that on December 19, 1975, General American Oil Company of Texas (Applicant), Meadows Building, Dallas, Texas 75206, filed in Docket No. CI76-142 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act on September 8, 1975, authorizing the sale for resale of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., from Blocks 249 and 250, South Marsh Island Area, offshore Louisiana, all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

In its initial application Applicant proposes to sell gas at a total initial rate of 52.95160 cents per Mcf at 15.025 psia including upward adjustment for 1,010 Btu gas from a base of 1,000 Btu per cubic foot, although the contract for said sale provides for a base rate of $1.63 per Mcf. In the amendment to its application Applicant states that it is willing to accept an unconditioned certificate at the rate prescribed by § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a), but that since Applicant must present evidence and be subjected to a hearing on the application, Applicant reserves the right to present evidence establishing its right to collect its full contractually authorized rate.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 26, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1345 Filed 1-15-76;8:45 am]

GRANITE STATE GAS TRANSMISSION, INC.

[Docket No. RP73-17 (PGA 76-1A)]

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JANUARY 8, 1976.

Take notice that Granite State Gas Transmission, Inc. (Granite State), on December 23, 1975, tendered for filing Alternate Tenth Revised Sheet No. 3A and Alternate Substitute Tenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates to be effective January 1, 1976.

According to Granite State, the instant filing is made pursuant to a purchased gas cost adjustment provision in its tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73-17 and the proposed changes, submitted on alternate sheets, reflect alternate changes in the cost of gas purchased from its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which Tennessee has proposed to make effective January 1, 1976. The instant filing, according to Granite State, is in substitution for the similar filing made herein on December 1, 1975 (PGA 76-1) and made solely to correct the January, 1976 PGA to conform to the Commission's order of December 15, 1975, in Docket No. RP75-107.

Granite State further states that its proposed purchased gas cost changes are applicable to its sales to Northern Utilities, Inc. (Northern) which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rates contained on Alternate Tenth Revised Sheet No. 3A is $152,604 and the annual effect of the proposed rates contained on Alternate Substitute Tenth Revised Sheet No. 3A is $167,633. Both estimates are based on purchases from Tennessee and sales to Northern for the twelve months ended October 31, 1975.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1450 Filed 1-15-76;8:45 am]

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Procedural Dates

JANUARY 5, 1976.

On December 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, as most recently modified by notice issued September 29, 1975, in the above-designated proceeding.

On December 23, 1975, Michigan Consolidated Gas Company filed a response to staff's motion requesting additional time for filing intervenor's testimony.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 27, 1976.
Service of Intervenor Testimony, March 26, 1976.
Service of Company Rebuttal, April 19, 1976.
Hearing, May 4, 1976 (10 a.m., local time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1342 Filed 1-15-76;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Further Extension of Procedural Dates

JANUARY 6, 1976.

On December 29, 1975, Lawrenceburg Gas Transmission Corporation filed a motion to extend the procedural dates fixed by order issued June 27, 1975, as most recently modified by notice issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Rebuttal, March 5, 1976.
Hearing, March 22, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1346 Filed 1-15-76;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Filing of Settlement Agreement and Certification of Record

JANUARY 2, 1976.

Take notice that on December 10, 1975, Mississippi Power Company (MPCo) tendered for filing a proposed Settlement Agreement and Motion for Approval of Settlement Agreement in this proceeding. The proposed Settlement Agreement includes the following provisions: (a) MPCo will increase the discount for service delivery at 115KV from 20¢ per KW to 25 per KW; (b) MPCo's revised tariff would delete the provisions for automatic adjustments of changes reflecting variations in environmental control costs and variations in the Company's income tax liability; and (c) MPCo will not tender for filing any proposed rate increases to its three wholesale customers which would have effective dates prior to November 1, 1976.

On December 15, 1975, Presiding Administrative Law Judge Howe certified to the Commission the record in this proceeding.

Copies of the proposed Settlement Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon such matters contained in the Settlement Agreement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 23, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1333 Filed 1-15-76;8:45 am]

[Docket No. E-9473]

MISSOURI UTILITIES CO.

Extension of Procedural Dates

JANUARY 5, 1976.

On December 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued December 5, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 13, 1976.
Service of Intervenor Testimony, February 27, 1976.
Service of Company Rebuttal, March 12, 1976.
Hearing, March 23, 1976 (10 a.m. local time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1343 Filed 1-15-76;8:45 am]

[Docket No. RP71-125; PGA76-3]

NATURAL GAS PIPELINE CO. OF AMERICA

Extension of Procedural Dates

JANUARY 2, 1976.

On December 24, 1975, Natural Gas Pipeline Company of America filed a motion to extend the procedural dates fixed by order issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Natural and Producer Testimony, February 5, 1976.
Service of Staff and Intervenor Testimony, March 15, 1976.
Service of Company Rebuttal, April 9, 1976.
Hearing, April 26, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1334 Filed 1-15-76;8:45 am]

[Docket No. RP75-81]

NORTH PENN GAS CO.

Extension of Procedural Dates

JANUARY 2, 1976.

On December 22, 1975, North Penn Gas Company (North Penn) filed a motion to extend and revise the procedural dates fixed by order issued December 15, 1975, in the above-designated proceeding.

On December 24, 1975, Staff Counsel filed a response supporting North Penn's motion to extend procedural dates but opposing the revision of the procedural schedule to set the filing of evidence after the pre-hearing conference.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Applicant's and Supporting Intervenor's Testimony, January 20, 1976.
Prehearing Conference, February 17, 1976.
Hearing, February 25, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1335 Filed 1-15-76;8:45 am]

[Docket Nos. CP71-237 and CI71-714]

PANHANDLE EASTERN PIPE LINE CO. AND PAN EASTERN EXPLORATION CO.

Extension of Procedural Dates

JANUARY 2, 1976.

On December 24, 1975, Panhandle Eastern Pipe Line Company filed a motion to extend the procedural dates fixed by order issued December 2, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company Testimony, February 2, 1976.
Service of Staff and Intervenor Testimony, March 5, 1976.
Hearing, March 18, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1336 Filed 1-15-76;8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Further Extension of Procedural Dates

JANUARY 2, 1976.

On December 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued December 3, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, February 13, 1976.
Service of Intervenor Testimony, March 12, 1976.
Service of Company Rebuttal, April 9, 1976.
Hearing, April 20, 1976 (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1337 Filed 1-15-76;8:45 am]

[Docket Nos. RP74-52; (PGA76-1)]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

JANUARY 2, 1976.

On December 30, 1975, Yates Petroleum Corporation and Read & Stevens, Inc. filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued November 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Transwestern and Small Producer Testimony, February 5, 1976.
Service of Staff and Intervenor Testimony, March 5, 1976.
Service of Company Rebuttal, March 12, 1976.
Hearing, March 17, 1976 (10 a.m., local time).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-1338 Filed 1-15-76;8:45 am]

[Docket No. CP76-200]

UNITED GAS PIPE LINE CO.

Application

JANUARY 2, 1976.

Take notice that on December 15, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP76-200 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a farm tap for rendition of service to George H. Martin (Martin), a right-of-way grantor along Applicant's Agua Dulce-Perryville to Bistineau storage line in Natchitoches Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that in May 1973, it obtained a grant of right-of-way easements from Martin and that in partial consideration for the granting of said easement, Louisiana Gas Service Company (Louisiana Gas) agreed to construct a tap and deliver natural gas to Martin. Applicant proposes to construct one farm tap at a total cost estimated to be $479. Deliveries of approximately 80 Mcf per year of natural gas would be made by the local distributor, Louisiana Gas. Applicant states that the proposed service can be provided by Louisiana Gas out of its authorized annual volumetric limitations of gas from Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 23, 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.76-1339 Filed 1-15-76;8:45 am]

GENERAL ACCOUNTING OFFICE

FEDERAL POWER COMMISSION AND CIVIL AERONAUTICS BOARD

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 9, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC and CAB forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before February 4, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

Request for review and clearance of revision to Federal Power Commission (FPC) Form 15, Annual Report of Gas Supply for Certain Natural Gas Pipelines, by adding a new page (Disclosure of Other Gas Supply Filings with Federal Agencies—page 0046) thereto. The proposed new page would annually require the reporting of public filings concerning gas supplies made with other Federal governmental agencies by the pipeline respondent, its parent or affiliate, subsequent to the filing of the respondent's Form No. 15 for the preceding report year. It is estimated that the number of Natural Gas Pipelines filing the added page (page 0046) will be 93, the same number as are currently filing Form No. 15. Page 0046 will be filed and will continue to be filed annually on April 1 of each year. Approximately 8 hours per response are estimated to be required for preparing the new page (page 0046) for inclusion in the Form 15.

CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board (CAB) requests an extension no change clearance of the reporting requirements of CAB Form 272 of Part 375—Navigation of Foreign Civil Aircraft Within the United States. The objective of this reporting requirement is to regulate the admission to, and navigation in, the United States of foreign civil aircraft other than aircraft operated by holders of foreign air carrier permits. This reporting requirement is mandatory under the Federal Aviation Act. Respondents number approximately 100 who complete an average of 2 forms annually. CAB estimates that each Form 272 requires one hour to complete.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.76-1361 Filed 1-15-76;8:45]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G-25]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates to the Secretary of Defense the authority to perform onsite audit of transportation documents paid by certain domestic and overseas Department of Defense (DOD) finance and accounting offices.

2. *Effective date.* This regulation is effective on October 12, 1975.

3. *Background.* a. In 1957, the General Accounting Office (GAO) determined that the interests of the United States were adequately protected by onsite audits performed by certain overseas DOD finance and accounting offices in connection with transportation documents paid by those offices. Therefore, GAO authorized designated DOD overseas offices in England, Germany, Spain, and Japan to audit and retain all transportation bills paid by those offices, contingent upon maintenance of adequate personnel complements and subject to test verifications and reviews by GAO.

b. In 1973, GAO authorized the Military Airlift Command (MAC), Scott Air

Force Base, Illinois, to audit and retain all payment vouchers and related transportation documents covering MAC contract airlift services, subject to test verifications and reviews by GAO.

c. In connection with DOD's transportation functions, GAO authorized DOD to deviate from GAO regulations by permitting the use of alternate forms for the procurement of freight and passenger transportation and related services.

d. The General Accounting Office Act of 1974, Pub. L. 93-604, 88 Stat. 1960, amended section 322 of the Transportation Act of 1940 (49 U.S.C. 66) to provide for audit of payments for transportation by the General Services Administration (GSA), formerly a function of GAO. The transfer became effective October 12, 1975.

4. *Delegation.* a. Pursuant to the authority vested in me by section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), authority is delegated to the Secretary of Defense to:

(1) Continue the use of currently approved freight and passenger warants, transportation orders, credit notes, and related transportation forms in overseas areas for the procurement of freight and passenger transportation and related services;

(2) Require overseas finance and accounting offices of the Department of the Army at Heidelberg, Germany, and of the Department of the Air Force at Tokyo, Japan; London, England; and Madrid, Spain, to audit and retain all transportation bills and related documents paid at those overseas offices, subject to test verifications and reviews by GSA;

(3) Continue the use of currently approved MAC forms for the procurement of MAC contract airlift services; and

(4) Audit and retain at Scott Air Force Base, Illinois, all payment vouchers and related transportation documents covering MAC contract airlift services, subject to test verifications and reviews by GSA.

b. The authority delegated herein may be redelegated to any official of DOD.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by GSA, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

DECEMBER 30, 1975.

[FR Doc.76-1368 Filed 1-15-76;8:45 am]

[Federal Property Management Regs.; Temporary Reg. G-24]

SECRETARY OF STATE

Delegation of Authority

1. *Purpose.* This regulation delegates to the Secretary of State authority to audit and retain freight and passenger transportation documents paid by Department of State overseas offices.

2. *Effective date.* This regulation is effective on October 12, 1975.

3. *Background.* a. In 1973, the General Accounting Office (GAO) determined in connection with transportation payments made by the Department of State at overseas points that the interests of the United States were adequately protected by (1) having foreign nationals audit bills for overseas transportation services prior to payment and (2) the high degree of transportation management exercised in the negotiation of rates, the planning of shipments, and the travel of personnel and diplomatic couriers. Accordingly, GAO authorized the overseas offices to audit and retain all transportation vouchers and related documents paid at overseas offices, subject to test verifications and reviews by GAO.

b. The General Accounting Office Act of 1974, Pub. L. 93-604, 88 Stat. 1960, amended section 322 of the Transportation Act of 1940 (49 U.S.C. 66) to provide for aduit of payments for transportation by the General Services Administration (GSA), formerly a function of GAO. The transfer became effective October 12, 1975.

4. *Delegation.* a. Pursuant to the authority vested in me by section 322 of the Transportation Act of 1940, as amended (49 U.S.C. 66), authority is delegated to the Secretary of State to audit and retain in the Department of State overseas offices all transportation vouchers and related documents paid at those overseas offices, subject to test verifications and reviews by GSA.

b. The authority delegated herein may be redelegated to any official of the Department of State.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by GSA, and shall be exercised in cooperation with the responsible offices, officials, and employees thereof.

DWIGHT A. INK,
Acting Administrator of General Services.

DECEMBER 30, 1975.

[FR Doc.76-1369 Filed 1-15-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BICENTENNIAL COMMITTEE OF THE NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that an open meeting of the Bicentennial Committee of the National Council on the Arts will be held on February 5, 1976 from 9:30 a.m.-5:00 p.m. in the 13th floor conference room of the Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

All of this meeting will be open to the public on a space available basis. Accommodations are limited. In the morning there will be a discussion of general outlook on Bicentennial programs and in the afternoon a general discussion of specific programs.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-1372 Filed 1-15-76;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on February 4-5, February 2-24, and March 1-3, 1976 from 9:30 a.m.-6:00 p.m. in the 11th floor Visual Arts conference room, 2401 E Street, NW., Washington, D.C.; and February 9, 1976 from 9:30 a.m.-6:00 p.m. at the WGBH television station in Boston, Massachusetts.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-1373 Filed 1-15-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc., which revised Technical Specifications for operation of the Indian Point Nuclear Gen-

erating Unit No. 2, located in Buchanan, Westchester County, New York. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the Indian Point Nuclear Generating Unit No. 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1976, (2) Amendment No. 16 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of January 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc. 76–1267 Filed 1–15–76; 8:45 am]

[Docket No. 50–409]

DAIRYLAND POWER COOPERATIVE (LACROSSE BOILING WATER REACTOR)

Notice and Order for Special Prehearing Conference

The Atomic Safety and Licensing Board will hold a Special Prehearing Conference on January 20, 1976, at 9:30 a.m. in the U.S. District Courtroom, 2nd Floor, Federal Building and U.S. Courthouse, 510 South Barstow Commons, Eau Claire, Wisconsin. Representatives of the public will attend and members of the public may do so.

The Special Prehearing Conference is to be held in connection with the application of Dairyland Power Cooperative to modify the irradiated fuel storage pool by adding storage racks for irradiated fuel and shrouds and will consider matters set forth in 10 CFR 2.751a including the petition to intervene and the scheduling of further actions by the parties and the Board.

Dated at Bethesda, Md., this 13th day of January 1976.

It is so ordered.

The Atomic Safety and Licensing Board.

FREDERICK J. COUFAL,
Chairman.

[FR Doc.76–1494 Filed 1–15–76;8:45 am]

[Docket No. 50–219]

JERSEY CENTRAL POWER AND LIGHT CO.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to Jersey Central Power and Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The amendment would revise the provisions in the Technical Specifications relating to operating limits (maximum average planar linear heat generation rate), based on a reevaluation of the Oyster Creek Nuclear Generating Station ECCS performance in accordance with the licensee's application for amendment, dated December 23, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By February 17, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, Barr Building, 910 17th Street, NW., Washington, D.C., the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 23, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of January, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.76–1268 Filed 1–15–76;8:45 am]

[Docket No. PRM–51–1]

NEW ENGLAND COALITION ON NUCLEAR POLLUTION

Filing of Petition for Rule Making

Notice is hereby given that Roisman, Kessler, and Cashdan, 1712 N Street, NW., Washington, D.C., has filed with the Nuclear Regulatory Commission a petition for rule making dated November 19, 1975, on behalf of the New England Coalition on Nuclear Pollution.

The petitioner's request the Commission to issue a number of amendments to "Table S–3.—Summary of environmental considerations for uranium fuel cycle" in the Commission's regulation "Licensing

and Regulatory Policy and Procedures for Environmental Protection," 10 CFR Part 51. The text of the amendments to Table S–3 proposed by the petitioners is set out in Appendix A to the petition. Appended also is a supporting affidavit and two reports by Professor Robert O. Pohl of the Department of Physics, Cornell University.

The petitioners state that the current Table S–3 seriously understates the impact on human safety and health by disregarding the long-term effects of certain long-lived radionuclides. The petitioners also express the opinion that Table S–3, by the exclusive use of the term "man-rems", does not provide a meaningful representation of these health effects, at least in the case of the radionuclides involved in this petition, and that human deaths from man-rem exposures provide a more easily comprehended consequence of the fuel cycle activities.

It is the further view of petitioners that the health effects of uranium mining and milling, now calculated in Table S–3 as a total of 0.06 man-rems within five miles of the plant per annual fuel requirement, fails to disclose the long-term and long-range health effects of the radon gas released from the tailings piles.

The petitioners state that the health effects of tritium and krypton–85 releases from fuel reprocessing plants are understated in Table S–3, and releases of carbon–14 should be included in Table S–3.

The petitioners also state that the magnitude of the potential death toll from mine tailings alone is so great as to alter the previous judgments on these matters and to require at a minimum a reassessment of previous conclusions to authorize construction or operation of nuclear reactors and a postponement of resolution of all pending applications for construction or operating authority until final resolution of this issue by the Commission.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before March 16, 1976.

Dated at Washington, D.C. this 8th day of January 1976

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76–1269 Filed 1–15–76;8:45 am]

[Docket No. 50–133]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–7 issued to Pacific Gas and Electric Company which revised Technical Specifications for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California. The amendment is effective 30 days after its date of issuance.

This amendment revises the Administrative Control section of the Technical Specifications for the Humboldt Bay Power Plant, Unit 3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an envirnmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 27, 1974, (2) Amendment No. 11 to License No. DPR–7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Humboldt County Library, 636 F Street, Eureka, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 6th day of January, 1976.

For the Nuclear Regulatory Commission

ROBERT W. REID,
Chief Operating Reactors Branch No. 4 Division of Reactor Licensing.

[FR Doc.76–1270 Filed 1–15–76;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR–59 issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Scriba, Oswego County, New York. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the James A. FitzPatrick Nuclear Power Plant.

The application for the amendment dated December 2, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 7 to License No. DPR–59, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oswego City Library, 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of January 1976.

For the Nuclear Regulatory Commission

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76–1271 Filed 1–15–76;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments become effective 30 days after the date of issuance.

The amendments revise the reporting requirements of the Technical Specifications for the Surry Power Station, Units 1 and 2.

The application for the amendments dated February 18, 1975, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 18, 1975, (2) Amendments No. 14 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Swem Library, College of William & Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md. this 7th day of January, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.76-1272 Filed 1-15-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SMALL BUSINESS CONCERNS

Utilization of Funds Authorized for Research Applied to National Needs Program

Section 2(a)(11) of the National Science Foundation Authorization Act 1976, (Pub. L. 94-86, approved August 9, 1975, 89 Stat. 427) requires that 7.5 per centum of the amount authorized for the Research Applied to National Needs Program "shall be expended to small business concerns."

In the implementation of this program, NSF shall be guided by the definition of small business concerns applied by the Small Business Administration (see 13 CFR Part 121[1975]).

Dated: December 16, 1975.

ALFRED J. EGGERS,
Assistant Director Research Applications.

[FR Doc.76-1360 Filed 11576;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 January 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

DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Income and Education Questionnaire and Control Card, SIE 1, SIE 9, single-time, households, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service:
- Review Committee Member Interview Schedule, OASH 0105, single-time, committee members, Human Resources Division, Dick Eisinger, 395-3532.
- Practice Survey Form College of Physicians of Philadelphia, 0814, single-time, physicians, Dick Eisinger, 395-6140.

Office of Human Development: Evaluation of information and referral services for older people (7 questionnaires), single-time, users of I&R service, Human Resources Division, Raynsford, R., 395-3532.

EXTENSIONS

DEPARTMENT OF DEFENSE

Departmental and other: Report on defense related employment of former military officers and DOD employees, annually, former DOD personnel, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: House Price Survey—Pretest, 3402, 3402A, single-time, local tax assessors, Strasser, A., 395-5867.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:
- Fishing Survey (Creel Census in Yellowstone Park, Owners of Private Boats), 3-1924-A, other (see SF-83), fishermen, Marsha Traynham, 395-4529.
- Guide-Cruiser Boat Record, 3-1926, other (see SF-83), boat operators, Marsha Traynham, 395-4529.
- Fishing Survey (Creel Census in Yellowstone Park, Rented Boats, 3-1925, other (see SF-83), fishermen, Marsha Traynham, 395-4529.
- Application for Federal Bird Marking and Salvage Permit, 3-481, on occasion, application, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-1485 Filed 1-15-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12004; File No. SR-MSRB-75-4]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 9429, 16 (June 4, 1975) notice is hereby given that on January 6, 1976, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The proposed amendment to rule A-3(d) filed by the Municipal Securities Rulemaking Board (the "Board") removes the requirement that Board members (other than initial members) be nominated and elected by the Board. The proposed amendment to rule A-11 extends to employees of the Board a right to indemnification against liability in connection with the performance of their official duties.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

Purpose of Proposed Rule Changes. The purpose of the proposed amendment to rule A-3(d) is to give the Board an opportunity to develop appropriate procedures for the nomination and election of Board members, rather than to require that the Board nominate and elect future members. Since the first elections of Board members will not take place for more than a year, there is ample time for study of alternative methods of nominating and electing members and for submission of proposed rules to the Securities and Exchange Commission.

The purpose of the proposed amendment to rule A–11 is to extend to Board employees the right to indemnification in connection with the performance of their official duties now available only to Board members.

Basis Under the Act for Proposed Rule Changes. The Board has adopted the proposed rule changes pursuant to sections 15B(b)(2)(B) and 15B(b)(2)(I) of the Securities Exchange Act of 1934, as amended (the "Act"). The proposed rule changes were adopted under the general authority conferred on the Board by section 15B(b)(2)(I) of the Act to provide for the operation and administration of the Board. In addition, section 15B(b)(2)(B) of the Act authorizes the Board to establish procedures for the nomination and election of members of the Board.

Comments Received from Members, Participants or Others on Proposed Rule Changes. Comments have not been received on the proposed rule changes.

Burden on Competition. The Board has determined that the proposed rule changes do not impose any burden on competition.

The foregoing rule changes have become effective, pursuant to section 19(b)(3) of the Act. At any time within sixty days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L St., 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 February 17, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 12, 1976.

As amended the Rules will read as follows:

Rule A–3(d). *Nomination and Election of Members.* Except for the initial members of the Board, members shall be nominated and elected in accordance with procedures specified by rule of the Board. (Remainder of rule A–3(d) is unchanged.)

Rule A–11. *Indemnification of Members and Employees.* Each member of the Board and each employee of the Board shall be indemnified and held harmless against all liabilities and related expenses incurred in connection with the performance of such member's official duties as a member of the Board or such employee's official duties as an employee of the Board, provided that such member or employee has acted or omitted to act in good faith and within the scope of such member's or employee's authority. (Remainder of rule A–11 is unchanged.)

[FR Doc.76–1304 Filed 1–15–76;8:45 am]

[Release No. 34–11994; File No. SR–PCC–75–1]

PACIFIC CLEARING CORP.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on December 24, 1975 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. Pursuant to the proposed addition of section 6 (dealing with the Over-Deposit Requirement) and Section 7 (dealing with the Participants Fund):

1. All participants in the Pacific Clearing Corporation ("PCC") will be required to maintain an over-deposit equal to 5 percent of the value, as marked to market daily, of the participant's short positions with PCC, less the amount of the Participants Fund contribution maintained by the participant.

2. The amount maintained as an over-deposit by a participant will be applied to any default by the participant in satisfying obligations to PCC or the Pacific Securities Depository Trust Company ("PSD").

3. Each participant in PCC will be required to make a contribution to a Participants Fund, with the amount of the contribution based upon usage of PCC's facilities, and upon the participant's usage of PSD's facilities.

4. The component of the contribution formula based on PCC usage will be set by the PCC Board of Directors and the component based on PSD usage will be set by the PSD Board of Directors, with the Board of Governors of the Pacific Stock Exchange Incorporated ("PSE" or "Exchange") setting the contribution formula in the event of disagreement between the PCC Board and the PSD Board over the adequacy of the component of the formula established by either.

5. The minimum contribution shall be $3,000, and the contribution formula is subject to change upon giving notice at least 10 business days in advance of the change.

6. PCC and PSD may permit a portion of a participant's contributions to be evidenced by an open account indebtedness secured by certain acceptable types of government bearer bonds.

7. The amount of a participant's contribution would be applied to satisfy any obligation to PCC which the participant fails to discharge.

8. In the event of a loss by PCC or PSD as a result of a participant's default, which cannot be made good out of the participant's contribution to the Participants Fund, or in the event of any other loss, the portion of the loss, if any, in excess of undivided profits or retained earnings would be made good out of the Participants Fund: *Provided*, That, upon prior notice to each participant and the Securities and Exchange Commission any loss could be made good out of the Participants Fund rather than out of undivided profits or retained earnings.

9. If both PCC and PSD suffer losses which are charged against the Participants Fund and the assets in the Participants Fund are insufficient to cover the full amount of both losses, the available assets shall be apportioned in proportion to the amount of loss suffered by each entity which is being charged against the Participants Fund.

10. Any charge against the Participants Fund shall be made pro rata against the contributions of participants (as fixed at the time the loss is discovered), with participants required immediately, upon demand, to make good the deficiency in their contributions resulting from a pro rata charge.

11. If within 10 days of notice of a pro rata charge, a participant gives written notice of its election that PCC and PSD shall definitively cease to act for it, the participant's aggregate liability with respect to the pro rata charge, and all other pro rata charges made thereafter, shall not exceed twice the amount of its contribution to the Participants Fund as fixed immediately prior to the pro rata charge, and the amount on deposit in the Participants Fund for the participant immediately prior to the pro rata charge shall be credited against such aggregate liability.

12. A participant ceasing to be such shall have its contribution returned to it, after deduction of any amount for which it is liable for contributions resulting from transactions open at the time it ceases to be a member, provided that its maximum aggregate liability for contributions to the Participants Fund shall be as set forth in Paragraph 11 above.

13. Notice shall be given to participants at least 10 business days in advance of any increase in a participant's contribution, and if the participant gives written notice that it is ceasing to be a participant within 10 days after the written notice of the increase, the increase shall not be effective with respect to such participant, but if such notice is not given by the participant, the participant's contribution shall be the amount as increased.

14. Decreases in a participant's contribution shall result in the difference being paid to the participant after deducting the amount of any liability of the participant for losses in connection with transactions occurring before the decrease.

15. If a loss charged pro rata against contributions is subsequently recovered, the net amount of recovery shall be credited pro rata to the participants against whose contributions the loss was charged.

16. The Participants Fund shall be held by the Exchange, for the benefit of PSD and PCC, separate and apart from other assets of the Exchange. The Exchange may, in the discretion of its Board, invest, for the account of the Participants Fund, any cash contained therein in securities issued or guaranteed by the United States of America; any cash not so invested shall be deposited by the Exchange in such depositories as the Exchange may select. Any interest earned on cash so invested or deposited by the Exchange shall be distributed to PSD and PCC in proportion to the amount of contributions derived from the formula that is based upon PSD and PCC usage. Each participant shall be entitled to any interest earned on bonds which it has pledged to secure its open account indebtedness to the Participants Fund.

Statement of Basis and Purpose. The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is designed to formalize the over-deposit requirement, which has previously been imposed as a matter of practice, to equalize the amount of the over-deposit applicable to non-Exchange members and Exchange members, and to establish a participants fund applicable to both PCC and PSD. The Participants Fund is designed to provide an increased measure of security against the possibility of losses that might be suffered by PCC and PSD, and to provide an equitable means for allocating between the participants losses which might occur.

The proposed rule change, by establishing the same over-deposit requirement for PCC participants that are Exchange members and PCC participants that are not Exchange members, and by creating a participants fund which provides a system for allocating losses by PCC or PSD among participants in PCC and PSD, contributes to the equitable allocation of dues, fees and other charges between PCC and PSD participants. By providing protection against possible losses by PCC or PSD, which might disrupt the operation of these entities and cause losses to participants, the proposed rule change contributes to the protection of investors and of the public interest. The over-deposit requirement and the Participants Fund also provide assurance as to safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, since other clearing agencies have expressed concern about the failure of PCC to have a participants fund, the creation of such a fund will contribute to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments on the proposed rule change have not been solicited from Exchange members or PCC participants.

The proposed rule change would not impose any burden on competition.

On or before February 26, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 6, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 8, 1976.

[FR Doc.76-1258 Filed 1-15-76;8:45 am]

[Release No. 34-11996; File No. SR-PCC-75-2]

PACIFIC CLEARING CORP.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change. The proposed rule change is the adoption of a new Non-Exchange Clearing Participant's Application and Agreement ("Agreement"), which all participants in Pacific Clearing Corporation ("PCC") which are not member firms of the Pacific Stock Exchange Incorporated ("Exchange") would be required to sign. The terms of substance of the proposed Agreement are as follows:

1. Non-Exchange Clearing Participants would be required to abide by the By-Laws and Rules of PCC as well as the applicable By-Laws and Rules of the Exchange.

2. PCC is to have a lien upon any property of the non-Exchange Clearing Participant held by or for PCC, to secure payment of all sums owed PCC by such participant.

3. The Rules of PCC, and applicable Rules of the Exchange, are to be a part of the terms and conditions of every contract which the non-Exchange Clearing Participant has with PCC and of every contract submitted for clearance or settlement through PCC.

4. Amendments to the Rules of PCC and the Exchange will be binding on non-Exchange Clearing Participants.

5. Compensation paid by non-Exchange Clearing Participants to PCC will be as fixed by the PCC Board of Directors, and such Participants will be subject to fines imposed by the PCC Board of Directors.

6. The Over-Deposit Requirement and the Participants Fund requirement of the PCC Rules will be applicable to non-Exchange Clearing Participants.

7. Books and records of non-Exchange Clearing Participants will be open to inspection by duly authorized representatives of PCC and the Exchange, and such Participants will furnish PCC or the Exchange any information that may be required relating to their business.

8. Non-Exchange Clearing Participants agree to submit disputes with other non-Exchange Clearing Participants, with Clearing Participants which are member firms of the Exchange, or with PCC, involving matters arising out of participation in the clearing services of PCC, to binding arbitration pursuant to any Rules of PCC and the Exchange requiring arbitration of such disputes.

9. The non-Exchange Clearing Participant acknowledges that it acquires no right or interest in any of the property, assets, or profits of PCC or the Exchange.

10. Either party may terminate the Agreement upon ten days written notice to the other, provided, however, that PCC may not deny participation to any non-Exchange Clearing Participant or prohibit or limit access of any non-Exchange Clearing Participant in violation of any By-Laws or Rules of PCC applicable to denial of participation or prohibition or limitation of access.

11. In certain specified circumstances, involving expulsion or suspension from self-regulatory organizations, default in performance of obligations to PCC, or financial or operating difficulty, PCC may summarily suspend a non-Exchange Clearing Participant and close its accounts, subject to the right of such Participant to a hearing.

12. Termination or suspension of a non-Exchange Clearing Participant shall have no effect on its liabilities to PCC.

13. A non-Exchange Clearing Participant that fails to perform any of its obligations or determines it is unable to perform any of its obligations, shall immediately inform PCC.

Statement of Basis and Purpose. The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is designed to provide a suitable agreement providing for the participation of firms that are not Exchange member firms in the clearance and settlement services of PCC. The Agreement commits such non-Exchange participants to abide by the Rules of the Exchange applicable to clearing, requires them to make a participants fund contribution and be governed by the participants fund provisions of the PCC Rules, just like other participants, and in general subjects non-Exchange participants to regulation by PCC for the limited purposes involved in the non-Exchange participant's use of the clearing services of PCC.

The proposed Agreement, by obligating non-Exchange participants to abide by the clearing Rules of the Exchange, and by requiring a non-Exchange participant to open his books and records for inspection by officials of the Exchange or PCC, contributes to the ability of the Exchange and PCC to enforce their rules.

The proposed Agreement, by facilitating participation by firms that are not Exchange members in the clearing activities of PCC, contributes to the prompt and accurate clearance and settlement of securities transactions.

Comments on the proposed Agreement have not been solicited, and none have been received.

The proposed Agreement does not impose any burden on competition. Rather, by facilitating participation by non-Exchange members in PCC, in connection with an over-the-counter clearing service that is an alternative to that provided by National Clearing Corporation, competition is encouraged.

On or before February 20, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 6, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 8, 1976.

[FR Doc.76-1259 Filed 1-15-76;8:45 am]

[Release No. 34-11995; File No. SR-PSD-75-1]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 24, 1975 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. Pursuant to the proposed Amendment to Article XI of the By-Laws of the Pacific Securities Depository Trust Company ("PSD") dealing with the Participants Fund:

1. Each participant in PSD will be required to make a contribution to a Participants Fund, with the amount of the contribution based upon usage of PSD's facilities, and upon the participant's usage of the facilities of the Pacific Clearing Corporation ("PCC").

2. The component of the contribution formula based on PSD usage will be set by the PSD Board of Directors and the component based on PCC usage will be set by the PCC Board of Directors, with the Board of Governors of the Pacific Stock Exchange Incorporated (the "Exchange") setting the contribution formula in the event of disagreement between the PSD Board and the PCC Board over the adequacy of the component of the formula established by either.

3. The minimum contribution shall be $3,000, and the contribution formula is subject to change upon giving notice at least 10 business days in advance of the change.

4. PSD and PCC may permit a portion of a participant's contributions to be evidenced by an open account indebtedness secured by certain acceptable types of government bearer bonds.

5. The Participants Fund shall be held by the Exchange, for the benefit of PSD and PCC, separate and apart from other assets of the Exchange. The Exchange may, in the discretion of its Board, invest, for the account of the Participants Fund, any cash contained therein in securities issued or guaranteeed by the United States of America; any cash not so invested shall be deposited by the Exchange in such depositories as the Exchange may select. Any interest earned on cash so invested or deposited by the Exchange shall be distributed to PSD and PCC in proportion to the amount of contributions derived from the formula that is based upon PSD and PCC usage. Each participant shall be entitled to any interest earned on bonds which it has pledged to secure its open account indebtedness to the Participants Fund.

6. The amount of a participant's contribution would be applied to satisfy any obligation to PSD which the participant fails to discharge.

7. In the event of a loss by PSD or PCC as a result of a participant's default, which cannot be made good out of the participant's contribution to the Participants Fund, or in the event of any other loss, the portion of the loss, if any, in excess of undivided profits or retained earnings would be made good out of the Participants Fund: *Provided*, That, upon notice to each participant and the Securities and Exchange Commission any loss could be made good out of the Participants Fund rather than out of undivided profits or retained earnings.

8. If both PSD and PCC suffer losses which are charged against the Participants Fund and the assets in the Participants Fund are insufficient to cover the full amount of both losses, the available assets shall be apportioned in proportion to the amount of loss suffered by each entity which is being charged against the Participants Fund.

9. Any charge against the Participants Fund shall be made pro rata against the contributions of participants (as fixed at the time the loss is discovered), with participants required immediately, upon demand, to make good the deficiency in their contributions resulting from a pro rata charge.

10. If within 10 days of notice of a pro rata charge, a participant gives written notice of its election that PSD and PCC shall definitively cease to act for it, the participant's aggregate liability with respect to the pro rata charge, and all other pro rata charges made thereafter, shall not exceed twice the amount of its contribution to the Participants Fund as fixed immediately prior to the pro rata charge, and the amount on deposit in the Participants Fund for the participant immediately prior to the pro rata charge shall be credited against such aggregate liability.

11. A participant ceasing to be such shall have its contribution returned to it, after deduction of any amount for which it is liable for contributions resulting from transactions open at the time it ceases to be a member, provided that its maximum aggregate liability for contributions to the Participants Fund shall be as set forth in Paragraph 10 above.

12. Notice shall be given to participants at least 10 business days in advance of any increase in a participant's contribution, and if the participant files written notice that it is ceasing to be a participant within 10 days after the written notice of the increase, the increase shall not be effective with respect to such participant, but if such notice is not given by the participant, the participant's contribution shall be the amount as increased.

13. Decreases in a participant's contribution shall result in the difference being paid to the participant after deducting the amount of any liability of the participant for losses in connection with transactions occurring before the decrease.

14. If a loss charged pro rata against contributions is subsequently recovered, the net amount of recovery shall be credited pro rata to the participants against whose contributions the loss was charged.

15. Firms which are participants of PSD but not of PCC will be required to contribute to a Special Participant's Fund, with the amount of the contribution based upon the participant's usage of PSD's facilities. All the provisions of the Participants Fund, described above, shall apply fully to the Special Participants Fund and to those PSD participants required to contribute to it, with the following exceptions and modifications:

(a) All references to the Exchange in the second paragraph of § 11.1 (relating to qualifying bonds pledged to the Exchange) and in Section 11.2 (relating to the investment of cash contributions) shall be taken to be a reference to PSD. The references to the "Participants Fund" in paragraph 8 above apply only to the Participants Fund.

(b) Any pro rata charge made in connection with a loss or liability of PSD shall be made at the same rate against the contributions of participants required to contribute to the Special Participants Fund. Pro rata changes occurring in connection with any loss or liability of PCC shall not result in any pro rata charge against the contributions of those participants required to contribute to the Special Participants Fund.

(c) If losses by both PCC and PSD should result in a charge against the Participants Fund which exceeds the assets of the Participants Fund, the contributions of participants required to contribute to the Special Participants Fund shall be subject to a pro rata charge equal to 100% of the required contributions of such participants provided that such pro rata charge, when added to the amount apportioned to PSD's loss as a result of the application of that provision of the Participants Fund described above in paragraph 8, will not exceed an amount sufficient to cover the full loss or liability of PSD.

Statement of Basis and Purpose. The basis and purpose of the foregoing proposed rule change is as follows:

The proposed amendment to the By-Laws is designed to establish a uniform Participants Fund applicable to both PSD and PCC. The Participants Fund is intended to provide an increased measure of security against the possibility of losses that might be suffered by PSD and PCC, and to provide an equitable means for allocating between participants losses which might occur. The proposed amendment also establishes a Special Participants Fund for participants of PSD which are not also participants of PCC. The Special Participants Fund is designed to provide security against the possibility of losses that might be suffered by PSD, not PCC, and to provide an equitable means for allocating between participants of PSD but not PCC those losses which might occur.

The proposed amendment to the By-Laws, by creating a Participants Fund which provides a system for allocating losses by PSD and PCC among participants in PSD and PCC, contributes to the equitable allocation of dues, fees and other charges between PSD and PCC participants. By establishing a Special Participants Fund which provides a plan for allocating losses of PSD among participants of PSD which are not PCC participants, the proposed amendment contributes to the equitable allocation of dues, fees and other charges among said participants. By providing protection against possible losses by PSD or PCC which might disrupt the operation of these entities and cause losses to participants, the proposed amendment contributes to the protection of investors and of the public interest. The Participants Fund and Special Participants Fund also provide assurance as to safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and the creation of such funds will contribute to the removal of impediments to and to the perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments on the proposed amendment have not been solicited, and none have been received.

The proposed amendment would not impose any burden on competition.

On or before February 20, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 6, 1976. For the Commission by the Division of Market Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 8, 1976.

[FR Doc.76-1260 Filed 1-15-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0118]

AFFILIATED INVESTMENT FUND, LTD.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Affiliated Investment Fund, Ltd. (AIF), 2225 Shurfine Drive, College Park, Georgia 30337, a Federal Licensee under the Small Business Investment Act of 1958, as amended, (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations governing Small Business Investment Companies (13 CFR 107.1004 (1975)) for approval of a conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, AIF proposes to provide financing to Mr. Roger W. Parker for the purpose of purchasing and operating a supermarket located at 80 Nelson Street, Cartersville, Georgia 30120.

The proposed financing is brought within the purview of § 107.1004 of the SBA regulations, since Mr. Parker is a member of the Board of Directors of Associated Grocers Co-op, Inc., the sole shareholder of AIF, and therefore is an Associate of the Licensee, as defined in § 107.3 of the SBA regulations.

Notice is hereby given that any interested person may, not later than January 26, 1976, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: January 6, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1291 Filed 1-15-76;8:45 am]

[License No. 09/09-0186]

ARIZONA FIRST SMALL BUSINESS INVESTMENT COMPANY

Issuance of a License To Operate as a Small Business Investment Company

On July 8, 1975, a notice was published in the FEDERAL REGISTER (40 FR 28687) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBICs) for a license to operate as an SBIC by Arizona First

Small Business Investment Company, 86 West University, Mesa, Arizona 85201.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts in regard thereto, SBA has issued License No. 09/09-0186 on December 31, 1975, to Arizona First Small Business Investment Company to operate as an SBIC.

Dated: January 6, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1292 Filed 1-15-76;8:45 am]

[License No. 06/10-0150]

CAPITAL MARKETING CORPORATION

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Capital Marketing Corporation (CMC), 9001 Ambassador Row, Dallas, Texas 75247, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1975)), for approval of a conflict of interest transactions.

It is proposed that CMC provide a total of $370,000 in financing to Food Fare Trinidad, Inc., Food Fare Italy, Inc., and Food Fare Temple, Inc. The financings are to be guaranteed by Dallas Food Fare, Inc. (DFF), and will be used to purchase Ward's Food Marts in Trinidad and Italy, and Thrif-Tee #1 in Temple, Texas.

DFF is considered to be an Associate of CMC pursuant to the provisions of § 107.3 of the Small Business Administration (SBA) rules and regulations, in that Mr. Nat Paul Gibbs, Jr., the Secretary and principal stockholder of DFF, is the son of CMC's President.

SBA previously approved a conflict of interest transaction between CMC and DFF. At the present time DFF is indebted to CMC in the approximate amount of $376,000. When this amount is added to the proposed new financing of $370,000, CMC's lending limit of $565,600 will be exceeded by approximately $180,400.

In addition to the above, SBA had previously approved another conflict of interest transaction between CMC and Mr. Carlo Angelo, d/b/a Angelo's Cedar Crest, 2919 Cedar Crest, Dallas, Texas 75217. Mr. Angelo is Secretary and a director of CMC.

Subsequent to this approval, Mr. Rufus Ward purchased the retail grocery store and assumed Mr. Angelo's indebtedness to CMC. The store became known as Ward's Food Mart #8. CMC now requests SBA approval for Mr. Angelo to reassume this indebtedness.

Both of the above transactions fall within the purview of § 107.1004(b)(1) of the regulations and will require the prior written approval of SBA.

Notice is further given that any person may, on or before February 2, 1976, submit to SBA, in writing, comments on the proposed transaction. Any such comments should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by CMC in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: January 6, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1293 Filed 1-15-76;8:45 am]

COLEMAN CAPITAL CORP. ET AL.

License Surrender

Notice is hereby given that the corporations listed below which have been in the process of surrender for diverse periods of time, have surrendered their licenses to operate as small business investment companies under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

Name	Location	Date licensed	License No.
Coleman Capital Corp	Scarsdale, N.Y	Mar. 13, 1962	02/07-0048
Congress Capital Corp	Boston, Mass	Apr. 28, 1964	01/01-0057
Diversified Equities Corp	San Francisco, Calif	Mar. 2, 1962	09/12-0084
First Brooklyn Capital Corp	Brooklyn, N.Y	Oct. 2, 1962	02/02-0150
Great Eastern S.B.I.C	New York, N.Y	Jan. 17, 1962	02/02-0113
Illinois Capital Investment Corp	Chicago, Ill	May 4, 1961	05/07-0032
Island S.B.I.C	Seaford, N.Y	Dec. 14, 1960	02/02-0015
Redwood Empire Capital Corp	Oakland, Calif	July 12, 1963	09/12-0589
Small Business Funds, Inc	Clearwater, Fla	Feb 27, 1962	04/05-0047
Sooner Capital Corp	Enid, Okla	Mar. 21, 1963	06/10-0126
Webster Capital Corp	Greenville, S.C	Sept. 19, 1961	04/04-0050
Western Urban Redevelopment Investment Corp	San Francisco, Calif	June 28, 1960	09/12-0015

Under the Authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the licenses was accepted effective January 16, 1976, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

Dated: January 6, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-1290 Filed 1-15-76;8:45 am]

LAS VEGAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Las Vegas District Advisory Council will hold a public meeting at 10:00 a.m., Wednesday, February 11, 1976, at the Union Plaza Hotel, Number One Main Street, Las Vegas, Nevada 89101, to discuss such business as may be presented by members, staff of the Small Business Alministration, and others attending.

For further information, write or call Robert S. Garrett, 301 East Stewart, Box 7527, Downtown Station, Las Vegas, Nevada 89101, (702) 598-6611.

Dated: January 8, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc.76-1294 Filed 1-15-76;8:45 am]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on February 2, 1976. The session will commence at 9:15 AM in Room 600 at 1750 Pennsylvania Avenue, NW, Washington, D.C. The subject of the meeting is "Voice of America Programs."

The session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning the topic set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,
Chief, Chief, Management Division.

[FR Doc.76-1380 Filed 1-15-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5

U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on February 3 and 4, 1976, in Washington, D.C., at 9:00 a.m. each day in Conference Room N-5437 of the New Department of Labor Building, Third and Constitution Avenue, NW, Washington, D.C.

The meeting shall be open to the public. It is planned that Subgroups on the topics of Electrical Hazards, Noise, and Farm Worker Transportation will meet and that the Committee will meet in full session to obtain reports on the activities of the Subgroups. It is probable that the Committee will have received a draft recommendation from the Noise Subgroup which the Committee will consider.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business February 2, 1976, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and be included in the record of the meeting.

The Committee Chairperson may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business January 30, 1976. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such requests will be provided to the Committee Chairperson for his consideration.

Communications and questions about the proceedings should be addressed to:

Jeanne C. Warner, OSHA Committee Management Officer, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Room N-3635, Washington, D.C. 20210. Phone: (202) 523-8024.

All materials which have been submitted to or developed by the Committee since the beginning of the deliberations, as well as the official record of all Committee proceedings are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 13th day of January, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-1397 Filed 1-15-76;8:45 am]

Office of Federal Contract Compliance Programs

EMPLOYMENT AT INSTITUTIONS OF HIGHER EDUCATION

Affirmative Action

Pursuant to section 202 of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), institutions of higher education performing as prime contractors or subcontractors under federal nonconstruction contracts are prohibited from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin and are required to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to the aforementioned factors.

The Executive Order's affirmative action requirement is intended to ensure prompt achievement of full and equal employment opportunity through the establishment of specific procedures. In order to implement this objective in nonconstruction employment, including employment by institutions of higher education, such as colleges and universities, the Department of Labor has promulgated various regulations set forth in 41 CFR Part 60-1 et seq. The principal regulation in this area is known as "Revised Order No. 4", 41 CFR Part 60-2, which requires prime contractors and subcontractors with 50 or more employees and a contract of $50,000 or more to develop a written affirmative action program for each of their establishments. The Department of Health, Education, and Welfare acts as compliance agency for higher education contractors subject to the requirements of Revised Order No. 4.

In August, 1975, the Department of Labor developed and approved a format for the development of affirmative action programs by institutions of higher education (40 FR 37064) which the Department of Health, Education, and Welfare uses in securing compliance with such requirements.

Equal employment opportunity matters at institutions of higher education are subjects of strong concerns and views by the Government, the institutions, their employees and potential employees, and various other persons, organizations and agencies. In order to receive such views and concerns as they might affect the Government's implementation of Executive Order 11246, as amended, the Department of Labor requested information and held public fact-finding hearings ending on October 10, 1975, with the record held open until November 15, 1975, for the submission of written statements (40 FR 30166, 37129). Having fully considered the administrative record of these proceedings, we have decided on the following actions:

1. The Department of Labor and the Department of Health, Education, and Welfare will undertake a joint review of existing regulations including procedures for compliance reviews, preaward clearances and reviews, and the development and implementation of affirmative action programs. This review is intended to ensure the further development of policies and procedures by both the institutions themselves and the Departments which will result in the expansion of employment opportunities for minorities and women. Specific attention will be given during this review to any revisions of existing regulations which are necessary to accomplish this objective in the context of the unique problems facing institutions of higher education as described in the hearings referenced above.

2. The Department of Labor and the Department of Health, Education, and Welfare will explore with other public and private agencies various approaches for increasing the supply of minorities and women qualified for academic employment. These approaches would seek to encourage minorities and women to achieve graduate and professional education necessary for academic employment.

3. All institutions of higher education now holding federal contracts or subcontracts, because of concurrent receipt of federal grants, are also subject to the requirements of Title IX of the Education Amendments of 1972. Regulations issued by the Department of Health, Education, and Welfare under that Title currently require the development and implementation of internal grievance procedures for resolving discrimination complaints. Institutions of higher education will be encouraged to develop and implement internal grievance procedures for resolving discrimination complaints by employees under the Executive Order Program as well. These procedures can serve as a salutary and expeditious means for resolving many equal employment issues. Internal grievance procedures might be established separately for each higher education establishment or might be developed for the joint use of a group of such establishments, such as an entire state higher education system. Such procedures might involve either binding or advisory arbitration. The findings of arbitrators in these proceedings will be considered by the Government in the conduct of its own complaint investigations, compliance reviews, and enforcement measures under Executive Order 11246.

4. In order to facilitate the development of acceptable affirmative action programs by institutions of higher education, including the analysis of minority and female utilization in faculty employment, the Departments of Labor and Health, Education, and Welfare will work with public and private agenices to develop improved data on minority and female availability for academic and other professional employment, and to make such improved data readily accessible to these institutions.

5. In order to provide the Government with continuing advice and recommendations on equal employment matters in higher education, the Departments of Labor and Health, Education, and Welfare will initiate procedures under the Federal Advisory Committee Act to establish an interagency advisory committee. Membership would include persons from academic and related areas, and would encompass faculty, administration, minorities and women.

We believe that the measures outlined above will help to expand significantly the employment opportunities of minorities and women in the area of higher education and will further the Government's nondiscrimination and affirmative action mandate under Executive Order 11246 as amended.

Dated: January 13, 1976.

JOHN T. DUNLOP,
Secretary of Labor.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.76-1399 Filed 1-15-76;8:45 am]

Office of the Secretary

[TA-W-325]

ROVIAR SPORTSWEAR, INC., COLUMBUS, INDIANA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-325; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1975, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of former workers producing men's and boys' tailored clothing at Roviar Sportswear, Incorporated, Columbus, Indiana. During the course of the Department's investigation it was found that former workers at Roviar Sportswear produced ladies' outerwear, not men's and boys' tailored clothing.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54320). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of Roviar Sportswear, Incorporated, and of the Arthur Jay Company; major customers; the National Cotton Council of America; the U.S. Department of Commerce; the U.S. International Trade Commission; industry analysts; and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The plant employment declined 12 percent from 1972 to 1973 and 10 percent from 1973 to 1974. In the first ten months of 1975 total plant employment was 21 percent below that in the same period of 1974.

Sales or production, or both, have decreased absolutely. The number of cloth jackets, car coats, raincoats, and full length coats produced by Roviar declined 28 percent from 1973 to 1974 and fell 13 percent in January–October 1975 compared to the like period of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at Roviar Sportswear decreased absolutely and relatively in each year from 1972 to 1974. Imports of women's, children's, and infants' coats and raincoats made from natural and man-made fibers declined almost seven percent from 1972 to 1973 and fell over 21 percent from 1973 to 1974. From 1973 to 1974 the import/production ratio dropped from 37.3 percent to 31.4 percent, and the import/consumption ratio fell from 27.2 percent to 23.9 percent.

The evidence developed in the Department's investigation indicated that Roviar Sportswear produced ladies' outwear exclusively on a contract basis for the Arthur Jay Company. Roviar's coats accounted for the majority of Arthur Jay's total sales. Major customers surveyed indicated that they had reduced purchases of ladies' outwear from the Arthur Jay Company due to price and styling considerations. Customers reported that since 1974 their purchases of imported ladies' outerwear had remained almost level, at about 10 percent of total coat sales. Declining sales of Roviar's coats lead to the permanent closing of the Roviar plant in October 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' outerwear produced at Roviar Sportswear, Incorporated, Columbus, Indiana, did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C., this 7th day of January 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-1398 Filed 1-15-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 951]

ASSIGNMENT OF HEARINGS

JANUARY 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 Commision. 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 postponmeents of hearings in which they are interested.

I & S 9083, Restructured Class Rates, Knickerbocker & New England Forwarding; I & S M 28812. Restructured Class Rates, November 1975, N.E.M.R.B.; I & S M 28812 Sub 1, Restructured Rates, Monahan Transportation Co., Inc., now assigned January 26, 1976, at Washington, D.C., is postponed to February 25, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC-C-8807, Pacific Intermountain Express Co., Investigation and Revocation of Certificates, now assigned February 5, 1976, at Chicago, Ill., is postponed indefinitely.

MC 134401 Sub 11, Sherwood W. Hume, d.b.a. Hume Equipment Company, now assigned February 23, 1976, at Buffalo, N.Y., is postponed indefinitely.

MC 25798 Sub 276, Clay Hyder Trucking Lines, Inc., MC 95540 Sub 929, Watkins Motor Lines, Inc., and MC 116763 Sub 326, Carl Subler Trucking, Inc., now assigned February 3, 1976, at Tampa, Florida, will be held in Room 412 Federal Building, 500 Zack Street.

No. 36234, Erco Industries Limited v. Seaboard Coast Line Railroad Company, Et al, now assigned February 9, 1976, at Tampa, Florida, will be held in Room 412 Federal Building, 500 Zack Street.

MC 114334 Sub 31, Builders Transportation Company, now assigned February 10, 1976, at Little Rock, Arkansas will be held at the Transportation Commissioner Room, Justice Building, State Capitol.

MC 140546, Roadhound Truck Company, now assigned February 10, 1976 will be held at the Transportation Commissioner Room, Justice Building, State Capitol.

MC 33446 Sub 3, The Redifer Bus Company, now assigned February 18, 1976, at Cleveland, Ohio will be held in Room 1455 Federal Building, 1240 E. 9th Street.

MC 110525 Sub 1124, Chemical Leaman Tank Lines, Inc., now assigned February 23, 1976, at Columbus, Ohio will be held in Room 235 Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 134029 Sub 4, Sigel's Hauling, Inc., now assigned February 25, 1976, at Columbus, Ohio will be held in Room 235 Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 111729 Sub-565, Purolator Courier Corp., now being assigned Pre-hearing Conference, February 20, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 107012 Sub 170, North American Van Lines, Inc. and MC-C-7901 North American Van Lines, Inc.—Investigation and Revocation of Certificates, now being assigned February 2, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125732 Sub 12, Aubrey Freight Lines, Inc., now assigned February 19, 1976, at Washington, D.C., is canceled and application dismissed.

MC 134022 Sub 15, Richard A. Zima, d.b.a. Zipco, application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1409 Filed 1-15-76;8:45 am]

[AB 19 (Sub-No.3)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Landenberg Branch, New Castle County, Delaware

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in New Castle County, Del., on or before January 27, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 2nd day of January 1976.

By the Commission, Commissioner MacFarland.

[SEAL] ROBERT L. OSWALD,
Secretary.

BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT LANDENBERG BRANCH, NEW CASTLE COUNTY, DELAWARE

The Interstate Commerce Commission hereby gives notice that by order dated January 2, 1976, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company of its line of railroad between Elsemere and Hockessin, Del., a distance of 8.99 miles of branch line and 0.77 miles of side tracks, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the absence of any major ecological impacts and that the highways in the area appear to be capable of accommodating the motor carrier service needed to move the items now moved by rail. Interest has been expressed in preserving the subject corridor for continued recreation rail operations by a railway buff club, as well as for other recreational purposes. This club has expressed its willingness to continue freight service to the line. There are no developmental plans in the tributary region that are dependent upon the availability of rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 11, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1408 Filed 1-15-76;8:45 am]

[AB 7 (Sub-No. 24)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Republic and Champion in Marquette County, Michigan

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Marquette County, Mich., on or before January 27, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington ,D.C., this 2nd day of January, 1976.

By the Commission, Commissioner MacFarland.

[SEAL] ROBERT L. OSWALD,
Secretary.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN REPUBLIC AND CHAMPION IN MARQUETTE COUNTY, MICHIGAN

The Interstate Commerce Commission hereby gives notice that by order dated January 2, 1976, it has been determined that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line of railroad between Republic and Champion, a distance of 9.08 miles, in Marquette County, Mich., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that as the largest portion of traffic on the line is bridge traffic which the applicant intends to handle on alternate routes, area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of the remaining portion of traffic on the line to motor carrier transport. Sale of the right-of-way to a public agency would ensure availability of the land in the right-of-way for future use as a transportation or other public use corridor and would be consistent with current interest in acquisition of the right-of-way for recreational trail development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 11, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-1406 Filed 1-15-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 13, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 30, 1976.

FSA No. 43110—*Fertilizer and Fertilizer Materials to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B–577), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, from Don and Epco, Idaho, also Erda and Garfield, Utah, to points in southwestern territory.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 241 to Southwestern Freight Bureau, Agent, tariff 270–F, I.C.C. No. 4832. Rates are published to become effective on February 12, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–1410 Filed 1–15–76;8:45 am]

GENERAL POLICY STATEMENT

Gateway Elimination Applications

In light of the recent United States District Court decision in "Squaw Transit Company *v.* United States," Civil Action No. 75–C–82 (N.D. Okla., 1975), the Interstate Commerce Commission decided on December 24, 1975, that all "G" cases (i.e., those in which OP–OR–9 applications were filed for the purpose of eliminating gateways pursuant to the regulation at 49 CFR Part 1065(d)(2)), wherein applications were denied or dismissed as a result of the Commission's failure to consider late-filed evidence, would be reopened for the purpose of accepting the previously late-filed evidence and for further processing under the gateway elimination procedure if the conditions below are complied with fully and in a timely manner.

To comply with the gateway regulation (49 CFR Part 1065), a carrier had to file its OP–OR–9 (Sub–G) application, embracing all of its supporting evidence (as delineated in the regulation), on or before June 4, 1974. The Squaw Transit Company, hereinafter referred to as Squaw, tendered an OP–OR–9 application to the Commission prior to cutoff date of June 4, 1974. However, the tendered application did not contain all of the required evidence. Squaw's counsel advised the Commission of his intention to file all of the evidence as soon as it was available. Thereafter such evidence was late-filed and rejected, and the application dismissed for failure of Squaw to comply with the regulation. Subsequent petitions for reconsideration were also denied. Ultimately, however, the Squaw case was remanded to the Commission by the above-cited Court order for acceptance of the late-tendered evidence and for further consideration in light thereof. The Court considered a number of factors in reaching its conclusion, including certain equitable circumstances which precluded Squaw's counsel from timely filing all of the evidence. Additionally, the Court determined that, while the Commission's actions in processing gateway elimination applications have not been arbitrary or capricious, it has in certain limited instances acted inconsistently by accepting late-filed evidence in some proceedings but not in others. The Court concluded that the totality of the circumstances surrounding the Squaw case warranted remand of that proceeding.

The Commission's gateway elimination regulation is a strong response to the Nation's energy crisis and to the practicalities of motor carrier operation. Our goal has been to achieve impartial, sound, and realistic regulation of the surface transportation industry consistent with the National Transportation Policy declared by Congress, see *Gateway* Elimination, 119 M.C.C. 530, 558 (1974). It is estimated that some 300 million gallons of fuel will be conserved annually as a result of the regulation. The response of the motor common carrier industry to the regulation has been overwhelming. In excess of 28,500 submittals have been filed, to eliminate gateways, either through the letter-notice procedure or the filing of OP–OR–9 applications. As was stated in the Gateway Elimination decision, supra, at p. 550, "the principal difference between such a gateway elimination application and the usual one will be that the former will be assigned priority and be determined as expeditiously as possible given the severe strains now upon our staff and budgetary resources." As a result of the diligent efforts of our staff, about 27,000 gateway submittals have been processed to date. However, notwithstanding the Commission's desire to complete this momentous task as expeditously as possible, we must not lose sight of our primary task of ensuring the public that its transportation needs will be met adequately, economically and efficiently. Accordingly, this mandates a limited modification of our previous policy respecting late-filed evidence in view of the Squaw decision. Equity demands that in those instances where (1) carriers previously submitted late-filed evidence in support of their timely-filed OP–OR–9 applications, and (2) such applications have been dismissed or denied in whole or in part because such evidence was not considered, such carriers should now be afforded the opportunity to resubmit the identical evidence and such proceedings will be reopened for further consideration in light thereof. Consequently, those carriers which have exhausted numerous manhours in attempting to comply with the regulation will not see their efforts rendered futile. Moreover, the Commission will be afforded a better opportunity to determine those instances in which the public convenience and necessity requires proposed direct operations.

Carriers desiring to resubmit previously rejected evidence, consistent with the policy described herein, shall adhere to the following procedure:

(1) All of the evidence must be filed with the Commission, Office of Proceedings, within 30 days of publication of this notice in the Federal Register. Inasmuch as the evidence has already been prepared, the 30 day limitation should not pose any problems. Accordingly, no extensions of time for such filings are contemplated. Failure to comply with this time limitation will result in the rejection of any tendered matter. Statements in reply to this evidence or brief reaffirmations of earlier pleadings may be filed by parties to a proceeding within 20 days of filing of the previously rejected evidence.

(2) The submission shall be accompanied by a cover letter, in the upper right hand corner of which shall appear, in capital letters, GATEWAY POLICY. Additionally, the cover letter should be entitled Petition for Acceptance of Late-tendered Evidence. A copy of the cover letter shall be served on all parties of record in the proceeding.

Finally, two additional points must be made. The above-described policy is not to be construed as permitting the filing of broadening amendments to an application or late-filed OP–OR–9 applications; and carriers which have failed to tender any evidence as of the date of publication of this statement shall, under no circumstances, be allowed to late-file such evidence.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–1547 Filed 1–15–76;8:45 am]

[AB 3 (Sub-No. 10)]

MISSOURI PACIFIC RAILROAD CO.

Abandonment Between Bronson and Iola, in Allen and Bourbon Counties, Kansas

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Allen and Bourbon Counties, Kans., on or before January 27, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 2nd day of January, 1976.

By the Commission, Commissioner MacFarland.

[SEAL] ROBERT L. OSWALD,
Secretary.

MISSOURI PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN BRONSON AND IOLA, IN ALLEN AND BOURBON COUNTIES, KANSAS

The Interstate Commerce Commission hereby gives notice that by order dated January 2, 1976, it has been determined that the proposed abandonment by the Missouri Pacific Railroad Company of its line of railroad between Bronson and Iola, Kans., a distance of 17.21 miles, if approved by the Commission, does not constitute a major Federal atcion significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of the present low levels of traffic to motor carrier transport upon abandonment. The right-of-way is held in easement and will in all likelihood revert to the adjoining land owners.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 11, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1407 Filed 1–15–76;8:45 am]

[Notice 164]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 16, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC–FC–76299. By application filed January 7, 1976, ANDERSON ARMORED CAR SERVICE, INC., 409 North Main Street, Anderson, South Carolina 29621, seeks temporary authority to lease the operating rights of COURIER EXPRESS CORPORATION, 440 Domino Court, Charlotte, North Carolina 28205, under section 210a(b). The transfer to ANDERSON ARMORED CAR SERVICE, INC., of the operating rights of COURIER EXPRESS CORPORATION, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–1411 Filed 1–15–76;8:45 am]

federal register

FRIDAY, JANUARY 16, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

HOSPITAL DISCHARGE DATA ACQUISITION

Proposed Uniform Implementation Plan

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

UNIFORM HOSPITAL DISCHARGE ABSTRACT IMPLEMENTATION PLAN

Proposed Department-Wide Plan To Implement a Uniform Approach to the Acquisition of a Minimum Basic Hospital Discharge Data Set

PURPOSE

The Secretary of the Department of Health, Education, and Welfare (DHEW) has commissioned various agencies within the Department to develop a uniform approach to the acquisition of the Uniform Hospital Discharge Data Set (UHDDS). The agencies involved share a common need for the data to meet requirements for claims payment, peer review and statistical purposes. Other potential users of the UHDDS include planning bodies, accrediting organizations, hospitals and private third-party payors.

All the various DHEW agencies believe that the best approach to the charge is to develop a standard format and instructions for the UHDDS acceptable to the majority of users. This format is to be known as the Uniform Hospital Discharge Abstract (UHDA). The design of a standard format will allow for the modification of existing data collection forms to incorporate the UHDDS. This approach has three distinct advantages:

1. To assure one-time recording of the data at the hospital for multiple users.

2. To remove the consistency and comparability problems associated with the recording of identical data on multiple forms.

3. To provide for expansion of the use of the data set to cover all hospital discharges by providing for the modification of existing forms rather than the introduction of a form especially for Federal patients.

PROCEDURES

The current plan calls for each hospital to be responsible for collecting the UHDDS on Medicare, Medicaid and Title V patients. PSROs expecting to initiate review in the near future are required to arrange for collection of the UHDDS on each case. PSRO data routing and processing policies make provision for the integration of the Department-wide approach into the data collection activities of the PSRO when the standard format is available. Medicare will not require the UHDDS for all discharges, but will require that hospitals provide it with the discharge bill for the SSA 20% inpatient sample. Where review is being conducted in a hospital under the authority of a Conditional PSRO, the Medicare intermediary will accept a copy of the form on which the hospital provides the UHDDS to the PSRO. For those hospitals where there is not a Conditional PSRO, Medicare will accept the UHDDS either on a separate form or on the form they submit to an abstracting service if it contains the entire UHDDS in the agreed upon format. While the Medicaid program has not required States to collect the UHDDS on a routine basis, States applying for Federal matching funds to develop a management information system must build the capability to collect the UHDDS into their system.

BACKGROUND

In 1972, the Uniform Hospital Abstract Form Subcommittee of the National Committee on Vital and Health Statistics recommended the minimum basic data set (UHDDS). Minor modifications, approved by the Secretary of DHEW for Federal programs, were made in 1974 and in 1975. Additional changes have been made to facilitate implementation. Only one of the changes, the deletion of "or resident" from the definition of *Attending Physician* alters the minimum basic data set as recommended by the U.S. Committee on Vital and Health Statistics. Medicare does not recognize residents as attending physicians. Therefore, entering residents in the basic data set would present the Medicare program with different data in response to the same data element depending on whether the data are received through the payment process or through the UHDA. It should be noted that the constant turnover of residents would result in doubtful profiles for PSRO purposes due to insufficient data to establish reliable patterns.

Additions to the data set are: 1. "Title V" as a category under *Expected Principal Source of Payment*. PSROs are to review care given to Title V patients and must be able to identify these patients.

2. *Person Identification* has been expanded to include space on the format for the name of the patient and the claim number of the patient.

3. *Operating Physician* and *Attending Physician* are to be identified by name as well as by Social Security Number.

The availability of names of patients and physicians is considered necessary for error correction and verification purposes.

The Department is aware that a number of potential users of the UHDDS are prohibited from having access to personal identifiers. In these situations, technical solutions are available such as the judicious use of carbon paper or the deletion of identifiers from tapes. Recognition of the privacy of individuals and the confidential nature of the data must be of primary importance to the recipients and users of the data.

OBJECTIVES

Identifying and defining a uniform data set was an important first step in meeting the need for multiple use basic data. The next steps are to develop a standard format for collecting the data and a set of instructions which will assure uniformity of the data regardless of the locus or purpose of the collection.

In developing format, definitions and instructions, two basic objectives must be considered. The first is to reduce costly and time consuming data recording by providing a single data collection mechanism for one-time recording of the data by hospitals. The second is to build as much as possible on the existing data systems in use in hospitals. Accommodating to existing data systems will cause less disruption to hospital data gathering activities and avoid the imposition of new and/or redundant systems. These goals can only be achieved if a concentrated effort is made to work with hospital groups and other groups concerned with health data.

Set forth below is the proposed Uniform Hospital Discharge Abstract Implementation Plan.

PROPOSED UNIFORM HOSPITAL DISCHARGE ABSTRACT IMPLEMENTATION PLAN

INTRODUCTION

In June, 1974, the Secretary of Health, Education, and Welfare approved a Uniform Hospital Discharge Data Set (UHDDS) as a requirement for the Medicare, Medicaid and PSRO programs. The data set is based on the multi-purpose minimum basic data set on hospital discharges recommended by the Uniform Hospital Abstract Form Subcommittee of the U.S. National Committee on Vital and Health Statistics.

Agencies within the Department of HEW have agreed that the most satisfactory approach to the implementation of the basic data set requirement is to specify a format for the UHDDS. This format is to be standardized and referred to as the Uniform Hospital Discharge Abstract (UHDA). Two major objectives can be realized through the implementation of a standard format:

1. To ensure that the data elements of the UHDDS will be recorded only once in the hospital eliminating costly redundant data collection.

2. To increase the accuracy and consistency of the data since the recorders will no longer need to adapt to a variety of different formats.

The data can be made available to users outside the hospital through the use of multiple part form sets. Furthermore, data entry procedures will be simplified since the data is presented in a single format regardless of the source of the collection form. This approach provides for the use of many different forms incorporating the standard format. It is envisioned that this standard format will be adopted by data systems as the UHDDS portion of all data collection forms. Initially, it is expected that the format will be used only for patients covered under Titles V, XVIII and XIX although data systems covering 100% of patients may revise current data collection forms to incorporate the UHDA.

PROCEDURES FOR COMPLETION AND DISTRIBUTION OF THE UHDA

The data elements and definitions of the UHDDS as well as the corresponding completion instructions for the UHDA follow this introduction. Among the required elements are diagnoses and procedures. The narrative terminology and codes for diagnoses and procedures will be recorded in the hospital by staff of the medical records department or other appropriate medically-trained personnel. Up to five diagnoses and three procedures

are to be collected and coded. International Classification of Diseases, Adapted–8 (ICDA–8) is required except in those hospitals already coding in Hospital-International Classification of Diseases, Adapted–2 (H–ICDA–2). Other coding systems, such as Current Procedural Terminology–3 (CPT–3) for procedures, may be used as a local option to be incorporated as an additional data entry beyond the UHDDS. Where coded data is required at the Federal level, ICDA–8 or H–ICDA–2 must be submitted. Where coding capability does not exist in a hospital, PSROs will arrange for coding in a time frame compatible with PSRO needs. Other users requiring coded diagnoses and procedures should work with PSROs to avoid duplicate coding whenever possible. For hospitals without coding capability and where PSRO review is not being performed, other users may code depending on their need for coded diagnoses and procedures.

Current plans are for joint implementation by the Medicare and PSRO programs as soon as possible. It is hoped that ultimately all collectors of the basic data set, both within and outside the Department, will adopt the UHDA into their respective data systems. It is critical that each user receive a legible copy of the form. Where Conditional PSROs exist and are performing review, hospitals will collect and distribute the UHDDS on the UHDA for all Medicare, Medicaid and Title V inpatients in the manner agreed upon between the hospital and the PSRO. A copy will also be sent by the hospital to the appropriate Title XVIII fiscal intermediary with the discharge bill for 20% of Medicare patients (those whose Health Insurance Claim Number ends in 0 or 5). In hospitals where PSRO review has not been initiated, hospitals will submit the UHDA for the 20% sample to the fiscal intermediary with the discharge bill on a collection form already in use in the hospital, if the form has been modified to incorporate the standard UHDA. In the absence of a hospital form containing the UHDA, the fiscal intermediary can supply a standard DHEW form consisting of only the UHDA. Where PSRO review has been initiated and/or where the principal expected source of payment is Medicare, a copy of the completed UHDA for patients also covered under Medicaid and Title V can be made available to the appropriate agencies upon request.

The uses of the UHDDS require that the form be completed with a high degree of accuracy. PSROs and Medicare will each develop their respective procedures for editing and correcting the submitted data based on decisions reflecting the use of the data. It is expected that PSROs will closely monitor the abstracting process in the hospitals, thereby influencing increased accuracy and completeness of the data over time.

For the 20% Medicare sample, the UHDA is to be attached to the appropriate discharge bill and submitted to the fiscal intermediaries. There has been some concern that this approach will adversely affect the accuracy of the data. During the early stages of implementation, the Department expects to test various approaches and select the most satisfactory method based on the results of the test.

The following materials contain the data elements and definitions of the Uniform Hospital Discharge Data Set (UHDDS) as well as the competition instructions for recording the UHDDS in the hospital on the Uniform Hospital Discharge Abstract (UHDA).

1. Person Identification

Definition: Each admission is to be reported by the patient's unique Social Security Number. For newborns and children not having Social Security Numbers but covered by Medicaid, the recipient I.D. number is to be used. (A unique number is essential to assure record linkage for multiple admissions of the same individual.)

If the hospital also assigns a medical record number which differs from the Social Security Number or the recipient I.D. number, it is also to be furnished (to facilitate retrieval of individual case records).

Data elements and instructions

1.1 *Patient Name.* Record the patient's surname (last name) followed by the first name and middle initial. Example: O'Brien, Edward J.

1.2 *Medical Record Number.* Record the unique number assigned by the hospital to the patient's medical record (if different from the Social Security Number or the Medicaid recipient number).

1.3 *Social Security Number.* Record the nine-digit number assigned to the patient by the Social Security Administration. Record UNK if unknown.

1.4 *Claim Number.* Record the Health Insurance Claim Number (HICN) for a Medicare patient *or* the Medicaid Number for a Medicaid or Title V patient. (If a patient has both numbers, record the number that corresponds to the Expected Principal Source of Payment. (See Data Element 14.1.)

2. Date of Birth

Definition: Month, day and year of birth

Data Element and Instructions

2.1 *Date of Birth.* Record the birth of the patient in the following order: two digits for month, two digits for day, two digits for year. Record X's when exact month, day or year are unknown. If the patient is 100 years of age or older, circle the year of birth.

Example:
July 1, 1935=07/01/35
May 12, 1868=05/12/(68)
September 1905=09/XX/05
1912=XX/XX/12
Unknown=XX/XX/XX

3. Sex

Definition: Sex is to be recorded as Male or Female.

Data element and instructions

3.1 *Sex.* Mark the appropriate box. "M" for Male, "F" for Female.

Example:
(Male) M [M] F☐

4. Race

Definition: Race is categorized as "White," "Black," and "Other" according to the accepted classification of the U.S. Bureau of Census.

Data element and instructions

4.1 *Race.* Mark the appropriate box. "B" for Black, "W" for White, and "O" for Other. Leave blank if race is unknown.

Example:
(White) B☐ W[W] O☐

5. Residence

Definition: The U.S. Post Office Zip Code is used to designate the patient's residence.

Data element and instructions

5.1 *Zip Code.* Record the five-digit zip code contained in the patient's home address/residence.

Example: 20034

6. Hospital Identification

Definition: The provider number assigned by the Medicare Program (and used by Medicare and Medicaid in the hospital certification process).

Data element and instructions

6.1 *Provider Number.* Record the six-digit health insurance provider number assigned to the hospital by the Medicare Program.

Example: 21–3149

7. Admission Date and Hour

Definition: The admission date and hour includes the month, day, year and hour of admission.

Data element and instructions

7.1 *Admission Date.* Record the date of the patient's admission to the hospital for this episode of care in the following order: month/day/year.

Example: August 31, 1975=08/31/75

7.2 *Hour of Admission.* Record the hour of admission by the 24-hour clock (military time) with no indication of minutes. Using two digits, record the hour just completed in the following manner:

Midnight to 12:59 P.M.=00 to 12
1 P.M. to 11:59 P.M.=13 to 23

Example:
12:59 P.M.=12
11:59 A.M.=11
11:30 P.M.=23
8:23 P.M.=20

8. Discharge Date

Definition: The discharge date includes the month, day and year of discharge from the hospital.

Data Element and Instructions

8.1 *Discharge Date.* Record the date the patient left the hospital (or died). The date is to be recorded in the following order: month/day/year.

Example: Feb. 21, 1975=02/21/75

9. Attending Physician

Definition: This is the physician primarily responsible for the care of the patient from the beginning of this hospital episode. In determining the physician primarily responsible, the following criteria apply:

a. If the patient has a private attending doctor who arranged for his admission to the institution and directed his care therein, this physician is normally considered to be the attending physician in the hospital.

b. If the patient does not have a private doctor, the physician primarily responsible in the hospital is the staff member to whom the patient is assigned and for whose care he/she is legally responsible.

Data element and instructions

9.1 *Attending Physician Name.* Record the attending physician's surname followed by the first name and middle initial. The identified physician may not be an intern or resident.

Example: Bailey, Martha M.

9.2 *Attending Physician Social Security Number.* Record the Social Security Number of the physician named in Item 9.1.

Example: 315-44-8735

10. Operating Physician

Definition: This is the physician who performed the principal procedure.

Data element and instructions

10.1 *Operating Physician Name.* Record the operating physician's surname followed by the first name and middle initial. The identified physician may not be an intern or resident.

Example: Peters, Robert J.

10.2 *Operating Physician Social Security Number.* Record the Social Security Number of the operating physician named in Item 10.1.

Example: 483-29-1234

11. Diagnosis (Principal and Other)

Definition: All diagnoses that affect the current stay.

a. Principal Diagnosis is to be designated and is defined as:

The condition established after study to be chiefly responsible for occasioning the admission of the patient to the hospital for care.

b. Other diagnoses to be listed are:

All conditions that coexist at the time of admission, or develop subsequently, which affect the treatment received and/or the length of stay. Diagnoses that relate to an earlier episode which have no bearing on this hospital stay are to be excluded.

Data element and instructions

11.1 *Principal Diagnosis.* Record the principal diagnosis in narrative form as defined above. The principal diagnosis is to be determined after the discharge summary has been completed or after all information related to this episode of care is available.

11.2 *Other Diagnoses.* Record up to four additional diagnoses in narrative form as listed in the medical record or on the discharge summary.

11.3 *Diagnostic Codes.* Record the appropriate codes corresponding to the primary and other diagnoses. Use the ICDA-8 coding system unless the H-ICDA-2 issued routinely in the hospital.

Example: Pulmonary emphysema with chronic bronchitis and bronchiectasis. Arteriosclerotic heart disease with old myocardial infarction. Depressive reaction, moderate.

	ICDA-8
Diagnosis:	
Prnicipal diagnosis:	
Pulmonary emphysema	492
Other diagnoses:	
Chronic bronchitis	491
Bronchiectasis	518
Arteriosclerotic heart disease with old myocardial infarction	412.9
Depressive reaction, moderate	300.4

12. Procedures (Principal and Other)

Definition: a. All procedures performed in operating rooms are to be recorded with the dates. In addition to these procedures, all other significant procedures are to be recorded. A significant procedure is one which carries an operative or anesthetic risk or requires highly trained personnel or special facilities or equipment. Some examples of such procedures are cardiocatheterization, angiography, endoscopy, and super voltage radiation therapy.

b. When more than one procedure is recorded, the principal procedure is to be designated. In determining which of several procedures is the principal, the following criteria apply:

(1) The principal procedure is one which was performed for definitive treatment rather than one performed for diagnostic or exploratory purposes, or was necessary to take care of a complication.

(2) The principal procedure is that procedure most related to the principal diagnosis.

Data element and instructions

12.1 *Principal Procedure.* Record the principal procedure in narrative form as defined above. The principal procedure is to be determined after the discharge summary has been completed or after all information related to this episode of care is available.

12.2 *Other Procedures.* Record up to two additional procedures in narrative form as listed in the medical record or on the discharge summary.

12.3 *Procedure Codes.* Record the appropriate code corresponding to the principal and other procedures. Use the ICDA-8 coding system unless the H-ICDA-2 is used routinely in the hospital.

12.4 *Procedure Dates.* Record the date of each procedure in the following order: month/day/year.

Example: Closed fracture of tibial shaft, left. Laceration, left arm (forearm). Abrasion, right arm (forearm).

Procedure	ICDA-8 code	Date
Principal: Closed reduction of tibial shaft fracture	84.4	Apr. 5, 1975
Other:		
Suture of laceration of left arm	92.5	Apr. 15, 1975
Debridgement of wound of right arm	92.1	Do.

13. Disposition of Patient

Definition: The consequent arrangement or event ending a patient's stay in the hospital. Eight categories are used for specifying the disposition.

Data element and instructions

13.1 Record the appropriate letter in the box under the disposition of the patient. Each disposition has a particular letter of the alphabet and a box assigned to it. Only *one* box should be marked.

Example: For a patient discharged to home or self-care.

Disposition of patient (select 1)

Discharge to home or self-care (routine)	Discharge/ transfer to SNF	Discharge to home care	Discharge/ transfer to ICF	Transfer to short term general hospital	Discharge/ transfer to institution	Died	Left against medical advice
☐	☐	☐	☐	☐	☐	☐	☐
K	L	M	N	P	Q	R	S

14. Expected Principal Source of Payment

Definition: The anticipated source of payment at the time of discharge.

Data element and instructions

14.1 *Expected Principal Source of Payment.* Record the appropriate letter in the box under the sources of payment from which the hospital expects reimbursement for the major portion of the patient's hospital expenses. Each source of payment has a particular letter of the alphabet and a box assigned to it. Only *one* box is to be marked.

Example: For a Medicaid patient.

Expected principle source of payment

Medicare	Medicaid	Title V	Insurance company	Other Government payment	Workmen's compensation	Self-pay	No charge	Other
☐	☐	☐	☐	☐	☐	☐	☐	☐
A	B	C	D	E	F	G	H	J

The Commissioner of the Social Security Administration concurs with the Assistant Secretary of Health in inviting comments from all interested parties. Comments will be accepted until February 17, 1976. Comments should be addressed to Director, Bureau of Quality Assurance, Department of Health, Education, and Welfare, Room 16–A–55, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received will be reviewed and, where appropriate, incorporated into the implementation plan.

Dated: January 5, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

XXXX

1. PROVIDER NO. | 2. MEDICAL REC. #
3. PATIENT'S LAST NAME | 4. PATIENT'S FIRST NAME & M. I.
5. PATIENT'S SEX M ☐ F ☐ | 6. PATIENT'S RACE W ☐ B ☐ O ☐ | 7. PATIENT'S D.O.B. MO. DAY YR
8. ADMISSION DATE MO. DAY YR HR | 9. DISCHARGE DT. MO. DAY YR | 10. PATIENT'S S.S.N.
11. CLAIM CERTIFICATE -- ID NO. (HIC) | 12. PATIENT'S ZIP CODE
13. EXPECTED PRINCIPAL SOURCE OF PAYMENT: MEDICARE A ☐ | MEDICAID B ☐ | TITLE V C ☐ | INS. CO. D ☐ | OTHER GOV'T PAYMT. E ☐ | WORKMANS COMP F ☐ | SELF PAY G ☐ | NO CHARGE H ☐ | OTHER J ☐
15. ATTENDING PHYSICIAN'S NAME | 16. ATTENDING PHYSICIAN'S SSN
17. OPERATING PHYSICIAN'S NAME | 18. OPERATING PHYSICIAN'S SSN
14. DISPOSITION OF PATIENT (SELECT ONE): DISCH TO HOME OR SELF CARE (ROUTINE) K ☐ | DISCH /TRANS TO SNF L ☐ | DISCH TO HOME CARE M ☐ | DISCH /TRANS TO ICF N ☐ | TRANS TO SHORT-TERM GEN HOSP P ☐ | DISCH /TRANS TO OTHER INSTIT. Q ☐ | DIED R ☐ | LEFT AGAINST MEDICAL ADVICE S ☐
19. D_X CODE a | 20. PRINCIPAL DIAGNOSIS a
b | b. OTHER DIAGNOSIS
c | c. OTHER DIAGNOSIS
d | d. OTHER DIAGNOSIS
e | e. OTHER DIAGNOSIS
21. PROCEDURE CODE a | 22. PROC. DATE a MO. DAY YR | 23. PRINCIPAL PROCEDURE a
b | b MO. DAY YR | b. OTHER PROCEDURE
c | c MO. DAY YR | c. OTHER PROCEDURE

INSTRUCTIONS

DIAGNOSIS:
1. Enter only the principal diagnosis in 20a.
2. Enter additional diagnoses related to this stay in 20 b-e.
3. Enter only one diagnosis/line.

SURGICAL PROCEDURES:
1. Enter only principal procedure in 23a.
2. Enter additional procedures related to this stay in 23b-c.
3. Enter only one procedure /line.

XXXX

1. PROVIDER NO. | 2. MEDICAL RECORD NO.
3. PATIENT'S LAST NAME | 4. PATIENT'S FIRST NAME & M. I. | 5. PATIENT'S SEX M ☐ F ☐ | 6. PATIENT'S RACE W ☐ B ☐ O ☐ | 7. PATIENT'S DOB MO. DAY YR
8. ADMISSION DATE MO. DAY YR HR | 9. DISCHARGE DATE MO. DAY YR | 10. CLAIM CERTIFICATE -- ID NO. (HIC) | 11. PATIENT'S SSN | 12. PATIENT'S ZIP CODE
13. EXPECTED PRINCIPAL SOURCE OF PAYMENT: Medicare A ☐ | Medicaid B ☐ | Title V C ☐ | Insurance Company D ☐ | Other Govt Payment E ☐ | Work-man's Comp F ☐ | Self Pay G ☐ | No Charge H ☐ | Other J ☐
14. DISPOSITION OF PATIENT (SELECT ONE): Disch to Home or Self Care K ☐ | Disch /Trans To SNF L ☐ | Disch to Home Care M ☐ | Disch /Trans To ICF N ☐ | Trans to Short Term Gen Hosp P ☐ | Disch /Trans To Instit Q ☐ | Died R ☐ | Left Against Medical Advice S ☐
15. ATTENDING PHYSICIAN'S NAME | 16. ATTENDING PHYSICIAN'S SSN | 17. OPERATING PHYSICIAN'S NAME | 18. OPERATING PHYSICIAN'S SSN
19. D_X CODE a | 20. PRINCIPAL DIAGNOSIS a.
b | b. OTHER DIAGNOSIS
c | c. OTHER DIAGNOSIS
d | d. OTHER DIAGNOSIS
e | e. OTHER DIAGNOSIS
21. PROCEDURE CODE a | 22. PROCEDURE CODE a MO. DAY YR | 23. PRINCIPAL PROCEDURE a
b | b MO. DAY YR | b. OTHER PROCEDURE
c | c MO. DAY YR | c. OTHER PROCEDURE

INSTRUCTIONS

DIAGNOSIS
1. Enter only the principal diagnosis in item 20a.
2. Enter additional diagnoses related to this stay in 20 b-e.
3. Enter only one diagnosis on each line.

SURGICAL PROCEDURES
1. Enter only the principal procedure in item 23a.
2. Enter additional procedures related to this stay in 23b-c.
3. Enter only one procedure on each line.

[FR Doc.76–1096 Filed 1–9–76;1:32 pm]

federal register

FRIDAY, JANUARY 16, 1976



PART III:

COMMODITY FUTURES TRADING COMMISSION

■

RULES OF PRACTICE

Adoption and Revocation

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 0—RULES OF PRACTICE

PART 10—RULES OF PRACTICE

Adoption of New Rules and Revocation of Old Rules

The Commodity Futures Trading Commission has adopted Rules of Practice establishing the procedures to be followed in most adjudicatory proceedings conducted before the Commission pursuant to the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq. These rules comprise a new Part 10 of Title 17 of the Code of Federal Regulations. At the same time the Commission is hereby revoking the rules of practice contained in Part 0 of Title 17, with the exception of §§ 0.73 to 0.77 dealing with rulemaking proceedings. These rules had been adopted by the Commission's predecessor agency—the Commodity Exchange Authority under the Secretary of Agriculture—and had continued in effect until the present time pursuant to Section 411 of the Commodity Futures Trading Commission Act of 1974, 88 Stat. 1389, et seq. (Pub. L. 93-463).

Summary of the Rules Provisions

The rules of practice will apply primarily to administrative proceedings for denial, suspension, or revocation of designation or registration of persons subject to the Commissions' regulation;[1] to proceedings for the issuance of cease and desist orders to terminate violations of the Act;[2] to proceedings for the denial of trading privileges;[3] and to proceedings for the assessment of civil penalties.[4] However, provision has been made in the rules of practice for their applicability to other proceedings as well, at the direction of the Commission.[5]

The rules are divided into eight subparts. Subpart A is an introductory section containing a description of the scope and applicability of the rules, a section defining the principal terms used in the rules, provisions dealing with the service and filing of documents, the form and execution of documents, and the computation of time. Other matters included in Subpart A relate to Presiding Officers, as defined, to appearances before the Commission, and to the suspension, amendment, revocation or waiver of the rules.

[1] 7 U.S.C. 6n(7), 9, 12a(2), 12a(3) and 8.
[2] 7 U.S.C. 13a and 13b.
[3] 7 U.S.C. 9.
[4] 7 U.S.C. 9 and 13a.
[5] A separate set of rules will apply to reparations Proceedings pursuant to Section 14 of the Act, 7 U.S.C. 18. Rules relating to Reparations Proceedings have recently been published for comment. See 40 FR 55666 (December 1, 1975). Likewise the Commission anticipates publishing shortly rules relating to investigations and rules relating to public rulemaking procedures, neither of which are encompassed in the rules just adopted.

The subsequent subparts of the rules follow in a general way the course of a proceeding from its institution to final review by the Commission. Subpart B deals with the institution of adjudicatory proceedings, and with pleadings and motions. Subpart C describes the parties to the proceeding and procedures by which other persons, upon application, may be permitted to participate in the proceeding.

Subpart D sets forth various provisions relating to prehearing procedures, such as prehearing conferences, discovery, and depositions. The rules relating to the conduct of the hearing itself and to the obtaining of subpoenas are set forth in Subpart E, while Subpart F describes post-hearing procedures and the issuance of an initial decision by the Presiding Officer. Subpart G contains rules governing circumstances in which a proceeding may be concluded without a full oral hearing, e.g., provisions for summary disposition, a shortened procedure where evidence is taken primarily on written submissions, and procedures to be applied in case of default by a party.

Those portions of the proceeding conducted before the Commission itself—as distinguished from an Administrative Law Judge or other Presiding Officer—constitute Subpart H of the Rules of Practice. This encompasses the appeal process, including both interlocutory review (appeals of a particular issue when the remainder of the proceeding is still pending), and review by the Commission of initial decisions by the Administrative Law Judge. The Commission's consideration of settlement offers submitted by the parties comprises the final subject dealt with in the rules.

General Provisions

Most adjudicatory proceedings to which the Rules of Practice will apply will be assigned to an Administrative Law Judge for hearing. For this reason the term "Administrative Law Judge" has been used generally throughout these rules whenever powers or duties are assigned to the officer who will preside at the hearing. In those situations where another Presiding Officer is assigned by the Commission, however, all the provisions which refer to an Administrative Law Judge shall be read as referring to the designated Presiding Officer.

These and other provisions dealing with Presiding Officers are contained in § 10.8 of the rules of practice. Other subjects addressed include the functions and responsibilities of the Administrative Law Judge in the conduct of a proceeding (§ 10.8(a)) and provisions for his disqualification in appropriate cases (§ 10.8 (b)). Section 10.9, consistent with the Administrative Procedure Act, requires a separation of functions between the Administrative Law Judge and members of the Commission staff who are engaged in the performance of investigative or prosecutorial functions. Section 10.10, dealing with ex parte communications, prohibits the Administrative Law Judge from consulting with any person or party on any fact or issue without the opportunity for all parties to participate.

Section 10.11 of the rules describe the persons who may appear on behalf of a party to the proceeding. An individual may appear for himself and a business organization may be represented by an officer or partner of that organization. In addition, any party may be represented by an attorney currently admitted to practice in any state unless that attorney has been suspended or disbarred from practice before the Commission,[6] or has been disbarred by the Administrative Law Judge from further participation in a particular proceeding based on contemptuous conduct during that proceeding.

The general provisions of Subpart A also deal with a number of matters which are technical in nature. In addition to a statement of the applicability of the rules (§ 10.1) and a definitions section (§ 10.2), these include the Commission's business address and hours of business (§ 10.4), the method by which time is computed (§ 10.5), establishment of or changes in the time allowed for filing documents (§ 10.6) and the dates on which orders of the Commission are considered by have been entered (§ 10.7). Subpart A also contains requirements relating to the service of papers by a party upon other parties (§ 10.12(a), (b) and (c)), the filing of papers with the Hearing Clerk (§ 10.12(d)), various formalities which must be complied within filing documents, such as number of copies, format, kind and size of paper, spacing and type, requirements as to signature and subscription, etc. (§§ 10.12(e) and (f)). The maintenance of an official docket, containing the record of the proceeding, is provided for in § 10.12(g).

Finally, the general provisions permit suspension, amendment, revocation and waiver of any of the provisions contained in the rules of practice (§ 10.3). This may be done permanently through formal rulemaking procedures, or may be done in a particular case, with notice to all parties, in order to expedite a proceeding, prevent undue hardship or for other good cause, giving consideration to the interests of the parties.

Institution of Proceedings; Pleadings; Motions

Under the rules of practice an adjudicatory proceeding is commenced when the Commission authorizes service of a complaint and notice of hearing (§ 10.21). In the enforcement proceedings to which the rules will primarily apply the complaint will generally set forth allegations made by the Division of Enforcement based upon the results of a prior investigation or other information coming to its attention.

Section 10.22 of the rules detail the content and method of service of the complaint and notice of hearing. Follow-

[6] A new Part 14 of Title 17, dealing with appearance and practice before the Commission, is being drafted and will be published shortly.

ing receipt of these documents each respondent is required to file an answer. Section 10.23 describes when an answer must be filed, what information the answer must contain and the effect of a respondent's failure to file an answer. If the respondent cannot adequately determine the nature of the charges from the allegations of the complaint, that section also provides that he may file a motion for a more definite statement—in effect asking the Division of Enforcement to explain the matter more fully.

In some instances, it may be appropriate to amend or supplement the complaint or answer. Section 10.24 of the rules provides a mechanism to accomplish this.

Section 10.25 sets forth certain requirements of form applicable to pleadings, which include the complaint, answer, and related supplements or amendments. Section 10.26 of the Commission's rules establishes requirements applicable to motions in general, including the form and content of the motion and provisions for answers to motions. References to specific kinds of motions are contained elsewhere in the rules.

PARTIES AND LIMITED PARTICIPATION

Various rights and obligations accrue to persons who are parties to the proceeding. Section 10.31 of the rules describes those persons who are considered parties. The Division of Enforcement is the complaining party in all enforcement proceedings. Each respondent charged in the complaint is also a party.[7]

Sections 10.33, 10.34 and 10.35 of the rules will allow an Administrative Law Judge to permit other persons to participate in a proceeding as well. Section 10.33 permits intervention as a party. Under that provision a person may petition the Commission to be admitted as a party, with all the rights granted to parties. The Commission anticipates that intervention in enforcement proceedings will rarely be permitted; the standards as to intervention set forth in § 10.33 will be strictly applied.

Two more limited forms of participation in a proceeding are provided in §§ 10.34 and 10.35. Under these provisions, the Administrative Law Judge is given discretion to determine the rights of participation which will be granted in a particular case. Thus, a person may petition for leave to be heard on a matter which affects his interest (§ 10.34). This might be appropriate for certain officers or employees of a firm named as a respondent in the complaint. In other situations a person may be granted permission to make an oral or written statement (§ 10.35).

PREHEARING PROCEDURES

Subpart D deals with procedures to be followed in preparing the proceeding for hearing. Section 10.41 authorizes the Administrative Law Judge to hold prehearing conferences, the function of which is to determine certain matters prior to hearing in order to facilitate the orderly conduct of the hearing. A record of the results of the conference will be kept either in the form of a prehearing memorandum prepared by the Administrative Law Judge or a written transcript of the proceeding.

The Rules of Practice provide for prehearing discovery—a process whereby the parties seek through formal procedures to gather evidence and exchange evidence in preparation for hearing. Unless exceptional circumstances exist, § 10.42 (b) will require the Division of Enforcement to turn over to the respondents prior to hearing transcripts of testimony, statements and other substantially verbatim statements of witnesses it intends to call at the hearing which were obtained during the course of the investigation or inquiry which led to the initiation of the proceeding, as well as any records obtained pursuant to subpoena during the investigation. In addition, under § 10.42(a), an Administrative Law Judge may require parties to furnish to their opponents, in advance of the hearing, an outline of the case or defense they intend to present, lists of witnesses and exhibits they intend to present, copies of exhibits they intend to introduce, and statements of the legal theories upon which they will rely. Section 10.43(c) sets forth the requirements by which admissions may be sought and obtained. The rules also provide, in § 10.43 for stipulations, pursuant to which opposing parties may agree on pertinent facts prior to hearing. Of course, any facts stipulated or admitted will not have to be proven at hearing.

Under § 10.44 oral depositions and depositions upon written interrogatories will be permitted only if it appears that a prospective witness whose testimony is material will be unable to attend the hearing. In this circumstance his deposition may be taken and may be used as a substitute for direct testimony at the hearing. The section sets forth procedures to be applied in seeking, obtaining and using depositions.

While the Commission considered the use of depositions and interrogatories for purposes of discovery—as provided in the rules of some federal agencies—as well as for presentation of testimony of witnesses who cannot attend the hearing, the Commission has concluded that participation in full discovery procedures would unduly tax the present resources of its enforcement staff and might for that reason seriously impede the Commission's over-all enforcement program. The Commission is satisfied that the broad access to the results of the Commission's investigation which its rules provide will assure fairness to respondents in all proceedings.

HEARINGS

Subpart E comprises those rules which apply to the conduct of the hearing itself. Section 10.61 decribes the rules relating to the time and place of the hearing, which shall be fixed with due regard to the public interest and the convenience and necessity of the parties. Section 10.62 describes how a party may appear in the proceeding and the effect of a party's failure to appear. Under the rules, if a party should fail to appear at the hearing, either personally or by a representative, he thereby waives his right to an oral hearing. He may by filing a notice of appearance, maintain his right to participate in the post-trial procedures, but otherwise his failure to appear will constitute a default.

The rules also encompass, in § 10.63, the consolidation of two or more hearings based on separate complaints which involve common issues, or the holding of separate hearings of issues or parties involved in a single complaint. Section 10.64 provides that hearings shall be public, except under certain narrow circumstances, where, because of confidentiality of information disclosed, certain portions of a hearing may be non-public in the Presiding Officer's discretion.

All hearings are to be stenographically recorded and transcribed under procedures established in § 10.65. This record will constitute the official transcript of the proceeding.

Section 10.66 describes the conduct of the hearing, including, among other matters, the rights of parties to notice of the hearing, to be represented by counsel, to present evidence, to cross-examine witnesses, to raise objections, to make arguments, and to move for appropriate relief. Witnesses will testify under oath or affirmation, and at the discretion of the Administrative Law Judge, may be cross-examined without regard to the scope of direct examination. Provisions for the filing of exhibits and the furnishing of copies to the other parties are also included in this section.

Section 10.67 governs various matters relating to evidence, including admissibility, official notice, objections, exceptions, official government records, and entries in the regular course of business. These provisions are substantially similar to those applied in United States District Courts.

The Commission's rules relating to subpoenas are set forth in § 10.68. Section 10.68(a)(1) establishes minimal requirements for the obtaining of a subpoena when the testimony of a witness is being sought. Except when directed toward Commission personnel or other governmental officials, such a subpoena will be issued upon request, and no notice to other parties will be required. When the witness is asked to produce records as well as to appear to testify, § 10.68(a)(2) establishes additional requirements, including a showing of general relevance and reasonable scope. Before issuing a subpoena for records the Administrative Law Judge must find that the request is not unreasonable, oppressive, or excessive in scope or unduly burdensome.

When the subpoena is directed to records of the Commission or to the appearance of Commission members, officers, employees or the employees of other government agencies, more formal proce-

[7] Under Section 10.32 the Administrative Law Judge may order a substitution of parties. For example, this would be appropriate if there is a change in the name of a respondent firm.

dures and standards will be applied, as set forth in § 10.68(b). An application must be made by motion and with notice to the other parties to the proceeding. The motion must specifically describe the material to be produced, the information to be disclosed and the testimony to be elicited and must show the relevance of the information to the matters in issue, and the reasonableness of the scope of the request. It must also show that the information cannot be obtained from other sources. The Administrative Law Judge is then directed in light of these standards, to determine whether or not the subpoena should be issued and to issue any protective limitations which appear appropriate. These limitations are considered necessary in order to prevent undue interference with an agency's functioning that might result if subpoenas could be served indiscriminately upon the personnel of an agency.

Under § 10.68(c) a person upon whom the subpoena has been served may move to quash or modify the subpoena. Section 10.68(d) contains provisions for payment of attendance and mileage fees to witnesses, while § 10.68(e) describes methods for the service of subpoenas. A petition to the Commission to institute subpoena enforcement proceedings for non-compliance with an administrative subpoena is authorized under § 10.68(f).

Section 10.69 establishes standards, under limited circumstances, for reopening hearings to adduce additional evidence, if the petitioner can show reasonable grounds for his failure to adduce the evidence at the time of the original hearing.

Post-Hearing Procedures and Initial Briefs

After the hearing has been concluded, each party will be given the opportunity under § 10.82 to submit to the Administrative Law Judge proposed findings of fact and conclusions of law as well as a brief containing points and authorities in support of the proposed findings and conclusions. Unless the Administrative Law Judge determines otherwise, the Division of Enforcement will make its submission first, and will do so within 45 days after the close of the hearing. The respondents will then make an answering submission 30 days thereafter; and a reply brief by the Division will be permitted to be filed 15 days after that. Section 10.82(e) sets forth the required content and form of the briefs and of the proposed findings and conclusions. Under § 10.83 oral arguments will be permitted only in the discretion of the Administrative Law Judge.

Following the final submission by the parties, the Administrative Law Judge, pursuant to § 10.84, will prepare an initial decision based on the record in the case. The initial decision will be filed no more than 30 days after filing of the reply brief, unless the Chief Administrative Law Judge should establish a different time period in particular cases.

The initial decision will become the final decision of the Commission 30 days after it has been served on the parties unless within that time (1) a party files a notice of appeal to the Commission—in which case the initial decision shall not be final as to that party—or (2) the Commission on its own initiative decides to review the initial decision—in which case the initial decision will not become final as to anyone. The Hearing Clerk will notify any party as to whom the initial decision has become final (§ 10.84(c)).

Disposition Without Full Hearing

Any party who believes that no genuine issue of material fact exists and that he is entitled to a decision in his favor as a matter of law, may move for summary disposition of the proceeding in accordance with procedures established in § 10.91.

Section 10.92 authorizes the Administrative Law Judge, with the consent of the parties, in lieu of a full hearing to order the adoption of a shortened procedure with respect to the submission of direct evidence. This will involve the submission of (1) verified statements of fact; (2) evidentiary documents properly identified in the verified statements or otherwise authenticated; and (3) briefs containing argument. The Division of Enforcement will file the opening statement, followed by the respondent's answering statement, and finally a statement by the Division in reply. Through this procedure it may be expected that factual disputes will be sharply focused and a limited oral hearing may be permitted for the purpose of cross-examination with respect to these issues at the discretion of the Administrative Law Judge. After the reception of evidence pursuant to the shortened procedure has been completed, the normal post-hearing procedures will become effective.

A default will occur when a respondent fails to file an answer or fails to appear in the proceeding or at a hearing, or fails to file the statements required under the shortened procedures. Where a default has occurred, the Division of Enforcement, under the procedures established in § 10.93, may seek a decision in its favor based on the allegations contained in the complaint, which shall be deemed true. Since good cause can sometimes be shown to explain why a party who has a reasonable defense failed to make a timely appearance or to file required statements, procedures are also set out in § 10.94 for the setting aside of a default order when required to prevent injustice.

Appeals to the Commission; Settlements

As a general rule, the Commission will review rulings of the Administrative Law Judge only at the conclusion of the entire proceeding. However, § 10.101(a) authorizes a party to apply directly to the Commission for interlocutory review, which the Commission may at its discretion grant or deny in four situations: (1) An adverse ruling on a motion to disqualify an Administrative Law Judge; (2) the suspension of an attorney from representing a party in the proceeding based on his contemptuous conduct during that proceeding; (3) denial of an application for intervention or limited participation; and (4) appeal from the issuance of or denial of a request for a subpoena requiring the appearance of an officer or employee of the Commission or another government agency or the production of Commission records.

In all other situations an application to the Commission for interlocutory review may be made only if the Administrative Law Judge certifies that (1) a controlling question of law or policy is involved; (2) an immediate appeal will materially advance the final determination of the major issues in the proceeding, and (3) subsequent reversal would cause unnecessary delay or expense to the parties (§ 10.101(a)(5)).

Sections 10.101 (b) and (c) then set forth the procedures to be followed to obtain interlocutory review and further provides that the proceedings will not be stayed pending the Commission's consideration and decision of the interlocutory matter unless expressly so ordered by the Administrative Law Judge or by the Commission.

The manner in which the Commission will review the initial decision of the Administrative Law Judge is prescribed in § 10.102 of the Rules of Practice.

A notice of appeal must be filed, under § 10.102(a), within 15 days after service of the initial decision. The appeal is then perfected by filing an appeal brief within 30 days after filing of the notice of appeal. Opposing parties will then have 30 days to file an answering brief. No further briefs are permitted. Section 10.102 (d) contains a description of the content and form prescribed for briefs filed with the Commission, and § 10.102(e) sets forth requirements applicable to appendices which are required to be filed with the briefs.

While appeal to the Commission is granted as a matter of right, oral argument is authorized only at the discretion of the Commission. The provisions relating to oral arguments are set forth in § 10.103. These include restrictions on the time permitted for argument by each side, provisions for reporting and transcription of the proceedings, and a provision to permit Commissioners not present at the oral argument to participate in the proceeding.

As described in § 10.104(a) the Commission will ordinarily consider the entire record on review but may in its discretion limit its consideration to those particular issues presented for review. Under § 10.104(b) the Commission may affirm, reverse, modify, set aside, or remand the initial decision and related order, and make any findings and conclusions which in its judgment are proper. The Commission's decision is to be based on the record in the proceeding. The contents of the record are set out in § 10.104(c).

Under § 10.105 the Commission may review an initial decision on its own initiative. Under these circumstances the Commission will determine the scope of review and the issues it will consider in

the particular case, as well as the extent to which the filing of briefs and oral argument will be permitted. Situations where the Commission may determine on its own initiative to review an initial decision would generally involve important questions of law or policy, where the Commission wants the opportunity itself to speak on these issues.

Two further provisions relate to review by the Commission. Section 10.105 will permit a petition to reopen the hearing for the reception of further evidence while the matter is before the Commission for its consideration. If the Commission determines to permit submission of further evidence, it may hear the evidence itself or remand the matter to the Administrative Law Judge. Section 10.106 authorizes a petition for reconsideration by the Commission of a decision it has reached. Such a petition must be filed within 15 days after service of the Commission's opinion and order and present only new issues raised in the Commission's opinion or order, to which the petitioner had no previous opportunity to address himself.

The final section of the rules of practice, § 10.106, deals with offers of settlement. A party may submit an offer of settlement at any time. Various matters which must be included in any offer of settlement are set forth in § 10.106(b).

All offers of settlement are to be submitted to the Division of Enforcement, which shall forward them to the Commission with the Division's recommendation. However, where the Division of Enforcement's recommendation is that the offer not be accepted, the Division must first notify the submitting party and permit him the opportunity to withdraw the offer.

If the Commission accepts the offer, it will do so by issuing its opinion and order in the matter. If it should reject the offer, the party submitting the offer will be notified and the offer and related documents submitted therewith will not thereafter be considered a part of the record of the proceeding and may not be used in any manner in the proceeding by any party.

The rules of practice and procedures contained in Part 0 are revoked in its entirety except for §§ 0.73 to 0.77.

Chapter I of Title 17 of the Code of Federal Regulations is amended by adding a new Part 10, reading as follows:

Subpart A—General Provisions

Sec.
10.1 Scope and applicability of rules of practice.
10.2 Definitions.
10.3 Suspension, amendment, revocation and waiver of rules.
10.4 Business address; hours.
10.5 Computation of time.
10.6 Changes in time permitted for filing.
10.7 Date of entry of orders.
10.8 Presiding Officers.
10.9 Separation of functions.
10.10 Ex Parte Communications.
10.11 Appearance in adjudicatory proceedings.
10.12 Service and filing of documents; form and execution.

Subpart B—Institution of Adjudicatory Proceedings; Pleadings; Motions

Sec.
10.21 Commencement of the proceeding.
10.22 Complaint and notice of hearing.
10.23 Answer.
10.24 Amendments and supplemental pleadings.
10.25 Form of pleadings.
10.26 Motions and other papers.

Subpart C—Parties and Limited Participation

10.31 Parties.
10.32 Substitution of parties.
10.33 Intervention as a party.
10.34 Limited participation.
10.35 Permission to state views.
10.36 Commission review of rulings.

Subpart D—Prehearing Procedures; Prehearing Conferences; Discovery

10.41 Prehearing conferences; procedural matters.
10.42 Discovery.
10.43 Stipulations.
10.44 Depositions and interrogatories.

Subpart E—Hearings

10.61 Time and place of hearing.
10.62 Appearances.
10.63 Consolidation; separate hearings.
10.64 Public hearings.
10.65 Record of hearings.
10.66 Conduct of the hearing.
10.67 Evidence.
10.68 Subpoenas.
10.69 Reopening hearings.

Subpart F—Post Hearing Procedures; Initial Decisions

10.81 Filing the transcript of evidence.
10.82 Proposed findings and conclusions; briefs.
10.83 Oral arguments.
10.84 Initial decision.

Subpart G—Disposition Without Full Hearing

10.91 Summary disposition.
10.92 Shortened procedure.
10.93 Obtaining default order.
10.94 Setting aside of default.

Subpart H—Appeals to the Commission; Settlements

10.101 Interlocutory appeals.
10.102 Review of initial decisions.
10.103 Oral argument before the Commission.
10.104 Scope of review; Commission decision.
10.105 Review by Commission on its own initiative.
10.106 Reconsideration.
10.107 Leave to adduce additional evidence.
10.108 Settlements.

AUTHORITY: Pub. L. 93-463, sec. 101(a)(11), 88 Stat. 1391, 7 U.S.C. 4a(j).

Subpart A—General Provisions

§ 10.1 Scope and applicability of rules of practice.

These rules of practice are generally applicable to adjudicatory proceedings before the Commodity Futures Trading Commission under the Commodity Exchange Act. These include proceedings for:

(a) Denial, suspension, or revocation of registration as a futures commission merchant, or associated person, floor broker, commodity pool operator or commodity trading advisor pursuant to sections 4n(7), 6(b), 8a(2), and 8a(3) of the Act, 7 U.S.C. 6n(7), 9, 12a(2), 12a(3), or denial, suspension, or revocation of designation as a contract market pursuant to sections 6 and 6(a) of the Act, 7 U.S.C. 8;

(b) The issuance of cease and desist orders pursuant to sections 6b and 6(c) of the Act, 7 U.S.C. 13a and 13b;

(c) Denial of trading privileges pursuant to section 6(b) of the Act, 7 U.S.C. 9;

(d) The assessment of civil penalties pursuant to sections 6(b) and 6b of the Act, 7 U.S.C. 9 and 13a; and

(e) Any other proceedings where the Commission declares them to be applicable.

These rules do not apply to:

(f) Investigations conducted pursuant to sections 8 and 16(a) of the Act, 7 U.S.C. 12 and 20(a), except as specifically made applicable by the Rules Relating to Investigations set forth in Part 11 of this chapter;

(g) Reparation proceedings under section 14 of the Act, 7 U.S.C. 18, except as specifically made applicable by the Rules Relating to Reparation Proceedings set forth in Part 12 of this chapter;

(h) Public rulemaking, except as specifically made applicable by the Rules Relating to Public Rulemaking Procedures sets forth in Part 13 of this title

The rules shall be construed to secure the just, speedy and inexpensive determination of every proceeding with full protection for the rights of all parties therein.

§ 10.2 Definitions.

For purposes of this part:

(a) "Act" means the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq.;

(b) "Adjudicatory proceeding" means a judicial-type proceeding leading to the formulation of a final order;

(c) "Administrative Law Judge" means an administrative law judge appointed pursuant to the provisions of 5 U.S.C. 3105 (provisions of the rules in this part which refer to Administrative Law Judges may be applicable to other Presiding Officers as well, as set forth in § 10.8);

(d) "Administrative Procedure Act" means those provisions of the Administrative Procedure Act, as codified, which are contained in 5 U.S.C. 551 through 559;

(e) "Commission" means the Commodity Futures Trading Commission;

(f) "Complaint" means any document initiating an adjudicatory proceeding, whether designated a complaint or an order for proceeding or otherwise;

(g) "Division of Enforcement" means that office in the Commission that prosecutes a complaint issued by the Commission;

(h) "Hearing" means that part of a proceeding which involves the submission of evidence, either by oral presentation or written submission;

(i) "Hearing Clerk" means that member of the Commission's staff designated as such in the Commission's Office of Hearings and Appeals;

(j) "Order" means the whole or any part of a final procedural or substantive

disposition of a matter by the Commission or by the Presiding Officer in a matter other than rulemaking;

(k) "Party" includes a person or agency named or admitted as a party to a proceeding;

(l) "Person" includes an individual, partnership, corporation, association, exchange or other entity or organization;

(m) "Pleading" means the complaint, the answer to the complaint, any supplement or amendment thereto, and any reply that may be permitted to any answer, supplement or amendment;

(n) "Presiding Officer" means a member of the Commission, an Administrative Law Judge, or a hearing officer designated by the Commission to conduct a hearing on a specific matter, or the Commission itself, if it is to preside at or accept the introduction of evidence in a particular proceeding (provisions of the rules in this part which refer to Administrative Law Judges may be applicable to other Presiding Officers as well, as set forth in § 10.8);

(o) "Respondent" means a party to an adjudicatory proceeding against whom findings may be made or relief or remedial action may be taken.

§ 10.3 Suspension, amendment, revocation and waiver of rules.

(a) These rules may, from time to time, be suspended, amended or revoked in whole or in part. Notice of such action will be published in the FEDERAL REGISTER.

(b) In the interest of expediting decision or to prevent undue hardship on any party or for other good cause the Commission may order the adoption of expedited procedures and may waive any rule in Subparts A through H of this part in a particular case and may order proceedings in accordance with its direction upon a determination that no party will be prejudiced and that the ends of justice will be served. Reasonable notice shall be given to all parties of any action taken pursuant to this provision.

(c) The Presiding Officer, to expedite decision or to prevent undue hardship on any party, may waive any rule in Subparts A through G of this part when neither party is prejudiced thereby. Reasonable notice shall be given to all parties of any action taken pursuant to this provision.

§ 10.4 Business address; hours.

The principal office of the Commission, including the Office of Hearings and Appeals, is located at 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, telephone: (202) 254–3031. It is open each day, except Saturdays, Sundays and legal public holidays from 8:15 a.m. to 4:45 p.m., eastern standard time or eastern daylight savings time, whichever is currently in effect in Washington, D.C.. If Commission personnel are present in the offices after 4:45 p.m., they may, at their discretion, accept documents for filing and serve the public in other matters within the scope of this part. Legal holidays include New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other legal holidays recognized by the Federal Government.

§ 10.5 Computation of time.

In computing any period of time prescribed by these rules or allowed by the Commission or the Presiding Officer, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday, or a legal holiday; in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation only when the period of time prescribed or allowed is less than seven days.

§ 10.6 Changes in time permitted for filing.

Except as otherwise provided by law or by these rules, for good cause shown the Commission or the Presiding Officer before whom a matter is then pending, on their own motion or the motion of a party, at any time may extend or shorten the time limit prescribed by the rules for filing any document. In any instance in which a time limit is not prescribed for an action to be taken in a proceeding, the Commission or the Presiding Officer may set a time limit for that action.

§ 10.7 Date of entry of orders.

In computing any period of time involving the date of the entry of an order the date of entry shall be the date the order is served by the Hearing Clerk.

§ 10.8 Presiding officers.

Unless otherwise determined by the Commission, all proceedings within the scope of this Part shall be assigned to an Administrative Law Judge for hearing. If the Commission determines that a proceeding within the scope of this subpart shall be conducted before a Presiding Officer who is not an Administrative Law Judge, all provisions of this part that refer to and grant authority to or impose obligations upon an Administrative Law Judge shall be read as referring to and granting authority to and imposing obligations upon the designated Presiding Officer.

(a) *Functions and Responsibilities of Administrative Law Judge.* The Administrative Law Judge shall be responsible for the fair and orderly conduct of the proceeding and shall have the authority to:

(1) Administer oaths and affirmations;

(2) Issue subpoenas;

(3) Rule on offers of proof;

(4) Receive relevant evidence;

(5) Examine witnesses;

(6) Regulate the course of the hearing;

(7) Hold prehearing conferences;

(8) Consider and rule upon all motions;

(9) Make decisions in accordance with § 10.84 of these rules;

(10) Certify interlocutory matters to the Commission for its determination in accordance with § 10.101 of these rules;

(11) Take such action as is just or appropriate, if a party or agent of a party fails to comply with an order issued by the Administrative Law Judge;

(12) Take any other action required to give effect to these Rules of Practice, including but not limited to requesting the parties to file briefs and statements of position with respect to any issue in the proceeding.

(b) *Disqualification of Administrative Law Judge.*—(1) *At his own request.* An Administrative Law Judge may withdraw from any proceeding when he considers himself to be disqualified. In such event he immediately shall notify the Commission and each of the parties of his withdrawal and of his reason for such action.

(2) *Upon the request of a party.* Any party or person who has been granted leave to be heard pursuant to these rules may request an Administrative Law Judge to disqualify himself on the grounds of personal bias, conflict or similar bases. Interlocutory review of an adverse ruling by the Administrative Law Judge may be sought without certification of the matter by the Administrative Law Judge, in accordance with the procedures set forth in § 10.101.

§ 10.9 Separation of functions.

(a) An Administrative Law Judge will not be responsible to or subject to the supervision or direction of any officer, employee, or agent of the Commission engaged in the performance of investigative or prosecutorial functions for the Commission.

(b) No officer, employee, or agent of the Federal Government engaged in the performance of investigative or prosecutorial functions in connection with any proceeding shall, in that proceeding or a factually related proceeding, participate or advise in the decision of the Administrative Law Judge, except as a witness or counsel in the proceedings, without the express written consent of the respondents in the proceeding. This provision shall not apply to the Commission or a member or members of the Commission.

§ 10.10 Ex Parte Communications.

(a) Except as authorized by law, or specifically permitted in these rules, an Administrative Law Judge shall not consult with any person or any party upon any fact in issue except upon notice and opportunity for all parties to participate.

(b) A written or oral communication involving any substantive or procedural issue in the proceeding shall be deemed an ex parte communication, unless the communication is made with due notice to all other parties. Any ex parte communication in writing shall be made public by the Administrative Law Judge by placing it in the correspondence file of the docket. If the ex parte communication is received orally, a memorandum setting forth the substance of the com-

munication shall be made and filed in the correspondence section of the docket. In either case, notice of such communication will be given to the parties.

§ 10.11 Appearance in Adjudicatory Proceedings.

(a) *Appearance.*— (1) *By non-attorneys.* An individual may appear pro se (in his own behalf), a member of a partnership may represent the partnership, a bona fide officer of a corporation, trust or association may represent the corporation, trust or association, an officer or employee of a State Commission or of a department or political subdivision of a State may represent the State Commission or the department or political subdivision of the State in any proceeding.

(2) *By attorneys.* An attorney-at-law who is admitted to practice before the highest Court in any State or territory, or of the District of Columbia, who has not been suspended or disbarred from appearance and practice before the Commission in accordance with the provisions of Part 14 of this title, may represent parties in proceedings before the Commission.

(b) *Debarment of counsel or representative by administrative law judge during the course of a proceeding.* (1) Whenever, while a proceeding is pending before him, the Administrative Law Judge finds that a person acting as counsel or representative for any party to the proceeding is guilty of contemptuous conduct, the Administrative Law Judge may order that such person be precluded from further acting as counsel or representative in such proceeding. An immediate appeal to the Commission may be sought from any such order, pursuant to the terms of § 10.101, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the Administrative Law Judge may suspend the proceedings for a reasonable time for the purpose of enabling the party to obtain other counsel or representative.

(2) Whenever the Administrative Law Judge has issued an order precluding a person from further acting as counsel for representative in the proceeding, the Administrative Law Judge within a reasonable time thereafter, shall submit to the Commission a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Commission should take respecting the appearance of such person as counsel or representative in other proceedings before the Commission.

§ 10.12 Service and Filing of Documents; Form and Execution.

(a) *Service by a party or other participant in a proceeding.*—(1) *Number of copies; when required.* Two copies of all pleadings subsequent to the complaint, all motions, petitions or applications made in the course of a proceeding (unless made orally during a hearing), all proposed findings and conclusions, all petitions for review of any initial decision, and all briefs shall be served by the party or other participant upon all parties to the proceeding.

(2) *How service is made.* Service shall be made either by personal service or by first-class mail. Service shall be complete at the time of personal service or upon deposit in the mails of a properly addressed and post-paid document. Where a party effects service by mail, the time within which the person served may respond thereto shall be increased by three days.

(3) *Proof of Service.* Proof of service of a document shall be made by filing with the Hearing Clerk, simultaneously with the filing of the required number of copies of the document, an affidavit of service executed by any person 18 years of age or older or a certificate of service executed by an attorney-at-law qualified to practice before the Commission. The proof of service shall identify the persons served, state that service has been made, set forth the date of service, and recite the manner of service.

(b) *Service of decisions and orders.* A copy of all rulings, opinions and orders of the Administrative Law Judge and the Commissions shall be served by the Hearing Clerk on each of the parties.

(c) *Designation of person to receive service.* The first document filed in a proceeding by or on behalf of any party or participant (including the complaint and notice of hearing, the answer, and an application for intervention) shall state on the first page thereof the name and post office address of the person who is authorized to receive service for him of all documents filed in the proceeding. Thereafter service of documents shall be made upon the person authorized unless service on the party himself is ordered by the Administrative Law Judge or the Commission, or unless no person authorized to receive service can be found, or unless the person authorized is changed by the party upon due notice to all other parties.

(d) *Filing of documents with the hearing clerk.* All documents which are required to be served upon a party shall be filed concurrently with the Hearing Clerk. A document shall be filed by delivering it in person or by certified or registered mail with return receipt requested to:

Hearing Clerk, Office of Hearings and Appeals, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036

To be timely filed a document must be received by the Hearing Clerk within the time prescribed for filing.

(e) *Formalities of filing*—(1) *Number of copies.* Unless otherwise specifically provided, an original and five conformed copies of all documents shall be filed with the Hearing Clerk.

(2) *Title page.* All documents filed with the Hearing Clerk must include at the head thereof, or on a title page, the name of the Commission, the docket number and title of the proceeding, the subject of the particular document and the name of the person in whose behalf the document is being filed. In the complaint the title of the action shall include the names of all the respondents, but in documents subsequently filed it is sufficient to state the name of the first respondent named in the complaint with an appropriate indication of other parties.

(3) *Paper, spacing, type.* All documents filed under this part shall be typewritten, mimeographed, printed, or otherwise reproduced by a process that produces permanent and plainly legible copies, shall be on one grade of good unglazed white paper no less than 8 or more than 8½ inches wide and no less than 10½ or more than 14 inches long, with a left-hand margin 1½ inches wide, and shall be bound on the top only. They shall be double spaced, except for long quotations (3 or more lines) and footnotes, which should be single-spaced. If printed, the documents shall be in either 10- or 12-point type with double-leaded text and single-leaded quotations and footnotes.

(4) *Signatures.* The original copy of all papers must be signed in ink by the person filing the same or by his duly authorized agent or attorney.

(5) *Length and form of briefs.* All briefs filed with the Hearing Clerk containing more than ten pages shall include an index and a table of cases and other authorities cited. The date of each brief must appear on its front cover or title page and on its signature page. No brief shall exceed 60 pages in length, except with the permission of the Administrative Law Judge or, by the Commission, to whomever the brief is directed.

(6) *Documents improperly tendered for filing.* No document will be accepted unless it complies with the requirements of this paragraph concerning form, filing, subscription, service and other similar matters. A document tendered but not accepted for filing shall not be entered on the Hearing Clerk's docket, but a motion may be made to the Administrative Law Judge for leave to file an otherwise unauthorized document.

(f) *Supbscriptions.*—(1) *By whom.* Pleadings, petitions, motions and answers thereto, briefs and other documents filed with the Commission shall be subscribed:

(i) By the person or persons on whose behalf they are tendered for filing;

(ii) By a partner, officer or director of a partnership, corporation, association, or other legal entity; or

(iii) By an attorney-at-law having authority with respect thereto.

The Hearing Clerk may require appropriate evidence of the authority of a person subscribing a document on behalf of another person.

(2) *Effect.* The signature on a document of any person acting either for himself or as attorney or agent for another constitutes a certification by him that:

(i) He has read the document subscribed and knows the contents thereof;

(ii) If executed in any representative capacity, it was done with full power and authority to do so;

(iii) To the best of his knowledge, information and belief, every statement

contained in the document is true and not misleading; and

(iv) The document is not being interposed for delay.

(3) *Sham documents.* If a document is not signed or is signed with an intent to defeat the purpose of this rule, it may be stricken as sham and false. For a willful violation of this rule an attorney may be subjected to appropriate disciplinary action pursuant to § 10.11(b). Similar action may be taken if scandalous matter is inserted.

(g) *Official docket.* The Hearing Clerk will maintain the official docket for each proceeding. The official docket is available for public inspection in the Commission's Office of Hearings and Appeals.

Subpart B—Institution of Adjudicatory Proceedings; Pleadings; Motions

§ 10.21 Commencement of the proceeding.

An adjudicatory proceeding is commenced when the Commission authorizes service of a complaint and notice of hearing upon one or more respondents.

§ 10.22 Complaint and notice of hearing.

(a) *Content.* The complaint and notice of hearing shall include:

(1) The legal authority and jurisdiction under which the hearing is held;

(2) The matters of fact and law to be considered and determined.

The complaint shall set forth the matters of fact alleged therein in such manner as will permit a specific response to each allegation. The notice shall notify the respondent of his right to a hearing and shall specify the time required by § 10.23 of these rules for the filing of an answer and the consequence of failure to file an answer.

(b) *Service.* The Hearing Clerk shall give appropriate notice to each respondent by serving them with a copy of the complaint and notice of hearing. Service may be made in person, by confirmed telegraphic notice, or by registered mail or certified mail, addressed to the last known business or residence address of the person to be served or the address of his duly authorized agent for service.

§ 10.23 Answer.

(a) *When required.* Following service of a complaint and notice of hearing as set forth in § 10.22 of these rules, unless otherwise specified in the notice of hearing, each respondent shall file an answer with the Hearing Clerk within 20 days.

(b) *Content of answer.* The answer shall include:

(1) A statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation; a statement of a lack of information shall have the effect of a denial; any allegation not expressly denied shall be deemed to be admitted;

(2) A statement of the facts supporting each affirmative defense.

(c) *Effect of failure to file answer.* A party who fails to file an answer within 20 days shall be in default and, pursuant to procedures set forth in § 10.93 of these rules, the proceeding may be determined against him by the Administrative Law Judge upon his consideration of the complaint, the allegations of which shall then be deemed to be true.

(d) *Admission of all allegations of fact.* If a respondent's answer admits the truth of all the material allegations of fact contained in the complaint, it shall constitute a waiver of hearing on those allegations. However, the Administrative Law Judge may conduct a hearing, if so requested, by any of the parties. Following waiver, the parties may submit proposed findings and conclusions and briefs, as provided in § 10.82 and may appeal any initial decision to the Commission as provided in § 10.102 of these rules.

(e) *Motion for more definite statement.* Where a reasonable showing is made by a respondent that he cannot frame a responsive answer based on the allegations in the complaint, he may move for a more definite statement of the charges against him before filing an answer. A motion for a more definite statement shall be filed within ten days after service of the complaint and shall specify the defects complained of and the particular allegation as to which a more definite statement is sought.

§ 10.24 Amendments and supplemental pleadings.

(a) *Amendments.* A party may amend his pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted, he may amend it within 20 days after it is served. Otherwise a party may amend his pleading only by leave of the Administrative Law Judge which shall be freely given when justice so requires.

(b) *Supplemental pleadings.* Upon reasonable notice, and upon such terms as are just, the Administrative Law Judge may, upon the motion of a party, permit the party to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleadings sought to be supplemented and which are relevant to any of the issues involved.

(c) *Response to amendments and supplements.* Any party may file a response to any amendment or supplement to a pleading within ten days after date of service upon him of the amendment or supplement.

(d) *Pleadings to conform to the evidence.* When issues not raised by the pleadings but reasonably within the scope of a proceeding initiated by the complaint are tried with the express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings.

§ 10.25 Form of pleadings.

All averments of claim and defense shall be made in consecutively numbered paragraphs. The contents of each paragraph shall be limited as far as practicable to a single set of circumstances.

§ 10.26 Motions and other papers.

(a) *Presentation.* An application for a form of relief not otherwise specifically provided for in these rules shall be made by motion, filed with the Hearing Clerk, which shall be in writing unless made on the record during a hearing. The motion shall state: (1) The relief sought; (2) the basis for relief; and (3) the authority relied upon. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. All motions and applications, unless otherwise provided in these rules, shall be directed to the Administrative Law Judge prior to the filing of an initial decision in a proceeding, and to the Commission after the initial decision has been filed.

(b) *Answers to motions.* Any party may serve and file a written response to a motion within ten days after service of the motion upon him or within such longer or shorter period as established by these rules or as the Administrative Law Judge or the Commission may direct. Any party who does not file a response to a motion shall be deemed to have consented to the relief sought by the motion.

(c) *Motions for procedural orders.* Motions for procedural orders, including motions for extension of time, may be acted on at any time, without awaiting a response thereto. Any party adversely affected by such order may request reconsideration, vacation or modification of the order.

(d) *Dilatory motions.* Repetitive or numerous motions dealing with the same subject matter shall not be permitted.

(e) *Review by the Commission.* Interlocutory review by the Commission of a ruling on a motion by an Administrative Law Judge may be sought in accordance with the procedures and under the circumstances set forth in § 10.101 of these rules.

Subpart C—Parties and Limited Participation

§ 10.31 Parties.

The parties to an adjudicatory proceeding shall include the Division of Enforcement, each respondent named in the complaint and each person permitted to intervene pursuant to § 10.33 of these rules. A respondent shall cease to be a party or purposes of a pending proceeding when (a) a default order is entered against him pursuant to § 10.93; or (b) the Commission accepts an offer of settlement pursuant to § 10.108 of these rules.

§ 10.32 Substitution of parties.

Upon motion and for good cause shown the Administrative Law Judge may order a substitution of parties.

§ 10.33 Intervention as a party.

(a) *Petition for Leave to Intervene.* Any person whose interests may be affected substantially by the matters to be considered in a proceeding may petition the Administrative Law Judge for leave to intervene as a party in the proceeding any time after the institution of a pro-

ceeding and before such proceeding has been submitted for final consideration. Petitions for leave to intervene shall be in writing and shall set forth with specificity the nature of the petitioner's interest in the proceeding and the manner in which his interests may be affected substantially. The Administrative Law Judge may direct a petitioner requesting intervention to submit himself for examination as to his interest in the proceeding.

(b) *Response to petition.* A petition for leave to intervene shall be served by the petitioner upon all parties to the proceeding, who may support or oppose the petition in a document filed within ten days after service of the petition upon them or within such other period as the Administrative Law Judge may direct in a particular case.

(c) *Leave to intervene—When granted.* No person shall be admitted as a party to a proceeding by intervention unless the Administrative Law Judge is satisfied that (1) a substantial interest of the person seeking to intervene may be adversely affected by the matter to be considered in the proceeding; (2) that his intervention will not materially prejudice the rights of any party, through delay or otherwise; (3) that his participation as a party will otherwise be consistent with the public interest; and (4) that leave to be heard pursuant to § 10.34 would be inadequate for the protection of his interests. The burden shall be upon the petitioner to satisfy the Administrative Law Judge on these issues.

(d) *Rights of intervenor.* A person who has been granted leave to intervene shall from that time forward have all the rights and responsibilities of a party to the proceeding.

§ 10.34 Limited participation.

(a) *Petitions for leave to be heard.* Any person may, in the discretion of the Administrative Law Judge, be given leave to be heard in any proceeding as to any matter affecting his interests. Petitions for leave to be heard shall be in writing, shall set forth (1) the nature and extent of the applicant's interest in the proceeding; (2) the issues on which he wishes to participate; and (3) in what manner he wishes to participate. The Administrative Law Judge may direct any person requesting leave to be heard to submit himself to examination as to his interest in the proceeding.

(b) *Rights of a participant.* Leave to be heard pursuant to § 10.34(a) may include such rights of a party as the Administrative Law Judge may deem appropriate, except that oral argument before the Commission may be permitted only by the Commission.

§ 10.35 Permission to state views.

Any person may, in the discretion of the Administrative Law Judge be permitted to file a memorandum or make an oral statement of his views, and the Administrative Law Judge may, in his discretion, accept for the record written communications received from any person.

§ 10.36 Commission Review of Rulings.

Interlocutory review by the Commission of a ruling as to matters within the scope of §§ 10.33, 10.34 or § 10.35 may be sought in accordance with the procedures set forth in § 10.101 of these rules without certification by the Administrative Law Judge.

Subpart D—Prehearing Procedures: Prehearing Conferences; Discovery; Depositions

§ 10.41 Prehearing Conferences; Procedural Matters.

In any proceeding the Administrative Law Judge may direct that one or more conferences be held for the purpose of:

(a) Clarifying issues;

(b) Examining the possibility of obtaining stipulations, admissions of fact and of authenticity or contents of documents;

(c) Determining matters of which official notice may be taken;

(d) Discussing amendments to pleadings;

(e) Limiting the number of witnesses;

(f) Discussing adoption of shortened procedures pursuant to § 10.92;

(g) Promoting a fair and expeditious hearing.

At or following the conclusion of a prehearing conference, the Administrative Law Judge shall serve a prehearing memorandum containing agreements reached and any procedural determinations made by him, unless the conference shall have been recorded and transcribed in written form and a copy of the transcript has been made available to each party.

§ 10.42 Discovery.

(a) *Pretrial materials.* An Administrative Law Judge may, at the request of any party or upon his own motion, in his discretion and with due regard for the convenience and necessity of the parties or their attorneys, order a party to furnish where practicable, in the form of a prehearing memorandum or otherwise, any or all of the following:

(1) An outline of its case or defense;

(2) The legal theories upon which it will rely;

(3) The identity of the witness who will testify on its behalf;

(4) Copies of or a list of documents which it intends to introduce at the hearing.

The Administrative Law Judge shall not order any of the foregoing procedures that any party can show is inappropriate under all the circumstances.

(b) *Investigatory materials.* Unless otherwise ordered by the Commission or the Administrative Law Judge, the Division of Enforcement shall make available to respondents prior to the scheduled hearing date copies of the following documents obtained during the investigation preceding the initiation of the complaint all transcripts of testimony, signed statements and substantially verbatim reports of interviews which were obtained during the investigation which preceded institution of the proceeding from or concerning witnesses to be called at the hearing and all exhibits to those transcripts, statements and reports. Provided that, if a person has requested confidential treatment of information submitted by him, either pursuant to rules adopted by the Commission under the Freedom of Information Act (Part 145) or under the Commission's Rules Relating to Investigations (Part 11), the Division of Enforcement shall notify him, if possible, that the information is to be disclosed to parties to the proceeding and he may apply to the Administrative Law Judge for an order protecting the information from disclosure; but no protective order shall be granted which will tend to prevent the introduction of material evidence of violation by the Division or tend to impair a respondent's ability adequately to defend.

(c) *Admissions.*—(1) *Request for admissions.* Any party may serve upon any other party, with a copy to the Hearing Clerk, a written request for admission of the truth of any facts relevant to the pending proceeding set forth in the request, including the genuineness of any documents described therein. Each matter of which an admission is requested shall be separately set forth. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying.

(2) *Response.* A matter shall be considered to be admitted unless, within 15 days after service of the request, or within such other time as the Administrative Law Judge may allow, the party upon whom the request is directed serves upon the requesting party a sworn written answer or objection to the matter. If objection is made, the reasons therefor shall be stated. The response shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission and when good faith requires that a party qualify his answer and deny only a part of the matter, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give a lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or reasonably available to him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may deny the matter or set forth reasons why he cannot admit or deny it.

(3) *Determining sufficiency of answers or objections.* The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the objecting party sustains his burden of showing that the objection is justified, the Administrative Law Judge shall order that an answer be served. If the Administrative Law Judge determines that an answer does

not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served.

(4) *Effect of admission.* Any matter admitted under this rule is conclusively established and may be used at a hearing as against the party who made the admission. However, the Administrative Law Judge may permit withdrawal or amendment when the presentation on the merits of the proceeding will be served thereby and the party who obtains the admission fails to satisfy the Administrative Law Judge that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits.

§ 10.43 Stipulations.

The parties may by stipulation in writing at any stage of the proceeding, or orally made at hearing, agree upon any pertinent facts in the proceeding. It is desirable that the facts be thus agreed upon so far as and whenever practicable. Stipulations may be received in evidence at a hearing and when received in evidence shall be binding on the parties thereto.

§ 10.44 Depositions and interrogatories.

(a) *When permitted.* If it appears that:

(1) A prospective witness will be unable to attend or testify at a hearing on the basis of age, illness, infirmity, imprisonment or on the basis that he is or will be outside of the United States at the time of the hearing (unless it appears that the absence of the witness was procured by the party seeking to take the deposition),

(2) His testimony is material,

(3) It is necessary to take his deposition in the interest of Justice,

the Administrative Law Judge may by order direct that his deposition be taken either orally or in the form of written interrogatories, and may issue a subpoena to compel the attendance of the witness for deposition.

(b) *Application for Deposition.* Any party desiring to take the deposition of a witness shall make application in writing to the Administrative Law Judge for an order to take deposition. In addition to the showing required in § 10.44(a), the application shall include:

(1) The name and post office address of the witness;

(2) The specific matters concerning which the witness is expected to testify and their relevance;

(3) The reasons why the deposition should be taken, supported by affidavits and a physician's certificate, where appropriate;

(4) The time when, the place where, and the name and address of the person before whom the deposition is to be taken;

(5) A specification of the documents and materials which the deponent is requested to produce;

(6) Application for any subpoenas.

(c) *Service and reply.* A copy of the application to take deposition shall be served upon every other party to the proceeding and upon the person sought to be deposed. Any party or the deponent may serve and file an opposition to the application within seven days after the application is filed.

(d) *Time when, place where, and officer before whom deposition is taken.* (1) *Where the deposition is taken.* Unless otherwise ordered or agreed to by stipulation, depositions shall be taken in the city or municipality where the deponent is located.

(2) *Officer before whom taken.* (i) Within the United States or a territory of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(ii) Within a foreign country, depositions may be taken before an officer or person designated by the Administrative Law Judge or agreed upon by the parties by a stipulation in writing to be filed with the Hearing Clerk.

(e) *Procedures for taking oral depositions.* (1) Oral examination and cross-examination of witnesses shall be conducted in a manner similar to that permitted at a formal hearing. All questions and testimony shall be recorded verbatim, except to the extent that all parties present or represented may agree that a matter shall be off the record.

(2) All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, or any other objection to the proceeding shall be noted by the officer upon the deposition, and shall subsequently be determined by the Administrative Law Judge. Evidence objected to shall be taken subject to the objections. However, the parties may stipulate that, except as to objections to the form of questions, all objections to the matters testified to in a deposition are preserved for the hearing, whether or not raised at the time of deposition.

(3) During the taking of a deposition a party or deponent may request and obtain an adjournment to permit an application to be made to the Administrative Law Judge for an order suspending the deposition on grounds of bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party, or improper questions. An attorney who requests and obtains an adjournment for this purpose but fails, without good cause, promptly to apply for relief to the Administrative Law Judge may be found guilty of contemptuous conduct in accordance with § 10.11 (b) of these rules.

(f) *Procedures for use of interrogatories.* (1) If depositions are to be taken and submitted on written interrogatories, the interrogatories shall be filed in triplicate with the application for deposition and served on the parties. Within ten days after service, any party may file, in triplicate, with the Hearing Clerk, his objections, if any, to such interrogatories and may file such cross-interrogatories as he desires to submit. Other parties shall have ten days to file their objections to cross-interrogatories. Objections shall be settled by the Administrative Law Judge.

(2) When a deposition is taken upon written interrogatories and cross-interrogatories, no party shall be present or represented and no person other than the witness, a stenographic reporter, and the officer shall be present. The officer shall propound the interrogatories and cross-interrogatories to the witness, and the interrogatories and responses thereto shall be transcribed and reduced to writing.

(g) *Use of depositions at hearing.* (1) Any part or all of a deposition, to the extent admissible under rules of evidence applied as though the witness were then present and testifying at the hearing, may be used against any party who had reasonable notice of the taking of the deposition, if the Administrative Law Judge finds that:

(i) The witness is dead;

(ii) The witness is unable to attend or testify because of age, illness, infirmity, or imprisonment;

(iii) The witness is out of the United States at the time of the hearing, unless it appears that the absence of the witness was procured by the party offering the deposition.

(2) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

(3) Objection may be made at a hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

Subpart E—Hearings

§ 10.61 Time and place of hearing.

(a) *Notice.* All parties shall be notified of the time and place of hearing, which shall be fixed with due regard for the public interest and the convenience and necessity of the parties and their representatives.

(b) *Requests for change.* A request for postponement of a hearing or for a change in the place assigned for hearing will be granted by the Administrative Law Judge only for good cause shown.

§ 10.62 Appearances.

(a) *Who may appear.* The parties may appear in person, by counsel or by other representatives of their choosing, subject to the provisions of § 10.11 of these rules and Part 14 of this Chapter, dealing with appearance and practice before the Commission.

(b) *Effect of failure to appear.* (1) If any party to the proceeding, after filing an answer fails to appear at the hearing or any part thereof, he shall to that extent be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present may present his evidence, in whole or in part, in the form of affidavits or by oral tes-

timony, before the Administrative Law Judge.

(2) A failure to appear at a hearing shall not constitute a waiver of a party's right to propose findings of fact based on the record in the proceeding, to propose conclusions of law or to submit briefs, in the manner provided in § 10.82, if the non-appearing party submits prior to the scheduled hearing or within three days thereafter, a notice of appearance indicating his intent to continue to participate in the proceeding. Otherwise, his failure to appear will constitute a default, and a default order may be sought in accordance with procedures set forth in § 10.93 of these rules.

§ 10.63 Consolidation; separate hearings.

(a) *Consolidation.* Two or more proceedings involving a common question of law or fact may be joined for hearing of any or all the matters in issue or may be consolidated by order of the Administrative Law Judge. The Administrative Law Judge may make such rulings concerning the conduct of such proceedings as may tend to avoid unnecessary costs or delay.

(b) *Separate Hearings.* The Administrative Law Judge, for the convenience of the parties, to avoid prejudice, or to expedite final resolution of the issues, may order a separate hearing of any claim or issue, or grant a separate hearing to any respondent.

§ 10.64 Public hearings.

All hearings shall be public, except that upon application of a respondent or affected witness the Administrative Law Judge may direct that specific documents or testimony be received and retained non-publicly in order to prevent unwarranted disclosure of trade secrets or sensitive commercial or financial information or an unwarranted invasion of personal privacy.

§ 10.65 Record of hearing.

(a) *Reporting and transcription.* Hearings for the purpose of taking evidence shall be recorded and transcribed in written form under the supervision of the Administrative Law Judge by a reporter employed by the Commission for that purpose. The original transcript shall be a part of the record and shall be the sole official transcript. Copies of transcripts, except those portions granted non-public treatment, shall be available from the reporter at rates not to exceed the maximum rates fixed by the contract between the Commission and the reporter.

(b) *Corrections.* Any party may submit a timely request to the Administrative Law Judge to correct the transcript. Corrections may be submitted to the Administrative Law Judge by stipulation of the parties, or by motion by any party, and upon notice to all parties to the proceeding, the Administrative Law Judge may specify corrections of the transcript. A copy of such specification shall be furnished to all parties and made a part of the record. Corrections shall be made by the official reporter, who shall furnish substitute pages of the transcript, under the usual certificate of the reporter, for insertion in the official record. The original uncorrected pages shall be retained in the files of the Hearing Clerk.

§ 10.66 Conduct of the hearing.

(a) *Expedition.* Hearings shall proceed expeditiously and insofar as practicable hearings shall be held at one place and shall continue, without suspension, until concluded.

(b) *Rights of parties.* Every party shall be entitled to due notice of hearings, the right to be represented by counsel, the right to cross-examine witnesses, present oral and documentary evidence, raise objections, make arguments and move for appropriate relief.

(c) *Examination of witnesses.* All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation, which shall be administered by the Administrative Law Judge. A witness may be cross-examined by each adverse party and, in the discretion of the Administrative Law Judge, may be cross-examined, without regard to the scope of direct examination, as to any matter which is relevant to the issues in the proceeding.

(d) *Expert witnesses.* The Administrative Law Judge, at his discretion, may order that direct testimony of expert witnesses be made by verified written statement rather than presented orally at the hearing. Any expert witness whose testimony is presented in this manner shall be available for oral cross-examination, and may be examined orally upon re-direct following cross-examination.

(e) *Exhibits.* The original of each exhibit introduced in evidence or marked for identification shall be filed and retained in the docket of the proceeding, unless the Administrative Law Judge permits the substitution of copies for the original documents. A copy of each exhibit introduced by a party or marked for identification at his request shall be supplied by him to the Administrative Law Judge and to each other party to the proceeding.

§ 10.67 Evidence.

(a) *Admissibility.* Relevant, material and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable and unduly repetitious evidence shall be excluded.

(b) *Official notice.* (1) Official notice may be taken of

(i) Any material fact which might be judicially noticed by a district court of the United States; or

(ii) Any matter in the public official records of the Commission.

(2) If official notice is requested or taken of a material fact, any party, upon timely request, shall be afforded an opportunity to establish the contrary.

(c) *Objections.* A party shall timely and briefly state the grounds relied upon for any objection made to the introduction of evidence. If a party has had no opportunity to object to a ruling at the time it is made, he shall not thereafter be prejudiced by the absence of an objection.

(d) *Exceptions.* Formal exception to an adverse ruling is not required. It shall be sufficient that a party, at the time the ruling is sought or entered, makes known to the Administrative Law Judge the action he wishes the Administrative Law Judge to take or his objection to the action being taken and his grounds therefor.

(e) *Excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the Administrative Law Judge may, in his discretion, receive the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

(f) *Affidavits.* Affidavits may be admitted by the Administrative Law Judge only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(g) *Official government records.* An official government record or any entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record or by his deputy, accompanied by a certificate that such officer has custody. If the office in which the record is kept is within the United States the certificate may be made by a judge of a court of record in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by any officer in the Foreign Service of the United States stationed in the foreign state or country in which the record is kept and authenticated by the seal of his office. A written statement signed by an officer having custody of an official record or by his deputy, that after diligent search, no record or entry dealing with a specific matter is found to exist, accompanied by a certificate as provided above, is admissible as evidence that the records of his office contain no such record or entry.

(h) *Entries in the regular course of business.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it shall appear that it was made in the regular course of business by a person who had a duty to report or record it.

§ 10.68 Subpoenas.

(a) *Application for and issuance of subpoenas.*—(1) *Application for and Issuance of Subpoena Ad Testificandum.* An application for a subpoena requiring a person to appear and testify (subpoena ad testificandum) may be made, either orally or in writing by any party without notice to other parties. The application shall be made to the Administrative Law

Judge or in the event that the Administrative Law Judge is not available, to the Chief Administrative Law Judge. A subpoena shall be issued upon the request of any interested party upon tender of an original and two copies of such subpoena, except in those situations described in § 10.68(b) where additional requirements are set forth.

(2) *Application for subpoena duces tecum.* An application for a subpoena requiring a person to appear and testify and to produce specified documentary or tangible evidence (subpoena duces tecum) shall be submitted in duplicate and in writing, but need not be served upon all other parties. All such applications shall contain a statement or showing of general relevance and reasonable scope of the evidence sought and shall be accompanied by an original and two copies of the subpoena sought which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible. Notwithstanding the foregoing, for good cause shown application for a subpoena duces tecum may be made orally during the course of a hearing on the record to the Administrative Law Judge. In those situations described in § 10.68(b) additional requirements are set forth.

(3) *Standards for issuance of subpoena duces tecum.* The Administrative Law Judge considering any application for a subpoena duces tecum shall issue the subpoena requested if he is satisfied the application complies with this section and the request is not unreasonable, oppressive, excessive in scope or unduly burdensome. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpoena duces tecum and no detailed or burdensome showing shall be required as a condition to the issuance of any subpoena.

(4) *Denial of application.* In the event the Administrative Law Judge determines that a requested subpoena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpoena, or may issue it only upon such conditions as he determines fairness requires.

(b) *Special requirements relating to application for and issuance of subpoenas for commission records and for the appearance of commission employees or employees of other agencies.*—(1) *Form.* An application for the issuance of subpoena shall be made in the form of a written motion served upon all other parties, if the subpoena would require (i) the production of documents, papers, books, physical exhibits, or other material in the records of the Commission; (ii) the appearance of a Commissioner or an official or employee of the Commission; (iii) the appearance of a Commissioner or an official or employee of any other state or federal agency in his official capacity.

(2) *Content.* The motion shall specifically describe the material to be produced, the information to be disclosed, or the testimony to be elicited from the witness, and shall show (i) the relevance of the material, information, or testimony to the matters at issue in the proceeding; (ii) the reasonableness of the scope of the proposed subpoena; and (iii) that such material, information, or testimony is not available from other sources.

(3) *Rulings.* The motion shall be decided by the Administrative Law Judge or in the event the Administrative Law Judge is not available, by the Chief Administrative Law Judge, and shall provide such terms and conditions for the production of the material, the disclosure of the information, or the appearance of the witness as may appear necessary and appropriate for the protection of the public interest.

(4) *Commission Review of Rulings.* Interlocutory review by the Commission of a ruling made under this section may be sought in accordance with the procedures set forth in § 10.101 without certification by the Administrative Law Judge.

(c) *Motions to quash subpoenas*—(1) *Application.* Any person upon to whom a subpoena has been served may within seven days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the Administrative Law Judge who issued the subpoena, and serve a copy of such motion upon the party requesting the subpoena. The application shall be accompanied by a brief statement of the reasons therefor. If the Administrative Law Judge to whom the motion has been directed has not acted upon the motion by the return date, the subpoena shall be stayed pending his final action.

(2) *Disposition.* After due notice to the person upon whose request the subpoena was issued, and after opportunity for response by that person, the Administrative Law Judge may (i) quash or modify the subpoena, or (ii) condition denial of the application to quash or modify the subpoena upon just and reasonable terms, including, in the case of a subpoena duces tecum, a requirement that the person in whose behalf the subpoena was issued shall advance the reasonable cost of producing documentary or other tangible evidence.

(d) *Attendance and Mileage Fees.* Persons summoned to testify either by deposition or at a hearing under requirement of subpoena are entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. Fees and mileage are paid by the party at whose instance the persons are called.

(e) *Service of subpoenas*—(1) *How effected.* Service of a subpoena upon a party shall be made in accordance with § 10.12(a) of these rules except that only one copy of a subpoena need be served. Service of a subpoena upon any other person shall be made by delivering a copy of the subpoena to him as provided in paragraph (b) or (c) of this section and by tendering to him the fees for one day's attendance and fees and mileage as specified in § 10.64(d) When the subpoena is issued at the instance of the Commission, fees and mileage need not be tendered at the time of service.

(2) *Service upon a natural person.* Delivery of a copy of a subpoena and tender of the fees to a natural person may be effected by (i) handing them to the person; (ii) leaving them at his office with the person in charge thereof or, if there is no one in charge, by leaving them in a conspicuous place therein; (iii) leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; (iv) mailing them by registered or certified mail to him at his last known address; or (v) any other method whereby actual notice is given to him and the fees and mileage are timely made available.

(3) *Service upon other persons.* When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees and mileage may be effected by (i) handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person; (ii) mailing them by registered or certified mail to any such representative at his last known address; or (iii) any other method whereby actual notice is given to any such representative and the fees and mileage are timely made available.

(f) *Enforcement of subpoenas.* Upon failure of any person to comply with a subpoena issued at the request of a party, that party may petition the Commission in its discretion to institute an action in an appropriate United States District Court for enforcement of that subpoena.

§ 10.69 Reopening hearings.

Any party may petition the Administrative Law Judge to reopen a hearing to adduce additional evidence at any time prior to issuance of the initial decision. The petition shall show that the evidence sought to be adduced is relevant and material and that there were reasonable grounds for failure to adduce such evidence at the time of the original hearing.

Subpart F—Post Hearing Procedures; Initial Decisions

§ 10.81 Filing the transcript of evidence.

As soon as practicable after the close of the hearing, the reporter shall transmit to the Hearing Clerk the transcript of the testimony and the exhibits introduced in evidence at the hearing, except such portions of the transcript and exhibits as shall have been delivered to the Administrative Law Judge.

§ 10.82 Proposed findings and conclusions; briefs.

In any proceeding involving a hearing or an opportunity for hearing, the parties may file written proposed findings of fact and conclusions of law. Briefs may be filed in support of proposed findings and conclusions either as part of the same document or in a separate document. Any proposed finding or conclusion not briefed may be regarded as waived.

(a) *Proposed findings and briefs; time for filing.* Where the parties file proposed

findings and briefs, the following schedule shall apply, unless otherwise determined by the Administrative Law Judge:

(1) *Initial submission.* Proposed findings, conclusions and an initial brief shall be served and filed by the Division of Enforcement and intervenors on the side of the Division of Enforcement within 45 days of the close of the hearing:

(2) *Answering submission.* Proposed findings, conclusions, and an answering brief shall be served and filed by the respondents and intervenors on the side of the respondents within 30 days after service of the initial findings, conclusions and briefs upon the respondents;

(3) *Reply.* A reply brief may be filed by the Division of Enforcement and intervenors on the side of the Division of Enforcement within 15 days after filing of the answering submission;

(4) *Submissions by limited participants.* Submissions by a person admitted as a limited participant pursuant to § 10.34 of these rules, are permitted under such terms as determined by the Administrative Law Judge.

(b) *Alternative Procedures for Submissions.* In his discretion the Administrative Law Judge may lengthen or shorten the periods for the filing of submissions, may direct simultaneous filings, may direct that respondents make the first filing, or may otherwise modify the procedures set forth in paragraph (a) of this section for purposes of a particular proceeding.

(c) *Briefs:* (1) The initial brief should include:

(i) A short, clear and concise statement of the case;

(ii) Specification of the questions to be resolved; and

(iii) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question.

(2) The answering brief shall generally follow the same style as prescribed for the initial brief but may omit a statement of the case if the party does not dispute the statement of the case contained in the initial brief;

(3) Reply briefs should be limited to rebuttal of matters in the prior briefs.

(d) *Content and form of proposed findings and conclusions.* (1) The findings of fact shall be confined to the material issues of fact presented on the record, with exact citations to the transcripts of record and exhibits in support of each proposed finding.

(2) The proposed findings and conclusions of the party filing initially shall be set forth in consecutively numbered paragraphs and all counter-statement of proposed findings and conclusions shall, in addition to any other matter, indicate which paragraphs of initial proposals are not disputed.

§ 10.83 Oral arguments.

In his discretion the Administrative Law Judge may hear oral arguments by the parties any time before he files his initial decision with the Hearing Clerk. The argument shall be recorded and transcribed in written form.

§ 10.84 Initial decision.

(a) *When initial decision is required.* The Administrative Law Judge shall make an initial decision in any proceeding in which a hearing is required to be conducted in conformity with the requirements of the Administrative Procedure Act, as codified, 5 U.S.C. 557. He shall make an initial decision in other proceedings in which the Commission directs him to make such a decision.

(b) *Filing of initial decision.* The Administrative Law Judge, within 30 days after the final date allowed for filing proposed findings of fact and briefs, or such other time as may be allowed by the Chief Administrative Law Judge, shall prepare upon the basis of the record in the proceeding and shall file with the Hearing Clerk his decision, a copy of which shall be served by the Hearing Clerk upon each of the parties.

(c) *Effect of initial decision.* The initial decision shall become the decision of the Commission 30 days after service thereof, except:

(1) The decision shall not become final as to any party who shall have filed a notice of appeal pursuant to § 10.102 of these rules; and

(2) The decision shall not become final as to any party to the proceeding if, within 30 days after the initial decision and order, the Commission itself shall have placed the case on its own docket for review or stayed the effective date of the decision.

In the event that the initial decision becomes the final decision of the Commission with respect to a party, that party shall be duly notified thereof by the Hearing Clerk. The notice shall state that the time for filing a notice of appeal by the party has expired, that the Commission has determined not to review the initial decision on its own initiative and shall specify the date on which a final order in the proceeding shall become effective as against that party.

Subpart G—Disposition Without Full Hearing

§ 10.91 Summary disposition.

(a) *Filing of motions, answers.* Any party who believes that there is no genuine issue of material fact to be determined and that he is entitled to a decision as a matter of law may move for a summary disposition in his favor of all or any part of the proceeding. Such motion shall be filed at or before the first prehearing conference or at such later time as may be allowed by the Administrative Law Judge. Any adverse party within 20 days after service of the motion, may serve opposing papers or may countermove for summary disposition.

(b) *Supporting papers.* A motion for summary judgment shall include a statement of material facts as to which the moving party contends there is no genuine issue, supported by the pleadings, and by affidavits, other verified statements, including investigative transcripts, admissions, stipulations, and depositions. The motion may also be supported by briefs containing points and authorities in support of the contention of the party making the motion. When a motion is made and supported as provided in this section, an adverse party may not rest upon the mere allegations, but shall serve and file in response a statement setting forth those material facts as to which he contends a genuine issue exists, supported by affidavits or otherwise. He may also submit a brief of points and authorities.

(c) *Form of Affidavits.* Supporting and opposing affidavits shall be made upon personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify on the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith.

(d) *Oral argument.* Oral argument may be granted at the discretion of the Administrative Law Judge.

(e) *Ruling on motion.* The Administrative Law Judge shall grant a motion for summary disposition if the undisputed pleaded facts, affidavits, other verified statements, admissions, stipulations, and depositions, and matters of official notice show that (1) there is no genuine issue as to any material fact, (2) there is no necessity that further facts be developed in the record, and (3) such party is entitled to a decision as a matter of law.

(f) *Review of ruling; appeal.* An order denying a motion for summary disposition is subject to interlocutory review under the provisions of § 10.101 on the same terms as a ruling on any other motion. An order granting a motion for summary disposition is reviewable by the Commission in accordance with the provisions of § 10.102 relating to appeals of initial decisions.

§ 10.92 Shortened procedure.

(a) *How initiated.* With the consent of the parties, in lieu of a full oral hearing, the Administrative Law Judge may order a shortened procedure as to the submission of direct evidence may be ordered in a proceeding. An order for shortened procedure shall list the names and addresses of all persons who are parties to the proceeding and shall direct compliance with the procedures established in this section. The order shall be served by the Hearing Clerk upon all parties.

(b) *Filing of statements.*—(1) *Opening statement.* Within 20 days after receipt of notice that the shortened procedure will be used, the Division of Enforcement shall serve upon all other parties and file with the Hearing Clerk, in triplicate, an opening statement, in support of the complaint;

(2) *Answering statement.* Within 20 days after receipt of the opening statement of the Division, each respondent may serve upon all other parties and file with the Hearing Clerk, in triplicate, in support of his answer, an answering statement.

(3) *Statement in reply.* Within ten days after receipt of all answering statements, or within ten days after the expiration of the period within which answering statements may be served, the

Division of Enforcement may serve upon all other parties and file with the Hearing Clerk, in triplicate, a statement in reply, which shall be confined strictly to replying to the facts and arguments set forth in the answering statements.

(c) *Joint statements.* Parties having a common interest may serve and file joint statements.

(d) *Failure to file statement.* Any party who, without the express permission of the Administrative Law Judge, should fail to file a statement within the time prescribed by this section after service upon him of an order for shortened procedures shall be in default and shall be deemed to have waived any further hearing.

(e) *Content of statements.* As used in this section, the term "statement" includes (1) statements of fact signed and sworn to by persons having knowledge of those facts; (2) documents filed as part of the proof of the alleged facts (which shall be duly authenticated under oath or otherwise in a manner that would render them admissible in evidence at an oral hearing under the rules in this Part); and (3) briefs containing argument to sustain the contentions of the party submitting the statement.

(f) *Verification.* The facts asserted in any statement filed under shortened procedure must be sworn to by persons having knowledge thereof and, except under unusual circumstances, the persons should be those who would appear as witnesses to substantiate the facts asserted should a full oral hearing become necessary.

(g) *Hearings.*—(1) *Request for cross-examination or other hearings.* If cross-examination is desired of any witness whose affidavit or other verified statement has been submitted, the name of the witness and the subject matter of the desired cross-examination shall be stated at the end of the answering statement or statement in reply as the case may be. Oral hearings under other circumstances may also be requested but will be granted only under exceptional circumstances. Any request filed under this subparagraph shall include a justification of the need for oral hearing.

(2) *Hearings issues limited.* The order setting the proceeding for oral hearing, if hearing is found necessary, will specify the matters upon which the parties are not in agreement and concerning which oral evidence is to be introduced. Unless material facts are in dispute, oral hearing will not be held.

(h) *Subsequent procedure.* Post-hearing procedures shall be the same as those in proceedings in which the shortened procedures have not been followed.

§ 10.93 Obtaining default order.

When a respondent has failed to (a) file an answer as provided in § 10.23 of these rules or (b) failed to appear or file a notice of appearance as provided in § 10.62 of these rules or (c) failed to file a statement under the shortened procedures as provided in § 10.92 of these rules, the Division of Enforcement may move the Administrative Law Judge to enter findings and conclusions and a default order against that respondent based upon the matters set forth in the complaint, which shall be deemed to be true for purposes of this determination.

§ 10.94 Setting aside of default.

In order to prevent injustice and on such conditions as may be appropriate, (a) the Commission may at any time set aside a default order obtained under § 10.93; and (b) the Administrative Law Judge may set aside a default order obtained under § 10.93 at any time prior to filing of his initial decision in a proceeding in which there are remaining respondents. Any motion to set aside a default shall be made within a reasonable time, and shall state the reasons for the failure to file or appear and specify the nature of the proposed defense in the proceeding.

Subpart H—Appeals to the Commission; Settlements

§ 10.101 Interlocutory appeals.

Interlocutory review by the Commission of a ruling on a motion by an Administrative Law Judge may be sought in accordance with the following procedures:

(a) *Scope of review.* The Commission will not review a ruling of the Administrative Law Judge prior to the Commission's consideration of the entire proceeding in the absence of extraordinary circumstances. An interlocutory appeal may be permitted, in the discretion of the Commission, under the following circumstances:

(1) Appeal from an adverse ruling pursuant to § 10.8(b) on a motion to disqualify an Administrative Law Judge;

(2) Appeal from a ruling pursuant to § 10.11(b) suspending an attorney from participation in a particular proceeding.

(3) Appeal from a ruling pursuant to §§ 10.33 and 10.34 denying intervention or limited participation;

(4) Appeal from a ruling pursuant to § 10.68(b) requiring the appearance of an officer or employee of the Commission or another government agency or the production of Commission records;

(5) Upon a determination by the Administrative Law Judge, certified to the Commission either in writing or on the record, that (i) a ruling sought to be appealed involves a controlling question of law or policy; (ii) an immediate appeal may materially advance the ultimate resolution of the issues in the proceeding; and (iii) subsequent reversal of the ruling would cause unnecessary delay for expense to the parties.

(b) *Procedure to obtain interlocutory review.* (1) An Application for interlocutory review may be filed within five days after notice of the Administrative Law Judge's ruling on a matter described in paragraph (a)(1), (a)(2), (a)(3) or (a)(4) of this section or within five days after certification in the manner described in paragraph (a)(5) of this section.

(2) An application for review shall:

(i) Designate the ruling or part thereof from which appeal is being taken;

(ii) Present the points of fact and law relied upon in support of the position taken; and

(iii) Not exceed 15 pages.

(3) Any party that opposes the application may file a response, not to exceed 15 pages, within five days after service of the application.

(4) The Commission will determine whether to grant a review based upon the application for review and the response thereto, without oral argument or further written presentation, unless the Commission shall otherwise direct.

(c) *Proceedings not stayed.* The filing of an application for review and the grant of review shall not stay proceedings before an Administrative Law Judge unless the Administrative Law Judge or the Commission shall so order. The Commission will not consider a motion for a stay unless the motion shall have first been made to the Administrative Law Judge and denied.

§ 10.102 Review of initial decisions.

(a) *Notice of appeal.* Any party to a proceeding may appeal to the Commission an initial decision or a dismissal or other final disposition of the proceeding by the Administrative Law Judge as to any party. The appeal shall be initiated by filing a notice of appeal with the Hearing Clerk within 15 days after service of the initial decision or other order terminating the proceeding. The Hearing Clerk shall serve notice of the filing of a notice of appeal by mailing a copy thereof to each other party.

(b) *Briefs: time for filing.* The appeal shall be perfected through the filing of an appeal brief.

(1) *Appeal brief.* The appeal brief shall be filed within 30 days after filing of the notice of appeal.

(2) *Answering brief.* Within 30 days after service of the appeal brief upon any other party that party may file an answering brief.

(3) No further briefs shall be permitted.

If the appeal brief is not filed within the time specified the opposing party may move for dismissal of the appeal.

(c) *Briefs: number of copies.* An original and 10 copies of all briefs submitted under this § 10.102 shall be filed with the Hearing Clerk.

(d) *Briefs: content and form.* (1) The appeal brief should include, in the order indicated:

(i) A statement of the issues presented for review.

(ii) A statement of the case. The statement shall first indicate briefly the nature of the case. There shall follow a statement of the facts relevant to the issues presented for review, with appropriate references to the record.

(iii) An argument. The argument may be preceded by a summary. The argument shall contain the contentions of the party to the appeal with respect to the issues presented, and the reasons therefor, and citations to supporting authorities, statutes and parts of the record.

(iv) A conclusion stating the precise relief sought.

(2) The answering brief generally shall follow the same style as prescribed for the appeal brief but may omit a statement of the issues or of the case if the party does not dispute the issues and statement of the case contained in the appeal brief.

(3) Any matter not briefed shall be deemed waived, and may not be argued before the Commission.

(e) *Appendix to Briefs.*—(1) *Designation of contents of appendix.* At the time an appellant serves and files its appeal brief, it shall also serve and file a designation of those specific parts of the record to which it wishes to direct the particular attention of the Commission and that it wishes to have included in the appendix, including, but not necessarily limited to, particular pages of the transcript and portions of exhibits filed in the proceeding. If an appellee deems it necessary to direct the particular attention of the Commission to specific parts of the record not designated by any appellant, it shall serve and file with its answering brief a designation of additional portions of the record for inclusion in the appendix. In designating parts of the record for inclusion in the appendix, the principal parts of the record relied upon should be designated, but the parties shall have regard to the fact that the entire record is always available to the Commission for reference and examination, and shall not engage in unnecessary designation. The fact that a part of the record is not included in an appendix shall not prevent any party or the Commission from relying thereon.

(2) *Preparation of the appendix.* Within 15 days after the last answering brief of a party was due to be filed the Office of Hearings and Appeals shall prepare an appendix to the briefs which will contain a list of the relevant docket entries filed in the proceedings before the Administrative Law Judge, the initial decision and order of the Administrative Law Judge, the pleadings filed on behalf of the parties who are participating in the appeal and such other parts of the record designated by the parties to the appeal in accordance with the procedures set forth in paragraph (e)(2) of this section. The Hearing Clerk shall cause one copy of the appendix to be served on each of the parties to the appeal and shall cause ten copies of the appendix to be placed in the docket of the proceeding for the use of the Commission.

(3) *Objections to appendix.* Any party who believes that an error or omission has been made in the preparation of the appendix or that the appendix is misleading, prejudicial or otherwise inadequate may on that basis file a motion with the Chief Administrative Law Judge to amend or supplement the appendix.

§ 10.103 Oral argument before the commission.

(a) *Request.* Any party may file with the Hearing Clerk a request in writing for the opportunity to present oral argument before the Commission, which the Commission may in its discretion grant or deny. A request for oral argument must be made within the time provided for filing the initial briefs.

(b) *Time allowed.* Unless otherwise directed by the Commission, not more than one-half hour will be allowed for oral argument by any participant. Where the same or similar interests are represented by more than one participant, an aggregate of not more than one-half hour will be allowed the interests so represented irrespective of the number of participants, the time to be divided equally among such participants or as they may agree among themselves. In appropriate cases the Commission may, in its discretion, extend, shorten or reallocate the time prescribed herein.

(c) *Reporting and transcription.* Oral arguments before the Commission shall be reported and transcribed in written form unless the Commission shall direct otherwise.

(d) *Commissioners not present at oral argument.* A member of the Commission who was not present at the oral argument may participate in the decision of the proceeding. Any Commissioner participating in the decision who was not present at the argument will review the transcript of argument.

§ 10.104 Scope of review; commission decision.

(a) *Scope of review.* The Commission will ordinarily consider the whole record on review, and base its determination thereon. However, it may limit the issues to those presented in the statement of issues in the brief.

(b) *Decision on review.* On review, the Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision by the Administratve Law Judge and make any findings or conclusions which in its judgment are proper based on the record in the proceeding. The Commission's decision shall be contained in its opinion and order. In the event the Commission is equally divided as to its decision the initial decision will be affirmed, without opinion.

(c) *Contents of Record.* The record of the proceeding before the Commission for final decision shall include:

(1) The complaint, notice of hearing, answers and any amendments thereto;

(2) Any application, motion or objection made during the course of the proceeding, briefs in support thereof, rulings thereon and exceptions thereto;

(3) Any admission or stipulations between the parties, and documents or papers filed in connection with prehearing conferences; and the record of prehearing conferences, if recorded;

(4) The transcript of testimony taken at the hearing, together with exhibits received at the hearing;

(5) Any statements filed under the shortened procedure;

(6) Portions of the official public records of the Commission specified in any of the above;

(7) Any proposed findings of fact, conclusions of law and briefs in support thereof, which were filed in connection with the hearing;

(8) Any written communication accepted by the Administrative Law Judge pursuant to §§ 10.34 and 10.35 relating to limited participation;

(9) The initial decision and the petition for review;

(10) Any other documents which appear on the docket of the proceeding.

§ 10.105 Review by commission on its own initiative.

The Commission may on its own initiative, within 30 days after the initial decision has been served on all parties, direct review of any initial decision of an Administrative Law Judge. The Commission shall determine the scope of the review and the issues which will be considered and make provisions for the filing of briefs and oral argument, if deemed appropriate by the Commission. Notice that the Commission has directed review on its own initiative shall be served on all parties by the Hearing Clerk.

§ 10.106 Reconsideration.

Within 15 days after service of a Commission opinion and order any party may file with the Commission a petition for reconsideration of the opinion and order, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the opinion or order and concerning which the petitioner had no opportunity to argue before the Commission. The filing of a petition for reconsideration shall not operate to stay the effective date of the Commission's order.

§ 10.107 Leave to adduce additional evidence.

Any time prior to issuance of the final decision the Commission may, upon its own motion or upon application in writing by any party, after notice to the parties and an opportunity for them to be heard, reopen the hearing for the reception of further evidence. The application shall show to the satisfaction of the Commission that the additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence at the hearing. The Commission may hear the additional evidence or may refer the proceeding to the Administrative Law Judge for the taking of the additional evidence.

§ 10.108 Settlements.

(a) *When offers may be made.* Parties may at any time during the course of the proceeding propose offers of settlement. All offers of settlement shall be in writing.

(b) *Content of offer of settlement.* Each offer of settlement made by a respondent shall:

(1) Acknowledge service of the Complaint;

(2) Admit the jurisdiction of the Commission with respect to the matters set forth in the Complaint;

(3) Include a waiver of

(i) A hearing,

(ii) All post-hearing procedures,

(iii) Judicial review, and

(iv) Any objection to the staff's participation in the Commission's consideration of the offer;

(4) Stipulate the record basis on which an order may be entered, which may consist solely of the complaint and the findings contained in the offer of settlement; and

(5) Consent to the entry of an order reflecting the terms of settlement agreed upon, including, where appropriate:

(i) Findings by the Commission that the respondent has violated specified provisions of the Act, and

(ii) The imposition of sanctions.

(c) *Submission of offer of settlement.* Offers of settlement made by a respondent shall be submitted in writing to the Division of Enforcement, which shall present them to the Commission with the Division's recommendation. The respondent will be informed if the recommendation will be unfavorable, in which event the offer shall not be presented to the Commission unless the respondent so requests. Any offer of settlement not presented to the Commission shall be null and void with respect to any acknowledgement, admission, waiver, stipulation or consent contained in the offer and shall not be used in any manner in the proceeding by any party thereto.

(d) *Acceptance of offer by the Commission.* The Commission will accept an offer of settlement only by issuing its opinion and order based on the offer. Upon issuance of the opinion and order, the proceeding shall be terminated as to the respondent involved and so noted on the docket by the Hearing Clerk.

(e) *Rejection of offer of settlement; effect of rejection.* When the Commission rejects an offer of settlement, the party making the offer shall be notified of the Commission's action and the offer of settlement shall be deemed withdrawn. A rejected offer of settlement and any documents relating thereto shall not constitute a part of the record in the proceeding; and the offer will be null and void with respect to any acknowledgment, admission, waiver, stipulation or consent contained in the offer and shall not be used in any manner in the proceeding by any party thereto.

The foregoing rules, as well as the Commission's revocation of the rules contained in Part 0 shall be effective on January 16, 1976. The Commission finds that the foregoing action relates solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rules, in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553, are not required. However, the Commission nonetheless encourages interested persons to submit written comments, suggestions, or objections. Materials submitted will be evaluated and considered with a view to amendment in appropriate cases. Comments should be directed to the Commodity Futures Trading Commission, 1120 Connecticut Avenue NW., Washington, D.C. 20036, Attn: Secretariat.

Issued in Washington, D.C. on January 12, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-1165 Filed 1-15-76;8:45 am]

federal register

FRIDAY, JANUARY 16, 1976



PART IV:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

RAIL SERVICE CONTINUATION SUBSIDIES AND MODERNIZATION OF RAIL PROPERTIES

Loan Assistance

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 3, Notice No. 3]

PART 255—ASSISTANCE TO STATES AND LOCAL AND REGIONAL TRANSPORTATION AUTHORITIES IN THE REGION FOR CONTINUATION OF LOCAL RAIL SERVICES UNDER SECTION 402 OF TITLE IV OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Additional Procedures and Requirements Regarding Applications and Disbursement

Procedures and requirements regarding the filing of applications for and disbursement of rail service continuation subsidies under section 402 of the Regional Rail Reorganization Act of 1973, as amended, (45 U.S.C. 762), ("Act"), were published in the FEDERAL REGISTER on January 28, 1975, Federal Regulations (49 CFR Part 255). On August 29, 1975, proposed procedures and requirements concerning loan assistance under section 403 of the Act were published (40 FR 39898). That notice advised that the proposed regulations were modeled after and designed to be used in conjunction with the regulations published under section 402. It also advised that additional procedures and requirements concerning the filing of applications for discretionary assistance under section 402(b)(2) of the Act for acquisition and modernization purposes as enumerated in section 403 would be published shortly. These amendments fulfill that announcement and make certain other changes and clarifications of a minor or procedural nature.

Pursuant to section 402(b)(2) of the Act, the Administrator of the Federal Railroad Administration ("Administrator") is authorized to permit the use of discretionary funds for section 403 purposes. That section provides for Federal assistance for applicants, eligible under section 402 of the Act, for the acquisition or modernization or both of rail properties of a railroad under section 304(c)(2)(C) of the Act or other lawful authority. The United States Railway Association (USRA) is to provide loan assistance for up to 70 percent of the total cost of acquisition or modernization or both under section 403, and the Administrator may permit use of discretionary funds under section 402(b)(2) to provide up to 70 percent of the remaining portion of the purchase price of such rail properties and of the cost of modernizing such rail properties. In addition, where no loan funds under section 403 are provided, the Administrator may permit use of section 402 discretionary funds to assist an applicant in acquiring and modernizing lines under section 304(c)(2)(C) of the Act or other lawful authority. In accordance with the limitations contained in the third sentence of section 402(a) of the Act, the Federal share of the cost of such acquisition or modernization or both with discretionary funds shall be not more than 70 percent. However, it may be less. In addition, in reviewing requests for assistance under section 402(b)(2), the Administrator will continue to give consideration to the general set of priorities established in § 255.7(b) of these regulations.

Thus, the amendments to Part 255 of this title reflect the use of section 402(b)(2) discretionary assistance for section 403 purposes and also reflect other technical and procedural changes.

Section 255.1 of this part is amended by adding language to the definition of "rail service continuation subsidies" to clarify administration policy that interest for the use of working capital will not be paid where assistance is provided by reimbursement rather than by advance or concurrent payment. This provision offers grantees the necessary flexibility to schedule disbursement of funds to operators of subsidized rail service so as to avoid a situation wherein the operators of such rail service would include interest as an "avoidable cost" (in accordance with 49 CFR Part 1125) which would reduce the amount of funds available. Therefore, such costs are not eligible for Federal assistance.

Section 255.7 is amended to add a new paragraph (f) to authorize inclusion of program operation costs in accordance with Federal Management Circular 74-4 (34 CFR Part 255).

Section 255.11 is amended by excepting from the requirements of paragraph (b) thereof applications under section 402(b)(2) for funds for section 403 purposes, redesignating paragraphs (c) and (d) as paragraphs (d) and (e) respectively, and adding a new paragraph (c) governing applications for section 402(b)(2) funds for section 403 purposes. New paragraph (c) provides that such applications shall be made pursuant to the requirements of new Part 257 governing applications for section 403 loan assistance for acquisition or modernization or both, except that certain requirements concerning repayments, guarantees, and requirements of USRA, which are not pertinent to grant applications, are excluded and the term "loan" is construed to mean "grant" throughout. The section is further amended to clarify that there must be compliance with the fiscal control and accounting procedures of § 255.11(b)(9) before funds are disbursed by FRA.

In accordance with subsection 102(2)(C) of the National Environmental Policy Act of 1969, paragraph 7(g) of DOT Order No. 5610.1B (39 FR 35234, September 30, 1974) requires the preparation of either an environmental impact statement for every major recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human environment or a negative declaration for every Federal action not significantly affecting the human environment. The Administrator has determined that the section 402 program will not have a significant impact on the quality of the human environment. A negative declaration has been prepared pursuant to this determination and is available to the public upon request. Therefore, applicants for section 402 financial assistance are not required to prepare or submit data on the environmental impact of the projects proposed in the applications. A new § 255.12 is added to reflect this determination.

Section 255.13 is amended to provide that a grantee of Federal assistance pursuant to section 402 may receive such assistance by advance payment as well as by reimbursement to continue the local rail services described in the application.

Persons, organizations and governmental entities may submit written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street, SW., Washington, D.C. 20590. These materials will be available for examination by interested persons between 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal holidays. The materials must be received on or before February 3, 1976. Materials thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, these amendments shall remain in effect, thus permitting the public business to proceed more expeditiously.

One other point should be noted. There are now pending before Congress a number of proposed changes in the Local Rail Services Program. Should these changes be enacted into law, appropriate changes will be made in these regulations.

Accordingly, under the authority contained in section 402(d) of the Act and the delegation of authority from the Secretary (49 CFR 1.49(q)), these amendments are hereby issued regarding the filing of applications for and disbursement of discretionary assistance under section 402(b)(2) of the Act to enable States and local and regional transportation authorities to acquire and modernize rail properties. Since the material contained herein relates to a grant program of the Federal Railroad Administration ("FRA"), the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

In consideration of the foregoing, Part 255 of Chapter II of Title 49 of the Code of Federal Regulations, is amended as follows:

1. In § 255.1(m) is amended by striking the period at the end thereof and adding the following:

§ 255.1 Definitions.

* * * * *

(m) * * * *Provided, however,* That, regardless of the provisions of the RSPO Standards contained in 49 CFR 1125.5 (m), subsidy reimbursements shall not include interest payments covering the use of working capital during the operating period.

2. In § 255.7, a new paragraph (f) is aded to read as follows:

§ 255.7 Rail Service Continuation Assistance.

* * * * *

(f) *Program Operation Costs.* Applications for basic entitlement funds and for discretionary assistance may include as an element in the program such program operation costs as are allowable in accordance with Federal Management Circular 74-4 (34 FR, Part 255). The federal share of such costs shall be the same as for the other program elements in the application except that such share shall not exceed five (5) per cent of the aggregate funds otherwise received by the State under section 402 of the Act.

3. In § 255.11 paragraph (a) is amended by adding a new sentence at the end thereof; paragraph (b) is amended by inserting in the first sentence thereof new language in parentheses after the word "assistance"; paragraphs (c) and (d) are redesignated as (d) and (e) respectively, and a new paragraph (c) is added, to read as follows:

§ 255.11 Applications.

(a) * * * Therefore, applications shall be submitted only for those lines and related facilities and those improvements specifically identified for financial assistance in the State Rail Plan, including, where appropriate, amendments thereto.

(b) *Contents.* Each application for assistance (except applications under section 402(b)(2) for discretionary assistance for section 403 purposes which shall be governed by the provisions of paragraph (c) of this section) shall include:

* * * * *

(c) *Applications for discretionary assistance for Section 403 Purposes.* Each application for discretionary assistance under section 402(b)(2) for section 403 purposes shall comply with the requirements contained in part 257 of this chapter, except § 257.1(j) as it relates to the guarantee of a loan; §§ 257.5(a)(4), 257.5(b)(4), and 257.7; §§ 257.9(e)(6)(vii) and 257.9(e)(6)(viii), as they relate to the repayment of loan assistance; §§ 257.9(e)(6)(x) and 257.13(a) as those sections relate to the requirements of the Association; and § 257.11; and in all other respects, in each instance where the word "loan" appears it shall be construed to mean "grant". Exhibits previously filed with the State Rail Plan or pursuant to an application under this Part or Part 257 of this chapter need not be refiled except that such prior filing shall be appropriately referenced.

* * * * *

4. Part 255 is further amended by adding a new § 255.12 to read as follows:

§ 255.12 Environmental impact statement.

The Administrator has determined that the section 402 program does not significantly affect the quality of the human environment. Therefore, applicants for financial assistance pursuant to section 402 are not required to prepare or submit an environmental assessment.

5. In § 255.13 paragraphs (a) and (b) are amended to read as follows:

§ 255.13 Disbursement of Rail Service Continuation Assistance.

(a) *Rail Service Continuation Subsidies.* (1) After receipt, review and approval of an application meeting the requirements of § 255.11, the Administrator will enter into a grant agreement with a grantee for the Federal share of the estimated amount of subsidy necessary to continue the service described in the application. Such payments to grantees may be made either in advance by a letter-of-credit or a Treasury check, or by reimbursement.

(2) To be eligible for advance payments, the grantee must demonstrate, to the satisfaction of the Administrator, a willingness and an ability to establish procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. In addition, the financial management system of the recipient must provide for effective control over and accountability for all Federal funds. If the grantee is not eligible for advance payments or elects not to receive such payments, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter.

(3) A letter-of-credit will be used when the rail service continuation subsidy assistance is expected to be provided by FRA for a minimum of one (1) year, and involves or is expected to involve annual advances aggregating at least $250,000. Otherwise, advances will be made only by Treasury check.

(4) The grant agreement referred to in subparagraph (1) of this paragraph and the estimated amount of subsidy required in § 255.11(b)(6) may be revised to reflect information provided in the "Financial Status Report" filed in accordance with § 1125.8(f) of this title entitled "Standards for Determining Rail Service Continuation Subsidies," published by the Office January 8, 1975 (40 FR 1635).

(5) The settlement under the grant agreement shall be made on the basis of a Federal audit which has determined the actual revenues, costs, and rate of return over the entire term of the agreement: *Provided however,* That any additional payments of Federal assistance may not be made unless (i) the Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its subsidy program; (ii) the required State or local matching funds are available; (iii) the necessary Federal funds are available; and (iv) the parties execute a grant agreement or grant agreement amendment for the additional funds determined due. A Federal audit may also establish that a portion of the grant assistance received by the grantee must be refunded to FRA. Such refunds shall be made as part of the settlement process.

(b) *Rail service acquisition and modernization assistance.* After receipt, review, and approval of an application for acquisition or modernization assistance or both under subsection 402(b)(2) of the Act which meets the applicable requirements of Part 257 of this chapter, the Administrator will enter into a grant agreement for the appropriate Federal share of the allowable costs of acquisition or modernization or both as determined by the Administrator. The terms of payment of the Federal share shall be set forth in the grant agreement which may be in the form of either advance payments or reimbursements, in accordance with paragraph (a) of this section.

(49 U.S.C. 1651 et seq; 49 CFR 1.49(q))

Issued in Washington, D.C., on January 13, 1976.

ASAPH H. HALL,
Administrator.

[FR Doc.76-1422 Filed 1-15-76;8:45 am]

PART 257—ACQUISITION AND MODERNIZATION LOAN ASSISTANCE

On August 29, 1975 there was published in the FEDERAL REGISTER (40 FR 39898) a notice of proposed rulemaking with respect to the filing of applications for loans for acquisition or for loans or the guarantee of loans for modernization of rail properties under section 403 of the Regional Rail Reorganization Act of 1973, as amended ("Act"), 45 U.S.C. 763. The Secretary of Transportation, by delegation of authority dated September 24, 1975 (40 FR 43901), has delegated his authority with respect to this section to the Administrator of the Federal Railroad Administration ("Administrator").

This amendment to title 49 of the Code of Federal Regulations, adding a new Part 257, authorizes the Administrator to direct the United States Railway Association ("Association") to provide to a State or a local or regional transportation authority in the region loans for acquisition or loans or the guarantee of loans for modernization of rail properties. Loans under subsection 403(a) of the Act may not exceed 70 percent of the purchase price of the rail properties. Loans or the guarantee of loans under subsection 403(b) of the Act may not exceed 70 percent of the cost of modernizing such rail properties to a condition that will enable safe and efficient rail transportation operations over such rail properties.

As previously noted, proposed procedures and requirements regarding the filing of applications for and disbursement of acquisition and modernization loan assistance were published in the FEDERAL REGISTER on August 29, 1975. Numerous persons, organizations, and governmental entities filed comments in response to this publication, and each comment was given due consideration by the Federal Railroad Administration ("FRA").

The following were the principal issues subject to comments: (1) Eligibility of rail properties previously purchased by applicants, (2) definitive criteria for public participation, (3)

availability of section 403 assistance for new projects not included in the State Rail Plan prepared pursuant to section 402, although consistent with it, and for privately-owned lines, and for such projects as are contemplated by sections 206 (c)(1)(E) and 304(b)(2) of the Act, (4) review of applications within a time certain and if disapproved, review of decision, (5) terms of loans, (6) agency policy with respect to loan guarantees, (7) interpretation of "other lawful authority" in sections 257.3 and 5, (8) criteria and standards for the use of discretionary funds under section 402(b)(2) of the Act for acquisition and modernization, (9) definition of "adequate" and the nature of the investigation programs contemplated in § 257.9(e)(8), (10) deadline to submit applications, (11) application of OMB Circular A–95 (clearinghouse reviews) to loan application process, and (12) the nature of the requirements in section 257.9, particularly such matters as are required in section 257.9(e)(6) (iv) and (v). Each of these issues is discussed below.

There was a comment on the provisions in the proposed regulations that loan assistance is available under proposed § 257.3 only to applicants for acquisition and modernization or both who have made an offer to purchase pursuant to section 304(c)(2)(C) of the Act or other lawful authority and would not be available to those States which already owned rail property. The Comptroller General of the United States has ruled (40 Comp. Gen. 615, 45 Comp. Gen. 515), with respect to reimbursement for prior expenditures, that unless the legislation or legislative history so permits, there is no authority to reimburse States for obligations incurred or expenditures made by States prior to the date appropriations become available to make contributions to the States. The legislative history of the Act does not indicate that Congress intended that there be an exception to the rulings of the Comptroller General where the transaction has been completed and the expenditures made by the State. However, under section 402(b) modernization assistancef or previously-acquired lines may be provided.

With respect to public participation, FRA has provided that the application for assistance under this part must be consistent with the State Rail Plan developed pursuant to section 402(c) of the Act and the State Rail Plan must include public participation. Such public participation must be adequate, in light of the circumstances of that proceeding, to assure that the interested members of the public, have the opportunity on a timely basis to participate in the proceedings. In order to assure public participation in local rail assistance programs, projects that are not included in the State Rail Plan prepared pursuant to section 402 are not eligible for assistance pursuant to this part. However, the Plan may be amended pursuant to the procedures set forth in Part 255 to include new projects. With respect to privately-owned lines, it should be noted that, while assistance under this part is not available unless the line is both acquired by an eligible applicant under section 304(c)(2)(C) of the Act or other lawful authority and included in the State Rail Plan, subsidies under section 402 may be provided if the privately-owned lines are eligible under section 402(c)(2) of the Act, and such subsidies may include necessary improvement and maintenance assistance for tracks and related facilities in accordance with the Regulations of the Rail Services Planning Office (RSPO) (49 CFR 1125.3 and 1125.5). In addition, projects contemplated by sections 206(c)(1)(E) and 304(b)(2) of the Act are beyond the scope of the present statute.

It was suggested that § 257.9(g) be amended to provide for a review of applications within a time certain and that if an application is disapproved, the rules should contain procedures by which a formal review of the Administrator's decision may be obtained. Administratively, since the applicants will apply on different dates, it is not possible for FRA to respond to all applications at the same time. With respect to review of disapprovals, because final determinations are by law in the Administrator's discretion, and the review process will require informal staff work with the applicants to help correct any insufficiencies in the application, a formal review process is inappropriate in this situation.

One State suggested that FRA make the terms of a loan known in a timely manner to the applicant since the terms may have an effect on the State Rail Plan. The Association will negotiate loan terms on a case by case basis in coordination with FRA. This will be necessary because the ability of each applicant to repay will vary with the circumstances. The interest rates will be set by Treasury under section 211(c) of the Act; but it is anticipated that the rates will be based on the rate at which the Association borrows its funds from the Federal Financing Bank, with an appropriate administrative fee, and will vary from time to time. We have been advised by the Association that it will publish its procedural regulations shortly to conform to these Regulations.

One State commented that the Association does not appear to have the authority to adopt a policy of refusing to guarantee loans to eligible applicants. This question was addressed in the notice of proposed rulemaking. The proposed regulations recognize the availability of a guarantee of a loan with respect to modernization, but explain that, since the interest rate would be higher than the rate on a direct loan from the Association, a loan guarantee may be less advantageous. It was further explained that a guarantee of a loan would reduce the total amount of Federal funds available for section 403 purposes to the same extent as a direct loan.

The words "other lawful authority" were not defined or explained in the legislative history of the Act. Accordingly, we must rely exclusively on the context in which the words are used for their meaning. In our view, they simply mean that where the properties are legally and properly acquired by an eligible applicant other than as a result of an offer under section 304(c)(2)(C) of the Act (i.e. other than in an attempt to prevent a discontinuance or abandonment under section 304 of the Act), such properties are acquired pursuant to "other lawful authority" within the meaning of the Act.

It was suggested that an explanation be given of the conditions under which section 402 discretionary funds may be used to pay up to 70 percent of the 30 percent non-loan portion for acquisition and modernization under section 403 of the Act. Discretionary funds are made available at the discretion of the Administrator, to the States in the region, contiguous States in the region and local and regional transportation authorities. Such funds will be used first to meet any deficiencies in the basic entitlement funds. In addition, they will be available in accordance with the general priorities set forth in § 255.7(b) of the section 402 regulations (49 CFR 255.7(b)) which provide that use for this purpose is a lower priority.

Clarification was sought as to the definition of the word "adequate" (in relation to developing, promoting, supervising, and supporting rail services) in § 257.9(e)(8) and the nature of "investigative programs" contemplated. The word "adequate" is to be taken in conjunction with the words "safe" and "efficient" in reference to rail services and will be determined on a case by case basis in light of the particular circumstances. In connection with the words "investigation, research, promotion and development" the word "adequate" is concerned with the administrative and technical controls, including audit, as provided in Federal Management Circulars FMC–74–4 and 74–7 (34 CFR Parts 255 and 256) and the FRA Title IV Program Manual. The applicant must comply with the referenced requirements in order to carry out the program effectively. Since the complexity of the program will vary between applicants, adequacy of program compliance can only be ascertained again on a case by case basis, as determined by FRA.

It was noted that there is no mention of a deadline for section 403 applications. The timing for applications and provision for formal review are addressed in the Title IV Program Manual of November 10, 1975. Because of the tight schedule, the Manual encourages applicants to submit applications for discretionary assistance no later than 60 days from the effective date of the Final System Plan, that is by January 8, 1976.

With respect to OMB Circular A–95, because the application must be consistent with the State Rail Plan, it is not necessary that it be subject to the A–95 clearinghouse process. The intent of OMB Circular A–95 is to have the Governor or his delegate review and comment on proposed projects for the State. The State Rail Plan includes all projects and lines for which assistance is re-

quested and must be approved by the Governor or his delegate.

There were many comments on § 257.9. It was suggested that the requirements in § 257.9(e)(6) are too demanding and that subparagraphs (iv) and (v) pertain to the internal decision making process of the State. The intent of the subsections is to assure that the applicant goes through comparable program steps in its determinations hereunder as under the section 402 program. In view of the statutory requirements that only those applicants who qualify for assistance under section 402 may apply under section 403, and in view of the obligations of the applicants under section 205(d)(4) of the Act with respect to the subsidy program (the provisions of which are incorporated in Phase II of the State Rail Plan), we believe that a comprehensive planning and analysis requirement is needed to an even greater degree here where acquisition and modernization necessitate long term commitments and involvements. In addition, in many cases applicants will have completed these steps in developing a State Rail Plan pursuant to the section 402 subsidy program.

FRA is making technical and clarifying changes to the proposed rules to, among other things, conform them to the Regulations under Part 255.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended by adding a new Part 257, to read as follows:

Sec.
257.1 Definitions.
257.3 Applicability.
257.5 Eligibility.
257.7 Loan assistance.
257.9 Applications.
257.11 Loan assistance agreements.
257.13 Record, audit and examination.
257.15 Waivers and modifications.
APPENDIX A—Certificate.
APPENDIX B—Inclusion of Specific Jurisdictions.

AUTHORITY: Secs. 402, 403, Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 762, 763 (1975)); regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(q).

§ 257.1 Definitions.

As used in this part—

(a) "Act" means the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 701 et seq.).

(b) "Administrator" means the Federal Railroad Administrator or his or her delegate.

(c) "Acquisition" means the purchase of rail properties under subsection 304(c)(2)(C) of the Act or other lawful authority.

(d) "Applicant" means the designated State agency of a State in the region or of a contiguous State, or a local or regional transportation authority in the region, which has submitted an application and meets the following requirements:

(1) If a designated State agency, the State must have established a State Rail Plan for rail transportation and local rail services which meets the requirements of § 255.9 of this chapter and which is administered or coordinated by a designated State agency, and such plan provides for the equitable distribution of loan assistance among State, local and regional transportation authorities; and

(2) If a local or regional transportation authority, its application is consistent with an approved State Rail Plan.

(e) "Association" means the United States Railway Association.

(f) "Commission" means the Interstate Commerce Commission.

(g) "Contiguous States" means a State which is contiguous to a State in the region which has a portion of its territory located in the region as determined by Ex Parte Order 293 of the Commission.

(h) "Designated State agency" means the State agency designated in the State Rail Plan to administer or coordinate that plan as provided in subsection 402(c)(1) of the Act and paragraph (a)(1) of § 255.5 of this chapter: *Provided,* That with respect to a contiguous State, the designtaed State agency may be either a State agency or a local or regional transportation authority.

(i) "Final System Plan" means the plan of reorganization for the restructuring, rehabilitation, and modernization of railroads in reorganization prepared under section 206 and approved under section 208 of the Act.

(j) "Loan assistance" means a loan for acquisition or modernization purposes or the guarantee of a loan for modernization purposes.

(k) "Modernization" means to upgrade rail properties included in the State Rail Plan to a condition that enables safe and efficient rail transportation operations over such rail properties.

(l) "Rail properties" means assets or rights which are used or useful in rail transportation service.

(m) "Rail service continuation subsidies" means subsidies calculated in accordance with the provisions of subsection 205(d)(3) of the Act to cover the costs of operating adequate and efficient rail service in the region, including where necessary, improvement and maintenance of tracks and related facilities.

(n) "Region" means the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia; the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions (as determined by the Commission by order described in Appendix B to this part).

(o) "State" means any State or the District of Columbia.

(p) "State in the region" means the States enumerated in subsection 102(13) of the Act.

(q) "State Rail Plan" means the plan developed in accordance with § 255.9 of this chapter: *Provided,* That with respect to a contiguous State the approved State Rail Plan may be limited to that portion of the State which is within the region.

§ 257.3 Applicability.

Loan assistance is available under this part only for acquisition or modernization or both of rail properties for which the applicant has made an offer to purchase pursuant to section 304(c)(2)(C) of the Act or other lawful authority.

§ 257.5 Eligibility.

(a) An applicant is eligible to receive loan assistance under section 403(a) of the Act for acquisition of rail properties if the applicant:

(1) Has made an offer to purchase rail properties of a railroad under subsection 304(c)(2)(C) of the Act or other lawful authority;

(2) Has authority to acquire rail properties and to apply for and obtain loan assistance for the acquisition of the rail properties it has offered to purchase;

(3) Has submitted an application which meets the requirements of § 257.9; and

(4) Has entered into an agreement for loan assistance in accordance with § 257.11.

(b) An applicant is eligible to receive loan assistance under section 403(b) of the Act for modernization of rail properties if the applicant:

(1) Has purchased, or will purchase prior to a receipt of the loan assistance, the rail property pursuant to an offer to purchase made under section 304(c)(2)(C) of the Act or other lawful authority;

(2) Has authority to modernize rail properties and to apply for and obtain loan assistance for modernization of the rail properties it seeks to modernize under this section;

(3) Has submitted an application which meets the requirements of § 257.9; and

(4) Has entered into an agreement for loan assistance in accordance with § 257.11.

§ 257.7 Loan Assistance.

(a) Loan assistance under section 403 of the Act is to be used solely for the acquisition or modernization or both of those rail properties included in the State Rail Plan.

(b) The Administrator may direct the Association to provide loan assistance for up to 70 percent of the total costs for acquisition or modernization or both of the rail properties for which loan assistance is sought.

(c) Each applicant shall provide as the non-loan portion the balance of the total cost of acquisition or modernization or both of rail properties for which the loan assistance is sought. However, with the approval of the Administrator, funds available under section 402(b)(2) of the Act and § 255.7(b)(1)(iv) of this chapter may be used to provide up to 70 percent of the non-loan portion required under this paragraph. In addition, a State or a local or regional transportation authority may obtain its non-loan portion from shippers or other available sources except that the applicant's share may not be augmented by

any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-federal share of a federally subsidized program with these funds.

§ 257.9 Applications.

(a) *Coordination.* To ensure coordination with appropriate State agencies, each application for loan assistance must be submitted by or under the coordination of the designated State agency and must be consistent with the approved State Rail Plan. Therefore, applications shall be submitted only for those lines and related facilities and those modernization projects specifically identified for financial assistance in the State Rail Plan, including, where necessary, amendments thereto.

(b) Loan assistance may be sought and a single application may be submitted for the following:

(1) Acquisition of a rail property or properties;

(2) Modernization of a rail property or properties; or

(3) Acquisition and modernization of the same rail property or properties.

(c) Each application must include for each property to be purchased with the requested loan assistance:

(1) A copy of the offer to purchase and, if the offer to purchase was made under subsection 304(c)(2)(C) of the Act, a copy of the offer of a rail service continuation subsidy as required by subsection 304(d) of the Act; and

(2) The information required under paragraph (e) of this section.

(d) Each application must include for each property to be modernized with the requested loan assistance:

(1) Evidence that the applicant has purchased or will purchase prior to receipt of any modernization assistance, the rail propetry for which loan assistance is sought pursuant to an offer to purchase under section 304(c)(2)(C) or other lawful authority prior to the receipt of any modernization assistance; and

(2) The information required under paragraph (e) of this section.

(e) In addition to the requirements of paragraph (c) or (d) or both of this section, each application for loan assistance must contain the following:

(1) The full and correct name and principal business address of the applicant;

(2) The name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) A detailed description of the rail properties for which loan assistance is sought, together with a map of those rail properties, and certification by the chief executive officer of the applicant as to their inclusion in the State Rail Plan;

(4) Evidence of review and coordination within the State in accordance with the applicable sections of the approved State Rail Plan;

(5) A description of the steps necessary, and the cost and timing thereof, for acquisition or modernization or both of rail properties for the current calendar year and each succeeding year until completion;

(6) A detailed description of the program for acquisition or modernization or both which the applicant plans to accomplish including (i) the goals and related objectives which the program is designed to achieve, including a description of the rail service to be provided over the rail properties acquired or modernized with loan assistance, (ii) an itemization of the proposed use of loan proceeds by general category, (iii) the maintenance level which the applicant believes necessary to maintain safe and efficient rail transportation operations and the cost of providing maintenance at that level, (iv) the criteria and priorities (and their application to the analysis of the alternatives) which the applicant used in making determinations with respect to the program, and a description of the alternatives which the applicant considered, including subsidy, discontinuance and abandonment of service, use of alternative modes of transportation, and other pertinent alternatives, (v) an analysis of the alternatives evaluated by the applicant including explicit consideration of those factors listed in paragraph (b)(2)(iv) of § 255.9 of this chapter, (vi) the proposed source of the non-federal share, (vii) the proposed method and timing of repayment of loan assistance, including an itemization of revenue sources from which repayment will be made and indication of any revenue authority granted to the applicant, (viii) projected financial statements for the first five years of operation showing in detail revenues and expenses of the proposed rail service, (ix) the proposed method of financing the operation of such rail services, and (x) any additional financial or supporting data as requested by FRA or the Association;

(7) Satisfactory written assurance that the applicant has established such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under section 403 of this Act;

(8) Written evidence that the applicant has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and maintains or will maintain adequate programs of investigation, research, promotion, and development with provisions for public participation;

(9) An opinion of the counsel for the applicant showing that he or she is familiar with the corporate or other organizational powers of the applicant and that the applicant has the authority to apply for and obtain a loan for acquisition or modernization or both of the rail properties for which loan assistance is sought and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(10) Certification that the applicant is in compliance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq. ("Civil Rights Act"), and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation ("Civil Rights Regulations"), and other pertinent directives, and that, in accordance with the Civil Rights Act, the Civil Rights Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, religion, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Program or activity for which the applicant receives loan assistance and the applicant will promptly take any measures necessary to effectuate these requirements; and

(11) Such other information as the Administrator may require.

(f) *Execution and Filing of Application.* (1) Each original application must bear the date of execution and be signed by the chief executive officer of the applicant. The chief executive officer required to execute the application shall execute a certificate in the form of Appendix A to this part. (2) Each original application and certificate, and nine copies thereof, must be filed with the Administrator of the Federal Railroad Administration, Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590, provided, however, that any exhibit previously filed under the State Rail Plan or under an application under section 402 of the Act need not be in the application under this Part but shall be referenced therein.

(g) *Review and Approval of Applications.* Applications for loan assistance must be submitted to the Administrator for review and approval. If the Administrator approves an application, the applicant will be notified in writing. If the Administrator disapproves all or part of an application, the applicant will be notified in writing of the reasons for such disapproval. These reasons may include, insufficiency of the application, inconsistency with the approved State Rail Plan, or insufficiency in the amount of available funds.

§ 257.11 Loan Assistance Agreements.

After receipt, review, and approval of an application meeting the requirements of § 257.9, the Administrator will direct the Association to provide loan assistance for acquisition or modernization or both under section 403 of the Act. Loan assistance will be provided in accordance with loan assistance agreements under the Association's regulations describing its procedures for such assistance.

§ 257.13 Record, Audit, and Examination.

(a) Each recipient of loan assistance under this part shall keep such records, in addition to those required by the Association, as the Administrator may prescribe, including records which fully disclose the amount and disposition by the recipient of the loan assistance, the total

cost of the project or undertaking in connection with which the loan assistance was used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of 3 years after completion of the project or undertaking referred to in paragraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator or the Comptroller General may be related or pertinent to the loan assistance referred to in such paragraph.

§ 257.15 Waivers and Modifications.

The Administrator may upon good cause shown, waive or modify any requirement of this part not required by law, or make any additional requirements he deems necessary.

Issued in Washington, D.C., on January 13, 1976.

ASAPH H. HALL,
Administrator.

APPENDIX A—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application.

(Name of Person) certifies that he or she is the chief executive officer of (Name of Agency) that he or she is authorized to sign and file with the Federal Railroad Administrator this application; that he or she has carefully examined all of the statements contained in the application relating to (Name of Agency); that he or she has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

---------- ----------
(Date) (Signature)

Subscribed and sworn to before me the ------ day of ----------, 19-----.

APPENDIX B

By order dated January 23, and supplemental order dated May 23, 1974, [Ex Parte No. 293, and Northeastern Railroad Investigation (Definition of the Midwest and Northeast Region)] the Commission has included, in addition to the jurisdictions specifically named, the following: (1) Points in Kentucky in the Louisville, Kentucky, Standard Metropolitan Statistical Area as used in the latest national census; (2) Points in Missouri in the St. Louis, Missouri, Standard Metropolitan Statistical Area as used in the latest national census; and (3) Kewaunee and Manitowoc, and the Port of Milwaukee, Wisconsin.

[FR Doc.76-1421 Filed 1-15-76;8:45 am]

federal register

FRIDAY, JANUARY 16, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon 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 orginal General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK75–5134	Nov. 7, 1975.
Arkansas:	
AR75–5074	June 20, 1975.
California:	
CA75–5151	Jan. 5, 1976.
Florida:	
FL75–1075	Aug. 15, 1975.
Louisiana:	
AR75–5074	June 20, 1975.
LA75–4200	Dec. 5, 1975.
Mississippi:	
AR75–5074	June 20, 1975.
New Hampshire:	
NH75–2096; NH75–2097; NH 75–2098; NH75–2099.	July 18, 1975.
Pennsylvania:	
PA75–3082; PA75–3083; PA 75–3084; PA75–3085; PA 75–3086.	Aug. 22, 1975.
PA75–3087	Aug. 29, 1975.
Tennessee:	
AR75–5074	June 20, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AL75–1043 (AL76–1009)	Apr. 4, 1975.
Arkansas:	
AR75–4073 (AR76–4006)	Do.
AR75–4082 (AR76–4005)	Apr. 18, 1975.
AR75–4083 (AR76–4007)	Apr. 25, 1975.
AR75–4084 (AR76–4003)	May 3, 1975.
AR75–4134 (AR76–4004)	July 25, 1975.
Minnesota:	
AR–3166 (MN76–2001)	Nov. 8, 1975.
Montana:	
MT75–5125 (MT76–5006)	Oct. 10, 1975.
Nevada:	
NV75–5057 (NV76–5005)	May 9, 1975.
NV75–5095 (NV76–5002); NV 75–5096 (NV76–5003); NV 75–5097 (NV76–5004)	Aug. 1, 1975.
Oklahoma:	
OK75–4016 (OK76–4001); OK 75–4017 (OK76–4002)	Jan. 17, 1975.
Oregon:	
OR75–5133 (OR76–5001)	Nov. 14, 1975.
Tennessee:	
AQ–4061 (TN76–1010)	Jan. 25, 1975.
TN75–1052 (TN76–1013)	May 30, 1975.
TN75–1108 (TN76–1012)	Nov. 14, 1975.
Washington, D.C.:	
DC75–3099 (DC76–3000)	Sept. 26, 1975.

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

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. AK75-5134 - Mod. #2
(40 FR 52248 - November 7, 1975)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
CARPENTERS:					
Area I					
Carpenters	$14.03	.60	1.50		.15
Powder actuated tool operator; DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work Applicators; Nailing Machine Operator; Saw Filer	14.25	.60	1.50		.15
Millwrights	14.31	.60	1.50		.15
Piledrivermen	14.42	.60	1.50		.15
Areas II and III	13.67	.60	1.50		.15
Carpenters	13.46	.60	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Flood Workers	13.84	.60	1.50		.15
Millwrights	13.99	.60	1.50		.15
Piledrivermen	13.67	.60	1.50		.15

DECISION NO. AR75-5074 - Mod. #1
(40 FR 26189 - June 20, 1975)
Arkansas, Louisiana, Mississippi and Tennessee

Change:					
Laborers:					
Unskilled	$ 2.30				
Revetment and dikes	2.30				

DECISION NO. CA75-5151 - Mod. #1
(41 FR 935 - January 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, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Tow Boats (Dredging):					
Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water born craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhand/Mechanic					
Area 1	$ 9.15	.64	$ 1.36	$ 1.08	
Area 2	9.65	.64	1.36	1.08	
Area 3	9.90	.64	1.36	1.08	
Area 4	10.15	.64	1.36	1.08	
Operator/Mechanic; Watch Engineer					
Area 1	10.20	.66	1.36	1.00	
Area 2	10.70	.66	1.36	1.00	
Area 3	10.95	.66	1.36	1.00	
Area 4	11.20	.66	1.36	1.00	

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

MODIFICATIONS P. 3

DECISION #FL75-1075 - Mod. #1 (40 FR 34556-August 15, 1975) Hillsborough County, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers:					
Bricklayers	$9.15	.30	.50		.05
Stonemasons	9.15	.30	.50		.05
Marble masons	9.15	.30	.50		.05
Terrazzo workers	9.15	.30	.50		.05
Tile setters	9.00	.30	.50		.05
Cement masons	8.55	.30	.50		.05
Cement block layers	9.15	.30	.50		.05

MODIFICATIONS P. 4

DECISION NO.NH75-2096- Mod #2 (40 FR 30419- July 18, 1975) Hillsboro County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.26	.80	.80		.01
Electricians:					
Pelham	10.02	.35	1%+.20		.02
Remainder of County	10.10	.40	1%		.03
Ironworkers- structural, ornamental, and reinforcing	9.10	.55	.90		.02
Roofers:					
Composition	6.40				
Helpers	5.60				
Sheet metal workers	8.92	.45	.35		.02
Sprinkler fitters	9.45	.50	.80		.08

DECISION NO. NH75-2097- Mod #2 (40 FR 30422- July 18, 1975) Merrimack County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	10.26	.80	.80		.01
Electricians: Hookset	10.10	.40	1%		.03
Ironworkers- Structural, ornamental & reinforcing	9.10	.55	.90		.02
Roofers' helpers	5.60				
Sheet metal workers	8.92	.45	.35		.02
Sprinkler fitters	9.45	.50	.80		.08

DECISION NO. NH75-2098- Mod #2 (40 FR 30426- July 18, 1975) Rockingham County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.26	.80	.80		.01
Electricians:					
Kingston, Kensington, N. Kingston, Hampstead, Plaistow, Westwille, Atkinson, Salem & N. Salem	10.02	.35	1%+.20		.02
Remainder of County	10.10	.40	1%		.03
Ironworkers- structural, ornamental, & reinforcing	9.10	.55	.90		.02
Painters:					
Salem:					
Brush	9.46	.72	.85		.04
Structural	11.58	.72	.85		.04
Plumbers and steamfitters:					
Plaistow, Atkinson, Danville, Hampstead, & Kingston	9.50	1.05	.47		.05
Roofers' helpers	5.60				
Sheet metal workers	8.92	.45	.35		.02
Sprinkler fitters	9.45	.50	.80		.08
Laborers (Heavy & Highway):					
Salem	7.50	.50	.45		.10
Salem, Rockingham Park- Building and demolition	7.50	.50	.45		.10
Power Equipment Operators:					
Heavy & Highway:					
Class 1	8.65	.75	.80	a	
Class 2	9.20	.75	.80	a	
Class 3	8.53	.75	.80	a	
Class 4	7.465	.75	.80	a	
Class 5	8.03	.75	.80	a	
Class 6	6.73	.75	.80	a	
Class 7	6.79	.75	.80	a	

DECISION NO. NH75-2099- Mod #2 (40 FR 30430- July 18, 1975) Strafford County, New Hampshire	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$10.26	.80	.80		.01
Ironworkers-structural, ornamental, & reinforcing	9.10	.55	.90		.02
Roofers' helpers	5.60				
Sheet metal workers	8.92	.45	.35		.02
Sprinkler fitters	9.45	.50	.80		.08
Power equipment operators:					
Heavy and Highway:					
Class 1	8.65	.75	.80	a	
Class 2	9.20	.75	.80	a	
Class 3	8.53	.75	.80	a	
Class 4	7.465	.75	.80	a	
Class 5	8.03	.75	.80	a	
Class 6	6.73	.75	.80	a	
Class 7	6.79	.75	.80	a	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3082 - Mod. #2					
(40 FR 36972 - August 22, 1975)					
Bucks County, Pennsylvania					
Change:					
Elevator Constructors	$11.35	.495	.32	4%+b+c	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+b+c	.02
Elevator Constructors Helpers (Prob.)	5.675				
Drywall Finishers	9.15	.89	.50	.85	.03
Glaziers:					
Remainder of county	9.58	.40	.20		.01
Marble Setters	9.30	.77	.75		
Stonemasons:					
Remainder of county	8.70	.77	.75		
Terrazzo Workers	8.99	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Remainder of county					
Composition Roofers	10.36	1.55	.82	e	
Slate, tile and asbestos	10.00	1.00	.50		
Asphalt Shingle	8.54	1.00	.50		
Plumbers:					
Remainder of county	11.14	.57	1.00		.10
Add:					
Roofers:					
Assistant	5.20	1.55	.82	j	
Add:					
Footnote					
j. Paid Holiday: Election Day					
Omit:					
Roofers:					
Slate, tile, asbestos & asphalt helpers	5.83	1.00	.50		

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3083 - Mod. #3					
(40 FR 36980 - August 22, 1975)					
Chester County, Pennsylvania					
Change:					
Elevator Constructors	$11.35	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.675				
Glaziers:					
Remainder of County	9.58	.40	.20		.01
Drywall finishers	9.15	.89	.50	.85	.03
Marble Setters	9.30	.77	.75		
Terrazzo Workers	8.99	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Remainder of County	10.36	1.55	.82	e	
Plumbers:					
Tedyffrin, E. Whiteland, W. Whiteland, etc.	11.14	.57	1.00		.10
Add:					
Roofers	5.20	1.55	.82	h	
Footnote:					
h. Paid holiday: Election Day					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3084 - Mod. #4					
(40 FR 36983 - August 22, 1975)					
Delaware County, Pennsylvania					
Change:					
Elevator Constructors	$11.35	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+a+b	.02
Elevator Constructors	5.675				
Glaziers	9.58	.40	.20		.01
Glaziers working 30 ft. above ground	9.93	.40	.20		.01
Marble Setters	9.30	.77	.75		
Stone Masons	8.70	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Composition	10.36	1.55	.82	d	
Plumbers	11.14	.57	1.00		.10
Drywall Finishers	9.15	.89	.50	.85	.03
Add:					
Roofers:					
Assistant	5.20	1.55	.82	f	
Footnote:					
f. Paid Holiday: Election Day.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3085 - Mod. #4					
(40 FR 36986 - August 22, 1975)					
Montgomery County, Pennsylvania					
Change:					
Elevator Constructors	$11.35	.495	.32	4%+b+c	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+b+c	.02
Elevator Constructors Helpers (Prob.)	5.675				
Glaziers:					
Remainder of County	9.58	.40	.20		.01
Marble Setters	9.30	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Composition	10.36	1.55	.82	e	
Plumbers:					
Lower Marion, Harsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenhan	11.14	.57	1.00		.10
Drywall finishers	9.15	.89	.50	.85	.03
Add:					
Roofers:					
Assistant	5.20	1.55	.82	k	
Footnote:					
k. Paid Holiday: Election Day.					

MODIFICATIONS P. 11

DECISION #PA75-3086 - Mod. #3 (40 FR 36989 - August 22, 1975) Philadelphia County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	$11.35	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.675				
Glaziers	9.58	.40	.20		.01
Marble Setters	9.30	.77	.75		
Stone Setters	9.28	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Composition, damp & waterproofers	10.36	1.55	.82	d	
Slate, tile and asbestos	10.00	1.55	.82		
Asphalt shingle	8.54	1.55	.82		
Plumbers	11.14	.57	1.00		.10
Drywall Finishers	9.15	.89	.50	.85	.03
Add:					
Roofers:					
Assistant	5.20	1.55	.82	g	
Footnote:					
g. Election Day paid holiday					
Omit:					
Roofers:					
Slate, tile, asbestos & shingle helpers	8.83	1.00	.50		

MODIFICATIONS P. 12

DECISION #PA-75-3087 - Mod. #2 (40 FR 40031 - August 29, 1975) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors	$11.35	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.675				
Glaziers	9.58	.40	.20		.01
Glaziers working 30' above ground	10.08	.40	.20		.01
Marble Setters	9.30	.77	.75		
Stone Setters	9.28	.77	.75		
Sheet Metal Workers	11.06	.89	.65		.03
Roofers:					
Composition, damp & waterproofers	10.36	1.55	.82	d	
Slate, tile and asbestos	10.00	1.00	.50		
Asphalt shingle	8.54	1.00	.50		
Plumbers	11.14	.57	1.00		.10
Drywall Finishers	9.15	.89	.50	.85	.03
Add:					
Roofers:					
Assistant	5.20	1.55	.82	h	
Footnote:					
h. Paid holiday Election Day					
Omit:					
Roofers:					
Slate, tile asbestos and Asphalt Helpers	5.83	1.00	.50		

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #LA75-4200 - Mod. #3					
(40 FR 57103 - December 5, 1975)					
Statewide Louisiana					
Change:					
Laborers (Highway Construction):					
Group 1:					
Zone 6	$3.85	.15	.10		.05
Zone 7	3.75	.15	.10		.05
Group 2:					
Zone 6	3.95	.15	.10		.05
Zone 7	3.85	.15	.10		.05
Group 3:					
Zone 6	4.40	.15	.10		.05
Zone 7	4.30	.15	.10		.05
Group 4:					
Zone 6	4.60	.15	.10		.05
Zone 7	4.50	.15	.10		.05
Power Equipment Operators (Highway Construction):					
Group 1:					
Zone 6	6.14	.25	.30		.05
Zone 7	5.53	.25	.30		.05
Group 2:					
Zone 6	6.39	.25	.30		.05
Zone 7	5.78	.25	.30		.05
Group 3:					
Zone 6	5.89	.25	.30		.05
Zone 7	5.28	.25	.30		.05
Group 4:					
Zone 6	5.02	.25	.30		.05
Zone 7	4.46	.25	.30		.05
Group 5:					
Zone 6	4.48	.25	.30		.05
Zone 7	3.97	.25	.30		.05
Group 6:					
Zone 6	4.31	.25	.30		.05
Zone 7	3.81	.25	.30		.05
Group 7:					
Zone 6	4.31	.25	.30		.05
Zone 7	3.81	.25	.30		.05
Group 8:					
Zone 6	5.02	.25	.30		.05
Zone 7	4.46	.25	.30		.05
Group 9:					
Zone 6	5.27	.25	.30		.05
Zone 7	4.71	.25	.30		.05
Group 10:					
Zone 6	4.56	.25	.30		.05
Zone 7	4.06	.25	.30		.05

SUPERSEDEAS DECISION

STATE: Alabama
COUNTY: See below*
DECISION NUMBER: AL76-1009
DATE: Date of Publication
Supersedes Decision No.: AL75-1043 dated April 4, 1975, in 40 FR 15286
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Counties: Mobile, Baldwin, Conecuh, Washington, and Escambia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	4.85				
Bricklayers	6.00				
Carpenters	4.00				
Cement masons	4.81				
Dry wall hangers	4.50				
Dry wall finishers	4.85				
Dry wall sanders	2.30				
Electricians	4.66				
Laborers:					
Unskilled	2.30				
Mason tenders	2.30				
Painters	5.00				
Plumbers	6.00				
Roofers	6.45				
Sheet metal workers	3.50				
Soft floor layers	4.00				
Tile setters	4.00				
Truck drivers	2.76				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozers	4.00				
Dragline	3.75				
Asphalt spreader	4.25				
Roller	3.75				
Front end loaders	4.50				

SUPERSEDEAS DECISION

STATE: Arkansas

COUNTY: Conway, Faulkner and Perry

DECISION NO.: AR76-4003

DATE: Date of Publication

Supersedes Decision No. AR75-4084 dated May 3, 1975 in 40 FR 19321

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	App. Tr.
ASBESTOS WORKERS	$8.95	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	7.55	.30	.25		.02
CARPENTERS:					
Faulkner County and the Eastern half of Conway and Perry Counties:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	7.88	.40	.30		.04
Western half of Conway and Perry Counties:					
Carpenters	7.05	.25	.25		.04
Millwrights & Piledrivermen	7.55	.25	.25		.04
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electricians	9.175	.40	1%		1/4%
Cable splicers	9.30	.40	1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	7.22	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers - Probationary	50%JR				
GLAZIERS	6.65				.01
IRONWORKERS	8.31	.45	.35		.04
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers, pipelayers, concrete and clay and mechanical tool, cement mixer, wet or dry, finishers and plasterers, mason tenders, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunnite Grout, Cement & Sandblaster)

DECISION NO. AR76-4003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.50				.02
LINE CONSTRUCTION:					
Linemen	9.575		1%		3/8%
Cable splicers	9.70		1%		3/8%
Operator	9.575		1%		3/8%
Groundmen (advanced)	65%JR		1%		3/8%
Groundmen (1st 6 months)	49%JR		1%		3/8%
Winch equipment	73%JR		1%		3/8%
MARBLE, TILE AND TERRAZZO WORKERS	7.40				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.90		.30		
Spray gun operators and sand blasterers	7.50		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.15		.30		
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	8.50	.30	.55		.02
Over 10 mile from Pulaski County Courthouse	8.80	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jibs, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

GROUP III - Heavy Equipment Operators:

All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all back-fillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:

Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

GROUP V - Light Equipment Operators:

All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

DECISION NO. AR76-4003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	8.65	.40	.40		.02
SPRINKLER FITTERS	9.15	.50	.80		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a. Paid Holidays - A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employees 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.

SUPERSEDEAS DECISION

STATE: Arkansas
DECISION NO.: AR76-4004
COUNTY: Pulaski
DATE: Date of Publication
Supersedes Decision No. AR75-4134 dated July 25, 1975 in 40 FR 31455
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS - STONEMASONS	7.55	.30	.25		.02
CARPENTERS:					
Carpenters	7.63	.40	.30		.04
Millwrights & Piledrivermen	7.88	.40	.30		.04
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electricians	9.175	.40	1%		½%
Cable splicers	9.30	.40	1%		½%
ELEVATOR CONSTRUCTORS:					
Journeymen	7.22	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers - Probationary	50%JR				
GLAZIERS	6.65				.01
IRONWORKERS	8.31	.45	.35		.04
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers, pipelayers, concrete and clay and mechanical tool, cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement & Sandblaster)

DECISION NO. AR76-4004

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.90				.02
LINE CONSTRUCTION:					
Linemen	9.575		1%		3/8%
Cable splicers	9.70		1%		3/8%
Operator	9.575		1%		3/8%
Groundmen (advanced)	65%JR		1%		3/8%
Groundmen (1st 6 months)	49%JR		1%		3/8%
Winch equipment	73%JR		1%		3/8%
MARBLE, TILE & TERRAZZO WORKERS	7.40				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.90		.30		
Spray gun operators and sand blasterers	7.50		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.15		.30		
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	8.50	.30	.55		.02
Over 10 miles from Pulaski County Courthouse	8.80	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

Group II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cable ways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective or size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONTD)

Group III - Heavy Equipment Operators: All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

Group IV - Semi-Heavy Equipment Operators: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective or motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator op. inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

Group V - Light Equipment Operators: All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment, greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	8.65	.40	.40		.02
SPRINKLER FITTERS	9.15	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.

b - Paid Holidays - A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Sebastian & Crawford
DECISION NO.: AR76-4005 DATE: Date of Publication
Supersedes Decision No. AR75-4082, dated April 18, 1975 in 40 FR 17452
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.80	.35	.60		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-Stonemasons	7.55	.30	.25		.02
CARPENTERS:					
Carpenters	6.95	.25	.25		.03
Millwrights & Piledrivermen	7.45	.25	.25		.03
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electricians	9.05	.35	1%		1/4%
Cable splicers	9.30	.35	1%		1/4%
ELEVATOR CONSTRUCTORS	7.22	.445	.29	3%+a+b	.02
" " helpers	70%JR	.445	.29	3%+a+b	.02
" " " (prob.)	50%JR				
IRONWORKERS	8.49	.30	.35		
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement and Sandblaster)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman; operator	$8.44	.35	1%		1/4%
Cable splicers	8.59	.35	1%		1/4%
Powderman	90%JR	.35	1%		1/4%
Truck driver	75%JR	.35	1%		1/4%
Groundman	65%JR	.35	1%		1/4%
Groundman (1st 6 mos.)	59%JR	.35	1%		1/4%
PAINTERS:					
Brush painters	6.00				
Roller work, sheetwork, finishing by machinery	6.25				
Spray painting	7.00				
Swing stage work	6.25				
Sandblasting - steam cleaning	7.00				
All pipe and steel	6.75				
All mitten and glove painting	7.00				
PLASTERERS	7.80				.02
PLUMBERS & STEAMFITTERS	8.50	.30	.35		.02
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II

Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphlat spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-Frame trucks, forklifts, sky tracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge).

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	8.65	.40	.30		.02
SPRINKLER FITTERS	9.15	.50	.80		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.
FOOTNOTES:
a-1st 6 mos. - none; 6 months to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b-Paid Holidays A through F
PAID HOLIDAYS: A-New Years' Day; B-Memoriad Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Garland & Hot Springs
DECISION NO.: AR76-4007 DATE: Date of Publication
Supersedes Decision No. AR75-4083 dated April 25, 1975 in 40 FR 18271
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	$8.95	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-Stonemasons	7.55	.30	.25		.02
CARPENTERS:					
Garland County and Northern 2/3 of Hot Springs County					
Carpenters	7.40		.30		.05
Millwrights	7.85		.30		.05
Piledrivermen	7.65		.30		.05
Remainder of Hot Springs County					
Carpenters	7.63	.40	.30		.04
Millwrights	7.88	.40	.30		.04
Piledrivermen	7.88	.40	.30		.04
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electricians	9.075		1%		1/4%
Cable splicers	9.20		1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeymen	7.22	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers - probationary	50%JR				
IRONWORKERS	8.31	.45	.35		.04
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers, and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (gunite grout, cement and sandblaster)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$7.50				.02
PAINTERS:					
Brush and roller	5.75				
Paperhanging	6.00				
Sheet rock (tape & float only); stage and steel	6.00				
Spray and sandblasting	6.25				
Painters operating any kind of taping or floating machine	7.75				
PLASTERERS	7.40				.02
PLUMBERS-Steamfitters	8.55	.40	.20		.10
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II

Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front and loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV * Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-Frame trucks, forklifts, sky tracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge).

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, and dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	8.68	.40	.40		.02
SPRINKLER FITTERS	9.15	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.

b. Paid Holidays - A through F
PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: ARKANSAS COUNTY: Union and Ouachita
DECISION NO.: AR76-4006 DATE: Date of Publication
Supersedes Decision No. AR75-4073 dated April 4, 1975 in 40 FR 15287
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	$8.95	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	7.55	.30	.25		.02
CARPENTERS:					
Carpenters	7.05	.25	.25		.04
Millwrights & piledrivermen	7.55	.25	.25		.04
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	9.24		1%		1/4%
Cable splicers	9.54		1%		1/4%
Electrical contracts over $20,000:					
Electricians	10.03		1%		1/4%
Cable splicers	10.33		1%		1/4%
IRONWORKERS	7.95	.30	.35		.04
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers, and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (gunite grout, cement and sandblaster)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Electrical contracts $20,000 or less:					
Lineman	$9.24		1%		1/4%
Operator	8.99		1%		1/4%
Truck driver (pick-up & jeep)	8.14		1%		1/4%
Groundman	8.14		1%		1/4%
Electrical contracts over $20,000.00:					
Lineman	10.03		1%		1/4%
Operator	9.78		1%		1/4%
Truck driver (pickup & jeep)	8.78		1%		1/4%
Groundman	8.78		1%		1/4%
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS	8.87		.55		.05
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II

Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front and loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV * Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-Frame trucks, forklifts, sky tracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge).

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, and dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$6.90		.10		
SHEET METAL WORKERS	7.25	3%+.40	.25		.05
SPRINKLER FITTERS	9.15	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN76-2001
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AR-3166, dated November 8, 1974 in 39 FR 39705.
DESCRIPTION OF WORK: Building (Including Residential), Construction.

COUNTIES: Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.02	.51	.65		.02
BOILERMAKERS	9.45	.60	1.00		.02
BOILERMAKERS' HELPERS	9.20	.60	1.00		.02
BRICKLAYERS & STONEMASONS	9.62	.555	.33		
CARPENTERS:					
Building					
S.W. Portion of Scott County	9.15	.40			.02
Remainder of Scott County	8.21	.40	.30	.50	.02
Carpenters; Millwrights and Piledrivermen:					
Remainder of Counties	8.21	.40	.30	.50	.02
Soft Floor Layers	8.25	.46	.34	.45	.02
Site Preparation, Excavation & Incidential Paving					
Carpenters & Piledrivermen	8.21	.40	.30	.50	.02
CEMENT MASONS:					
Building, Site Preparation, Excavation & Incidential Paving	9.28	.40	.40		
ELECTRICIANS:					
Building					
Twps. of Anoka & Fridley in Anoka County	9.60	6⅓%	4%	9%	1½%
Remainder of Anoka County & Remaining Counties	9.68	6⅓%	3%	10%	1%
Residential					
Carver, Hennepin & Scott Cos; Twps. of Anoka, Fridley, Grow & Ramsey in Anoka County: Construction of all new family dwellings up to & including 4-plexes; and to all residential remodeling, rewiring & repairing except that any single apartment project including a change of main service entrance shall not exceed 8 living units or 400 amps.	6.00	.36	1%	.27	1%

DECISION NO MN76-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Dakota, Ramsey, Washington Counties & Remainder of Anoka County:					
Construction of all new family dwellings up to & including 4-plexes, townhouses of 4 or less contiguous units; and to all residential remodeling, rewiring & repairing except that any single apartment project including a change of main service entrance shall not exceed 8 living units or 400 amps.	$6.00	.36	1%	.27	½ of 1%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	8.75	.445	.29	3%+a	.02
Helpers	70%JR	.445	.29	3%+a	.02
Helpers (Prob.)	50%JR				
IRONWORKERS	9.60	.55	.55		.02
LATHERS:					
Anoka; Carver & Hennepin Cos.	8.72	.31	.35		.01
Washington; Dakota & Ramsey Cos.	8.51	.50	.40	.81	.01
MARBLE SETTERS	8.335	.455	.23	.56	
TERRAZZO WORKERS	8.46	.30	.25		
TILE SETTERS	8.59	.37	.50		
MARBLE & TILE HELPERS	7.69	.37			
PAINTERS:					
Dakota, Ramsey & Washington Cos:					
Brush	8.43	.45	.25		.06
Structural Steel & Spray	8.93	.45	.25		.06
Remaining Counties:					
Brush	8.98	.35	.25		.04
Structural Steel & Spray	9.48	.35	.25		.04
PLASTERERS:					
Dakota, Ramsey & Washington Cos.	8.82	.50	.25	.65	.01
Remaining Counties	8.88	.45	.20		.01

DECISION NO MN76-2001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Plumbers, Steamfitters & Pipefitters:					
Dakota, Ramsey & Washington Cos	$8.67	.38	.50	1.52	.06
Plumbers & Steamfitters & P/F Remaining Counties:					
Plumbers	7.73	.38	.45	1.25	.03
Steamfitters & Pipefitters	8.13	.38	.50	1.25	.03
ROOFERS	9.19	.64	.25		.03
SHEET METAL WORKERS:					
Dakota, Ramsey & Washington Cos.	9.53	.47	.55		.02
Remaining Counties	9.63	.42	.50		.06
SPRINKLER FITTERS	8.79	.40	.60		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidential.					

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a-Employer contributes 4% Basic Hourly Rate for over 5 years service, 2% Basic Hourly Rate for 6 months, to 5 years as Vacation Pay Credit; 6 Paid Holidays A through F.

MINN-9-LAB

DECISION NO MN76-2001

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.30	.40	.45	.40	
CLASS 2	7.40	.40	.45	.40	
CLASS 3	7.45	.40	.45	.40	
CLASS 4	7.55	.40	.45	.40	
CLASS 5	7.60	.40	.45	.40	
CLASS 6	7.65	.40	.45	.40	
CLASS 7	7.70	.40	.45	.40	
CLASS 8	7.73	.40	.45	.40	
CLASS 9	7.75	.40	.45	.40	
CLASS 10	7.93	.40	.45	.40	
CLASS 11	7.98	.40	.45	.40	

CLASS 1 Unskilled Laborer; Drill Runner Helper; Landscape Gardener, Sod Layer & Nurseryman; Powder Monkey; Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler

CLASS 2 Laborer, Wrecking & Demolition; Bit Batcherman (Stationary Plant); Bit Shoveler; Blacksmith Helper; Bottom Man (sewer, Water or Gas Trench); Bricklayer Tender; Cement Handler; Cement Coverman (Batch Trucks); Compaction Equip. Shoveler; Batchermen Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer; Curb Setter (Stone or Precast Conc.) Kettleman (Bit. or lead); Service connection maker; Power Buggy; Joing Sawer; Squeese man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemasons tender; Drill Runner (Heavy, including Churn Drill)

CLASS 3 Chainsaw Man; Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Nortar Mixer; Pipe Handler; Pipe Derrickman (Triped, manual)

CLASS 4 Bottom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric pressure) Inderpinning Work; Caisson Work; Other work more than 8' below level of manual work; Open Ditch Work

DECISION NO MN76-2001

LABORERS: (CONT'D)

CLASS 5 Bituminous Tamper; Pipelayers; Sand Cushion & Bedmaker
CLASS 6 Cement Gun (1½ & over); Leadman
CLASS 7 Nozzlemen (Gunite)
CLASS 8 Brick or Block Paving Setter
CLASS 9 Bituminous Raker, Floater & Utility Man
CLASS 10 Tunnel Man (Air Pressure); Tunnel Miner
CLASS 11 Powderman

MINN-62-TD

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 8.25	.35	.45		
GROUP 2	7.95	.35	.45		
GROUP 3	7.85	.35	.45		
GROUP 4	7.65	.35	.45		

GROUP 1
Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck.

GROUP 2
Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3
Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4
Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer; Slurry Operator; Single Axle Trucks.

DECISION NO. MN76-2001

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.85	.45	.35		
CLASS 2	10.45	.45	.35		
CLASS 3	10.10	.45	.35		
CLASS 4	10.00	.45	.35		
CLASS 5	9.90	.45	.35		
CLASS 6	9.65	.45	.35		
CLASS 7	9.53	.45	.35		
CLASS 8	9.45	.45	.35		
CLASS 9	9.18	.45	.35		
CLASS 10	8.90	.45	.35		
CLASS 11	8.45	.45	.35		

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1-Helicopter Operators (Hoisting Material)
CLASS 2-Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3-Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4-Traveling Tower Crane
CLASS 5-Master Mechanic
CLASS 6-Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator, (inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7-Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8-Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drillin or when drilling for elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 KWH & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9-Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to ½ cu. yd.)
CLASS 10-Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakemen; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11-Mechanic Space Heater (Temporary Heat) Oiler or Greaser

DECISION NO MN76-2001

MINN-7M-PEO-2-3

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$12.95	.45	.35		
GROUP 2	9.66	.45	.35		
GROUP 3	9.40	.45	.35		
GROUP 4	9.27	.45	.35		
GROUP 5	9.18	.45	.35		
GROUP 6	8.50	.45	.35		
GROUP 7	8.20	.45	.35		

GROUP 1 Helicopter Pilot

GROUP 2 Crane with over 135' Boom, exoluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Oper. (power) & Engineer, Front End Loader Op., 5 cy. yds. & over, Grader or Motor Patrol, Finishing earthowrk & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole., Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper, Struck Capacity 32 cu. yd. & over, Self-Propelled. Traveling Soil Stabilizer

GROUP 5 Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydrualic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op., (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu. yd. & over Hopper capacity, Pipeline wrapping, cleaning or bending machine actuated horizontal boring mach., over 6" op., pugmill op., roller, 8 tons & over, Rubber tired farm tractor, backhoe att., sheep foot op., tie tamper & ballast mach. Op., tractor op., over D2, TD6 or similar HP with power take-off, tractor Op., over 50 HP without power take-off, trenching machine Op., (sewer, water, gas) turnapull op., (or similar type) well point installation, dismatling or repair mechanic

DECISION NO MN76-2001

POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 6 Air compressor Op. 375 CFR or over, bituminous spreader and bituminous finishing machine op., concrete dist. and spreader op., finishing machine longitudinal float op., joint mach. op., spray op., concrete mixer op. 14S and under, concrete op. (Mult. Blade), curb mach. op., Fine grade Op., form trench digger, front end loader op. (up to & incl. 1 cu. yd.), grader op. (motar patrol), gunit op. gunall, lead greaser on truck or rack, loader op., power actuated Augars and boring mach. op. power actuated jacks op., pump op., toller op., self-propelled chip spreader, shouldering mach. Op., stump chipper op., tractor op. (D2, TD6 or similar HP with power take-off

GROUP 7 Brakeman, switchman,conveyor op., deckhand, Fireman, Tank Car Heater op., Gravel screening plant op., greaser leverman, mech. helper, mech. space heater, oiler, self-prop. vib. packer op., sheep foot roller, tractor op. 50 HP or less w/o power take-off, truck crane oiler

MINN-27-LAB-1

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.35	.40	.35	.40	
CLASS 2	7.40	.40	.35	.40	
CLASS 3	7.45	.40	.35	.40	
CLASS 4	7.50	.40	.35	.40	
CLASS 5	7.60	.40	.35	.40	
CLASS 6	7.65	.40	.35	.40	
CLASS 7	7.70	.40	.35	.40	
CLASS 8	7.75	.40	.35	.40	
CLASS 9	8.055	.40	.35	.40	

CLASS 1 - Common Laborer; Steel joist handler (erection); Power Buggy Operator; Carpenter Tender; Earth Dumpman; Flagman

CLASS 2 - Reinforced Steel Handler

CLASS 3 - Men handling cement 2 hours per day (Bulk or Sack; excluding Mortar Mixer; Mason Tender; Concrete Joint Saw Operator; Demolition & Wrecking Laborer.

CLASS 4 - Hot tar caulker & corker; Laborers on swing stage line scaffold (excl. "patent" scaffolding); Automatic Tamper Operator; Chipping Hammer Operator; Paving Buster; Mortar; Concrete Vibrator Operator; Sheeting Setter & Driver on Heavy Building; Excavation; Jackhammer Men.

CLASS 5 - Underground Work

CLASS 6 - Pipelayer

CLASS 7 - Caisson Work; Underpinning

CLASS 8 - Nozzlemen

CLASS 9 - Dynamite Men; Power for Blasting purposes

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT76-5006 DATE: Date of Publication
Supersedes Decision No. MT75-5125 dated October 10, 1975, in 40 FR 4002
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	$10.80	.44	.90		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	9.25	.25			
Gallatin and Park Counties	9.05				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	9.50		.35		.02
Broadwater, Lewis and Clark and Meagher and Jefferson (Northern Tip)	9.00	.30			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	9.15	.40	.30		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	8.45				
Flathead, Lake, Lincoln, Merinal, Missoula, Ravalli and Sanders Counties	8.50	.40	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	7.89	.40	.65		.02
Piledrivermen; Saw Filers; Sawmen	8.14	.40	.65		.02
Millwrights	8.39	.40	.65		.02
Blaine and Hill Counties					
Carpenters	6.36	.30	.45		.02
Broadwater, Lewis and Clark and Jefferson Counties					
Carpenters	7.62	.40	.65		.02
Piledrivermen	7.77	.40	.65		.02
Millwrights	7.87	.40	.65		.02

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Cos.					
Carpenters	$7.11	.40	.55		.02
Piledrivers	7.36	.40	.55		.02
Millwrights	7.61	.40	.55		.02
Granite (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) Lake (Southern area, south of and including the Town of Ravalli), Mineral (Area southeast of southeast city limits of the Town of Superior), Missoula, Powell (Area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	7.60	.40	.65		.02
Millwrights; Piledriver	7.85	.40	.65		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties					
Carpenters	7.34	.40	.55		.02
Piledrivermen	7.59	.40	.55		.02
Millwrights	7.84	.40	.55		.02
Flathead, Lincoln, Lake (Northern Area including Town of Ravalli from a point where Hwy #10A and Hwy #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S.E. portion) Counties					
Carpenters	7.51	.40	.65		.02

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Sawmen; Filers, Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	$6.81	.40	.55		.02
Millwrights and Machine erectors	6.96	.40	.55		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties					
Carpenters	7.60	.40	.65		.02
Floor sander; Sawmen	7.75	.40	.65		.02
Piledrivermen	7.75	.40	.65		.02
Millwrights	8.10	.40	.65		.02
Beaverhead and Silver Bow Counties					
Carpenters	7.01	.40	1.00	.75	.02
Millwrights and Piledrivermen	7.26	.40	1.00	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties					
Carpenters	7.41	.40	.65		.02
Millwrights and Piledrivermen	7.66	.40	.65		.02
CEMENT MASONS:					
Flathead, Glacier, Lake (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			
Granite (Northern half), Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmville), Ravalli and Sanders (South portion, including the City of Paradise) Counties	8.0775	.50	.35		
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	7.33	.40			
Gallatin, Park and Sweetgrass Cos.	6.50	.35	.25		
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50				

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS: (Cont'd)					
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes), Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Cos.	$7.95	.40	.25		
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis and Clark and Meagher Counties	6.22				
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.35	.40			
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1%+.25		1/2%
Gallatin County	8.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.23	.42	1%+.25		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	8.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	9.38	.42	1%+.25		1/2%
Cable Splicers	9.63	.42	1%+.25		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	8.68	.42	1%		1/2%
Cable Splicers	9.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	9.32	.30	1%+.25		1/2%
Cable Splicers	9.77	.30	1%+.25		1/2%

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	8.30	.30	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	7.64		1%		1/2%
ELEVATOR CONSTRUCTORS	8.04	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli, and Silver Bow Counties	9.36	.55	.85		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Cos	10.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	9.36	.55	.85		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.50	.40	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wibaux and Yellowstone Counties	9.50		.35		.02
Gallatin and Park Counties	7.10				
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area) Counties	6.85	.30			

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS: (Cont'd)					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	$9.15	.40	.30		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	7.45				
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.02	.25	.10		
Spray	9.80	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	7.63	.25	.20		
Steel	7.88	.25	.20		
Spray	8.61	25	.20		
Cascade, Chouteau (south of a line running East and West through the Southern limits of Big Sandy), Daniels, Fergus, Glacier (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West thru the southern limits of Harlowtown) Counties					

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
PAINTERS:					
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and perforated tile only; Parking lot stripping and related work	$7.19	.49	.30		.01
Paperhangers; Rollers up to 9" long and brush cutting in ahead or roller	7.44	.49	.30		.01
Perfataper	7.54	.49	.30		.01
Brush on steel	7.69	.49	.30		.01
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	9.44	.49	.30		.01
Roller over 9" long	10.79	.49	.30		.01
Broadwater, Gallatin, Jefferson, (Northern area from a line running East and West five miles south of the Southern City limits of Boulder), Lewis and Clark (Southern portion from a line running East and West through the Southern limits of Craig), Madison (East of the West City limits of Harrison), Meagher, Park, Powell (Northern area from a line running East and West thru the Southern City limits of Helmsville)					
Brush	7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel spray	10.19	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the Southern limits of the City of Big Sandy) Counties	6.76				

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (Northern area north limits of Phillipsburg), Lake (Southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (Northern area through south limits of Helmsville), Ravalli and Sanders Counties	$7.85	.34	.30		.04
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	7.38	.40			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	&.%)				
Gallatin, Park and Sweetgrass Counties	6.50	.35	.25		
Granite, Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	7.85	.40	.25		
Beaverhead, Deer Lodge, Jefferson (Southern area, including the Town of Wickes), Madison, Powell (South of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	7.95	.40	.25		
Flathead, Glacier, Lake (Northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Cos.	9.10	.40	.70		1%

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	9.65	.40	.55		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	10.00	.40	.80		.10
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	7.29		.25		
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis and Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties	7.85				
Beaverhead, Deer Lodge, Jefferson, Madison, Powell and Silver Bow Counties	6.91	.47	.35	.75	
Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	7.60				
Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	6.94	.425			
SHEET METAL WORKERS:					
Broadwater, Jefferson (including North ½ of the City of Boulder), Lewis and Clark and Meagher Cos.	9.31	.37	.25		.04

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	$9.38	.37	.20		.07
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	9.08	.37	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (S½), Madison, Powell, and Silver Bow Counties	8.40	.37	.40	.75	.02
SPRINKLER FITTERS	9.10	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS:					
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Cos.	8.15	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	8.50	.40	.25		
Gallatin and Park Counties	7.75				
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.50	.40	.30		

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 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.

DECISION NO. MT76-5006

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties					
Group 1	$6.19	.47	.37	.75	.03
Group 2	6.26	.47	.37	.75	.03
Group 3	6.27	.47	.37	.75	.03
Group 4	6.28	.47	.37	.75	.03
Group 5	6.29	.47	.37	.75	.03
Group 6	6.31	.47	.37	.75	.03
Group 7	6.35	.47	.37	.75	.03
Group 8	6.36	.47	.37	.75	.03
Group 9	6.37	.47	.37	.75	.03
Group 10	6.41	.47	.37	.75	.03
Group 11	6.44	.47	.37	.75	.03
Group 12	6.46	.47	.37	.75	.03
Group 13	6.47	.47	.37	.75	.03
Group 14	6.54	.47	.37	.75	.03
Group 15	6.57	.47	.37	.75	.03
Group 16	6.59	.47	.37	.75	.03
Group 17	6.69	.47	.37	.75	.03
Group 18	6.79	.47	.37	.75	.03
Group 19	6.44	.47	.37	.75	.03
Group 20	6.43	.47	.37	.75	.03
Group 21	6.31	.47	.37	.75	.03
Broadwater (Northern area), Lewis and Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties					
Group 1	5.20	.37	.27	.10	.03
Group 2	5.355	.37	.27	.10	.03
Group 3	5.455	.37	.27	.10	.03
Group 4	5.55	.37	.27	.10	.03

DECISION NO. MT76-5006

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Broadwater (Southern portion including the City of Tosten), Gallatin, Park, Sweetgrass and Wheatland Counties					
Group 1	$6.01	.47	.37		.03
Group 2	6.26	.47	.37		.03'
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	6.88	.47	.37		.03
Group 2	7.05	.47	.37		.03
Group 3	7.22	.47	.37		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties					
Group 1	5.24	.37	.27		.03
Group 2	5.46	.37	.27		.03
Group 3	5.64	.37	.27		.03
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	5.39	.37	.27		.03
Group 2	5.16	.37	.27		.03
Group 3	5.64	.37	.27		.03
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties					
Group 1	6.835	.47	.37		.03
Group 2	7.085	.47	.37		.03
Group 3	7.235	.47	.37		.03

DECISION NO. MT76-5006

LABORERS (Cont'd).	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cascade, Chouteau, Fergus, Glacier (Excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties					
Group 1	$6.94	.47	.37		.03
Group 2	7.19	.47	.37		.03
Group 3	7.29	.47	.37		.03
Group 4	7.34	.47	.37		.03
Group 5	7.44	.47	.37		.03
Group 6	7.69	.47	.37		.03
Group 7	7.54	.47	.37		.03
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03

DECISION NO. MT76-5006

LABORERS

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer including the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscape Laborer; Nozzleman - air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equipment; Tool Checker, Toolhouseman

Group 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

Group 3: Hand Faller

Group 4: Post Hole Digger (power Auger)

Group 5: Concrete or asphalt saws; Tar Pot Operator

Group 6: Powderman Helper

Group 7: Caisson Workers (free air); Choker Setter; Spike Driver, single or dual or hand

Group 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools; Pipe Wrapper, Power Saw (bucking)

Group 9: Asphalt Raker; Dumpman (grademan)

Group 10: High Pressure Machine Nozzleman

Group 11: Pipelayer (all types); Cutting Torch Operator

Group 12: Powderman

Group 13: Grade Setter

Group 14: High Scaler

Group 15: Dumpman (spotter)

Group 16: Power Saw (falling)

Group 17: Rigger

Group 18: Core Drill Operator

LABORERS (Cont'd)

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

Group 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

Group 21: Power Driven Concrete Buggies

LABORERS

Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties

Group 1: General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer

Group 2: Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper

Group 3: All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders

Group 4: Mortar mixer; Powderman

Broadwater (Southern portion incl. the City of Tosten), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1: Common laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter

Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete, Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

DECISION NO. MT76-5006

LABORERS (Cont'd)

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipewrappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primerhouseman

Group 3: Mason and plasterer's tenders

Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

DECISION NO. MT76-5006

LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

LABORERS

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties					
A-Frame Truck Crane, Winch Truck and similar	$8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42 inch belt	8.36	.50	.45	.15	.03
Crane, to and including 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hot Plant Oiler, 100 ton per hour or over	$8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Emsco and similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	.15	.03
Quad Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.47	.50	.45	.15	.03
Refrigeration Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and including 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and including 5 yds.	8.78	.50	.45	.15	.03

DECISION NO MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 5 yds. to and including 10 yds.	$8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and including 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.66	.50	.45	.15	.03
Shovels, including all attachments, under 1 cu.yd.	8.66	.50	.45	.15	.03
Shovels, including all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, including all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, including all attachments, over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to and including 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu. yds	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Wagner Roller and similar type	$8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.66	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS Blaine, Cascade, Chouteau, Glacier (excluding Glacier National Park), Hill, Liberty, Phillips, Pondera, Teton and Toole Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHOVELS, including all attachments, over 5 yds.; Stiff-leg Derrick and Guy Derrick; Cableway Highline; Helicopter Hoist; Tower Crane; Whirley Crane	$7.64	.45	.45		.13
SCRAPER, Tandem engine; Shovels, including all attachments, over 3 yards to and including 5 yards	7.51	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 15 yards; Track-type Front-end Loaders, over 15 cu. yds.	7.45	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, 10 yards to and including 15 yards; Track-type Front-end Loaders, 10 cu. yds. to and including 15 cu. yds.; Concrete Conveyor; Crane, to and including 80' boom with jib	7.35	.45	.45		.13
QUAD CAT	7.32	.45	.45		.13
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 5 yards to and including 10 yards; Scraper, twin engine; Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.; Scraper single or twin engine, pulling Belly Dump Trailer	7.25	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRANE, ELECTRIC OVERHEAD, All; Shovels, including all attachments, 1 yard to and including 3 yards; Track-type Tractor on Euclid Loader	$7.21	.45	.45		.13
HOIST, TWO OR MORE DRUMS; Motor Patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13
AUTOMATIC FINEGRADER, Curries and other types; Paver; Slip Form; Paving and Mixing Machine; Roller, 25 tons or over; Rubber-tired Front-end Loader, over 3 yards to and including 5 yards; Scraper, single	7.15	.45	.45		.13
MIXERMOBILE	7.11	.45	.45		.13
BORING MACHINE; Jeep, Pickup or Farm Tractor mounted; Boring Machine, large; Power Auger large truck or tractor, mounted and punch	7.05	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR DOCTOR; Asphalt Paving Machine; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving Travel Plant; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Machine, paving; Concrete Float and Spreader; Concrete power Saw, self-propelled; Concrete Travel Batcher; Crusher; Distributor; Elevating Grader; Fork-lift on construction job site; Gradall; Heavy Duty Drills, all types, Hot Plant; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountain Logger or similar type machine; Mucking Machine; Pavement Breaker, Emsco and similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigeration Plant; Roller, Steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, Rubber-tired Dozer; Rubber-tired Front-end Loaders, 1 yard to and including 3 yards; Shovels, including all attachments, under 1 yard; Track-type Tractor, with or without attachments; Track-type Tractor with or without attachments including Track-type Front-end Loaders up to and including 5 cu. yds.; Trench Machine; Belt Finishing Machine; Concrete Batch Plant, 1 and 2 mixers; DW 10, 15, 20 Tractor pulling Roller; Power Saw self-propelled, multiple cut; Push Tractor; Scraper DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheepsfoot; Turnhead Conveyor, or Head Tower, on Batch Plant; Wagner Roller, Water Pull Operator	7.02	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FIELD EQUIPMENT SERVICEMAN; Hydra-lift and similar type; Oiler, Hoist-house Dams; Shovels Oiler, over 3 yards; Winch Truck with boom	$6.92	.45	.45		.13
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13
HOIST, Single Drum	6.81	.45	.45		.13
A-FRAME TRUCK CRANE, Winch Truck and similar	6.80	.45	.45		.13
CEMENT SILO; Form Grader	6.79	.45	.45		.13
HYDRO TAMPER	6.77	.45	.45		.13
CHAIN BUCKET; Chip or Gravel Spreader, self-propelled; Conveyor Loader, over 42" belt	6.72	.45	.45		.13
AIR COMPRESSOR, tow or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired Front-end Loaders, under 1 yard	6.71	.45	.45		.13
BROOM, self-propelled	6.67	.45	.45		.13
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.13
CONVEYOR LOADER, up to and including 42" belt: Crusher Conveyor	6.60	.45	.45		.13
RETORT OPERATOR	6.57	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MECHANIC AND/OR WELDER HELPER; Concrete Batch Plant Oiler; Crane Oiler; Farm type tractor, over 50HP engine; Hot Plant Oiler, 100 tons per hour and over; Oiler Driver, Rubber-tired Crane	$6.56	.45	.45		.13
PUMPMAN	6.55	.45	.45		.13
AIR COMPRESSOR, Single; Concrete Batch Plant Oiler, up to and including 2 mixers	6.52	.45	.45		.13
SHOVEL, OILER, 3 yards and under	6.51	.45	.45		.13
CRUSHER OILER and HELPER; Farmtype Tractor, up to and including 50 HP engine; Field Equipment Service Helper; Grade Setter; Heavy Duty Drill Helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and Screening Plant Oiler	6.48	.45	.45		.13
CONCRETE BATCH PLANT, 3 and 4 Mixers	7.22	.45	.45		.13
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13
CONCRETE PUMP	7.80	.45	.45		.13
CRANE 81' to 130' boom	7.50	.45	.45		.13
CRANE 131' to 150' boom	7.55	.45	.45		.13
CRANE 151' Boom and over	7.60	.45	.45		.13
MECHANIC AND/OR WELDER	7.12	.45	.45		.13
WHIRLEY CRANE OILER	6.85	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell (Southern area) and Silver Bow Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-FRAME TRUCK CRANE	$6.86	.45	.45		.13
AIR COMPRESSOR, single	6.55	.45	.45		.13
AIR COMPRESSOR, 2 or more; Belt Finishing; Conveyor Loader, over 42" belt; Roller, steel and self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.13
AIR DOCTOR; Asphalt Paving Machine, or Screed; Bit Grinder; Bituminous Mixer, Paver; Boring Machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete Batch Plant, 1 and 2 mixers; Concrete Bucket Dispatcher; Concrete Curing Machine; Concrete Finishing Machine, paving; Concrete Float and Spreader; Concrete Power Saw, self-propelled; Concrete Travel Batcher; Crusher and/or Screening Plant; Distributor; Elevating Grader; Gradall; Heavy Duty Rotory Drills (Quarry Master, Joy Drills and similar types); Hoist or Air Tugger, 2 or more drums; Hot Plant; Hot Plant Fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yard to and including 3 yards; Loaders, Track type up to and including 5 yards; Loaders, Traxacavator and Athey; Loader and Hoe Combination, rubber-tired, Loader 1 yard and under, Hoe 1 yard and under;					

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mountain Logger or similar; Mucking Machine; Pavement Breaker, Emsco and similar; Power Auger, large truck or tractor, mounted and punch; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pumpcrete or Grout Machine; Push Tractor; Refrigerator Plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working weight or over any type or make; Roller, Wagner and similar; Ross and similar type Carriers (on construction site); Scraper DW 10; Scraper, DW 15, 20, 21 and similar if power unit is not used; Self-propelled Sheepsfoot and similar; Shovels, including all attachments, under 1 yard; Trenching Machine; Turnhead Conveyor or Head Tower Operator on Batch Plant; Water Pull, when used for compaction; Washing and Screening Plant	$7.02	.45	.45		.13
AUTOMATIC FINEGRADER, Gurries and similar; Motor Patrol; Paving and Mixing Machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip Form Paver	7.15	.45	.45		.13
BORING MACHINE; Concrete Mixer, 3 bags and under; Fireman; Heavy Duty Rotary Drill Helper; Retort Operator	6.61	.45	.45		.13
BROOM OPERATOR, Self-propelled	6.69	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CABLEWAY OPERATOR	$7.53	.45	.45		.13
CEMENT SILO	6.81	.45	.45		.13
CENTRAL MIXING PLANTS, Concrete Dams and Stationary	7.27	.45	.45		.13
CHAIN BUCKET LOADER; Chip-gravel Spreader self-propelled; DW 10, 15, 20 Tractor pulling Roller	6.74	.45	.45		.13
CONCRETE BATCH PLANT OPERATOR, 3 and 4 mixers	7.22	.45	.45		.13
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	7.42	.45	.45		.13
CONCRETE BATCH PLANT OILER, up to and including 2 mixers	6.54	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.85	.45	.45		.13
CONCRETE MIXER OPERATOR, 4 bags and over	6.78	.45	.45		.13
CONVEYOR LOADER, to and including 42" belt	6.60	.45	.45		.13
CRANE, to and including 80' boom with jib	7.18	.45	.45		.13
CRANE, 81' to 130' boom	7.33	.45	.45		.13
CRANE, 131' to 150' boom	7.38	.45	.45		.13
CRANE, 151' boom and over	7.43	.45	.45		.13
CRANE OILER; Oiler Driver, Rubber-tired Cranes	6.59	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRANE, Electric Overhead; Shovels, including all attachments 1 yard to and including 3 yards; Track type Tractor, on Euclid Loader	$7.20	.45	.45		.13
CRANE, TOWER; Scraper, Tandem or (engine)	7.51	.45	.45		.13
CRANE, WHIRLEY	7.55	.45	.45		.13
CRANE, WHIRLEY OILER; Hydralift and similar; Oiler, Hoist House, Dams, Shovels Oiler, over 3 yards; Winch Truck with boom	6.92	.45	.45		.13
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher Oiler; Field Equipment Service Helper; Hot Plant Oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel Oiler, 3 yards and under; Washing and Screening Plant Oiler	6.51	.45	.45		.13
CRUSHER CONVEYOR, when required; Farm type Tractor, up to and including 50 HP; Grade Setter	6.48	.45	.45		.13
DRILLING MACHINE (does not include Jackhammer, Wagon Drillers or Waterlines)	6.93	.45	.45		.13
EUCLID LOADER and similar; Loader and Hoe combination, Rubber-tired, Loader 1 yard to and including 3 yards, Hoe over 1 yard	7.21	.45	.45		.13
FARM TYPE TRACTOR, over 50 HP; Heaters, Herman Nelson and similar	6.56	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FIELD EQUIPMENT SERVICE MAN	$6.94	.45	.45		.13
FORK LIFT (on construction site)	6.83	.45	.45		.13
HOIST, OR AIR TUGGER, single drum; Farm Grader	6.79	.45	.45		.13
FULLER KENYON PUMP; Loaders (Barber Green and similar)	6.67	.45	.45		.13
HELICOPTER HOIST	7.52	.45	.45		.13
LOADERS, RUBBER-TIRED, 1 yard and under	6.73	.45	.45		.13
LOADERS, RUBBER-TIRED, over 3 yards to and including 5 yards	7.14	.45	.45		.13
LOADERS, RUBBER-TIRED, 5 yards to and including 10 yards	7.24	.45	.45		.13
LOADERS, RUBBER-TIRED, over 10 yards, to and including 15 yards	7.34	.45	.45		.13
LOADERS, RUBBER-TIRED, over 15 yards (factory rating not to include sideboards)	7.44	.45	.45		.13
LOADERS, TRACK-TYPE, over 5 yards to and including 10 yards, Scraper, twin engine	7.25	.45	.45		.13
LOADERS, TRACK-TYPE, over 10 yards to and including 15 yards	7.35	.45	.45		.13
LOADERS, TRACK-TYPE, over 15 yards	7.45	.45	.45		.13
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.13
MIXERMOBILE	7.10	.45	.45		.13
PILEDRIVER (when shovel equipment is not used)	6.67	.45	.45		.13

DECISION NO. MT76-5006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
QUAD CAT	$7.32	.45	.45		.13
SCRAPER, single or twin engine pulling Belly Dump Trailer	7.40	.45	.45		.13
SHOVELS, including all attachments over 3 yards to and including 5 yards, Stiff-leg Derrick and Guy Derrick	7.47	.45	.45		.13
SHOVELS, including all attachments over 5 yards	7.50	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS Broadwater, Daniels, Dawson, Fergus, Gallatin, Glacier National Park, Jud th-Basin, Lewis and Clark, Meagher, McCone, Park, Richland, Roosevelt, Sheridan, Valley, Wheatland and Wibaux Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$8.55	.50	.45	.15	.03.
Air Compressor, single	8.24	.50	.45	.15	.03
Air Compressor, two or more	8.41	.50	.45	.15	.03
Air Doctor	8.71	.50	.45	.15	.03
Asphalt Paving Machine	8.71	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.71	.50	.45	.15	.03
Automatic Finegrade, Gurries and other similar types	8.84	.50	.45	.15	.03
Belt Finish Machine	8.41	.50	.45	.15	.03
Bit Grinder	8.71	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.71	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.30	.50	.45	.15	.03
Boring Machine (large)	8.71	.50	.45	.15	.03
Broom, self-propelled	8.38	.50	.45	.15	.03
Cableway Highline	9.22	.50	.45	.15	.03
Cement Silo	8.50	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.96	.50	.45	.15	.03
Chain Bucket Loader	8.43	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.43	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.71	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.91	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.11	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.23	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.54	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.71	.50	.45	.15	.03
Concrete Curing Machine	8.71	.50	.45	.15	.03
Concrete Finish Machine Paving	8.71	.50	.45	.15	.03
Concrete Float-Spreader	8.71	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.30	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.47	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.71	.50	.45	.15	.03
Concrete Travel Batcher	8.71	.50	.45	.15	.03
Concrete Conveyor under 40 feet	8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	9.04	.50	.45	.15	.03
Crane, to and including 80' boom	8.87	.50	.45	.15	.03
Crane, 81' to 130' boom	9.02	.50	.45	.15	.03
Crane, 131' to 150' boom	9.07	.50	.45	.15	.03
Crane, 151' boom and over	9.12	.50	.45	.15	.03
Crane Oiler	8.28	.50	.45	.15	.03
Crusher	8.71	.50	.45	.15	.03
Crusher Oiler and Helper	8.20	.50	.45	.15	.03
Crusher Conveyor, when required	8.17	.50	.45	.15	.03
Distributor	8.71	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling Roller	8.43	.50	.45	.15	.03
Electric Overhead Cranes	8.89	.50	.45	.15	.03
Elevating Grader	8.71	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.17	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.25	.50	.45	.15	.03
Field Equipment Serviceman	8.63	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.20	.50	.45	.15	.03
Fireman	8.30	.50	.45	.15	.03
Forklift, on construction job site	8.52	.50	.45	.15	.03
Form Grader	8.48	.50	.45	.15	.03
Gradall	8.71	.50	.45	.15	.03
Grade Setter	8.17	.50	.45	.15	.03
Heavy Duty Drill, all types	8.71	.50	.45	.15	.03
Heavy Duty Driller Helper	8.30	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.25	.50	.45	.15	.03
Hoist, single drum	8.48	.50	.45	.15	.03
Hoist, tow or more drums	8.71	.50	.45	.15	.03
Helicopter Hoist	9.21	.50	.45	.15	.03
Hot Plant	8.71	.50	.45	.15	.03
Hot Plant Fireman, when in operation	8.71	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.20	.50	.45	.15	.03
Hydra lift and similar types	8.61	.50	.45	.15	.03
Industrial Locomotive all classes	8.71	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mechanic and/or Welder on job	$8.81	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.20	.50	.45	.15	.03
Mixermobile	8.79	.50	.45	.15	.03
Motor Patrol	8.84	.50	.45	.15	.03
Mountain Logger or similar type	8.71	.50	.45	.15	.03
Mucking Machine	8.71	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	8.28	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	8.20	.50	.45	.15	.03
Oiler, hoist house, dams	8.61	.50	.45	.15	.03
Pavement Breaker, Emsco and similar	8.71	.50	.45	.15	.03
Paving and Mixing Machine	8.84	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.71	.50	.45	.15	.03
Power Mixer, single or double drum	8.71	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.71	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.71	.50	.45	.15	.03
Pumpman	8.24	.50	.45	.15	.03
Push Tractor	8.71	.50	.45	.15	.03
Quad Cat	9.01	.50	.45	.15	.03
Quad Loader and similar type	9.29	.50	.45	.15	.03
Raygo Giant	9.29	.50	.45	.15	.03
Refrigerator Plant	8.71	.50	.45	.15	.03
Retort	8.30	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.71	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.41	.50	.45	.15	.03
Roller, 25 ton or over	8.71	.50	.45	.15	.03
Ross and similar type Carriers, on construction site	8.71	.50	.45	.15	.03
Rubber-tired Dozer	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yard and under	8.42	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.83	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.93	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$9.03	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yards	9.13	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.71	.50	.45	.15	.03
Scraper, single or twin engine pulling Belly Dump Trailer	9.09	.50	.45	.15	.03
Scraper, single engine	8.84	.50	.45	.15	.03
Scraper, twin engine	8.94	.50	.45	.15	.03
Scraper, tandem engine	9.20	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.71	.50	.45	.15	.03
Shovels, including all attachments, under 1 cu. yd.	8.71	.50	.45	.15	.03
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	8.89	.50	.45	.15	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	9.16	.50	.45	.15	.03
Shovels, including all attachments, over 5 cu. yds.	9.29	.50	.45	.15	.03
Shovel Oiler, 3 yards and under	8.20	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.61	.50	.45	.15	.03
Slip Form Paver	8.84	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.16	.50	.45	.15	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	8.71	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.94	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	9.04	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.14	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.71	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.89	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trenching Machine	$8.71	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.71	.50	.45	.15	.03
Wagner Roller and similar type	8.71	.50	.45	.15	.03
Whirley Crane	9.24	.50	.45	.15	.03
Whirley Crane Oiler	8.61	.50	.45	.15	.03
Water Pull when used for compaction	8.71	.50	.45	.15	.03
Washing and Screening Plant	8.71	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.20	.50	.45	.15	.03

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Yellowstone	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT PAVING MACHINE; Air doctor; Bit grinder; Bituminous mixer; Bulldozer; Boring machine, large; Concrete finish machine, paving; Concrete float and Spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and including 3 yds.; Heavy duty rotary drills; Quarry Master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mucking machine; Pavement breaker, Emsco and similar type; Paver mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Roller, finish high type pavement; Ross and similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader, front-end up to and incl. 5 cu. yds.; Traxcavator, and Athey type loader; Wagner roller and similar type	$7.02	.45	.45		.13
A-FRAME TRUCK CRANE; Hoist, single drum	6.77	.45	.45		.13
AIR COMPRESSOR, SINGLE; Crusher and/or screening plant helper, if over 2 units	6.51	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR COMPRESSOR, TWO OR MORE; Front-end loader, rubber-tired, under 1 yd.; Roller, grade or finish	$6.71	.45	.45		.13
BELT FINISHING	6.69	.45	.45		.13
BORING MACHINE, small; Fireman; Mixer, concrete, 3 bags or under; Retort	6.58	.45	.45		.13
CABLEWAY	7.54	.45	.45		.13
CEMENT SILO	6.79	.45	.45		.13
CONCRETE BATCH PLANT; Crusher and/or screening plant stationary	6.91	.45	.45		.13
HELICOPTER HOIST	7.52	.45	.45		.13
CONVEYOR; Chip and gravel spreader	6.72	.45	.45		.13
CRANE OPERATORS:					
To and including 80' w/jibs	7.18	.45	.45		.13
81' to 130' boom	7.33	.45	.45		.13
131' to 150' boom	7.38	.45	.45		.13
151' boom and over	7.43	.45	.45		.13
ELECTRIC OVERHEAD CRANE: Euclid loader and similar type; Shovels, including all attachments, 1 yd. to and including 4 yds.; Tournapull, DW 20, 21 and similar type scrapers	7.21	.45	.45		.13
CRANE OILER-DRIVER, rubber tired	6.57	.45	.45		.13
DRILLING MACHINE, does not include jackhammer, wagon driller, or water liner, Field equipment serviceman; Winch truck with hydraulic boom	6.92	.45	.45		.13
FORK LIFT, on Construction Site	6.81	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FRONT-END LOADER, rubber-tired, over 3 yds. and including 5 yds.; LeTourneau, single and similar type; Motor patrol; Automatic finegrader, gurries and similar type	$7.15	.45	.45		.13
FRONT-END LOADERS, rubber-tired, over 5 yds. to and including 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and including 10 cu. yds.	7.25	.45	.45		.13
FRONT-END LOADERS, rubber-tired, 10 yds. to and including 15 yds.; Track-type front-end loaders to and including 15 cu. yds.	7.35	.45	.45		.13
FRONT-END LOADERS, rubber-tired o over 15 yds. (factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13
GRADE SETTER; Herman Nelson heaters and similar type	6.48	.45	.45		.13
LETOURNEAU, Tandem and similar type; Quad Cat	7.32	.45	.45		.13
LOADER, BARBER GREEN and similar type	6.66	.45	.45		.13
MECHANIC and/or Welder, on job site	7.12	.45	.45		.13
MECHANIC and/or Welder, Helper; Heavy duty rotary drill helper; Oiler	6.47	.45	.45		.13
MIXER, CONCRETE, 3 bags and under	6.58	.45	.45		.13
MIXER, CONCRETE, 4 bags and over	6.83	.45	.45		.13
MIXERMOBILE	7.11	.45	.45		.13

DECISION NO. MT76-5006

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PUMPMAN	$6.52	.45	.45		.13
SHOVELS, over 4 yds; Stiff leg, Guy derrick; Scraper, Tandem 3 engines	7.51	.45	.45		.13
TRACTOR, rubber-tired, (Industrial)	6.46	.45	.45		.13
TOWER CRANE	7.51	.45	.45		.13
TRENCHING MACHINE	6.96	.45	.45		.13

DECISION NO. MT76-5006

TRUCK DRIVERS Statewide (except Gallatin, Park, Sweetgrass, Broadwater, (south of U.S. Highway #12) Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers:					
To and including 4 cu. yds.	$7.72	.50	.40		
Over 4 cu. yds. to and including 6 cu. yds.	7.80	.50	.40		
Over 6 cu. yds. to and including 8 cu. yds.	7.88	.50	.40		
Over 8 cu. yds. to and including 10 cu. yds.	7.96	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	7.47	.50	.40		
Over 3 Batch to and including 5 Batch	7.60	.50	.40		
Over 5 Batch to and including 10 Batch	7.76	.50	.40		
Over 10 Batch to and including 15 Batch	7.92	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
DUMP TRUCKS and SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS					
7 cu. yds. or less	7.47	.50	.40		
Over 7 cu. yds. to and including 10 cu. yds.	7.60	.50	.40		
Over 10 cu. yds. to and including 15 cu. yds.	7.76	.50	.40		

DECISION NO. MT76-5006

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and including 20 cu. yds.	$7.90	.50	.40		
Over 20 cu. yds. to and including 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and including 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. to and including 35 cu. yds.	8.08	.50	.40		
Over 35 cu. yds. to and including 40 cu. yds.	8.14	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment	8.20	.50	.40		
DUMPSTERS	7.60	.50	.40		
DW 20, DW 21, or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:					
To and including 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and including 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.21	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	7.65	.50	.40		
FLAT TRUCKS:					
To and including 3 tons	7.57	.50	.40		
Over 3 tons Factory rating	7.82	.50	.40		
SERVICE TRUCK DRIVERS; Fuel Truck Driver; Tiremen	8.01	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, Float Semi-trailer	7.82	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.72	.50	.40		
POWER BROOM	7.56	.50	.40		

DECISION NO. MT76-5006

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$7.47	.50	.40		
Over 2,500 gallons to and including 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and including 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and including 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and including 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT If UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.72	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		
Gallatin, Park, Sweetgrass, Broadwater (South U.S. Hwy. #12), Counties					
TRUCK DRIVERS:					
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	6.08	.50	.30		
House movers	6.12	.50	.30		
Flat, 2 - 5 tons	6.23	.50	.30		
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	6.33	.50	.30		
Dumps, over 10 yds. to and incl. 15 yds.	6.49	.50	.30		
Dumps, over 15 yds. to and incl. 20 yds.	6.63	.50	.30		

DECISION NO. MT76-5006

LINE CONSTRUCTION (Flathead, Lake and Lincoln os.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
All construction of "H" fixtures and Steel Tower Transmission Lines with capacity of 69 K.W. voltages and over, switch yard and substation rated at 5000 K.V. A. and all work not covered by Schedule "B".					
SCHEDULE "A"					
Groundman "B"	$5.08	.25	1%		1%
Groundman "A" (experienced)	5.87	.25	1%		1%
Powderman; Jackhammer-Compressorman	6.25	.25	1%		1%
Line Equipment Operator	7.20	.25	1%		1%
Lineman	8.43	.25	1%		1%
Cable Splicer	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities and R.E.A.'s except work covered under Schedule "A", all Highway Lighting, Street Lighting and Motor Traffic Controlling.					
Groundman	5.38				
Jackhammer-Compressorman; Powderman	5.71	.25	1%		1%
Line Equipment Operators	6.55	.25	1%		1%
Linemen; Pole Sprayer	7.45	.25	1%		1%
Tree Trimmer	7.74	.25	1%		1%
Cable Splicer	8.38	.25	1%		1%

DECISION NO. MT76-5006

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Remaining Counties) (Jobs 69,000 volts or less)					
Cable Splicer	$7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs.); Truck Drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts)and/or (projects of $400,000 or over)					
Cable Splicers	7.92	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (excluding the Nevada Test Site and Tonopah Test Range)

DECISION NUMBER: NV76-5002

DATE: Date of Publication

Supersedes Decision Number NV75-5095 dated August 1, 1975, in 40 FR 32635

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Elko, Eureka, Lincoln and White Pine Counties	$ 8.71	.50	.82		
Clark, Esmeralda and Nye Cos.	12.51	.78	.87		
Remaining Counties	10.20	.97	.75	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln; and Nye County, South of Hwy. #6	10.87	.45	.50		.06
Remaining Counties and Nye Co. North of Hwy. #6:					
Zone A (0-15 miles from Court House in Reno)	10.75	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	11.25	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	11.65	.45	.45		.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	8.90	.50	.65		.05
Zone B (15-35 miles from Court House in Reno)	9.40	.50	.65		.05
Zone C (35-75 miles from Court House in Reno)	9.80	.50	.65		.05
CARPENTERS:					
Clark, Esmeralda and Lincoln Counties; and Nye County South of Hwy. #6 including the City of Tonopah:					
Carpenters	9.36	.55	.90	1.00	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	9.51	.55	.90	1.00	.10
Piledrivermen	9.56	.55	.90	1.00	.10
Millwrights	9.86	.55	.90	1.00	.10
Nye County North of Hwy. #6 excluding the City of Tonopah and all remaining Counties:					
Carpenters	9.25	.55	1.01	1.00	.04
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	9.40	.55	1.01	1.00	.04
Piledrivermen	9.45	.55	1.01	1.00	.04
Millwrights	9.85	.55	1.01	1.00	.04

DECISION NO. NV76-5002

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Clark, Esmeralda, Lincoln and Nye Counties					
Cement Masons	$ 8.30	$ 1.00	.20	$ 2.00	.08
Cement Floor Finishing Machine and Color Work	8.55	1.00	.20	2.00	.08
Lake Tahoe Area:					
Cement Masons	9.80	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	10.05	.55	.60	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.30	.55	.60	1.00	.03
Remaining Counties:					
Cement Masons	8.35	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	8.85	.55	.60	1.00	.03
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda, Lincoln; and Nye South of Hwy. #6	9.50	.55	$ 1.01	1.00	.04
ELECTRICIANS:					
Clark and Lincoln Counties; and Nye County South of Mount Diablo Base Line					
Electricians; Technicians	12.46	.63	1% + .40		.05
Cable Splicers	12.79	.63	1% + .40		.05
Remaining portions of Nye County and all the Remaining Counties except Lake Tahoe Area:					
Electricians; Technicians	11.09	.53	1% + .55		.03
Cable Splicers	12.20	.53	1% + .55		.03
Lake Tahoe Area:					
Electricians; Technicians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln and the Southern Half of Nye	10.85				.05
Northern Half of Nye County and all Remaining Counties	7.845	.25	.55	.855	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Elko Area (Including Montello, Wells, Elko, Carlin, Battle Mountain, Eureka, Pioche, Panaca, Caliente, McGill, Ruth and Ely)					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$ 9.35	.55	.85		.05
Remainder of State:					
Fence Erector	9.34	.93	$ 1.65	$ 1.10	.03
Ornamental; Reinforcing; Structural	10.23	.93	1.65	1.10	.03
LATHERS:					
All Northern Nevada, Tonopah North including Lake Tahoe	10.21	.56	.20		.01
Southern Nevada	9.55	.35	.50		.06
PAINTERS:					
Clark, Esmeralda, Lincoln Cos.; and S 1/2 of Nye County					
Brush; Roller	10.72	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	11.07	.75	.35		.05
Buffing Steel; Sandblasters; Structural Steel	11.32	.75	.35		.05
Steeplejack	12.22	.75	.35		.05
N 1/2 of Nye County and Remaining Cos., except Lake Tahoe Area					
Brush	10.50	.70	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	10.75	.70	.20		
Lake Tahoe Area:					
Brush	10.50	.70	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	10.75	.70	.20		
PLASTERERS:					
Clark, Esmeralda, Lincoln; and Nye Counties	9.38	$1.00	.20	1.20	.08
Remaining Counties	9.35	.50	1.00		
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	7.75	.50	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; STEAMFITTERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	$ 9.90	.65	$ 1.50	$ 1.60	.08
Remaining Counties and N½ of Nye	10.64	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln and S½ of Nye County	7.85	.53	.60	1.95	.07
PLUMBER HELPER (Utility)	4.64	.53	.10	.50	.07
ROOFERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	10.53	.65			
Remaining Cos. & N½ of Nye County	9.85	.45	.20		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	10.23	.83	1.60	1.00	.05
Remaining Counties & N½ of Nye Co.	9.00	.94	1.80	.90	.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	11.12	.40			
Remaining Counties & N½ of Nye	9.55	.70	.20		
SPRINKLER FITTERS	13.72	.50	.80		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	10.87	.45	.50	1.00	.06
Remaining Cos. and N½ of Nye Co.:					
Zone A (0-15 miles from Court House in Reno)	10.75	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	11.25	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	11.65	.45	.45		.01
TERRAZZO AND TILE HELPERS:					
Clark, Esmeralda, Lincoln and S½ of Nye County	9.10	.45			

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

(Clark, Esmeralda, Lincoln and Nye Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
GROUP 1 :	$ 6.23	.26	.75	$ 1.00	
GROUP 2 :	6.28	.26	.75	1.00	
GROUP 3 :	6.31	.26	.75	1.00	
GROUP 4 :	6.33	.26	.75	1.00	
GROUP 5 :	6.35	.26	.75	1.00	
GROUP 6 :	6.36	.26	.75	1.00	
GROUP 7 :	6.38	.26	.75	1.00	
GROUP 8 :	6.41	.26	.75	1.00	
GROUP 9 :	6.42	.26	.75	1.00	
GROUP 10:	6.44	.26	.75	1.00	
GROUP 11:	6.49	.26	.75	1.00	
GROUP 12:	6.52	.26	.75	1.00	
GROUP 13:	6.54	.26	.75	1.00	
GROUP 14:	6.57	.26	.75	1.00	
GROUP 15:	6.59	.26	.75	1.00	
GROUP 16:	6.655	.26	.75	1.00	
GROUP 17:	6.68	.26	.75	1.00	
GROUP 18:	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
GROUP 1:	9.02	.95	1.75	.30	.04
GROUP 2:	9.29	.95	1.75	.30	.04
GROUP 3:	9.56	.95	1.75	.30	.04
GROUP 4:	9.69	.95	1.75	.30	.04
GROUP 5:	9.90	.95	1.75	.30	.04
GROUP 6:	10.00	.95	1.75	.30	.04
GROUP 7:	10.12	.95	1.75	.30	.04
GROUP 8:	10.28	.95	1.75	.30	.04
GROUP 9:	10.40	.95	1.75	.30	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
(Clark, Esmeralda, Lincoln; and Nye County South of Hwy. #6)					
GROUP 1:	$ 8.00	.35	.50		
GROUP 2:	8.11	.35	.50		
GROUP 3:	8.16	.35	.50		
GROUP 4:	8.32	.35	.50		
GROUP 5:	8.50	.35	.50		
GROUP 6:	9.00	.35	.50		

LABORERS
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Op. (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-Man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (lead man); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile Man; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Op.; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

LABORERS (Cont'd)
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and including 1-1/2 yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted);

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yards, up to and including 6-1/2 yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

Group 7: Crane (Over 25 tons up to and including 100 tons M.R.C.; Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple, engine, Euclid, Caterpillar and similar) (Over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and Wheel type over 6-1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Clark, Esmeralda, Lincoln and Nye (South of Hwy. #6) Counties

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel (under 2500 gallons); Pickups; Service; Repairman Helper; Drivers of Busses (on jobsite used for transportation of up to 25 passengers)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Gas and Oil Pipeline Working Truck Driver (including winch truck and all sizes of trucks); Water and Fuel (2500 gallons to 4000 gallons); Truck Greaser and Tireman; Drivers of Busses (on jobsite used for transportation of more than 25 passengers); Road Oil Spreading Truck; Time spent Spreading Oil

Group 3: Transit-mix (less than 3 yards); Dumpcrete (less than 6½ yards)

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type Spreader Trucks; Dumpster; Transit-mix Trucks (3 yards but less than 6 yards); Dumpcrete (6½ yards and over); Fork Lift; Ross Carrier; Highway Water and Fuel Truck (4000 but less than 6000 gallons)

Group 5: Transit-mix (6 yards or more); Truck Repairman; Dump Trucks (Over 22 yards); Trucks (legal payload capacity 20 tons and over); Fuel and Water Trucks (6000 gallons and over)

Group 6: D. W. and similar type equipment, D. W. 10 and D. W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of Equipment; also PB and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

(Statewide except Clark, Esmeralda and Lincoln Cos., & the S 1/2 of Nye County)

TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding and spreading; Grout Crew incl. Headerman and Potman; Reboundmen	$ 8.50	.50	.65		.10
NIPPER; Chuck Tenders and Cable Tenders; Powderman - Primer House; Steel Form Raisers and Setters; Vibratormen, Pavement Breakers	8.60	.50	.65		.10
GROUT GUNMEN; Jetgunmen; Gunmen	8.75	.50	.65		.10
MINERS-Tunnel, incl. Top and Bottom Man on Shaft and Raise Work; Timbermen, Retimberman - Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where car is lifted; Nozzleman on slick line; Sand Blaster - Potman (work assignment interchangeable)	8.80	.50	.65		.10
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	9.10	.50	.65		.10
SHIFTERS	9.35	.50	.65		.10
SHAFT WORK & Raise-Shifters	9.65	.50	.65		.10

DECISION NO. NV76-5002

Page 13

TRUCK DRIVERS (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 7.70	$ 8.85	.51	.65		.05
4 yards and under 8 yards	7.90	9.05	.51	.65		.05
8 yards and under 18 yards	8.10	9.25	.51	.65		.05
18 yards and under 35 yards	8.25	9.40	.51	.65		.05
35 yards and under 60 yards	8.50	9.65	.51	.65		.05
60 yards and under 75 yards	8.65	9.80	.51	.65		.05
75 yards and under 100 yards	8.80	9.95	.51	.65		.05
100 yards and over	8.95	10.10	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	8.10	9.25	.51	.65		.05
8 yards and including 12 yards	8.20	9.35	.51	.65		.05
Over 12 yards	8.40	9.55	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	7.90	9.05	.51	.65		.05
2,500 gallons and over	8.10	9.25	.51	.65		.05
DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	8.35	9.50	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit 2 axle	7.90	9.05	.51	.65		.05
Single unit 3 axle	8.00	9.15	.51	.65		.05

DECISION NO. NV76-5002

Page 14

TRUCK DRIVERS (Cont'd) (Remaining Counties)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUS AND MANHAUL DRIVERS, Single unit Pickup:						
Up to 18,000 pounds	$ 7.75	$ 8.90	.51	.65		.05
18,000 pounds and over	7.85	9.00	.51	.65		.05
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	7.85	9.00	.51	.65		.05
18,000 pounds and over	7.95	9.10	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed or flatbed pull trailers	8.25	9.40	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.15	9.30	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and fuel island man	7.85	9.00	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	8.65	9.80	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	7.95	9.10	.51	.65		.05
WAREHOUSEMAN SPOTTERS; Teamsters	7.80	8.95	.51	.65		.05
TIRE REPAIRMAN	8.10	9.25	.51	.65		.05
TRUCK REPAIRMAN	8.40	9.55	.51	.65		.05

LABORERS
(Remaining Counties)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 :	$ 7.15	.50	.65		.10
GROUP 2 :	7.25	.50	.65		.10
GROUP 3 :	7.40	.50	.65		.10
GROUP 4 :	7.65	.50	.65		.10
GROUP 5 :	7.95	.50	.65		.10
GROUP 6-A:	7.95	.50	.65		.10
GROUP 6-B:	7.65	.50	.65		.10
GROUP 6-C:	7.30	.50	.65		.10

LABORERS
(Remaining Counties)

GROUP 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

GROUP 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group 3): Greasing Dowels

GROUP 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric) Post driver; Riprap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt rakers

GROUP 5: Blasters and powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

GROUP 6-A: Nozzleman, Rodman

GROUP 6-B: Gunman, Materialman

GROUP 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Remaining Counties						
GROUP 1 :	$ 8.35	$ 9.50	$ 1.07 *	$ 1.78	.82	.20
GROUP 2 :	8.72	9.87	1.07 *	1.78	.82	.20
GROUP 3 :	8.92	10.07	1.07 *	1.78	.82	.20
GROUP 4 :	9.44	10.59	1.07 *	1.78	.82	.20
GROUP 5 :	9.65	10.80	1.07 *	1.78	.82	.20
GROUP 6 :	9.77	10.92	1.07 *	1.78	.82	.20
GROUP 7 :	9.94	11.09	1.07 *	1.78	.82	.20
GROUP 8 :	10.32	11.47	1.07 *	1.78	.82	.20
GROUP 9 :	10.54	11.69	1.07 *	1.78	.82	.20
GROUP 10 :	10.77	11.92	1.07 *	1.78	.82	.20
GROUP 10-A:	10.89	12.04	1.07 *	1.78	.82	.20
GROUP 11 :	11.06	12.21	1.07 *	1.78	.82	.20
GROUP 11-A:	12.14	13.29	1.07 *	1.78	.82	.20

* Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)
(Remaining Counties)

GROUP 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman

GROUP 2: Compressor; Material loader and/or conveyor (handling building materials); Pump; Tar pot fireman (power agitated)

GROUP 3: Box Operator (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rodman or chainman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

GROUP 4: Ballast Jack Tamper; Ballast regulator; Ballast tamper multi-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Ross carrier; Skip loader (under 1 cu. yd.); Tie spacer; Line Master

GROUP 5: Concrete Mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

GROUP 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors; Self-propelled tape machine

GROUP 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Instrument man; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plant; Self-propelled boom type lifting device (Center Mount) (10 ton cap. or less); Slusher; Soil tester (certified); Surface heater and planer; Trenching machine (maximum digging capacity

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties

3 ft. depth) Truck type loader; Welding machines (gasoline or diesel); Roller (Asphalt)

GROUP 8: Asphalt Plant Engineer; Car Passer; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant (multiple units); Elevating grader; Grooving and Grinding machine (Highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck." M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine

GROUP 9: Canal Finger Drain Digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

GROUP 10: Boom type backfilling machine; Bridge crane; Cary-life or similar; Chemical grouting machine; Chief of party; Derricks; Derrick barges (except excavation work); Euclid loader & similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and incl. 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire wrapping machine; Rubber tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (200 H.P. and over); Shuttle car (Reclaim station); Single engine scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley Crane (up to and incl. 25 tons); Trenching machine; Multi-engine with sloping attachments (JEFFCO or similar)

GROUP 10-A: Backhoe (up to and incl. 1 cu. yd. hydraulic); Backhoe (up to and incl. 1 cu. yd. (cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and incl. 1 cu. yd.); Motor patrol; Power shovels, Clamshells, Draglines, Cranes (up to and incl. 1 cu. yd.); Rubber-tired scraper, self-loading (Twin engine); Self-propelled boom-type lifting device (Center Mount) (Over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

NEVADA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS
(Remaining Counties)

AREA 2: All areas not included within Area 1 as defined below.
AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of towhnsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E. corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTY: Clark (excluding the Nevada Test Site)

DECISION NUMBER: NV76-5003

DATE: Date of Publication

Supersedes Decision Number NV75-5096 dated August 1, 1975, in 40 FR 32646.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.51	.78	.87		
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons	10.87	.45	.50		.06
CARPENTERS:					
Carpenters	9.36	.55	.90	$1.00	.10
Hardwood Floorlayers; Patent Scaffolds Erectors; Power Saw Operators	9.51	.55	.90	1.00	.10
Piledrivermen	9.56	.55	.90	1.00	.10
Millwrights	9.86	.55	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	8.30	$ 1.00	.20	2.00	.08
Cement Floor Finishing Machine; Color Work	8.55	1.00	.20	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	12.46	.63	1% + .40		.05
Cable Splicers	12.79	.63	1% + .40		.05
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.85				.05
IRONWORKERS:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
LATHERS	9.55	.35	.50		.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	10.87	.45	.50		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Roller	$ 10.72	.75	.35		.05
Paperhangers; Sandblasters; Spray; Steel; Swing Stage; Tapers	11.07	.75	.35		.05
PLASTERERS	9.38	1.00	.20	1.20	.08
PLUMBERS; Steamfitters	9.90	.65	1.50	1.60	.08
ROOFERS	10.53	.65			
SHEET METAL WORKERS	10.23	.83	1.60	1.00	.05
SOFT FLOOR LAYERS	11.12	.40			
SPRINKLER FITTERS	13.72	.50	.80		.08
TERRAZZO, TILE AND MARBLE HELPERS	9.10	.45			

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.

DECISION NO. NV76-5003

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.23	.26	.75	$ 1.00	
Group 2	6.28	.26	.75	1.00	
Group 3	6.31	.26	.75	1.00	
Group 4	6.33	.26	.75	1.00	
Group 5	6.35	.26	.75	1.00	
Group 6	6.36	.26	.75	1.00	
Group 7	6.38	.26	.75	1.00	
Group 8	6.41	.26	.75	1.00	
Group 9	6.42	.26	.75	1.00	
Group 10	6.44	.26	.75	1.00	
Group 11	6.49	.26	.75	1.00	
Group 12	6.52	.26	.75	1.00	
Group 13	6.54	.26	.75	1.00	
Group 14	6.57	.26	.75	1.00	
Group 15	6.59	.26	.75	1.00	
Group 16	6.655	.26	.75	1.00	
Group 17	6.68	.26	.75	1.00	
Group 18	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	9.02	.95	1.75	.30	.04
Group 2	9.29	.95	1.75	.30	.04
Group 3	9.56	.95	1.75	30	.04
Group 4	9.69	.95	1.75	.30	.04
Group 5	9.90	.95	1.75	.30	.04
Group 6	10.00	.95	1.75	.30	.04
Group 7	10.12	.95	1.75	.30	.04
Group 8	10.28	.95	1.75	.30	.04
Group 9	10.40	.95	1.75	.30	.04
TRUCK DRIVERS					
Group 1	8.00	.35	.50		
Group 2	8.11	.35	.50		
Group 3	8.16	.35	.50		
Group 4	8.32	.35	.50		
Group 5	8.50	.35	.50		
Group 6	9.00	.35	.50		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all Materials; Making and Caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader, Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model T.W.-M-2A Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator Op.; Heavy Duty Repairman Helper; Pump Op.; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip Type; Conveyor Op.; Fireman; Generator, Pump or Compressor (2-5 inclusive) Portable units, over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic Pump Op.; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - Wheel type up to 3/4 yd. without attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

GROUP 3: A-Frame or Winch Truck Operator; Chainman; Elevator Op. (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Saw Op.; Power-driven Jumbo Form Setter Op.; Power Concrete Curing Machine Op.; Ross Carrier Op. (jobsite); Stationary Pipe Wrapping and Cleaning Machine Op.

GROUP 4: Asphalt Plant Fireman; Boring Machine Op.; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine Op.; Concrete Pump Op. (small portable); Bridge Type Unloader and Turntable Op.; Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (Grease Truck); Helicopter Hoist Op.; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper Op.; Roller Op. (compacting); Screed Op. (Asphalt or Concrete); Rodman; Trenching Machine Op. (up to 6 ft.);

GROUP 5: Asphalt Plant Engineer; Concrete Batch Plant Op.; Backhoe Op. (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine Op. (Canal and similar type); Concrete Planer Op.; Derrickman (oilfield type); Deck Engine Op.; Drilling Machine Op. (including water wells); Forklift Op. (under 5 ton capacity); Hydrographic Seeder Machine Op.; (straw, pulp, or seed); Instrumentman; Machine Tool Op.; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Op. (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker Op.; Road Oil Mixing Machine Op.; Roller Op. (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propeller Tar Pipelining Machine Op.; Slip Form Pump Op. (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Op. (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yds. and up to and including 1 1/2 yds.); Tractor Op. - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Welder - General

GROUP 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Op. (Barber-Greene or similar type); BHL Lima Road Pactor, Wagner Pactor or similar, Op., Bridge Crane Op.; Cast in Place Pipe Laying Machine Op.; Combination Mixer and Compressor Op. (Gunite work); Concrete Pump Op. (truck mounted); Concrete Mixer Op. - Paving;

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Crane Op. (up to and including 25 ton capacity); Crushing Plant Op.; Drill Doctor; Elevating Grader Op.; Forklift Op. (over 5 tons); Grade Checker; Grade-All Op.; Grouting Machine Op.; Heading Shield Op.; Heavy Duty Repairman; Hoist Op. (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine Op. (Vagtborg and similar type); Lift Mobile Op.; Loader Op. (Athey, Euclid, Sierra and similar type); Material Hoist Op.; Mucking Machine Op. (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Op. (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Op.; Rotary Drill Op. (excluding Caisson Type); Rubber-tired Earth Moving Equipment Op. (single engine Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper Op. (self-loading - Paddel wheel type, John Deere, 1040 and similar single unit); Rubber-tired Earth Moving Equipment Op., multiple engine (up to and including 25 yds. struck); Skiploader Op. (Crawler and Wheel type - over 1 1/2 yds. up to and including 6 1/2 yds.); Surface Heaters and Planer Op.; Trenching Machine Op. (over 6 ft. depth capacity, manufacturers rating); Tower Crane Op.; Tractor Compressor Drill Combination Op.; Tractor Op. (any type larger than D-5 - 100 Flywheel h.p. and over, or similar); (Bull Dozer, Tamper, Scraper and Push Tractor, single engine); Tractor Op. (Boom Attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine Op.; Tunnel Locomotive Op. (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Op. (over 3/4 yds. and up to 5 cu. yd. M. R. C.)

GROUP 7: Crane Op. - over 25 ton up to and including 100 tons M. R. C.); Derrick Barge Op.; Dual Drum Mixer; Hoist Op., Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive Op. (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Rubber-tired Earth Moving Equipment Op. (single engine over fifty (50) yds. struck); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Op. (Crawler and wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., M. R. C.); Welder - Certified; Woods Mixer Op. and similar Pugmill equipment; Heavy Duty Repairman - Welder combination

GROUP 8: Auto Grader Op.; Automatic Slip Form Op.; Crane Op. - over 100 tons; Hoist Op., Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator Op.; Mechanical Finishing Machine Op.; Mobile Form Traveler Op.; Motor Patrol Op. (multi-engine); Pipe Mobile Machine Op.; Rubber-tired Earth Moving Equipment Op. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self-Loading Scraper Op. (Paddle Wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper Op. - pushing one another without Push Cat, Push-Pull (.50¢ per hour additional to base rate); Tandem Equipment Op. (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel Mole Boring Machine

POWER EQUIPMENT OPERATORS (Cont d)
(Except Piledriving and Steel Erection)

GROUP 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS

GROUP 1: Busses, Job Site, Up to 25 Passengers; Dump (less than 12 yds.); Pickups; Service Truck Driver, Teamster Equipment (Highest Rate For Dual Craft Operation); Truck Repairman Helper; Trucks (less than 15 tons); Warehouseman; Water and Fuel (under 2,500 gals.)

GROUP 2: Bootman; Busses, Job Site More Than 25 Passengers; Dump (12 yds. but less than 16 yds.); Road Oil Spreader; Trucks (15 and 20 tons); Trucks Working On Gas and Oil Pipeline, Including Winch Truck and All Size Trucks; Truck Greaser; Water and Fuel (2,500 gals. to 4,000 gals.)

GROUP 3: Dumpcrete (less than 6½ yds.); Tireman; Transit-mix (under 3 yds.)

GROUP 4: Dump (16 yds. up to and including 22 yds.); Dumpcrete (6½ yds. and over); Dumpster; Euclid Type Spreader; Fork Lift; Ross Carrier-Highway ; Transit-mix (3 yds. but less than 6 yds.); Trucks (20 tons but less than 30 tons); Water and Fuel (4,000 gals. but less than 6,000 gals.)

GROUP 5: Dump (over 22 yds.); Transit-mix (6 yds. or more); Truck Repairman; Truck (30 tons and over); Water and Fuel (6,000 gals and over)

GROUP 6: DW 10 and DW 20 Euclid Type Equipment; LeTorneau Pulls; Terra Cobra and Similar; PB and Similar, When performing Work Within Teamster jurisdiction, Regardless Of Attachments Including Power Units Pulling Off Highway Belly Dumps In Tandem

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe
DECISION NUMBER: NV76-5004 DATE: Date of Publication
Supersedes Decision Number NV75-5097 dated August 1, 1975, in 40 FR 32650
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.20	.97	.75	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-15 miles from Court House in Reno)	10.75	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	11.25	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	11.65	.45	.45		.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	8.90	.50	.65		.05
Zone B (15-35 miles from Court House in Reno)	9.40	.50	.65		.05
Zone C (35-75 miles from Court House in Reno)	9.80	.50	.65		.05
CARPENTERS:					
Carpenters	9.25	.55	1.01	1.00	.04
Hardwood Floorlayers; Power Saw Operator; Shinglers; Patent Scaffold Erectors	9.40	.55	1.01	1.00	.04
Piledrivermen	9.45	.55	1.01	1.00	.04
Millwrights	9.85	.55	1.01	1.00	.04
CEMENT MASONS:					
Cement Masons	8.35	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	8.85	.55	.60	1.00	.03
DRYWALL INSTALLERS	9.50	.55	1.01	1.00	.04
ELECTRICIANS:					
Electricians	11.09	.53	1% + .55		.03
Cable Splicers	12.20	.53	1% + .55		.03

DECISION NO. NV76-5004 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$ 10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.845	.25	.55	.855	
IRONWORKERS:					
Fence Erectors	9.34	.93	$ 1.65	$1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
LATHERS	10.21	.56	.20		.01
PAINTERS:					
Brush	10.50	.70	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	10.75	.50	.20		
PLASTERERS	9.35	.50	1.00		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	10.64	.73	.80	1.95	.10
ROOFERS	9.85	.45	.20		.02
SHEET METAL WORKERS	9.00	.94	1.80	.90	.05
SOFT FLOOR LAYERS	9.55	.70	.20		
SPRINKLER FITTERS	13.72	.50	.80		.08
TERRAZZO WORKERS; TILE SETTERS:					
Zone A (0-15 miles from Court House in Reno)	10.75	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	11.25	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	11.65	.45	.45		.01

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 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.

TRUCK DRIVERS	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 7.70	$ 8.85	.51	.65		.05
4 yards and under 8 yards	7.90	9.05	.51	.65		.05
8 yards and under 18 yards	8.10	9.25	.51	.65		.05
18 yards and under 35 yards	8.25	9.40	.51	.65		.05
35 yards and under 60 yards	8.50	9.65	.51	.65		.05
60 yards and under 75 yards	8.65	9.80	.51	.65		.05
75 yards and under 100 yards	8.80	9.95	.51	.65		.05
100 yards and over	8.95	10.10	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	8.10	9.25	.51	.65		.05
8 yards and including 12 yards	8.20	9.35	.51	.65		.05
Over 12 yards	8.40	9.55	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	7.90	9.05	.51	.65		.05
2,500 gallons and over	8.10	9.25	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	8.35	9.50	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit 2 axle	7.90	9.05	.51	.65		.05
Single unit 3 axle	8.00	9.15	.51	.65		.05

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	$ 7.75	$ 8.90	.51	.65		.05
18,000 pounds and over	7.85	9.00	.51	.65		.05
WINCH TRUCKS, A-FRAME:						
Under 18,000 pounds	7.85	9.00	.51	.65		.05
18,000 pounds and over	7.95	9.10	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed): Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed or flatbed pull trailers	8.25	9.40	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	8.15	9.30	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and fuel island man	7.85	9.00	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	8.65	9.80	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	7.95	9.10	.51	.65		.05
WAREHOUSEMAN SPOTTERS; Teamsters	7.80	8.95	.51	.65		.05
TIRE REPAIRMAN	8.10	9.25	.51	.65		.05
TRUCK REPAIRMAN	8.40	9.55	.51	.65		.05

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:	$7.15	.50	.65		.10
Group 2:	7.25	.50	.65		.10
Group 3:	7.40	.50	.65		.10
Group 4:	7.65	.50	.65		.10
Group 5:	7.95	.50	.65		.10
Group 6-A:	7.95	.50	.65		.10
Group 6-B:	7.65	.50	.65		.10
Group 6-C:	7.30	.50	.65		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guniea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Riprap-stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing, and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrators with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

Group 6-A: Nozzleman, Rodman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates AREA I	Basic Hourly Rates AREA II	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1 :	$ 8.35	$ 9.50	$ 1.07*	$ 1.78	.82	.20
GROUP 2 :	8.72	9.87	1.07*	1.78	.82	.20
GROUP 3 :	8.92	10.07	1.07*	1.78	.82	.20
GROUP 4 :	9.44	10.59	1.07*	1.78	.82	.20
GROUP 5 :	9.65	10.80	1.07*	1.78	.82	.20
GROUP 6 :	9.77	10.92	1.07*	1.78	.82	.20
GROUP 7 :	9.94	11.09	1.07*	1.78	.82	.20
GROUP 8 :	10.32	11.47	1.07*	1.78	.82	.20
GROUP 9 :	10.54	11.69	1.07*	1.78	.82	.20
GROUP 10 :	10.77	11.92	1.07*	1.78	.82	.20
GROUP 10-A:	10.89	12.04	1.07*	1.78	.82	.20
GROUP 11 :	11.06	12.21	1.07*	1.78	.82	.20
GROUP 11-A:	12.14	13.29	1.07*	1.78	.82	.20

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K. W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete Plant); Motorman; Rodman or Chainsman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.): Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclids, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Chief of Party; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber Tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd.)(Cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

NEVADA AREA DEFINITIONS for Power Equipment Operators

AREA 2: All areas not included within Area 1 as defined below.
AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of towhnsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E. corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Nevada Test Site Including Tonopah Test Range in Clark and Nye Counties

DECISION NUMBER: NV76-5005

DATE: Date of Publication

Supersedes Decision No. NV75-5057 dated May 9, 1975, in 40 FR 20602

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.67	.78	.87	1.00	
CARPENTERS (Nevada Test Site):					
Carpenters	8.24	.55	.90	.80	.03
Floorlayers	8.265	.55	.90	.80	.03
Millwrights	8.54	.55	.90	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	6.86	.55		2.10	
Floorlayers; Shinglers	6.885	.55		2.10	
Power Saw Operator (overhead)	7.005	.55		2.10	
CEMENT MASONS:					
Cement Masons	7.55	1.00	.20	2.00	.08
Floor Finishing Machine	7.90	1.00	.20	2.00	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	10.62	.63	1%+.40		.05
Cable Splicers	10.95	.63	1%+.40		.05
Groundman	8.42	.63	1%+.40		.05
IRONWORKERS:					
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
PAINTERS:					
Brush; Roller	8.27	.75	.35	1.50	.05
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	8.62	.75	.35	1.50	.05
Buffing; Sandblasters, Steel	8.88	.75	.35	1.50	.05
PLUMBERS; Steamfitters	9.90	.65	1.50	1.60	.08
ROOFERS	10.53	.65			
SHEET METAL WORKERS	10.23	.83	1.60	1.00	.05

DECISION NO. NV76-5005

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$ 6.23	.36	.95	1.00	
Group 2	6.28	.36	.95	1.00	
Group 3	6.31	.36	.95	1.00	
Group 4	6.33	.36	.95	1.00	
Group 5	6.35	.36	.95	1.00	
Group 6	6.36	.36	.95	1.00	
Group 7	6.38	.36	.95	1.00	
Group 8	6.41	.36	.95	1.00	
Group 9	6.42	.36	.95	1.00	
Group 10	6.44	.36	.95	1.00	
Group 11	6.49	.36	.95	1.00	
Group 12	6.52	.36	.95	1.00	
Group 13	6.54	.36	.95	1.00	
Group 14	6.57	.36	.95	1.00	
Group 15	6.59	.36	.95	1.00	
Group 16	6.655	.36	.95	1.00	
Group 17	6.68	.36	.95	1.00	
Group 18	6.75	.36	.95	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
Group 1	7.43	.95	1.50	.30	.02
Group 2	7.67	.95	1.50	.30	.02
Group 3	7.91	.95	1.50	.30	.02
Group 4	8.02	.95	1.50	.30	.02
Group 5	8.21	.95	1.50	.30	.02
Group 6	8.31	.95	1.50	.30	.02
Group 7	7.51	.75	1.50	.30	
Group 7-A	7.22	.75	1.50	.30	
Group 7-B	7.11	.75	1.50	.30	
Group 7-C	6.87	.75	1.50	.30	
TRUCK DRIVERS					
Group 1	8.065	.223	.65		
Group 2	8.12	.223	.65		
Group 3	8.17	.223	.65		
Group 4	8.33	.223	.65		
Group 5	8.515	.223	.65		

LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man, Kettleman, Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powderman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

LABORERS (Cont'd)

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, Wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Ross Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber Tired, Heavy Duty Equipment)Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, Wheeltype, over 3/4 yards, up to and including 1½ yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor-drag type Shovel, Bulldozer, Tamper, Scraper and Push Tractor

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Rotary Drill, excluding Caisson type; Skiploader, Wheeltype, over 1½ yds.; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine) Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Bryan
DECISION NO.: OK76-4001 DATE: Date of Publication
Supersedes Decision No. OK75-4016 dated January 17, 1975 in 40 FR 3151
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.
AIR CONDITIONING MECHANIC	$4.50				
BRICKLAYERS	5.00				
CARPENTERS	3.50				
CEMENT MASONS	3.50				
ELECTRICIANS	4.125				
GLAZIERS	2.50				
IRONWORKERS, REINFORCING	3.00				
LABORERS	2.30				
MASON TENDERS	2.85				
PAINTERS, BRUSH	4.00				
PLUMBERS	4.50				
ROOFERS	3.50				
SHEET METAL WORKERS	4.50				
SOFT FLOOR LAYERS	4.50				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.30				
POWER EQUIPMENT OPERATORS:					
Motor graders	3.00				
Rollers	3.00				
Scrapers	3.00				
Trenching machines	3.00				
Tractors	3.00				

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Comanche
DECISION NO.: OK76-4002 DATE: Date of Publication
Supersedes Decision No. OK75-4017 dated January 17, 1975 in 40 FR 3152
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	$6.65				
CARPENTERS	5.85				.02
CEMENT MASONS	5.20				
ELECTRICIANS	7.00	.20	1%		1/4%
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	5.00				
PLUMBERS & PIPEFITTERS	6.16				
ROOFERS	4.00				
SHEET METAL WORKERS	5.52				
TILE SETTERS	5.60				
TRUCK DRIVERS	2.30				
POWER EQUIPMENT OPERATORS:					
Front end loaders	3.25				
Motor graders	3.50				
Scrapers	3.00				

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Statewide
DECISION NUMBER: OR76-5001
DATE: Date of Publication
Supersedes Decision No. OR75-5133 dated November 14, 1975, in 40 FR 53210
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.86	.50	.90		.11
BOILERMAKERS	9.80	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	10.13	.55	.75		.08
Marion, Polk, S½ of Yamhill Cos.	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	9.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and South thereof), and S½ of Malheur Counties	9.62	.50	.55		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	9.29	.55	.65	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	9.39	.55	.65	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	9.44	.55	.65	.35	.03
Boom Men	9.49	.55	.65	.35	.03
Millwrights and Machine Erectors	9.54	.55	.65	.35	.03
CEMENT MASONS:					
Cement Masons	8.97	.55	.60	.60	.10
Composition Workers; Power Machinery Operator	9.12	.55	.60	.60	.10

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$ 8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%
Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties					
Electricians	9.85	.35	1%+.40		.02
Lead Cable Splicers	10.835	.35	1%+.40		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line North and South from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	9.30	.45	1%		.04
Cable Splicers	10.23	.45	1%		.04
Benton, Crook, Deschutes, Jefferson, Lake (except coast portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	9.85	.45	1%		.04
Lead Cable Splicers	10.64	.45	1%		.04
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	10.10	.45	1%+.40		.02
Lead Cable Splicers	10.85	.45	1%+.40		.02
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	9.50	.45	1%		.04
Cable Splicers	10.15	.45	1%		.04
ELEVATOR CONSTRUCTORS	9.54	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Wallowa County	$ 7.28	.31	.25	.28+b	
Remaining Counties	7.20	.26	.30	6.5%	.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	8.90	.58	.90	.25	.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	9.05	.50	.80		.01
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N½ of Yamhill Counties	10.13	.55	.75		.08
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	9.20	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (including the City of Maupin and South thereof), Wheeler Counties	8.05	.45	.60		
MASON TENDERS:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	8.27	.65	.80		.10
PAINTERS:					
Malheur County					
Brush; Paperhangers; Drywall Tapers	7.26	.25	.10		.02
Steel, Sign	7.36	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.73	.25	.10		.02

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Umatilla (Township of Pendleton Only)					
Brush; Glazier; Sign Painter	$5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	8.59	.35	.45	.30	.03
Spray, High Towers, Ground to 100'	8.84	.35	.45	.30	.03
High Work over 100'; High Towers ground to 300'	9.09	.35	.45	.30	.03
High Towers, ground to over 300'	9.59	.35	.45	.30	.03
Drywall Finisher	7.81	.40	.40	.50	.06
PLASTERERS:					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur (South half), Wasco (including the City of Maupin and south thereof) and Wheeler Counties	9.05	.50	.80		.01
Remaining Counties	9.25	.50	.80		.01
PLUMBERS; Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	8.79	.37	.40		.10
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	10.11	.33	.85	.62	.10
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	9.23	.56	1.18	1.00	.10
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasxo, Wheeler, Washington, N½ of Yamhill Counties, N½ of Tillamook County	10.97	.85	1.55		.08
Coos, Curry, West Coast portion of Douglas, Lane (City of Florence)	10.39	.66	1.02		.04

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Lane (except City of Florence); Douglas (except Coast portion) Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	$8.65	.41	.75		.05
Remainder of Klamath and Lake Counties	11.09	.60	1.30		.10
Jackson and Josephine Counties	9.23	.60	1.55	1.20	.05
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Counties					
Roofers	9.05	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	9.55	.45	.75		
Handling of irritating material (coal, tar or epoxy) in a confined area	9.80	.45	.75		
Roofers' Helpers					
Under 800 hours experience	70%JR				
800-1600 hours experience	75%JR				
Over 1600 hours experience	80%JR				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	9.05	.45	.10		
Spray and/or application of irritating materials in a confined area	10.05	.45	.10		
Marion, Yamhill, Polk, Lincoln, Benton, and Linn Counties	8.70	.45	.15		
Malheur County	7.40	.33	.20	.30	
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	8.71	.55	.51	1.00	.04

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Malheur County	$8.36	.32	.30		.04
Baker, Umatilla, Union, Wallowa Counties	11.10	.52	.80		.05
Coos, Curry, Douglas, Klamath, Lake, and Lane Counties	8.67	.37	.35		.005
Jackson and Josephine Counties	8.08	.42	.40	.30	.005
SOFT FLOOR LAYERS:					
All Counties except Malheur	8.335	.45	.85	c	.06
SPRINKLER FITTERS	10.55	.50	.80		.08
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa, and N½ of Malheur Counties	8.53	.40	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	8.04	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Cos.	8.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Cos.	8.05	.45	.60		

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which w welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also Seven (7) Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to the credit of employees with more than one year of service.

DECISION NO. OR76-5001

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	7.96	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
DREDGING:					
Leverman:					
Dipper	10.06	.75	1.00	.50	.05
Hydraulic	9.40	.75	1.00	.50	.05
Assistant Engineer (including watch engineer, welder, mechanic, and machinist); Mate	9.04	.75	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	8.80	.75	1.00	.50	.05
Assistant Mate (deckhand); Oiler	8.54	.75	1.00	.50	.05

DECISION NO. OR76-5001

LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$7.37	$7.77	$8.12	$8.37	$8.62	$8.87
Group 2	7.72	8.12	8.47	8.72	8.97	9.22
Group 3	8.02	8.42	8.77	9.02	9.27	9.52
Group 4	8.27	8.67	9.02	9.27	9.52	9.77

FRINGE BENEFITS:
Health and Welfare $.65
Pension .80
Vacation $.50
Apprenticeship Training .10

TRUCK DRIVERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.48	$8.88	$9.23	$9.48	$9.73	$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:
Health and Welfare $.53
Pension .65
Vacation $.45
Apprenticeship Training .05

DECISION NUMBER OR76-5001

POWER EQUIPMENT OPERATORS

WAGE RATES:

WAGE RATES:

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.30	$8.70	$9.05	$9.30	$9.55	$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	$ .75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

DECISION NO. OR76-5001

LABORERS
TRUCK DRIVERS
POWER EQUIPMENT OPERATORS

ZONE WAGE SCALE

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

DECISION NO. OR76-5001

LABORERS
TRUCK DRIVERS
POWER EQUIPMENT OPERATORS

ZONE WAGE SCALE (Cont'd)

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	
Bend	La Grande	Pendlenton	
Brookings	Lakeview	Port Orford	
Burns	Madras	Reesdport	
Coos Bay	Medford	Roseburg	
Grants Pass	McMinnville	The Dalles	

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall

Zone B - More than 5 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

DECISION NO. OR76-5001

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-way Marker); Fine Graders; Flagmen, traffic; Form Strippers (not Swinging Stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types; Railroad Track Laborers; Ribbon Setters (including Steel Forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air gas or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in Swinging Stages, Chairs or Belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align laser beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Reuglators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

DECISION NO. OR76-5001

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail Equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power); under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy Phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, setting Slip Forms, etc., in tunnels; Slip Forms Pumps, power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type), self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

DECISION NO. OR76-5001

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H. D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, Maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H. D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

DECISION NO. OR76-5001

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or wet mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

DECISION NO. OR76-5001

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity), up to 1600 gallons; Transit Mix and wet or dry mix trucks 5 cu. yds. and under.

Group 2: "A" Frame of Hydra-lift Truck w/load bearing surfaces; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Tireman (full-time basis); Water Wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low Bed Equipment, Flat Bed Semi-truck and Trailer or doubles transporting Equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi trucks and Trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder-Body Repairman; Water Wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

DECISION NO. OR76-5001

TRUCK DRIVERS (Cont'd)

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including semi Trucks and Trains or combinations thereof: over 90 cu. yds, and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: TN 76-1010
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AQ-4061 dated January 25, 1974, in 39 FR 3426
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Cheatham, Davidson, Dickson, Lawrence, Marshall, Maury, Robertson, Rutherford, Sumner, Trousdale, Williamson and Wilson

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Condition Mechanic	$3.00					
Bricklayers	3.61					
Carpenters	3.32					
Cement Masons	3.09					
Electricians	3.19					
Ironworkers:						
Structural, Ornamental & Reinforcing	3.00					
Laborers:						
Laborers	2.30					
Painters, brush	3.18					
Plumbers	4.50					
Roofers	3.85					
Soft floor layers	3.00					
Tile setters	3.60					
Truck Drivers	2.75					
Insulator installers	2.45					
Power Equipment Operators:						
Air compressors	2.30					
Backhoe	2.60					
Blade grader	3.50					
Bulldozers	3.31					
Cranes, derricks, draglines	3.90					
Forklifts	3.90					
Finishing Machines	2.50					
Motor grader	2.55					
Oilers	3.17					
Scrapers	3.60					
Shovels	3.90					
Tractors	2.50					
Trax cavator	3.60					
Wagon drill operator	2.80					
Trenching machines	3.50					
Welders - Rate for Craft.						

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: TN76-1012 DATE: Date of Publication
Supersedes Decision No.:TN75-1108 dated November 14, 1975, in 40 FR 53219.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy, Water, Sewer and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.20	.35	.50		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers, Stonemasons	9.85	.43	.20		.05
Carpenters, Piledrivermen, Soft floor layers	8.80	.30	.30		.04
Cement masons:					
Cement masons	8.65	.30	.45		.10
Cement masons machine operator	8.90	.30	.45		.10
Electricians:					
Electricians, Linemen	9.48	.45	1%+.40		.5%
Cable splicers	9.58	.45	1%+.40		.5%
Elevator constructors	8.29	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	8.50	.35	.20		
Ironworkers	9.15	.35	.60		.125
Lathers	9.30	.25			.01
Leadburners	7.80	.30		c	.01
Marble setters, Terrazzo workers, tile setters	7.75	.45	.20		.05
Millwrights	9.075	.36			.06
Painters:					
Brush	8.10	.30	.30		.05
Sandblasting, spray steel	8.35	.30	.30		.05
Plasterers	9.40				.01
Plumbers	9.57	.30	.15		
Roofers:					
Composition	8.25		.25		.03
Slate, tile, asbestos & precast tile	8.50		.25		.03
Sheet metal workers	8.40	.50	.25	.55	.02
Sprinkler fitters	9.35	.50	.80		.08
Steamfitters, air conditioning mechanics and pipefitters	10.47	.30	.30		
Truck drivers:					
Up to 5 tons	6.10		d		
5 tons & over incl. special equipment	6.50		d		
Welders, riggers, & riveters receive rate prescribed for craft performing operation to which welding is incidental.					

TN76-1012 - (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F. plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. Employer contribution of $5.00 per week.

TN76-1012 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.75	.20	.20		.05
GROUP B	5.85	.20	.20		.05
GROUP C	5.90	.20	.20		.05
GROUP D	6.10	.20	.20		.05
GROUP E	6.30	.20	.20		.05

GROUP A: General and common laborers, concrete laborers, track laborer walkers, cement finisher helper, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

TN76-1012 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	8.65	.30	.35		
CLASS B	8.22	.30	.35		
CLASS C	7.52	.30	.35		
CLASS D	7.12	.30	.35		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Strattle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

TN76-1012 - (Cont'd)

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.40				
Carpenters or leadsman	5.35				
Cement masons	5.35				
Electricians	6.15				
Ironworkers, reinforcing	5.10				
Ironworkers, structural	5.70				
Laborers:					
Laborers, unskilled, Flagman	3.25				
Chain saw, Concrete rubber, Mortar mixer, Pipelayer	3.50				
Air tool operator, firemen	3.55				
Concrete edger	3.65				
Concrete saw operator, fence erector, guard rail erector	3.75				
Asphalt raker	3.85				
Sign erector	3.95				
Form setter, Steel road	4.25				
Powderman	4.55				
Nozzleman or gunman (gunite)	5.35				
Painters or sand blaster	5.35				
Truck drivers:					
2 & 3 axles	3.65				
4 & 5 axles or more or heavy duty off-the-road trucks	4.30				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, welder helper	3.40				
Ditch paver, mechanic helper	3.55				
Curb machine	3.65				
Motor crane driver, mulcher or seeder, scale operator	3.75				
Tractor, farm	3.80				
Concrete mixer, less than 1 yd, Earth drill	3.85				
Track drill	4.00				
Dozer or loader - stock pile only	4.10				
Oiler, roller, other than finish	4.15				

TN76-1012 - (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Distributor (bituminous)	4.35				
Tractor, crawler, utility	4.40				
Spreader (self-propelled)	4.50				
Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	4.65				
Tractor - boom & hoist, trenching machine	4.80				
Bulldozer or push dozer, scraper	5.25				
Backhoe, concrete paver, Cranes, end loader, Mechanic, Class I, Motor patrol finish, piledriver, Shovel	5.35				

TN76-1012 - (Cont'd)
WATER, SEWER AND UTILITIES

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.30					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Knox
DECISION NUMBER: TN76-1013 DATE: Date of Publication
Supersedes Decision No.: TN75-1052 dated May 30, 1975 in 40 FR-23688
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	8.40	.30	.20		.01
Boilermakers	7.50	.40	.90		.02
Bricklayers and Stonemasons	9.00				
Carpenters	7.50		.35		.02
Cement masons	7.02				
Electricians					
& Line Construction:					
Electricians & Linemen	8.25	.40	1%		.5%
Cable splicers	8.65	.40	1%		.5%
Elevator constructors	7.45	.445	.29	3%+a&b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	5.75		.25		.005
Ironworkers:					
Structural & ornamental	7.61	.40	.30		
Reinforcing	7.47	.40	.30		
Fence erector	7.61	.40	.30		
Lathers	7.91		.20		.01
Leadburners	7.80	.30		c	.01
Marble masons	9.00				
Millwrights	8.06		.35		.02
Painters:					
Commerical	7.20		.35		.03
Industrial	7.55		.35		.03
Piledrivermen	7.75		.35		.02
Plasterers	8.20				
Plumbers and Steamfitters	8.25	.35	.45	.30+d	.05
Roofers, composition	6.76		.25		
Roofers, slate & tile	6.81		.25		
Sheet metal workers -	7.41	.30	.30		.02
Soft floor layers	7.55		.30		.02
Sprinkler fitters	9.35	.50	.80		.08
Terrazzo workers & tile setters	9.00				
Truck drivers:					
3 tons, & inc., 4 yds., dump truck	5.10	.25	e		
3 to 5 tons, & inc. 6 yds., dump truck	5.34	.25	e		
5 tons, & over inc. dump truck over 6 yds. ready mix conc. truck, tank trucks, floats, & lowboys, winch truck & semi-					

TN76-1013 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers - (Cont'd) trailer any type trucks pulling or towing equip.	5.54	.25	e		
Welders - receive rate for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regularly scheduled work days immediately preceding and following the holiday.

d. $.05 holiday pay.

e. $6.00 per week for each employee.

TN76-1013 - (Cont'd)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A	$ 5.14	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.32	.15	.15		.01
GROUP E	5.44	.15	.15		.01
GROUP F	5.94	.15	.15		.01
GROUP G	5.64	.15	.15		.01
Tunnel Construction:					
GROUP H	5.14	.15	.15		.01
GROUP I	5.54	.15	.15		.01
GROUP J	5.69	.15	.15		.01
GROUP K	5.84	.15	.15		.01
GROUP L	5.94	.15	.15		.01

GROUP A: Construction Laborer

GROUP B: Mortar mixer, plasterer tender

GROUP C: Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool op.

GROUP D: Acetlyene burner

GROUP E: Wagon drill operator

GROUP F: Caisson hole man

GROUP G: Powderman

GROUP H: Outside laborer

GROUP I: Tunnel laborer

GROUP J: Chuck tender

GROUP K: Concrete gun op., nozzleman

GROUP L: Tunnel miner

TN76-1013 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 7.40	.25	.20		.02
GROUP B	6.88	.25	.20		.02
GROUP C	5.77	.25	.20		.02
GROUP D	5.30	.25	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material, central mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); tracmobile; maintainers; blacktop roller; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engineman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine, 2 not more than 3; heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater (1)

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO.: DC75-3000
Supersedes Decision No. DC75-3099, dated September 26, 1975, in 40 FR 44449.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments, up to and including 4 stories), Heavy Construction (including Washington Metropolitan Area Transit Authority - Rapid Rail Transit System), Demolition and Sewer and Water Lines.

BUILDING AND HEAVY CONSTRUCTION (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.21	.49	.60		.03
BOILERMAKERS - BLACKSMITHS	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CARPET LAYERS	6.70	.30			.05
CEMENT MASONS:					
Cement masons	9.65	.485	.45		.11
Grinding machine	9.90	.485	.45		.11
ELECTRICIANS	10.50	.65	1%+.80		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, ornamental and chain link fence	9.55	.50	.60		.05
Reinforcing	10.00	.35	.60		.03
LABORERS (EXCLUDING WMATA):					
Common laborers, landscapers	7.71	.35	.40		.05
Acetylene burners used on wrecking	8.21	.35	.40		.05
Air tool op., scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootcretes	7.86	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Plasterers' tenders	7.03	.32	.35		.05
Plumbers' laborers	6.93	.30	.40		.05
Powdermen	8.885	.35	.40		.05
Powersaw, well points	7.96	.35	.40		.05
LATHERS	8.73	.50	.50		.025
LEADBURNERS	9.25	.35		c	.01

DC76-3000 Cont'd.

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	$10.86	.35	1%		1/4%
Truck with winch, truck pole or steel handling	7.18	.35	1%		1/4%
Groundmen (0 to 1 year)	5.76	.35	1%		1/4%
Groundmen (1 to 2 years)	6.67	.35	1%		1/4%
Groundmen (over 2 years)	6.92	.35	1%		1/4%
MARBLE SETTERS	10.80	.45	.30		.05
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, spray, paperhangers, tapers	9.44	.51	.18		.06
Steel, sandblasting, swing stage, power brushing	9.94	.51	.18		.06
PILEDRIVERMEN	9.75	.50	.49		.07
PLASTERERS	9.80	.45	.25		.06
PLUMBERS	10.08	.73	.70		.23
ROOFERS:					
Composition	8.46	.42	.25		
Slate, tile, mopmen, waterproofers, sprayers, sprandrel and ironite	9.02	.42	.25		
Helpers	6.18	.42	.25		
SHEET METAL WORKERS	9.76	.74	.84		.12
SOFT FLOOR LAYERS	9.55	.50	.49		.07
SPRINKLER FITTERS	10.60	.50	.80		.08
STEAMFITTERS, Refrigeration and air conditioning mechanic	10.20	.65	.75		.14
STONE MASONS	10.80	.45	.30		.05
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		
Ornamental carvers	9.49	.18	.20	h	
Figure carvers	10.11	.18	.20	h	

DC76-3000 Cont'd.

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO AND MOSAIC WORKERS	$ 9.33	.40	.30		
TERRAZZO WORKERS' HELPERS	8.05	.40	.40		
TILE SETTERS	9.33	.40	.30		
TILE SETTERS' HELPERS	8.05	.40	.40		
TRUCK DRIVERS:					
Boom trucks	6.40	.25	f	g+j	
Small dump, water sprinkler, grease and oil	6.15	.25	f	g+j	
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	6.25	.25	f	g+j	
Trailers, low boys, tractor pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding 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. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).

f. Employer contributes $8.00 per week when employee has worked 90 days in a work week.

g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).

h. Holidays: A-D-E-F and Veteran's Day.

j. One weeks paid vacation providing the employee has worked 3 years and a minimum of 1450 hours during any calendar year.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
GROUP I	$ 7.71	.35	.40		.05
GROUP II	7.86	.35	.40		.05
GROUP III	7.91	.35	.40		.05
GROUP IV	7.96	.35	.40		.05
GROUP V	8.16	.35	.40		.05
GROUP VI	8.36	.35	.40		.05
GROUP VII	8.485	.35	.40		.05
GROUP VIII	8.935	.35	.40		.05

CLASSIFICATIONS

LABORERS:
GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys, tool room men
GROUP II - Combined air and water nozzlemen, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and lagger, creosote material handler, corrosive enamel or equal, paving breaker and jackhammer operators
GROUP III - Multi-section pipe layer, non-mentallic clay and concrete pipe layer (including caulker, collarman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer
GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator
GROUP V - Asphalt screeder, big drills, cut of the hole drills (1½ piston or larger) down the hole drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzleman and potman
GROUP VI - Powderman, master form setters
GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; hastings block or similar type)
GROUP VIII - Miners

DC76-3000 Cont'd.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$7.985	.35	.40		.05
GROUP II	8.285	.35	.40		.05
GROUP III	8.935	.35	.40		.05
GROUP IV	9.185	.35	.40		.05

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I
Brakeman, bull gang, dumper, trackman, concrete man

GROUP II
Chuck tender, powderman in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' helpers

GROUP III
Miners, rodmen, re-bar underground, concrete or gunnite nozzlemen, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman.

GROUP IV
Mucking machine operator (air)

DC76-3000 Cont'd.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM ONLY

COMPRESSED AIR RATES		Rates Paid Daily	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gauge Pressure Pounds	Work Period Hours					
1-14	7	$ 81.22	a	b		c
14-18	6	84.56	a	b		c
18-22	5-1/2	87.89	a	b		c
22-26	5	91.24	a	b		c
26-32	4	94.57	a	b		c
32-38	3	97.92	a	b		c
38-44	2-1/2	101.25	a	b		c

Footnotes:
a. The employer pays $2.80 to health and welfare per day.

b. The employer pays $3.20 to Pension per day.

c. The employer pay $.40 to training fund per day.

DC76-3000 Cont'd.

2-D.C. - PED-1-2-R

(INCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
GROUP 1	$10.45	.50	.55		.12
GROUP 2	10.20	.50	.55		.12
GROUP 3	9.82	.50	.55		.12
GROUP 4	10.05	.50	.55		.12
GROUP 5	9.87	.50	.55		.12
GROUP 6	9.80	.50	.55		.12
GROUP 7	9.79	.50	.55		.12
GROUP 8	9.62	.50	.55		.12
GROUP 9	9.40	.50	.55		.12
GROUP 10	9.60	.50	.55		.12
GROUP 11	8.74	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - 35 ton cranes and above, tower and climbing cranes

GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)

GROUP 3 - Mechanic, mechanic welder, welders

GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)

GROUP 5 - Air compressors (on steel)

GROUP 6 - Front end loaders (hi-lift), fork lifts

GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines

GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points

GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders

GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders

GROUP 11 - Firemen

DC76-3000 Cont'd.

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

DEMOLITION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers	$5.62	.28	.25		.03
Burners	6.12	.28	.25		.03
Power Equipment Operators:					
Cranes	9.695	.50	.55		.12
Loaders	9.295	.50	.55		.12
Truck Drivers	4.00				

DC76-3000 Cont'd.

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

5-D. C. 3- W

PAVING AND INCIDENTAL GRADING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Shoveler	$6.45	.22	.30		
Asphalt Raker	6.65	.22	.30		
Asphalt Tamper	6.55	.22	.30		
Bricklayers	9.85	.60	.60		.10
Carpenters	9.55	.50	.49		.07
Cement Masons	6.90	.22	.30		
Concrete Saw Operator	6.65	.22	.30		
Concrete Shoveler	6.55	.22	.30		
Form Setter	6.90	.22	.30		
Laborers:					
Laborers	6.40	.22	.30		
Jackhammer	6.60	.22	.30		
Hand Burner Operator	6.55	.22	.30		
Power Equipment Operators:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor, Rubber-tired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	6.65	.22	.30		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	6.85	.22	.30		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	6.90	.22	.30		
Crane Operator, Concrete Paving Operator	7.05	.22	.30		
Shovel Operator	7.15	.22	.30		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Loader Operator Tracks (over 2-½ cu. yds)	7.80	.22	.30		
G-1000 Gradall Operator (over 1½ cu. yds.)	8.05	.22	.30		
Power Broom, Oiler	6.55	.22	.30		
Sand Setter	6.90	.22	.30		
Truck Drivers:					
Truck Drivers (standard)	6.40	.22	.30		
Tandem	6.52	.22	.30		
Tractor trailer (capable of moving heavy equipment)	6.90	.22	.30		

DC76-3000 Cont'd.

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS	9.65	.485	.45		.11
IRONWORKERS; Reinforcing	10.00	.35	.60		.03
LABORERS:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	5.78	.28	.25		.03
Timbermen, sheeting-men, shoring-men, caulkers, pipelayers helpers	5.93	.28	.25		.03
Bottom man	5.83	.28	.25		.03
Wagon drillers, air track drillers	6.13	.28	.25		.03
Pipelayers	6.13	.28	.25		.03
Rock drillers	5.88	.28	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackmen, concrete man	6.415	.28	.25		.03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' helpers	6.715	.28	.25		.03
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, powermen, timbermen and retimberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield driver	7.365	.28	.25		.03
Mucking machine operator (air)	7.615	.28	.25		.03

DC76-3000 Cont'd.

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

SEWER AND WATER LINES CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMPRESSED AIR: (All rates per day)					
Gauge Pressure Pounds / Work Period					
From 1 to 14 / 7 hours	72.74	a	b		.03
From 14 to 18 / 6 hours	76.08	a	b		.03
From 18 to 22 / 5½ hours	79.41	a	b		.03
From 22 to 26 / 5 hours	82.76	a	b		.03
From 26 to 32 / 4 hours	86.09	a	b		.03
From 32 to 38 / 3 hours	89.44	a	b		.03
From 38 to 44 / 2½ hours	92.77	a	b		.03
PILEDRIVERMEN	9.75	.50	.49		.07
PLUMBERS	10.08	.73	.70		.23
POWER EQUIPMENT OPERATORS:					
Backhows, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 cu. yd. and over	7.79	.35	.35		.05
Backhoes, cableways, cranes derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu. yd., boom cats, elevating graders, hoists, paving mixers, pile-driving engines, batch plants concrete pumps	7.54	.35	.35		.05
Trenching machines (above 8' 3")	7.34	.35	.35		.05
Backhoes (hydraulic, under ½ c.y.)	7.42	.35	.35		.05
Trenching machines (up to 8' 3"), boilers skeleton, well drilling machines	7.24	.35	.35		.05
Air compressors, tunnel	7.21	.35	.35		.05
Front end loaders (high lift), bulldozers	7.19	.35	.35		.05
Concrete mixers, power sheel scoops and scrapers, motor graders, tunnel motor men, blade graders, tunnel mechanics	7.09	.35	.35		.05

DC76-3000 Cont'd.

(EXCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM)

SEWER AND WATER LINES CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mechanics	$ 7.07	.35	.35		.05
Bulldozer, hydraulic tampers	6.99	.35	.35		.05
Roller	6.89	.35	.35		.05
Air compressors, pump, welding machine well points	6.815	.35	.35		.05
Apprentice engineers:					
Firemen	6.35	.35	.35		.05
Truck crane oilers	6.20	.35	.35		.05
Oilers	6.15	.35	.35		.05
TRUCK DRIVERS:					
Dump trucks	2.75	.12	c		
Dump trucks over 8 wheels	2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		

FOOTNOTES:

a. Employer contributes $2.24 per day to Health and Welfare.

b. Employer contributes $2.00 per day to Pension.

c. $4.00 per week when employee has worked 90 days and work three days in any work week.

[FR Doc.76-1068 Filed 1-15-76;8:45 am]